

Consensus resolution on the extension of Small Working Group on the Future of the IWC until the 62nd Annual Meeting of the Commission

Accepting that:

- (1) the IWC is at a crossroads beset by fundamental disagreements as to its nature and purpose;
- (2) the future course of the IWC needs to be defined by broad agreement;

Recalling that:

- (1) by consensus IWC 60 decided to form a Small Working Group on the Future of the IWC- (Annex B of IWC/60/24);
- (2) the Small Working Group had not been able to reach its ambitious goal of agreeing on a package or packages on the future of the IWC for the Commission's review by IWC61 but had recommended that 'the efforts underway should be continued for a further year and decisions taken at IWC 62'.

Accordingly, by consensus the Commission **resolves** to:

- (1) intensify its efforts to conclude a package or packages by IWC62 (2010) at the latest;
- (2) reconfirm the principles that nothing is agreed until everything is agreed and that any package must be seen as fair and balanced;
- (3) build upon the concept of a two-phase process and the progress reported in IWC/61/6;
- (4) reconfirm that discussion of the core issues will be conducted without prejudice to the principles held by IWC members;
- (5) reconstitute the Small Working Group for a further year under its original terms of reference; and
- (6) modify the *modus operandi* as outlined below:
 - (a) The process will follow the principles outlined at IWC 61:
 - (i) recognise the advantages of miniaturisation and an effective communication system ;
 - (ii) involve delegations that are empowered to engage in constructive discussions aimed at reaching agreement by consensus; and
 - (iii) allow the IWC Chair, at their discretion, to schedule a closed open-ended negotiating session or sessions when the circumstances are deemed to be ripe;
 - (b) The IWC Chair, in consultation with the Advisory Committee, shall appoint a Support Group containing equitable geographic and socio-economic representation, and range of views to assist him/her in providing direction to the process and to assist in the preparation of material for submission to the Small Working Group;
 - (c) The Small Working Group shall operate on the same basis as the Commission with respect to being open to observers;
 - (d) The Chair of the IWC shall develop, in consultation with the Support Group, a communication plan to ensure that Contracting Governments and civil society receive, full and timely information on the progress of the process;
 - (e) The Chair of the IWC, in consultation with the Support Group, may appoint independent outside experts and/or facilitators in order to assist the Small Working Group process.
 - (f) The Small Working Group will submit its final report to the Commission at least five weeks prior to IWC 62;
- (7) continue to work on remaining 'category (a) and (b)' issues in accordance with Annexes E and F of IWC/61/6, to be completed no later than the end of the interim 5-year period.