

Discussion document: Further thoughts on reducing the frequency of IWC meetings

(prepared by the Secretariat)

1. INTRODUCTION

This document:

- summarises the background and discussions to date regarding reducing the frequency of IWC meetings;
- identifies a number of issues that require further consideration by the Commission in coming to any decision, including the timing of any change in meeting frequency and necessary changes to the Schedule and Rules of Procedure and Financial Regulations;
- gives an indication of cost implications to reducing meeting frequency; and
- identifies action required by the F&A Committee.

This document should be read in conjunction with Document IWC/57/F&A 9 'Preliminary exploration of the possibilities and implications of less frequent meetings of the Commission and its subsidiary groups' prepared by the Secretariat for the F&A Committee meeting in Ulsan last year.

2. BACKGROUND AND DISCUSSIONS TO DATE

Through Resolution 2004-7 adopted at IWC/56, the Commission decided to establish a Working Group to investigate and make recommendations on the implications of less frequent meetings of the IWC and to report to IWC/57 in Ulsan. As a starting point for the Working Group's discussions, the Secretariat conducted: (1) a review of those activities (if any) that are required by the Convention, the Schedule and/or the Rules of Procedure and Financial Regulations to be done on an annual basis; and (2) an overview of the frequency of meetings of the principle decision-making and subsidiary bodies of selected Conventions¹ and the extent of the intersessional activities of these Conventions. Due to other commitments, the Secretariat was unable to provide this information to the Working Group sufficiently ahead of IWC/57 for review prior to the F&A Committee meeting in Ulsan. Discussions at Ulsan were therefore based on the Secretariat's paper IWC/57/F&A 9.

During the F&A Committee meeting in Ulsan, although many delegations spoke in favour of a move to biennial meetings in principle, a number of potential practical difficulties were noted, including:

- in relation to the setting and review of aboriginal subsistence quotas, and possibly, in the future, commercial whaling quotas;
- that the current heavy programme of work of the Scientific Committee would be difficult to progress if the Committee no longer met annually;
- further delays in reaching agreement on an RMS;
- the possibility that lengthening the period between Commission/Scientific Committee meetings might increase the number of intersessional meetings which could create difficulties for some, particularly developing, countries to participate fully.

There was a suggestion that consideration be given to reducing the duration of the Annual Meeting series rather than the frequency between meetings. Others however, believed that the obstacles to reducing meeting frequency were

¹ Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES); Convention on Biodiversity (CBD); Convention on Migratory Species (CMS); Convention on Wetlands (Ramsar); Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR); Inter-American Tropical Tuna Commission (IATTC); and International Convention for the Conservation of Atlantic Tunas (ICCAT). CITES, CBD, CMS and Ramsar had been selected as their principle decision-making bodies (Conference of Parties – COP) meet at intervals of 2 or 3 years, depending on the organization. CCAMLR, IATTC and ICATT had been selected as, like IWC, they are involved with conservation and management of marine resources.

not great and could be overcome without too much difficulty. It was suggested that the Secretariat consider and develop proposed timelines relating to how the necessary revisions to the Schedule, in particular, could be addressed. The link between off-setting costs of interpretation and document translation by reducing meeting frequency was also mentioned.

The F&A Committee Chair noted that since plans are already in place for IWC/58 next year, and that a meeting is needed in 2007 to consider renewal of aboriginal subsistence catch limits, there is sufficient time for further reflection on the issue of meeting frequency. Given that the Working Group established after IWC/56 had not yet had a opportunity to address the requests in Resolution 2004-7, the F&A Committee agreed to the Chair's proposal that this be done between IWC/57 and 58 (via email correspondence) with a view to making recommendations to the Commission next year. It was agreed that the Secretariat's paper (IWC/57/F&A 9) and comments/suggestions by Committee members in Ulsan should be used as a basis for discussions. The Committee also agreed that the Working Group should be augmented with interested countries that have aboriginal subsistence whaling hunts given the potential implications to these hunts of lengthening the period between meetings of the Commission².

The Commission agreed with the F&A Committee's recommendations.

3. FURTHER CONSIDERATIONS

As indicated in Document IWC/57/F&A 9, there is nothing in the Convention that requires the Commission to meet annually. The Schedule, Rules of Procedure and Financial Regulations for the Commission and the Rules of Procedure for the Scientific Committee currently require some annual activities, but these could be amended given the appropriate level of support. The issue at hand is therefore whether the Commission could adequately conduct its business without meeting annually. This will depend, at least to some extent on whether work on the RMP and its *Implementations* and the development of an RMS continues.

The Scientific Committee

The present workload of the Scientific Committee is such that it requires a number of intersessional workshops and/or pre-meetings for it to complete its work. Furthermore, the iterative nature of much of its activities requires continuity and regular review of the work of the sub-groups by the full Committee to allow progress to be made. This is particularly true for work and timescales that the Commission has given the Scientific Committee, particularly in relation to comprehensive assessment of stocks, RMP *Implementation* and *Implementation Reviews* and the development of a *Strike Limit Algorithms (SLA)* for Greenlandic stocks and the conduct of *Implementation Reviews* for bowhead and gray whales. In the current circumstances it would therefore appear to be difficult, at least in the short-term unless the Commission revised its priorities, for the Scientific Committee to conduct its business without meeting annually. Pre-meetings in association with the Committee's Annual Meeting would continue to be held when possible to keep the number of intersessional meetings to a minimum.

The Commission and its other sub-groups

While it may be difficult, at least initially to move away from annual meetings of the Scientific Committee, it may be possible for the Commission and its other sub-groups to meet less frequently, for example every two years. Certainly given the terms of reference of the Commission's other sub-groups (e.g. Conservation Committee, Infractions Sub-committee, Aboriginal Sub-committee, Working Group on Whale Killing Methods and Associated Welfare Issues) there are no particular implications should the Commission decide that they meet on a less frequent basis than annually³. However, moving to biennial Commission meetings has a number of practical implications, including the following:

- (1) The Commission's budget would have to be developed and agreed for a two-year period, but with financial contributions from Contracting Governments being invoiced on an annual basis. Developing a two-year budget should not be a problem.
- (2) The Commission would have to agree a two-year Scientific Committee work programme which could probably be detailed for the first year (i.e. as at present), with an outline for the second year (as at least some

² The 'augmented' Working Group therefore comprised: Argentina, Chile, Germany, Ireland, Rep. of Korea, Norway, Peru, Spain, Tuvalu, Denmark, Russian Federation, St. Vincent and The Grenadines, USA. This document was circulated to Working Group members for review on 16 May, rather too close to the meeting to allow much consultation.

³ Note that if an RMS was adopted that included a Compliance Review Committee, consideration would need to be given to the frequency with which such a Committee should meet.

of the work needed for the second year will depend on the outcome of work during the first year). A two-year budget cycle would mean that money allocated to research would also have to be done on a two-year basis. It may therefore be practical to set-up some sort of contingency fund for research to allow for unforeseen activities that would be necessary, for example, to meet priorities and timelines set by the Commission. There would obviously have to be an agreed mechanism for seeking permission to use money from any contingency fund (but see (3) below).

- (3) Commission decisions could only be made every two years unless by postal ballot or by calling a Special Meeting (for which there is precedence). The intergovernmental organisations reviewed in Document IWC/57/F&A 9 that have meetings of their decision-making bodies every 2-3 years have a Standing Committee or Bureau, with restricted membership, to guide implementation of their Conventions and to provide guidance to the Secretariat during the intersessional period. In the context of IWC, this could also include the granting of permission to spend monies from any contingency fund (see (2) above). The Commission may need to consider whether it needs a Standing Committee/Bureau, and if so, whether (a) the Advisory Committee under the current Rules of Procedure (M.9) could fulfil such a function, or (b) whether another body would need to be established. The current remit of the Advisory Committee is to assist and advise the Secretariat on administrative matters upon request by the Secretariat or in agreement with the Commission. It is not a decision-making body and does not have the competence to deal with policy matters or administrative matters that are within the scope of the Finance and Administration Committee other than making recommendations to this Committee.
- (4) The current term of the Commission Chair and Vice-Chair, which is currently three years, would have to be changed. Possibilities include: (1) having a term of 4 or more years; (2) having the term equivalent to the period between meetings (i.e. 2 years). The former may be considered preferable as the Chair would be available to conduct two Commission meetings, thus allowing him/her to not only gain experience in the role but also to provide some continuity. However, a 4 (or more)-year term implies an 8 (or more)-year commitment if, as is usually the case, the Vice-Chair becomes Chair. A two-year term has the disadvantage that the Chair would only manage a single meeting, thus providing less time to gain experience and less continuity even if the Vice-Chair becomes Chair.
- (5) With respect to the review of proposals for research under special permit, if the Scientific Committee was to continue to meet annually, it would have an opportunity to review and comment on any proposals. However, if a proposal was reviewed by the Scientific Committee in a year that the Commission did not meet, the Commission would not have an opportunity to discuss collectively the proposal or to engage in dialogue with the Chair of the Scientific Committee.

Most of the implications for biennial Commission meetings listed above should be relatively easy to address if it is decided that biennial meetings should occur. Perhaps the major difficulty would be in setting and reviewing catch limits for aboriginal subsistence whaling and, should it be resumed, commercial whaling. It is assumed that reviewing catch limits by correspondence is not appropriate.

The *SLAs* that have been/are being developed as part of the management procedure for aboriginal subsistence whaling are intended to set strike limits for 5-year blocks. Except in exceptional circumstances, therefore, there should be no need to review them annually. Similarly, if commercial whaling resumes under an RMS, the RMP is intended to set catch limits for blocks of 5 years and again, except in exceptional circumstances, there should be no need to review them annually. The amount of work involved in *Implementations* (which have a strict two-year timetable once it has been agreed that a *Pre-Implementation* has been completed) and *Implementation Reviews* for the AWMP and RMP means that it is not practical to schedule them all for the same year.

Thus, if the Commission moves to biennial meetings, care will need to be taken to ensure a practical timetable for the review of catch limits. Given the current priorities set by the Commission, this would not be possible until after 2009 because the RMP *Implementation assessment* for western North Pacific Bryde's whales is set to be completed in 2007 and that for North Atlantic fin whales probably in 2009. The Secretariat hopes to provide an illustration of how this could be done for review by the F&A Committee at IWC/58.

4. COST IMPLICATIONS OF LESS FREQUENT MEETINGS

The current budgetary provision for Annual Meetings, covering the Scientific Committee, Commission sub-groups and Plenary, is currently around £330,000⁴. Keeping meetings of the Scientific Committee on an annual basis but moving to biennial meetings of the Commission and its sub-groups would not yield particularly large savings in terms of the Commission's budget (e.g. somewhere in the order of £165,000 over two years assuming, for simplicity, that the 2-week Scientific Committee costs about half of the full 4-week meeting series) and would also lead to a reduction in income from NGOs (currently around £50,000/year). However savings to individual Contracting Governments and observers would not be insignificant (see illustration given in Table 1) given the cost of travel, hotel accommodation, subsistence, time spent preparing for meetings and time spent at meetings.

Table 1

Examples of potential savings (in pounds) for delegations if the Commission meets biennially. It assumes: (a) a length of stay of two weeks (i.e. sub-groups as well as plenary); (b) return air fares of £1000; (c) subsistence rates of £150. NB it does not include savings related to only having to prepare for biennial meetings.

Delegation size	Flight cost	Hotel and subsistence	Total cost per meeting	Potential savings
1	1,000	2,100	3,100	1,550
3	3,000	6,300	9,300	4,650
7	7,000	14,700	21,700	10,850
13	13,000	27,300	40,300	20,150

5. TIMING OF ANY MOVE TO LESS FREQUENT MEETINGS

The Commission has already agreed that Annual Meetings should continue as they are at least up to the 2007 Annual Meeting when the aboriginal subsistence quotas will require renewal. As indicated above, if the Commission's priorities for the work of the Scientific Committee remain unchanged, it would probably not be possible to move to biennial Commission and sub-group meetings until after 2009. If changes in the Commission's priorities occur, then it might be possible to consider moving to biennial meetings earlier, although in taking any such decision, it should be borne in mind that Chile and Portugal have offered to host the 2008 and 2009 Annual Meetings, respectively.

6. AMENDMENTS TO THE SCHEDULE, RULES OF PROCEDURE AND FINANCIAL REGULATIONS

Amendments to the Schedule, Rules of Procedure and Financial Regulations to take account of any move to biennial meetings of the Commission and its sub-groups would need to be adopted by the Commission at its last Annual Meeting prior to the change. The only amendment to the Schedule required is in relation to the review of some aboriginal subsistence quotas. A number of the necessary amendments to the Commission's Rules of Procedure and Financial Regulations are relatively minor and of an editorial nature, although consideration would need to be given to: (1) the duration of the terms of the Chair and Vice-Chair; (2) how the Commission's budget is developed and managed; and (3) whether a Standing Committee/Bureau is needed to guide implementation of the Convention and provide guidance to the Secretariat between meetings.

Action required: *The F&A Committee is invited to:*

- (i) *review and comment on the document;*
- (ii) *consider whether the Commission and any of its sub-groups should move away from meeting on an annual basis, taking into account the issues identified in section 4 above;*
- (iii) *make recommendations to the Commission as appropriate, including the timelines for any proposed changes.*

⁴ The budget provision for Annual Meetings is supposed to represent the cost of a meeting should it be organised by the Secretariat at a 'generic' venue in the UK. When a meeting is held outside the UK at the invitation of a Contracting Government, it is understood that any costs additional to those budgeted will be met by the host Government. It has been known for some time that the current level of budgetary provision for the Annual Meeting would not be sufficient to cover the costs of an Annual Meeting in the UK and that in recent years, host Governments have incurred additional expenses. This matter has recently been highlighted by the Government of St. Kitts and Nevis who has sought voluntary contributions from Contracting Governments to help cover the costs of IWC/58. Given these circumstances, the Secretariat has suggested that the level of budgetary provision for the Annual Meeting be reviewed. This matter will be discussed by the F&A Committee under agenda item 5.3.