

Chair's Report of the IWC Bureau

Wednesday 4 June 2014, Nobel House, London

This was the second 'in-person' meeting of the IWC's Bureau. The object of the meeting was to develop the arrangements and draft agenda for IWC65 in accordance with Rule of Procedure F.2.d(i). The Chair of the Commission acted as Chair of the Bureau.

1 Welcome

Mr Nigel Gooding (UK) welcomed participants to the Department of Environment, Food and Rural Affairs' (Defra) offices. He emphasized the UK's support for the work of the IWC and acknowledged the Bureau's role in supporting the smooth running of the organisation at biennial meetings and during the intersessional period. He noted that an extensive range of work was taking place intersessionally and thanked the Bureau members for their on-going contribution. The Chair responded by thanking the UK for its willingness to host the meeting and for providing such a pleasant meeting environment.

A list of participants is given at Annex A and the meeting noted that Panama was not in attendance. The IWC Secretary and Chair recorded that in preparing for the meeting every effort was made to ensure participation of Panama or a representative from the Latin American Countries.

2 Appointment of Rapporteur

The Secretary agreed to act as rapporteur.

3 Adoption of Agenda

The adopted agenda is given at Annex B.

4 Schedule of Meetings at IWC65

The Bureau reviewed a draft meeting schedule for IWC65 and noted that the duration was reduced by three days compared to IWC64 in 2012. The reduced time schedule would require efficient organisation to successfully complete the meeting, and accordingly the Bureau asked the Secretary to make arrangements to ensure Sub-committee reports were available in time for plenary.

The Bureau noted that the shortened time would also require an efficient approach to debate, especially at plenary. Accordingly they encouraged the Chair to use an active approach to time management and for Contracting Governments to prioritise associating with the views of other parties, especially within regional representations, wherever possible so as to avoid repetition.

Following from the above comments, the Bureau noted that the purpose of the Sub-committees was to provide time for a greater level of debate and to forward recommendations for decision to plenary. To avoid repetition the Bureau advised the Chair to allocate less time for plenary debate where material had already been covered in Sub-committee and to focus discussions on items which required the Commission to take a decision. The Bureau asked the Secretary to ensure that IWC65 invitations went to Contracting Governments and encourage all Commissioners to attend the Sub-committee meetings to enhance work and expedite decisions at the plenary, especially given the meeting period reduction at IWC65.

The Bureau encouraged the Chair to fix times for opening of each plenary item. This would provide all participants with an expectation of how much time was available, and would help move towards decision making. In fixing times, the Bureau noted that several important decisions were required as part of the F&A Committee's agenda, and accordingly advised the Chair to examine ways to open these items for discussion earlier in plenary.

The Bureau discussed how to increase the value of the Private Commissioners' Meeting in supporting the efficient running of IWC65. It noted this meeting could be used to highlight the main Sub-committee recommendations and therefore help to reduce repetition of Sub-committee material at plenary. Accordingly the

Bureau advised that the Private Commissioner's Meeting should start on the morning of Sunday 14 September, as opposed to the afternoon as previously suggested. This opportunity for increased duration would also allow Commissioners to be briefed on any items of clarification or decision arising from the 2013 and 2014 Scientific Committee reports, as well as the main decisions arising from F&A Committee which will have concluded the previous day.

The Bureau noted that a pre-meeting of the IWC's Aboriginal Subsistence Whaling Working Group with representatives of native hunters was planned for Wednesday 10 September 2014. The Bureau requested the Secretary to write to Chairs of other Committees and Sub-committees to see if they would wish to use any further spare rooms at the Grand Hotel Bernardin on this day for other business.

Noting those suggested modifications to the management of IWC65, the Chair agreed to provide a Circular Communication outlining how she intends to run the overall meeting.

The Government of Slovenia drew attention to its official reception which would be hosted on behalf of the Central Government and the Local Municipality on the evening of Monday 15 September 2014. Slovenia also requested early notification of the attendance of high level delegates at IWC65 so it could make appropriate protocol arrangements.

The Bureau requested the Secretariat to support the Chair in making available a press release at the end of the meeting. That would highlight the main decisions and outcomes achieved at the meeting and especially focus upon the scope of work undertaken by the IWC. The press release would stress the positive achievements of IWC65 and would be in addition to the adoption of a summary of decisions by plenary at the close of the meeting. The Bureau also noted the opportunity for the Chair to provide a closing statement.

5 Review of Draft Agenda for IWC65

a. Order of Items

The Bureau reviewed a draft Agenda for IWC65 based upon the same order of items used at IWC64 in 2012, except that two items with proposed schedule amendments were placed at the top of the agenda in line with the Bureau's previous advice to prioritise the Commission's decision-making role.

The Bureau discussed the draft and made the following recommendations to the Chair:

- That all items proposing an amendment to the Schedule of the International Convention for the Regulation of Whaling should be retained at the top of the agenda. Japan recorded that it will submit a proposed Schedule amendment relating to small type whaling at IWC65. Any further Schedule amendments received before the 60 day deadline would be placed sequentially at the top of the agenda.
- The introduction of a new item to discuss all proposed draft Resolutions. This should be placed high on the agenda (after items containing Schedule amendments) in order to allow maximum time to reach consensus. If the adoption of a Resolution relates to material further down the agenda the Chair may opt to bring forward the necessary discussion. The location of such items early in the agenda would provide maximum opportunity for building consensus.
- That all Contracting Governments would have had sufficient time to review the reports of the Scientific Committee meetings held in 2013 and 2014. Accordingly individual agenda items should move directly to Commission discussion without the Scientific Committee Chair's oral summary of the report on that issue. The Bureau unanimously advised that the measure was necessary in order to allow the Commission to complete its extensive agenda within the four days available, and requested the Secretary to add annotations to each agenda item to highlight the work undertaken by the Scientific Committee and make reference to the relevant sections of the Scientific Committee reports.

- The Bureau noted that Chair of the Scientific Committee would attend throughout the plenary meeting and would be ready to respond to questions or clarifications. The Bureau recommended the [Chair] [Secretariat] encourage Contracting Governments to submit any advance requests for clarification through the Secretariat prior to the opening of the meeting.
- All Finance and Administration activities should be collated under one agenda item, with the exception of the adoption of financial statements and the Commission budget which would continue to be handled separately. Discussion relating to the adoption of the research budget and associated two year plan would be heard at the F&A Committee, which would make recommendations to plenary.
- An item on membership of the Bureau should be added to the F&A Committee agenda. That would allow the F&A Committee to propose nominations for Bureau members to the Commission to replace those who would be exiting or standing down at the end of their two year term.
- To introduce a new item at the start of 'Special Permits' to allow Australia, Japan and New Zealand to report on the implications for the IWC of the recent case at the International Court of Justice (ICJ).
- To introduce a new item near the end of the agenda to formally adopt all Committee, Sub-committee and Working Group reports.
- To adopt a summary of outcomes, decisions and required actions by plenary immediately before the close of the meeting.
- To allow the Chair to make a closing statement.

Recalling the advice to fix time slots for plenary agenda items (see Item 4 above) the Bureau suggested that the Chair should publish timings six weeks in advance of IWC65.

The Bureau noted that the member (or a representative) from the Latin American Group of Contracting Governments to the IWC had been unable to attend the meeting. It requested the Chair and Secretary to write to those countries of the said Group to make any additional input on the draft Agenda prior to its distribution to the Commission on 7 June 2014.

It was suggested for the consideration of the Commission that each of the Groupings of Contracting Countries of common views and interests should be requested to nominate an alternate country, so that the Commissioner of the latter would avail him or herself in the expected/notified or anticipated absence of the substantive member or country at meetings of the Bureau, in order not to create a vacuum due to the absence of the representative of any group.

The Bureau agreed to meet again in the early evening of Saturday 13 September 2014 to discuss arrangements for the Private Commissioners' Meeting and IWC65.

b. Advice to the Chair on introduction and handling of:
i. Denmark/Greenland catch limit renewal

The Bureau discussed the intersessional outreach undertaken by Denmark/Greenland in relation to the Greenland Aboriginal Subsistence Whaling Programme and the desire for the Commission to adopt catch limits at IWC65. All Bureau members acknowledged the importance of the outreach programme and recalled that Denmark had extended the time period after which it would submit notification of withdrawal so as to allow every opportunity to resolve the issue at IWC65¹.

¹ See Circular Communications IWC.CCG.1064 and IWC.CCG.1080

The Bureau acknowledged the gravity of the situation for the long term functioning of the IWC. It noted that the IWC's Rules of Procedure required all proposed Schedule amendments to be circulated to Contracting Governments by 17 July 2014 and accordingly the Bureau urged all Contracting Governments to continue their intersessional discussions with Denmark/Greenland in the anticipation that proposals presented at IWC65 will be acceptable to a wide range of parties.

ii. Sanctuary proposals

The Bureau noted that two Sanctuary issues were under discussion – the first relating to the decadal review of the Southern Ocean Sanctuary, and the second related to a proposal for a South Atlantic Whale Sanctuary.

The Bureau reviewed the Scientific Committee's progress on the Southern Ocean Sanctuary review from its 2014 meeting. The Committee agreed to assemble an intersessional group to assemble information that might assist the Commission to establish scientific objectives for the Sanctuary. The report of the intersessional group will be circulated to members of the Scientific Committee and submitted to the Commission three weeks in advance of IWC65. The Bureau agreed that the process for review of the Southern Ocean Sanctuary was proceeding well.

The Bureau noted that the Scientific Committee discussed the proposed South Atlantic Sanctuary at its 2014 meeting. The Scientific Committee had requested clarification from the Commission at IWC64 on the process for the continuation of the review of this Sanctuary, including especially the use of external experts. Bureau members requested the Chair to seek clarification from the Sanctuary's proponents on how they wished to handle the matter at IWC65, including on whether they wished the Commission to make a decision.

iii. Special permits

The Bureau recalled its earlier advice under Item 5 above to establish a dedicated agenda sub- item at IWC65 to allow the Commission to discuss the relevance to the IWC of the recent case at the ICJ. Australia and Japan proposed to work intersessionally through their respective capitals (along with colleagues from New Zealand) to present the Commission with a joint document outlining the ICJ judgement.

Regarding specific special permits, the Bureau acknowledged four areas for discussion at IWC65 as follows:

1. The review of JARPAII. The Bureau noted that the Scientific Committee had completed its review of JARPAII although scientists from several Contracting Governments had not participated and had provided statements explaining their position. It was suggested that following the ICJ judgement, the Commission would need to decide on how it wished to handle the JARPAII review and to clarify the status of data collected under the programme. It was also suggested that the Commission might wish to decide on how to incorporate any outcomes from the ICJ into the 'Annex P' process, and to confirm the use of Commission funds for supporting Annex P reviews.
2. A new research programme for the Antarctic. Japan indicated its intention to submit a new Antarctic research whaling plan that would meet the conditions set out through the ICJ decision by the end of 2014 (i.e. six months in advance of the 2015 meeting of the Scientific Committee). That would create the requirement for a review under the Scientific Committee's process², and the 2015 research budget contains a proposed allowance to support that review.
3. The periodic review of JARPNII. This programme completed its second six year cycle in 2013 and accordingly Japan requested a periodic review to take place in time for the 2016 meeting of the Scientific Committee. A proposal for financial support of this review has been included in the research fund allocation.

² This process is referred to as 'Annex P' and is described at J. Cetacean Res. Manage. 14 (Suppl.), 2013 pp 465-468.

4. Current activity under JARPNII. At the time of the Bureau meeting JARPNII activity was in progress both in coastal and offshore waters. Sample sizes had been reduced in accordance with requirements from the ICJ. Japan noted that if the programme was reviewed in 2016 as suggested above it would be possible for a new plan to be submitted to the 2017 Scientific Committee meeting. This was three years hence and so no budget request had been made at this stage for the review of a new JARPN programme.

6 Commission Officers

The Bureau noted that the Chair and Vice-Chair are elected on a two year term each,³ and the Chair indicated that she would not offer herself for re-election at the end of her current term (i.e. at the close of IWC65). The Bureau acknowledged that given the above scenario, it is a conventional IWC practice for the Vice-Chair to stand for election as Chair, and accordingly M. Chemay (Belgium) indicated that he would be willing to stand for election as Chair at the end of IWC65. The Bureau noted that it is also customary for the Chair and Vice-Chair to represent the full range of views expressed at the IWC, and Japan indicated that if requested to do so by the Commission it would consider standing for the position of Vice-Chair.

The Bureau thanked the Chair of the F&A Committee for her extensive hard work over the previous two terms and congratulated her on her pending retirement from the Australian Public Service. The Chair of the F&A Committee indicated that she had canvassed various countries on their willingness to stand for election as F&A Chair at the end of IWC65 and was pleased to report that the Acting Commissioner for the USA had indicated his willingness to do so if acceptable to all members of the Commission.

The Bureau noted that a new Chair and Vice-Chair for the Conservation Committee, and Chair for the Aboriginal Subsistence Whaling Sub-committee would need to be appointed at IWC65.

The Bureau also noted that currently Commissioners serve on the Bureau for a term of two years and recognised that this would potentially cause a large proportion of its members to change after each meeting which may compromise continuity. After debate there was agreement to add the following paragraph to the Bureau's procedural guidance:

Continuity of Bureau Membership

There is potential for substantial change in Bureau membership given the two year terms for Bureau members. In order to foster continuity in Bureau membership, one or more of the four Commissioners representing a range of views and interests may be encouraged to be nominated for a second term.

The updated guidance document is at Annex D.

7 Other

a. Press fees

The Bureau considered a request by the Secretary to waive press fees at IWC65 pending a discussion on their continued use at the F&A Committee. The request followed a decision to waive fees for local press at IWC64 after a proposal from the host government (Panama), and Slovenia as host for IWC65 supported a continuation of this approach.

After discussion the Bureau agreed to waive the local press fee at IWC65 and to add the item to the F&A Committee agenda. It requested the Secretary to present ways to develop the press accreditation procedure.

³ See Rule of Procedure F.1 and G.1

b. Early use of part of the Research Fund

The Bureau noted that at its 2014 meeting the Scientific Committee made a budget request for work on climate change⁴. The work is planned for August 2014 in Glasgow to take advantage of an expected assembly of relevant specialists at the International Marine Conservation Congress.

However that timing would be in advance of the Commission's schedule for approving the use of research funds. Recognising that, the Bureau advised the Chair to write to Contracting Governments to explain the situation and request approval through a silence procedure. In proposing this advice the Bureau noted this was a unique situation which would be prevented in future years by the Scientific Committee's introduction of two year work plans.

Close

The Chair thanked all participants and recalled the agreement under item 5a above to meet again on the evening of Saturday 13 September 2014 in Portoroz, Slovenia. The meeting closed at 14.30hrs.

⁴ Report of the 2014 Scientific Committee meeting, page 86, project E6.

Annex A

List of Participants

Jeannine Compton Antoine	(St Lucia)	(Chair)
Frederic Chemay	(Belgium)	(Vice-chair)
Donna Petrachenko	(Australia)	(Chair of F&A Committee)
Yvette Blackman	(Australia)	
Mike Akyeampong	(Ghana)	
Joji Morishita	(Japan)	
Tatsuo Hirayama	(Japan)	
Naohito Okazoe	(Japan)	
Andrej Bibič	(Slovenia)	<i>(Joined by telephone)</i>
Ryan Wulff	(USA)	
Roger Eckert	(USA)	
Melissa Garcia	(USA)	
Simon Brockington	(IWC)	
Brendan Miller	(IWC)	
Nigel Gooding	(UK)	<i>(Welcome address only)</i>
Apologies received from:		
Yazmin Brea	(Panama)	

Annex B

Adopted Agenda

- 1. Welcome remarks**
- 2. Schedule of Meetings at IWC65**
- 3. Review of Draft Agenda for IWC65**
 - a. Order of Items
 - b. Advice to the Chair on introduction and handling of:
 - i. Denmark/Greenland catch limit renewal
 - ii. Sanctuary proposals
 - iii. Special permits
- 4. Commission Officers**
- 5. Other**
 - a. Press fees
 - b. Early use of part of the research fund

Annex C

Schedule of Meetings at IWC65

Schedule of Meetings for IWC65 in 2014 (Slovenia)

	Day	Morning		Afternoon
Sub Committees	Thurs 11 Sept	WKM & AWI	INF	BSC
	Fri 12 Sept	CC		ASW
	Sat 13 Sept	F&A		Bureau
Private Commissioners	Sun 14 Sept	PCOMMS		
Plenary	Mon 15 Sept	Plenary (Four Days) Monday 15 Sept – Thursday 18 Sept		
	Tues 16 Sept			
	Wed 17 Sept			
	Thurs 18 Sept			

Abbreviations:

WKM & AWI	Working Group on Whale Killing Methods and Associated Welfare Concerns
INF	Infractions Sub-committee
BSC	Budgetary Sub-committee
CC	Conservation Committee
ASW	Aboriginal Subsistence Whaling Sub-committee
F&A	Finance and Administration Committee
PCOMMS	Private Meeting of Commissioners

Note:

The Bureau will meet on the evening of Saturday 13 September to review arrangements for the Private Commissioners' Meeting and for IWC65 plenary.

Annex D

Bureau Procedures Guidance

The Bureau's Terms of Reference are provided in the Rules of Procedure, and the Bureau is not a decision-making forum. Its purpose is limited to the provision of advice to the Chair of the Commission and to the Executive Secretary, and the consideration of financial and administrative tasks only in the context of making recommendations to the Finance and Administration Committee.

Purpose of this Guidance

The purpose of this guidance is to describe how the Bureau will carry out its activities under the Rules of Procedure, and is intended to supplement the applicable Rules. If there is any conflict between this Guidance and the Rules of Procedure, the Rules will govern. The Bureau may review and amend this guidance from time to time.

Intersessional Bureau Vacancies

If a Chair of the Commission, Vice-Chair of the Commission or Chair of the Finance and Administration Committee is selected intersessionally, that said Commissioner shall also be a member of the Bureau. For the four additional Bureau members, if he or she is replaced by a Contracting Government during an intersessional period, the Chair of the Commission will offer Bureau membership to that new Commissioner. If declined, the Chair of the Commission, after consultation with other members, may invite another Commissioner to fill an intersessional Bureau vacancy, taking into account that the necessary range of views and interests are represented.

Continuity of Bureau Membership

There is potential for substantial change in Bureau membership given the two year terms for Bureau members. In order to foster continuity in Bureau membership, one or more of the four Commissioners representing a range of views and interests may be encouraged to be nominated for a second term.

Attendance

In recognition of the value of advice or guidance provided by the Bureau, its members shall make every effort to attend meetings (including teleconferences) of the Bureau. Attendance by five Bureau members shall be required to constitute a Bureau meeting which must include either the Chair or Vice-Chair. Absent members may provide their contributions to the meeting.

Process for Providing Advice

Recognizing that the Bureau is an advisory body and not a decision-making forum, the Bureau shall make every effort to provide consensus based advice. Otherwise, individual advice of Bureau members will be provided.

Frequency of Meetings

The Bureau will meet at least once a year, and will hold a teleconference with its members at least once a year. The Bureau will also meet, as needed, during or between meetings of the Commission.

Notification of Bureau Meetings to Contracting Governments

The Secretariat will post notices of Bureau meetings on the IWC website. The website will also include the annotated agenda of Bureau meetings and the Chair's Report of Bureau meetings. The minutes will remain confidential.