

Working Group for the Provision of Assistance to Governments of Limited Means (WG-AGLM)

Recommendations for providing assistance

Prepared by the Secretariat on behalf of the WG-AGLM

1 INTRODUCTION

Commission Resolution 2011-1 *‘requested the Secretary to report 100 days before the 64th Annual Meeting of the Commission on potential options for providing assistance to member governments with limited means to participate actively in the Commission’s work, while retaining consistency with the Convention’.*

In response to this request, the Secretary convened the WG-AGLM¹ to develop the necessary options. During the intersessional period the WG-AGLM considered two documents. The first, IWC/2012/WG-AGLM1 presented a broad range of options for providing assistance in the context of the IWC. This document was circulated to the Commission on 23 March 2012 in compliance with the requirement to report 100 days in advance of IWC/64. The second document considered by the working group (IWC/2012/WG-AGLM2) developed initial recommendations for providing assistance following the comments received on the first document.

This document contains the recommendations for providing assistance developed by the WG-AGLM, as modified in the light of comments received on document IWC/2012/WG-AGLM 2².

2 RECOMMENDATIONS FOR PROVIDING ASSISTANCE

The following recommendations have been developed by the WG-AGLM:

- (a) After reviewing a range of possible options for providing assistance to member governments of limited means, the Working Group recommends by consensus the establishment of a voluntary assistance fund.
- (b) Further work is required to determine how the voluntary funds should be used. Two countries believed that priority should be given to assisting developing countries attendance at plenary meetings, while the other suggested that it was more appropriate for the funds to be used for capacity building purposes linked to the work being undertaken through the Commission. In this context, the approach taken by the IATTC through its Resolution C-11-11 may be useful to consider, with respect to the issue of Article III.5.
- (c) The Working Group agreed that Group One countries should be eligible for assistance from the voluntary fund with two members suggesting that assistance could also be considered to extend to Group Two countries where resources allowed. In the event that available funds are insufficient to support all Group One countries the Working Group suggested using criteria such as least GNI to prioritise applications. Different opinions were expressed on whether suspension of vote should affect prioritisation for funding.
- (d) The Working Group considered that the approach used by the IATTC through its Resolution C-11-11 to create a special sustainable development fund provided a useful model in which to structure the use of a voluntary fund within the IWC. Accordingly the Working Group has developed a draft Resolution to establish a similar voluntary fund under the IWC (See Annex A). This draft resolution is based on IATTC Resolution C-11-11 which established a voluntary fund to provide, amongst other things, for supporting ‘the participation of representatives of developing countries in the annual meetings of the Commission’. The intention is to allow the F&A Committee to debate this draft Resolution further, and to make a recommendation to the Commission if deemed appropriate.

¹ The WG-AGLM’s membership comprised the Governments of Ecuador, Japan, Republic of Palau, Saint Lucia and the USA.

² Comments on document IWC/2012/WG-AGLM 2 were received from one member of the intersessional group (Japan). Their comments are available at Annex B.

Annex A

Draft Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC

Submitted by (*Names of Contracting Governments to be inserted*)

Recognising the large number of developing countries who are members of the IWC and have financial difficulties that limit their full participation in the work of the IWC;

Recalling the voluntary financial support provided to developing country members during the special meetings of the Small Working Group tasked with advancing the 'Future of the IWC' process;

Desiring to ensure the fullest possible participation in the work of the Commission by all Contracting Governments

NOW THEREFORE THE COMMISSION:

Agrees to create a 'Voluntary Assistance Fund' so as to strengthen the capacity of Governments of limited means to participate fully in the work of the Commission;

Agrees that the sources of the Fund shall be voluntary contributions obtained from Contracting Governments or from national or international bodies or entities interested in strengthening the capacities of developing countries, so long as any contributions received are compatible with the Commission's Financial Regulations governing acceptance of external funds;

Agrees that the initial capital of the fund shall be the amount voluntary contributions provided for support of developing countries during the 'Future of the IWC' process that remain unspent;

Requests the Secretary to administer the Fund, which shall be subject to the financial regulations and audit rules of the Commission;

Further requests the Secretary to develop protocols for distributing funds to Governments of limited means, subject to the purposes below;

Agrees that disbursements from the fund shall be limited to the purposes of:

- Development of policy and management frameworks and the facilitation of partnerships;
- Increase in information sharing;
- Facilitation of participation in research activities and training activities;
- Participation in projects related to whale conservation and management;
- Participation of representatives of developing countries in the annual meetings of the Commission or its subsidiary bodies, as well as of scientific experts in the meetings of the Scientific Advisory Committee;
- Others that the Commission may decide, but limited strictly for the creation of sustainable development

Annex B

Responses Received from Members of the WG-AGLM on Document IWC/2012/WG-AGLM 2

1 Government of Japan

Dear Dr. Brockington:

Firstly, I would like to thank you for your effort in developing the second document (IWC/2012/WG-AGLM 2) for the Working Group circulated on March 27th, which really helps us move forward. However, I am disappointed with the extremely small number of participants (only five Contracting Governments) to this important Working Group and fully share with the comment made by the Republic of Palau. I herein submit our comments on the document.

1. Comments on 4 (a)-(d):

(a) Establishment of a voluntary assistance fund:

I fully agree with your suggestion that the WG-AGLM should make a recommendation for the establishment of a voluntary assistance fund to the Commission through the F&A (Finance and Administration) Committee.

(b) Use of the voluntary fund to support attendance at regular Commission meetings:

Every WG-AGLM member generally supports the approach taken by the IATTC, which has recently adopted Resolution C-11-11 and established a voluntary fund to provide for supporting “[t]he participation of representatives of developing countries in the annual meetings of the Commission or its subsidiary body...”. One member, who even shows its concern about the limitation of Article III.5 for the use of assistance to developing states in participation in regular meetings of the Commission, says it “likes the example set by IATTC”. Eventually the member is not only a member of the IATTC but also the depositary of the IATTC Convention. We are convinced that the approach taken by the IATTC is a good model in which to structure the use of a voluntary fund for promoting and assisting the participation of developing countries within the IWC.

Since the Antigua Convention has a clause similar to Article III.5 of the ICRW, and the IATTC members adopted, by consensus, Resolution C-11-11, which established a voluntary fund to provide, amongst other things, for supporting “[t]he participation of representatives of developing countries in the annual meetings of the Commission...”, we would like to suggest to proceed the discussion with reference to the example of the IATTC. We would therefore suggest deletion of the words “particularly with respect to the issue of Article III. 5” from the first sentence of recommendation (b) and insertion of the following line to the end of suggested recommendation (b): “In this context, the approach taken by the IATTC through its Resolution C-11-11 may be useful to consider, with respect to the issue of Article III.5.”

(c) Eligibility of countries to receive voluntary fund:

As the first sentence of sub-paragraph 3.2.2 says that “[a]ll respondents suggested that Group One countries should be eligible, with two countries suggesting that Group Two countries may also be considered”, a part of the first sentence in the second line should be corrected, for reflecting the above views, as following:

(current) assistant could also be extended to Group Two

(new) assistant could also be considered to be extend to the Group Two

I believe that suspension of the right to vote should not exclude eligibility to receive funds, but it seems that further discussion on this matter will be unavoidable at the annual meeting.

The IATTC has a rule to suspend a Commission member's right to participate in the decision-making process "if a member of the Commission is in arrears in the payment of its contributions by an amount equal to or greater than the total of the contributions due from it for the preceding twenty-four (24) months" (Article XV. 4 of the Antigua Convention). Therefore, I would encourage the IWC Secretariat to contact the IATTC Secretariat asking for information on whether suspension of the voting right influences (or would influence) eligibility to receive funds under the IATTC practice, and then share that information with IWC members so as to facilitate discussion at the F & A Committee and the Plenary.

(d) The approach used by the IATTC:

Based on the above comments on suggested recommendation (b), we would hope that the draft resolution could be recommended by the WG-AGLM without the square brackets. It is my understanding that this draft resolution could be no more than a draft, given that there would not be sufficient time before the May 3 deadline for reaching the consensus among the members of the WG-AGLM. From this viewpoint, I believe that it would be ideal if the draft resolution would be submitted under the name of the Secretariat. If the draft resolution is submitted in this manner, we would like it incorporating the following note:

This draft resolution is based on IATTC Resolution C-11-11 which established a voluntary fund to provide, amongst other things, for supporting "[t]he participation of representatives of developing countries in the annual meetings of the Commission...."

2. Annex A (Draft resolution):

As eligibility of countries to receive the voluntary fund in terms of Group One and Group TWO countries will be discussed at the F&A Committee, for avoiding any unnecessary debate, I would like to suggest replacing the 2nd paragraph of the preamble with the following:

"Recalling the voluntary financial support provided to developing country members during the special meetings...."

As mentioned the above 1(d), the bracket of the 5th bullet should be definitely removed. We also reiterated that this 5th bullet was clearly and strongly supported by TWO members of WG-AGLM, while the first 4 bullets were suggested by only ONE member.

As to the text of Draft resolution, we would refrain from providing further comments at this stage and wait for the discussions at the F&A Committee and the Plenary.

Sincerely,

Kenji Kagawa
Commissioner for Japan to the International Whaling Commission
Chief-Counsellor
Resources Management Department
Fisheries Agency
Ministry of Agriculture, Forestry and Fisheries
Government of Japan