

# Transitional Plan for Moving to Biennial Meetings

*The Secretariat*

## 1 BACKGROUND

At its 63<sup>rd</sup> Annual Meeting in 2011 the Commission established an Intersessional Group on Biennial Meetings and Establishment of a Bureau (the IG-BB). Its purpose was to compile a checklist of actions and associated options for moving to biennial meetings. The checklist (IWC/2012/IG-BB 1) was subsequently prepared by the Secretariat and circulated to the IG-BB on 7 February 2012. Comments on IWC/2012/IG-BB 1 were received from seven of the eleven members of the intersessional group, and these were collated and circulated as IWC/2012/IG-BB 2.

In reviewing the collated comments in IWC/2012/IG-BB 2, the Chair of the IG-BB (Ms D. Petrachenko, Australia) noted the requests for a more detailed analysis of the role and responsibilities of the Bureau. The Secretariat subsequently produced IWC/2012/IG-BB 3 in fulfilment of this request.

The Chair of the IG-BB also requested the Secretariat to prepare a transitional plan to highlight the practicalities and choices involved with an immediate move to biennial meetings. The purpose of the plan was to highlight those matters that, following the discussions within the IG-BB, appear to be ready or nearly ready for endorsement at IWC/64 in July 2012, and those which may require further work post IWC/64. Given the potential need for further work post IWC/64, the Chair requested that the transitional plan also contained options for a full intersessional meeting in 2013 to provide final agreement on any outstanding matters connected to the establishment of a Bureau or administrative Standing Committee and the transition to biennial meetings.

This document has been prepared in fulfilment of the Chair's request to produce a transitional plan. Section 2 lists those areas where there is already majority agreement, and highlights other areas where further work is required. Section 3 gives three alternate options to complete the process of establishing a Bureau and moving to biennial meetings.

## 2 ACTIONS REQUIRING AGREEMENT

IWC/2012/IG-BB 1 identified five key areas requiring Commission to implement a change to biennial working. These areas are listed in Table One along with a summary of the progress made during the intersessional period.

**Table 1: Key areas for agreement to establish a Bureau or Standing Committee and move to biennial meetings**

Key Area	Status of discussions	Action Required
<b>1 Management of Whaling</b>		
Aboriginal Subsistence Whaling	Comments show broad agreement within IG-BB on setting ASW quotas for an even number of years.  Those members of the IG-BB who responded to IWC/2012/IG-BB1 agreed that a six year block quota was acceptable, although there was a range in individual responses from 4-6 years to 6 years or longer	Commission endorsement at IWC/64 for ASW quota period of an even number of years.
Commercial Whaling	IWC/2012/IG-BB noted that commercial whaling quotas, if re-introduced under the RMP or similar approach, could be set for an even number of years.	No action required at the current time given the continuing provision contained in paragraph 10(e) of the Schedule

**2 Establishment of a Bureau**

Membership	<p>IWC/2012/IG-BB 2 contained proposals to support discussion on the membership of the Bureau.</p> <p>Members of the IG-BB indicated a diversity of preferences for the membership of the Bureau or Standing Committee. Proposals for membership may change further in the light of agreement on the Bureau / Standing Committee's exact role and terms of reference.</p>	<p>Comments received indicate that there is agreement within the IG-BB to establish a Bureau or Standing Committee to support the Commission's work during the extended intersessional period.</p> <p>If the Commission moves to biennial meetings from 2012 onwards the Bureau is likely to meet for the first time in 2013.</p> <p>The Commission must finalise the Bureau's membership at IWC/64 to allow it to meet in 2013</p>
Bureau Role and Duties	<p>IWC/2012/IG-BB 3 reviewed the roles and purpose of Bureaux and administrative Standing Committees in other IGOs, and made suggestions on the possible role of an IWC Bureau or Standing Committee</p> <p>These proposals will be discussed during the F&amp;A Committee meeting on 28 June 2012.</p>	<p>The Commission may wish to finalise the Bureau / Standing Committees roles and purpose at IWC/64.</p> <p>Alternatively, the Bureau / Standing Committee itself could be tasked with developing its own roles, and submitting these to the Commission for approval.</p>
Bureau Rules of Procedure	<p>Comments received on IWC/2012/IG-BB 1 &amp; 2 indicated that the Bureau (or Standing Committee) should have clear rules of procedure.</p> <p>The development of these procedures has not yet been addressed by the IG-BB.</p>	<p>The Commission may wish to ask the Bureau / Standing Committee to develop its own Rules of Procedure at its first meeting. The initial Bureau meeting could be convened using the Commission's Rules of Procedure applied <i>mutatis mutandis</i>.</p> <p>Alternatively the Commission may wish to develop the Bureau's rules of procedure. If so, then a further intersessional period is required to allow time for development of these procedures.</p>
Observers at Bureau meetings	<p>All but one respondent to IWC/2012/IG-BB 1 suggested that Bureau meetings should be closed to observers to allow full and frank discussion.</p>	<p>The Commission may wish to agree on whether Bureau meetings should be open to observers.</p> <p>Alternatively, and consistent with the practice of the present F&amp;A Committee, the initial Bureau meeting could be closed to observers. The Bureau itself would then recommend whether its meetings should remain closed or be open to observers.</p>
<b>3 Editorial amendments to the Commission's Rules of Procedure</b>		
IWC/2012/IG-BB1 and 2 proposed a changes to the Rules of Procedure to inter alia change 'annual' to 'biennial' and allocate functions to a Bureau	<p>The proposed changes to the Commission's Rules of Procedure will require further review once the Terms of Reference for the Bureau / Standing Committee are finalised</p>	<p>The Commission may wish to delegate the task of finalising proposals for changes to the Commission's Rules of Procedure to the IG-BB or to the Bureau / Standing Committee itself.</p>
<b>4 Financial</b>		
Two year budget	<p>IWC/64/7 proposes a two year budget to support a transition to biennial meetings.</p>	<p>A two year budget must be approved by the Commission at IWC/64 to support a transition to biennial meetings.</p>

Financial role of the Bureau	Document IWC/2012/IG-BB 3 proposes roles for an IWC Bureau or Administrative Standing Committee based on practices of other IGOs	The Commission may wish to clarify the financial role of the Bureau / Standing Committee at IWC/64.  Alternatively, as indicated above, the Bureau / Standing Committee itself could be tasked with finalising proposals for its role.
Allocation of savings from reduced meeting frequency	Document IWC/2012/IG-BB 1 proposed a mechanism to allocate the savings from reduced meeting frequency.  These savings have been incorporated into the proposed budget (IWC/64/7).	The IG-BB was supportive of the savings from reduced meeting frequency being reflected in reduced financial contributions.  The IG-BB also remained supportive of the present system of relying on voluntary financial contributions to support the total cost of the meetings.
<b>5 Frequency of subsidiary body meetings</b>		
Scientific Committee	IWC/2012/IG-BB 1 proposed that the Scientific Committee continue to meet on an annual basis (mid May – mid June).  This was supported by all members of the IG-BB.	The Commission may wish to formally agree to the continuation of annual Scientific Committee meetings.
Other Commission sub-groups	The Small Working Group on meeting frequency convened at IWC/63 suggested that all the Commission's sub-groups should be afforded equal priorities.  Recognising that some countries favoured the Conservation Committee continuing to meet on an annual basis the group suggested that either: (1) the time allotted to the CC be doubled by planning to meet for twice the allotted time every second year' or (2) the CC, and any other sub-committee could continue to meet annually so long as the costs were met by a host government.	Commission agreement is required as to which, if any, sub-groups should meet during the extended intersessional period.

### 3 OPTIONS FOR MOVING TO BIENNIAL MEETINGS AND ESTABLISHING A BUREAU

Three options exist for establishing a transition to biennial meetings:

#### **OPTION ONE: An immediate move to biennial meetings.**

The Bureau/Standing Committee would meet in 2013 and the next Commission plenary would take place in September/October 2014.

In order to progress this option the following agreement is required at IWC/64:

- Approval of the membership of the Bureau/Standing Committee and its initial terms of reference for the first biennium, possibly based on the options described in IWC/2012/IG-BB. The first task of the (interim) Bureau/Standing Committee would be to establish its own rules of procedure and develop more formal terms of reference. It would present the outcomes of its discussions to the Commission for endorsement in 2014.
- Approval of a two year budget
- Agreement on which, if any, sub-groups would also meet in 2013

**Pros:**

- Timing - two years for bureau to conclude its deliberations.
- Maximum Cost savings of the three options – if a face to face meeting(s) is required – it need only involves bureau members.

**Cons**

- IGBB members have presented various views on whether a bureau or standing committee should be established, this is likely to reflect a similar variety of views within the Commission. However, to proceed with this option, a decision on this matter would be required at IWC64.
- Any necessary intersessional decisions would not be able to be made in 2013 – although presumably, if needed, these could be taken to a ‘postal’ vote by Commissioners.

**OPTION TWO: A full intersessional Commission meeting in 2013 to finalise the biennial process and establishment of a Bureau / Standing Committee.**

Thereafter the next regular Commission meeting would take place during 2014, and a Bureau meeting in 2015

In order to progress this option the following agreement is required at IWC/64:

- Agreement for a full intersessional Commission meeting in 2013. The sole purpose of the meeting will be to finalise the arrangements for moving to a biennial meeting cycle and establishing a Bureau / Standing Committee (i.e. final decisions on all aspects highlighted in Table 1).
- Approval of a two year budget
- Continuation of the work of the IG-BB in order to prepare material for submission to the 2013 Commission intersessional meeting.

**Pros:**

- Avoids the necessity of the Commission taking a decision on whether to proceed with a standing committee or a bureau at IWC64 – allowing both options to be fully considered and recommendations made.
- All outstanding issues can be resolved at in 2013 (a year earlier than option 1).
- Moderate Cost savings – more costly than option 1 but less costly than option 3 (as there will be no Committee week and due to the smaller agenda the plenary meeting will be shorter and countries may decide to reduce the size of their delegations).
- Any other intersessional decisions can be taken at the meeting.

**Cons**

- More costly than option 1.

**OPTION THREE: A full Commission meeting in 2013 to address all regular business including finalising the transition to a biennial cycle.**

Thereafter the Bureau would meet in 2014, and the next Commission meeting would be held in 2015.

This option is an extension of Option 2, whereby the Commission meeting in 2013 would consider the full range of Commission business, including that which is relevant to finalising the move to a biennial cycle.

In order to progress this option the following agreement is necessary:

- Approval of a one year budget (as is usual practice)
- Agreement for a full Commission meeting in 2013
- Continuation of the work of the IG-BB in order to prepare material for the full 2013 Commission meeting.

- Continuation of the work of any and all other sub-groups as the Commission sees fit in order to report to the Commission in 2013.

**Pros**

- Sub-committees would meet in 2013.
- Avoids the necessity of the Commission taking a decision on whether to proceed with a standing committee or a bureau at IWC64 – allowing both options to be fully considered and recommendations made.
- Any (what would otherwise have been) other intersessional decisions can be taken at the meeting.

**Cons**

- Most costly of the three options.
- In terms of advancing a move to biennial meetings provides no advantages over option 2.