

International Whaling Commission Acceptance of Funds Policy

Background

The International Whaling Commission (the Commission) welcomes the contribution of voluntary funds to support its work. The following guidelines should be observed by entities or individuals considering providing voluntary contributions to the Commission. These guidelines are established by the Commission and should be read in conjunction with the Commission's Financial Regulations. In case of any inconsistency between this Policy and the Financial Regulations, the Financial Regulations shall prevail.

Objective

The objectives of these guidelines are to:

- i. provide guidance to governments, organisations or individuals interested in contributing funds to the Commission; and
- ii. ensure that funds are only accepted from appropriate sources in order to advance programs and activities that are consistent with the objectives and provisions of the International Convention for the Regulation of Whaling (the Convention).

Guidelines

These guidelines apply to all potential voluntary contributions to the Commission that are in addition to the annual contributions received from Contracting Governments as part of the Commission's regular budgetary process.

1. The Commission is able to accept funds from the following:
 - Contracting Governments to the Commission.
 - Governments that are not parties to the Commission.
 - Intergovernmental Organisations
 - Non-government Organisations
 - Other entities as appropriate
2. The Commission is unable to accept funds from sources identified in Financial Regulation C2(b) as follows:
 - Sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention¹.
 - Individual companies directly involved in legal commercial whaling under the Convention².

¹ IWC Financial Regulation C.2(b.i)

² IWC Financial Regulation C.2(b.ii)

- Organisations which have deliberately brought the Commission into public disrepute³.
3. Voluntary contributions to the Commission should be for the following purposes:
 - To carry out programs or activities decided upon by the Commission.
 - Advance programs and activities which are consistent with the objectives and provisions of the Convention.
 4. Voluntary contributions to the Commission may be further earmarked by the donor for specific projects or purposes that fall within the aims and objectives of any of the established Commission Funds. The Commission may not accept funds for which the earmarks would undermine the Commission's ability to carry out objectives established by the Commission.
 5. The following process will be followed by the Commission when accepting voluntary contributions:
 - Donor proposes voluntary contribution, in writing, to the Commission's Executive Secretary.
 - Acceptance of contributions will be subject to the Commission's Financial Rules of Procedure (C.2) for accepting voluntary contributions.
 - The contribution will be administered by the Secretariat of the Commission in accordance with Commission procedures.
 - The Secretariat will notify all members of the Commission on receipt of such voluntary contributions providing information about the donor, donation amount and any earmarked purpose.
 - When the contribution is expended the Secretariat will inform the donors of their utilisation unless other arrangements were made with the donor.
 6. The following provisions will apply to entities or individuals providing contributions to the Commission:
 - No access to the Commission's information or documentation will be granted to entities or individuals providing voluntary contributions over and above that available to the public, or that would be available to the donor in the normal course
 - Entities or individuals providing voluntary contributions will require the prior approval of the Executive Secretary to issue press briefings and other material on the voluntary contribution.

ANNEX B

65th Annual Meeting, 2014

³ IWC Financial Regulation C.2(b.III)

[DECISION] OR [RESOLUTION] 2014-[...] on

Establishing a Voluntary Conservation Fund

RECALLING Resolution 2011-1 on improving the effectiveness of the operation of the International Whaling Commission (IWC);

NOTING the benefits, in terms of operational effectiveness and transparency, of maintaining separate voluntary funds for distinct purposes and activities relating to the work of the IWC, and NOTING ALSO the widespread use of voluntary funds by other intergovernmental organisations;

RECALLING ALSO Resolution 1994-2 which, *inter alia*, established an IWC voluntary fund to allow for the participation from developing countries in small cetaceans work;

RECOGNISING the need for funding to undertake research and projects to support the rebuilding and maintenance of healthy populations of whales;

WELCOMING the voluntary donations made to date by contracting governments and other parties to support this work;

RECOGNISING the need to provide a mechanism to encourage further donations to support that work in future, and, to that end, ensure financial and operational transparency;

RECALLING the work of the Intersessional Correspondence Group on Strengthening IWC Financing, including the recommendations endorsed by the Commission at its 64th Annual Meeting;

Now therefore the Commission:

DECIDES to establish a Voluntary Conservation Fund to support the Commission's conservation initiatives that provide for the proper and effective conservation and development of whale populations; and

WELCOMES contributions to this fund from contracting governments and other parties

ANNEX C

Proposal to Amend Text of ICRW Financial Regulations

C. General Financial Arrangements

1. There shall be established a Research Fund **and** a general Fund, **and** a Voluntary Fund for Small Cetaceans **and a Voluntary Conservation Fund**

NEW 1.(d) The details of the Voluntary Conservation Fund are given in Appendix 2

NEW Appendix 2 to the Financial Regulations

VOLUNTARY CONSERVATION FUND

Purpose

The purpose of this voluntary fund is to support the International Whaling Commission's conservation initiatives, consistent with the purpose and provisions of the International Convention for the Regulation of Whaling, particularly in providing for the proper and effective conservation and development of whale populations. This is a dedicated IWC fund, to ensure financial transparency in monitoring and auditing the use of any voluntary contributions made for the purposes above.

Voluntary Contributions

The Commission welcomes contributions to the fund from Contracting Governments, non-Contracting Governments, international organisations, non-governmental organisations and other entities as appropriate.

Acceptance of contributions from entities other than Contracting Governments will be subject to the Commission's procedures for voluntary contributions as described in the Financial Regulations.

Donors, including Contracting Governments, may further specify a particular purpose for their contribution in accordance with the agreed Project Categories that are eligible for utilisation of this fund. The Commission may not accept funds for which the earmarks would undermine the Commission's ability to carry out objectives established by the Commission.

The Secretariat will administer the use of such funds in accordance with Commission procedures, including relevant audit processes. The Secretariat will notify all Contracting Governments on receipt of such voluntary donations, providing information about the donor, donation amount and any earmarked purpose. The Secretariat will inform donors as appropriate when their contribution has been utilised unless other arrangements have been made.

Distribution of Funds

A Conservation Fund Project Steering Group will oversee the selection of projects and distribution of funds in accordance with the guidance in the terms of reference for the Group and:

- the established Project Categories
- the established Eligibility Criteria⁴

The Steering Group will submit a prioritised list of projects that are recommended for funding to the Finance and Administration Committee for consideration and

⁴ Project Categories and Eligibility Criteria were agreed by the 64th meeting of the Commission. On the advice of the Conservation Fund Project Steering Group, the Commission may decide to revise these documents as required to ensure they remain relevant.

subsequent agreement by the Commission. The Steering Group will also be responsible for monitoring and reporting on progress.

ANNEX D

CONSERVATION FUND PROJECT STEERING GROUP TERMS OF REFERENCE

The Conservation Fund Project Steering Group (the Steering Group) is responsible for enhancing cooperation between the International Whaling Commission's Scientific and Conservation Committees in an effort to oversee the selection and prioritisation of projects to support the rebuilding and maintenance of healthy whale populations.

Membership

The Steering Group is open to all contracting governments but shall include the Chair and/or Vice Chair (or their nominated representatives) of both the Scientific Committee and the Conservation Committee.

The Chair of the Steering Group shall be elected from amongst its members and may hold the position for a period of up to four years. The current chair may be reelected if the group so chooses.

Duties

The main duties of the Steering Group include:

- overseeing the selection and prioritisation of conservation projects;
- identifying the resource requirements of each project proposal;
- recommending projects for funding to the Finance and Administration Committee;
- liaising with Contracting Governments and external partners to develop a compendium of conservation projects; and
- monitoring and reporting on project outcomes.

The Steering Group will assess all project applications to ensure each application meets the eligibility criteria agreed at IWC64 in 2012 (**APPENDIX 1**). The Steering Group will also identify resource requirements of each project and receive advice from the Finance and Administration Committee on the amount of funding available for conservation projects.

The Steering Group shall prioritise projects, and recommend in priority order, the proposals it judges best meet the objectives of supporting the rebuilding and maintenance of healthy whale populations set out in the eligibility criteria. Projects relating to the categories agreed by the Commission (**APPENDIX 2**) will be considered a high priority. The Steering Group shall also aim to ensure that projects are representative of different regions, so that funding can be targeted at particular range state areas where it may be difficult to secure local financial support.

The Steering Group shall submit a prioritised list of conservation projects to the Commission for agreement, through the Finance and Administration Committee.

Recommendation making

Consistent with the Commission's Rules of Procedure, the Steering Group will make every effort to reach consensus on its recommendations. Where this is not possible, the Steering Group will report this to the Commission.

Meetings

The Steering Group shall primarily undertake its work electronically, but may meet face-to-face to facilitate decision making on the prioritisation and agreement of conservation projects.

Appendix 1

Conservation Project Eligibility Criteria

The following criteria were agreed at IWC64 in 2012 (refer to IWC64/F&A3).

Eligibility criteria have been developed with a view towards identifying projects that:

- a) are consistent with the IWC's cetacean conservation aims and objectives;
- b) are likely to attract potential funding partners;
- c) can demonstrate clear conservation outcomes;
- d) are cost effective; and
- e) have sound project management parameters.

It is envisaged that these eligibility criteria will allow IWC Contracting Governments and external partners to develop a compendium of conservation projects to be taken forward under the auspices of the IWC. The IWC will distribute the compendium to potential donors, with the aim of attracting funding or funding partners.

Eligibility Criteria

Projects eligible for IWC endorsement will be those that can be demonstrated to be consistent with the principles also established for financial arrangements in the Financial Regulations paragraph C2(a) (*programmes or activities decided on by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention*), particularly projects supporting the objectives of the conservation committee, AND:

- a) can be demonstrated to deliver concrete cetacean conservation outcomes, with additional priority given to projects targeting cetacean populations and species most at risk;
- b) clearly identify conservation targets and milestones;
- c) are technically and financially coherent and feasible and provide value for money;
- d) have identified funding partners and institutional affiliations (with in-kind contributions clearly demarcated);
- e) have identified a project team and team members' credentials with clear illustration of the capacity to produce quality research that will be communicated to a wide range of stakeholders;
- f) have been endorsed by the process to be determined in accordance with the fifth term of reference;
- g) have the endorsement of one or more range states;
- h) are consistent with legislative responsibilities of any relevant range states;

- i) incorporate mechanisms to ensure periodic review and reporting;
- j) have an outreach and capacity building component targeting identified stakeholders and local communities (where appropriate);
- k) meet appropriate ethical guidelines with respect to the treatment of animals involved, ensuring interference with cetaceans is within acceptable levels and does not cause distress to cetacean individuals intersecting with the project;
- l) research methods are non-lethal only;
- m) fund only actions that are not otherwise the core responsibility or business of governments or industry, and that do not subsidise commercial enterprises.

Projects will not be considered eligible if they, or associated participants and project partners, can be demonstrated to support work that is inconsistent with the principles also established for financial arrangements in the Financial Regulations, particularly paragraph C2(b)(i)(ii)(iii), *(known to have been involved in illegal activities, or activities contrary to the provisions of the Convention; Individual companies involved in commercial whaling; Organisations that have brought the Commission into disrepute)* or that conflict with the objectives of the conservation committee.

Appendix 2

Categories of Projects to be Prioritised by the Conservation Project Steering Group

The International Whaling Commission agreed in 2012 (IWC/64/F&A 3) that the following categories of project are prioritised by the Conservation Steering Group in the first instance:

- a) Projects supporting **conservation management plans**
- b) Projects supporting **whale watching**
- c) Projects addressing **bycatch & entanglement**
- d) Projects addressing **ship strikes**
- e) Projects addressing **stranded cetaceans**, including euthanasia
- f) Projects addressing **pollution**
- g) Projects addressing **emerging issues** and new threats to whale populations