

Report of the Special Session of the Finance and Administration Committee on the Frequency of Meetings

Wednesday 23 May 2007

1. INTRODUCTORY ITEMS

The list of participants is given in Appendix 1.

1.1 Appointment of Chairman

Anthony Liverpool (Antigua and Barbuda) was appointed as Chair of the Committee. He noted that attendance at the Special Session was limited to delegates and that observers were not permitted to attend.

1.2 Appointment of Rapporteur

The Secretariat agreed to act as rapporteurs.

1.3 Review of documents

The documents available to the Committee are listed in Appendix 2.

2. ADOPTION OF THE AGENDA

The Chair recalled that at the last two Annual Meetings (i.e. IWC/57 and IWC/58) there had been discussion within the F&A Committee and within the Commission regarding whether or not the Commission and its subsidiary bodies should continue to meet on an annual basis. He noted that at IWC/58 last year, there was again some support to move to biennial meetings (principally related to cost savings) but also some concern (principally in relation to difficulties in managing marine resources on a biennial basis) and that as a result, the Commission had agreed to hold a special session of the F&A Committee at IWC/59 as a way of coming to a decision on this matter. He further noted that the Commission had agreed that any move to a two-year cycle would not take effect until after 2008.

The Chair indicated that if possible, he would like the Special Session to arrive at a consensus recommendation to the Commission on how to proceed with this issue.

The agenda was adopted without amendment (Appendix 3).

3. FREQUENCY OF MEETINGS

3.1 Introduction by the Secretariat

The Secretariat introduced in some detail Document IWC/59/F&A SS 3: Possible options to consider regarding meeting frequency of the Commission and its subsidiary bodies. After summarising comments expressed by Contracting Governments on this issue in the F&A Committee and in the Commission at previous meetings, the Secretariat described the following four options that the Special Session may wish to consider regarding meeting frequency and duration:

1. the *status quo*, i.e. annual meetings of the Scientific Committee, Commission sub-groups and Commission;
2. annual meetings of the Commission and its subsidiary bodies, but reduce the overall length of the meeting series;
3. annual meetings of the Scientific Committee, but biennial meetings of the Commission and its other sub-groups;
4. biennial meetings of the Commission, Scientific Committee and other sub-groups;

The Secretariat added that a further 'option' may be that it is premature to make a decision at present given the uncertainty about the organisation and agree to retain the *status quo* for the present. The Secretariat also noted that the Special Session may wish to identify further options.

The options and their implications are summarised in Table 1.

With respect to the timing of any move to less frequent meetings, the Secretariat noted that given the current uncertainties over the organisation, including the impasse on development of an RMS, the Commission may consider that it is premature to take a decision now regarding frequency of meetings. As noted by at least one delegation last year, a move to less frequent meetings may hinder the Commission's efforts to break the current deadlock, including development of an RMS. The Commission could therefore keep the possibility in mind, but postpone any decision for the time-being.

If, however, there was consensus among the F&A Committee on one of the four options described above (or variation thereof) which was endorsed by the Commission, the Secretariat noted that it should be possible to make a decision at IWC/59 regarding meeting frequency, recalling that in any case there will be annual meetings of the Commission and its subsidiary bodies at IWC/60 in Santiago, Chile, in 2008. Furthermore, if there was a decision at IWC/59 to alter the frequency of meetings, the Secretariat could prepare any necessary amendments to the Rules of Procedure and Financial Regulations for adoption at IWC/60 as appropriate. Any changes to Commission priorities for the Scientific Committee would need to be agreed at IWC/60.

The Secretariat noted that if there was no consensus within the F&A Committee, and assuming that the matter is not taken to a vote in plenary, then further work would need to be done for discussion and decision-making at IWC/60 in 2008. However, it pointed out that because the venue for Annual Meetings should be decided two years in advance, with the location for IWC/61 in 2009 being decided in Anchorage, then it would probably be necessary to delay any move to less frequent meetings of the Commission and/or its subsidiary bodies until after 2009 (i.e. have a meeting in 2009). This would also enable the Scientific Committee and Commission to keep to the schedule for completion of the RMP *Implementation* for North Atlantic fin whales and also provide time for the Commission to discuss its future.

3.1 F&A Committee discussions and recommendations

Denmark, Switzerland, Germany, France and Austria spoke in support of Option 3, i.e. annual meetings of the Scientific Committee but biennial meetings of the Commission and its other sub-groups. They supported the current work of the Scientific Committee and believed that it needed to continue to meeting annually. Norway reminded the meeting that it too had supported for some years the move to biennial meetings of the Commission. It preferred Option 4 (i.e. biennial meetings of all groups) but noted that it could accept Option 3 and had sympathy with Brazil's comments (see below).

Denmark considered that a move to biennial meetings of the Commission and its other sub-groups should take place as soon as possible, but not until after 2009. It noted that if Option 3 were to be adopted there would need to be a revision of the duration over which aboriginal subsistence quotas were set, i.e. from the current five years to either four or six years. Its preference would be to set the quotas for six years but it could accept four years. In any case, Denmark believed that some sort of transition arrangement would need to be developed. Switzerland noted that moving to Option 3 is not simply a matter of cost savings. It believed that such a move would also increase the efficiency of the organisation. It noted that the decision-making bodies of other organisations, like CITES, meet every three years. Regarding the period for which aboriginal subsistence quotas should be set if the Commission decided on Option 3, Switzerland expressed a preference for four years. Germany noted that it had been one of the sponsors of Resolution 2004-7 on '*the Frequency of Meetings of the International Whaling Commission*' and that it still supported a move to biennial meetings of the Commission and its sub-groups with the exception of the Scientific Committee. As it had done on previous occasions, France noted that the cost-savings from moving to biennial meetings of the Commission could be used to help meet other expenses such as those for interpretation and document translation, but it stressed that such a move should not result in an increase in the number of intersessional meetings.

Brazil, the UK, Chile, the USA, Argentina, Mexico, the Netherlands, Ecuador, Italy and South Africa indicated that they could not support Option 3 and would prefer to retain the *status quo*, i.e. Option 1. Brazil noted that while the Scientific Committee is an expert body, it is still subsidiary to the Commission and needed oversight from the Commission. Brazil recalled that the Scientific Committee frequently requests guidance from the Commission and that it would be awkward for the Commission to provide such guidance if it met only every two years. While the UK recognised that there are no serious obstacles in moving to less frequent meetings of the Commission, it questioned whether this would be the right approach for the organisation. It noted the significant amount of time that the Commission currently spends at its Annual Meeting reviewing the work of the Scientific Committee and believed that if the Scientific Committee continued to meet annually but the Commission moved to biennial meetings, the Commission would face difficulties in dealing with two-year's worth of information. Chile supported the views expressed by Brazil and the UK. The USA indicated that it had supported exploration of this issue but

was not comfortable at the present time with making a change to meeting frequency. It agreed with Brazil that the Scientific Committee needed timely advice from the Commission. In its position as holding the Chair of the Commission, the USA noted that it had pledged to try to break the impasse within the organisation and considered that meeting less frequently would hinder such an approach. It wished to see more continuity not less. With respect to the setting of aboriginal subsistence quotas as mentioned by Denmark, the USA noted that a four-year period would be unacceptable to its hunters and that a move to a six-year block quota would involve significant work to reconfigure the SLAs. Biennial scheduling would also require the establishment of a decision making body for alternate years. Argentina was concerned that intersessional meetings would increase if Option 3 was followed and therefore preferred Option 1. Mexico, the Netherlands, Ecuador, Italy and South Africa supported the remarks of previous speakers, especially Brazil and the USA.

Japan repeated its view expressed last year, i.e. that given that IWC is supposed to be a resource-management organisation, a move away from annual meetings was difficult to accept from a conceptual point of view. It noted that currently it is undecided regarding the issue of meeting frequency, noting that the decisive factor for Japan is whether or not the organisation is functioning as it believed it should be, i.e. as a resource management organisation. If the organisation would function in this way, Japan noted that it would support continuation of annual meetings of the Commission and its subsidiary bodies. If however the current unproductive dialogue is to continue, Japan did not see merit in continuing to meet on a yearly basis. It believed that if annual meetings of the Commission were to continue, more time should be devoted to resolving issues than to repeating long-held positions. The Republic of Korea noted that it had not yet decided on its position on this matter and agreed in principle with the position expressed by Japan.

In principle, the Russian Federation could support a biennial cycle, but it noted that for this to apply to IWC, the organisation would need to develop more clearly defined and agreed areas of competencies. Until this is done, it believed that there should not be a change to the *status quo*.

The Chair summarised the discussions at this point, noting the different strongly-held positions expressed. He sought views on how to take the matter forward. In responding, the UK believed that some degree of certainty needed to be achieved and suggested that the F&A Committee recommend to the Commission that it continue to meet annually but to review the situation again in 2012. The USA, St. Lucia, Czech Republic, Spain and Italy supported this approach. The Republic of Korea said it would be necessary and desirable to have a grace period before deciding on its position.

Norway stressed that it could not accept the *status quo*. It noted that many Contracting Governments were not represented at the Special Session and should be given an opportunity to express their views on the matter. It therefore did not believe that the Special Session should strive to seek a consensus recommendation at this point. New Zealand acknowledged that not all members were present and that the report from the Special Session should simply record the positions of those who spoke. Iceland and Denmark supported this. Iceland also noted that it had not decided on its position on this issue. While in the past it had been against a move to less frequent meetings, it is now more open to a change in frequency.

The Russian Federation urged that this matter not be decided by taking it to a vote in the Commission. It believed that on matters of finance, decisions should be taken by consensus.

In drawing discussions to a close, the Chair noted that the discussions had been varied, that there was clearly no consensus and that the issue could not be resolved at the Special Session. He directed the Secretariat to develop a report that highlighted the positions of those Contracting Governments that took part in discussions. He noted that further discussions would be held during the F&A Committee meeting the following day. Noting the views expressed by the Russian Federation, the Chair urged the F&A Committee to try to seek consensus and develop a definitive recommendation to the Commission.

4. OTHER MATTERS

There were no other matters.

Mexico thanked the Chair for running an efficient meeting.

5. ADOPTION OF THE REPORT

The report was adopted at 6pm on 23rd May 2007.

Table 1. Summary of options, considerations and potential cost savings

| Option | Frequency of meetings of: | | | Considerations | Potential cost savings |
|--------|--|--|------------|---|--|
| | Scientific Committee | Commission sub-groups | Commission | | |
| 1 | Annual | Annual | Annual | No need to amend the Schedule or Rules of Procedure/Financial Regulations. | None |
| | Positive decision to keep <i>status quo</i> | | | | |
| 2 | Annual | Annual, but not necessarily for all sub-groups | Annual | No need to amend the Schedule or Rules of Procedure/Financial Regulations. Probably not possible to dispense with all sub-group meetings, e.g. it will probably be necessary to have an annual F&A Committee meeting if the Commission continues to meet annually. Annual meetings of the ASW Sub-committee may also be needed in the short-term. However, consideration could be given to some groups meeting in alternate years or to some issues (e.g. infractions) being dealt with directly in Plenary. | Unless the Commission revises its priorities, particularly for the Scientific Committee, it may be difficult to reduce significantly the overall length of the Annual Meeting series. Cost savings would therefore be minimal for both Commission and Contracting Governments and observers. |
| | Retain annual meetings but reduce overall length of meeting series | | | | |
| 3 | Annual | Biennial | Biennial | Moving to biennial meetings of the sub-groups has no particular implications. Moving to biennial meetings of the Commission has a number of practical implications relating to: (1) developing a 2-year budget; (2) agreeing a 2-year research programme; (3) how the Commission makes decisions intersessionally (e.g. should a Standing Committee or Bureau be established to help guide implementation of the Convention and provide guidance to the Secretariat during the intersessional period?); (4) term of office of the Chair and Vice-Chair; (5) review of proposals for research under scientific permit; (6) setting and reviewing catch limits for aboriginal subsistence whaling and, should it be resumed, commercial whaling. Minor amendments would be needed to the Schedule and Rules of Procedure and Financial Regulations as identified in IWC/57/F&A 9. | <u>For the Commission:</u> Around £33,500/year. Although there would be savings from the sub-groups and Commission meeting every 2 years, there would be a loss of income from NGOs. <u>For Contracting Governments & observers:</u> Would be quite significant for those attending the sub-group and Commission weeks. For a delegation of 3 persons cost savings on travel and subsistence would be in the order of £4,650/year, not including salary costs for time at the meeting and time spent preparing for the meeting. |
| 4 | Biennial | Biennial | Biennial | As for Option 3. If the current priorities and workload of the Scientific Committee were retained, it may be necessary to (a) increase the number of intersessional workshops and (b) have a longer meeting (say additional 3 days) because of the need to review more reports from intersessional meetings. | <u>For the Commission:</u> Around £117,000 per year. As with Option 3, although there would be savings from meeting every 2 years, there would be a loss of income from NGOs. <u>For Contracting Governments & observers:</u> Would be significant and roughly double those for Option 3, depending on size of delegation to the Scientific Committee. |
| 5 | Annual | Annual | Annual | None for the time-being. | None at present |

Appendix 1

LIST OF PARTICIPANTS

Antigua & Barbuda
Anthony Liverpool (Chair)

Argentina
Miguel Iñiguez

Australia
Donna Petrachenko
Andrew McNee

Austria
Andrea Nouak

Belgium
Alexandre de Lichtevelde

Brazil
Régis Pinto Lima
José Truda Palazzo

Chile
Francisco Berguño Hurtado
Elsa Cabrera Peñuela

Czech Republic
Pavla Hycova

Denmark
Ole Samsing
Maj Friis Munk
Mads Lunde

Dominica
Lloyd Pascal
Andrew Magloire

Finland
Esko Jaakkola
Penina Blankett

France
Stephane Louhaur

Germany
Marlies Reimann
Lars Puvogel

Grenada
Justin Rennie

Iceland
Stefán Ásmundsson
Gísli Víkingsson

Italy
Riccardo Rigillo

Japan
Minoru Morimoto
Joji Morishita
Shigeki Takaya
Jiro Hyugaji
Ryoichi Nakamura
Dan Goodman
Saemi Baba (I)

Republic of Korea
Chiguk Ahn
Yong Rock An
Hyun Jin Park

Mexico
Lorenzo Rojas-Bracho

Netherlands
Maaïke Moolhuijsen

New Zealand
Geoffrey Palmer
Jan Henderson
Indra Prasad

Norway
Turid Eusébio
Halvard Johansen
Hild Ynnesdal

Russian Federation
Valentin Ilyashenko
Rudolf Borodin
Alyona Selhay (I)
Irina Danielson (I)

Saint Lucia
Vaughn Charles

**Saint Vincent and the
Grenadines**
Raymond Ryan

South Africa
Herman Oosthuizen

Spain
Carmen Ascencio

Sweden
Bo Fernholm

Switzerland
Bruno Mainini
Nathalie Bösch

UK
Richard Cowan
Trevor Perfect
James Gray
Mark Simmonds
Jennifer Lonsdale

USA
Emily Lindow
Shannon Dionne
John Field
Heather Rockwell

SECRETARIAT
Nicky Grandy (Rapporteur)
Sean Moran (Rapporteur)
Sue Morley
Greg Donovan

Appendix 2

LIST OF DOCUMENTS

| | | |
|-----------------------------|-------|---|
| IWC/59/F&A SS | 1 | Draft Agenda (and annotations) |
| | 2 | List of Documents |
| | 3 | Possible options to consider regarding meeting frequency of the Commission and its subsidiary bodies (submitted by the Secretariat) |
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| | | |
| Background documents | | |
| IWC/57/F&A | 9 | A preliminary exploration of the possibilities and implications of less frequent meetings of the Commission and its subsidiary groups |
| IWC/58/F&A | 5 | Discussion document: Further thoughts on reducing the frequency of IWC meetings |
| | 5 add | A very hypothetical set of examples as to how a 2-year cycle might work |

Appendix 3

AGENDA

1. INTRODUCTORY ITEMS
 - 1.1 Appointment of Chair
 - 1.2 Appointment of Rapporteurs
 - 1.3 Review of Documents
2. ADOPTION OF THE AGENDA
3. FREQUENCY OF MEETINGS
 - 3.1 Introduction of the Secretariat's document
 - 3.2 F&A Committee discussions and recommendations
4. OTHER MATTERS
5. ADOPTION OF THE REPORT