

**Minutes of Bureau Meeting – 25 May 2020
1800-2130 (UK)**

Held virtually

- Attending:**
- Andrej Bibic (**IWC Chair, Slovenia**)
 - Ryan Wulff (**Chair of Finance & Administration Committee, USA**)
 - Lucia Scheinkman (**Argentina**)
 - Miguel Iñiguez (**Argentina**)
 - Katja Piskur (**Slovenia**)
 - Horace Walters (**St Lucia**)
 - Dominic Pattinson (**Co-chair of Working Group on Operational Effectiveness, UK**)
 - Rosie Carpenter (**Vice-chair of the Conservation Committee, UK**)
 - Lisa Phelps (**USA, Co-chair of Working Group on Operational Effectiveness**)
 - Alisha Falberg (**USA**)
 - Krissy Rusello (**USA**)
- Rebecca Lent (**Executive Secretary**)
- Katie Penfold (**Secretariat**)
- Mark Tandy (**Secretariat**)
- Kate Wilson (**Secretariat**)
- Joining for Item 5.4:**
- Robert Suydam (**Chair of Scientific Committee**)
 - Alex Zerbini (**Vice-chair of Scientific Committee**)
 - Iain Staniland (**Secretariat**)
- Apologies:**
- Amadou Teliel Diallo (**IWC Vice-Chair, Guinea**)
 - Emmanuel Mantey Mensah (**Ghana**)

1. WELCOME FROM THE CHAIR

The Chair welcomed members of the Bureau and thanked them for their attendance. He reminded members that the meeting is convened in accordance with RoP B.4. The Chair also passed on the regards of the Vice-chair who regrets he is unable to attend but has passed on some comments to be reported to the Bureau under the relevant agenda items.

2. APPOINTMENT OF RAPPORTEUR

It was agreed that the Secretariat would serve as rapporteur.

3. ADOPTION OF AGENDA

The Bureau adopted the agenda with no changes.

4. MINUTES OF THE LAST MEETING

The Minutes of the meeting on 7 May were adopted with no amendments and can be read at <https://archive.iwc.int/?r=9960>

5. FINANCE AND ADMINISTRATION MATTERS

5.1 FINANCIAL STATEMENTS and 5.2 FORECAST POSITION

The Secretariat confirmed that the audit of IWC accounts for 2019 had been completed and the Financial Statements had been made publicly available in early March via the IWC website.

In line with Financial Regulation C.5, the Bureau endorsed the 2019 Financial Statements.

In line with Financial Regulations D.1(c)(d) the Bureau also reviewed the financial forecast for 2020.

The Bureau noted that the situation regarding deficit budgets remains serious. In 2019, a deficit budget had only been avoided by applying funds from a technical reserve. A deficit budget of £67k had been set for 2020. The impact of Covid-19 on IWC meetings and travel had resulted in some savings that will be carried forward, but even with these savings, a 2020 budgeted deficit (£33k) is still predicted and the situation will worsen unless the Commission finds ways to balance its budget.

5.3 UPDATE ON COLLECTION OF FINANCIAL CONTRIBUTIONS

The Secretariat reported that 62 of 88 governments are currently in arrears for 2020 payments. Some 30 governments are also in arrears for earlier contributions and the total currently owed is £1.2m. The Bureau acknowledged that, if Contracting Governments don't make these payments on time, the Commission may face cashflow problems that could eventually necessitate a bank loan. It was clarified that the Headquarters Agreement of the IWC gives 'legal personality' which allows the Commission to enter into a bank loan, although noted that this situation should be avoided if possible.

The Bureau discussed the most effective means of outreach across the Commission and agreed that a letter co-signed by the Chair and Vice-chair of the Commission should be sent to the relevant ministries/departments of all the Contracting Governments currently in arrears.

The Bureau noted that a routine Circular is sent annually after the due date (30 June), listing governments in arrears and seeking payment. In addition to this, the Bureau agreed that the two Circulars already planned in order to endorse the 2021 budget should also list the Contracting Governments currently in arrears. These Circulars are scheduled for 27 May and 10 June.

5.4 BUDGET OPTIONS FOR 2021 *(joined by Scientific Committee Chair and Vice-chair and Secretariat Lead for Science for the first part of the discussion)*

The Vice-chair of the Scientific Committee (SC) presented the SC budget for 2021, noting that the total proposed is £226,400 and represents a budget freeze. It was reported that approximately 30 proposals for funding were presented to the SC. Some were new proposals, and some were requests to re-use funds that had been allocated previously for projects that could not progress due to Covid-19.

The Bureau noted that funds had also been allocated to six research proposals under the Southern Ocean Research Partnership, and that unspent funds from the Gray Whale Tagging Fund will be used for research into western North Pacific gray whale feeding off Sakhalin island. These projects do not impact the Commission's core budget.

The SC Chair explained that the Committee had followed the normal process as far as possible although there was no plenary session. The Scientific Meeting would conclude on 27 May and the budget would be finalised then.

The Chair of the SC also reported that the meeting, although hard work and not perfect, had been much more successful than anticipated in large part due to the flexibility and enthusiasm of those involved. He thanked the Convenors, all participants, and all those in the Secretariat who had supported the meeting.

The Bureau moved to examine the wider 2021 budget, recalling the conclusion of earlier discussions that it is vital to endorse a one-year 'bridge' budget with contributions frozen and no inflationary increase. This will allow the Commission to function until substantive budget discussions can be held at the next in-person meeting in 2021.

Feedback was reported from European Union, the Buenos Aires Group and Caribbean countries. This included whether budget cuts could be made intersessionally in order to reduce contributions to the level paid by each member in 2019, and whether the sale of the Red House would improve cashflow. It was noted that the situation is different in different regions, with some yet to experience the peak of the Covid-19 pandemic, unemployment rising almost universally, and salary cuts being made across some governments. The Bureau acknowledged that this is an extremely difficult time for governments all over the world to be asked to make payments.

The Bureau noted that, without 2020 underspends related to Covid- 19, the Commission would have begun 2021 with a deficit of £140k. It was agreed that now is not the time to initiate in-depth discussion over budget cuts, radical changes or property sales (see below). Detailed discussion of the budget is extremely important but must wait until in-person debate can be held, involving all Contracting Governments. The Bureau concluded that the only option for achieving an endorsed budget for 2021 is to propose a roll-over of what the Commission had agreed for 2020 at its last meeting, with contributions frozen at the 2020 level.

Endorsement of this proposal will be sought via postal vote and two Circulars will be issued to explain and initiate the process (28 May and 10 June).

The Bureau also noted that the forced but successful dependence on virtual meetings due to Covid-19 might suggest there is scope to reduce costs of Bureau meetings, and perhaps some other meetings, in the future. It was acknowledged that there is no substitute for in-person discussions on some complex or controversial issues, but potentially possible to increase the amount of preparation/discussion undertaken virtually prior to in-person meetings as a way of reducing the length of in-person meetings, whilst also recognising the importance of face to face discussions.

6. GOVERNANCE REVIEW: REPORT FROM CO-CHAIRS OF THE WORKING GROUP ON OPERATIONAL EFFECTIVENESS (WG-OE)

The Co-chairs of the WG-OE reported on amendments to the previously agreed timetable for circulating draft text and receiving comments, noting that the original outreach plan could not be executed due to Covid-19. The postponement of IWC68 by approximately one year allows new time for an additional draft of the texts to be circulated and for outreach to be built into the programme. It's hoped this will encourage a higher response rate from member governments.

The IWC Vice-chair had suggested that the draft texts should be sent to COMHAFAT who will re-send to their members. The Bureau agreed that the Secretariat should discuss the new drafting schedule with the Vice-chair and propose that this letter is sent in August, after the latest sets of comments have been incorporated and a revised set of texts is available.

The Co-chair of the Conservation Committee informed the Bureau that this group may also consider whether provide a response to the WG-OE papers and plan to discuss this at a virtual meeting currently envisaged to happen in September/October.

7. UPDATE FROM THE EXECUTIVE SECRETARY

7.1 MEMORANDA OF UNDERSTANDING (MOUs)

The Executive Secretary reported on three potential MOUs:

- a scientific collaboration with CCAMLR. This will be drafted if both IWC and CCAMLR approve the proposal.
- a focus on shared science and stewardship with the United Nations Environment Programme's Caribbean Environment Programme (Specially Protected Areas and Wildlife). A text was presented at IWC67 and has now been redrafted at the request of the Commission who could not endorse the original language on dispute resolution.
- a data sharing agreement with the company Marine Traffic. This is at the request of the Scientific Committee and seeks to establish a standard format for scientists to share data and agree acknowledgement. Marine Traffic is a private company that has already developed an MOU with a UN agency.

The Bureau welcomed the collaboration and proposed next steps, noting that the text and principle of any MOU need to be endorsed by the Commission. The Bureau also suggested that the Secretariat consider generally whether the formal mechanism of an MOU is necessary in order to proceed with new collaborations.

7.2 STAFFING

The Executive Secretary updated the Bureau on recruitments to the Secretariat and noted progress against the Commission mandate for strategic development of the Secretariat according to the priorities of the Commission.

The Bureau welcomed Moussa Sow (Database and IT Supervisor), Imogen Webster (Programme Development Officer) and Dr Iain Staniland (Lead for Science). The Bureau also noted that Greg Donovan has now moved from Head of Science to a one-year, part-time Scientist Emeritus post. This is to allow for a smooth transition, acknowledging Greg's long service and contribution to the IWC, and the legacy documents on RMP and AWMP that he plans to complete during the year.

The Executive Secretary also reported that the 2022-23 budget proposal will include the Bycatch Mitigation Initiative Co-ordinator post as a Secretariat staff position, reflecting the importance of bycatch mitigation to the Commission and its mandate to protect whale stocks. This can be achieved with no net increase in staffing costs, due to offsets in the overall staffing budget starting in 2022. It was also reported that, following the departure of the previous Strandings Co-ordinator to pursue a prestigious academic opportunity, a new Strandings Co-ordinator will be recruited, assuming voluntary funds are available.

7.3 RED HOUSE OPTIONS

The Bureau agreed with the Secretariat recommendation that the Options Paper on future premises for the Secretariat should be put on hold temporarily. The impact of Covid-19 on property sales and rental prices is impossible to judge at present, as are any long-term changes to working practices. The paper will be updated and presented to the Bureau when the situation is clearer.

7.4 SECRETARIAT PORTION OF GOVERNANCE REVIEW (PER RESOLUTION 2018-1, ANNEX B)

7.4.1 STRATEGIC PLAN

The Bureau noted that it had already reviewed the Strategic Plan for the Secretariat, and a number of initiatives were already underway, including a team approach and creating a 'deeper bench' where colleagues are better equipped to step in and cover for each other.

Implementation will continue when the lock-down rules are relaxed further, and the situation becomes clearer.

7.4.2 DRAFT REVISIONS TO RULES OF PROCEDURE SECTION H

The Executive Secretary proposed some changes to Rule of Procedure H to reflect actual practice at the Secretariat. In some cases (payment of travel expenses, setting of per diem rates, recruitment), actual practice had diverged from the text of Section H over twenty years ago. The Bureau agreed that the revisions should be submitted via the WG-OE who are reviewing all Rules of Procedure as part of their work on IWC Governance.

8. INTERSESSIONAL WORK BY OTHER COMMITTEES/SUB-COMMITTEES

The IWC Chair reported that he had reached out to the chairs of the Conservation Committee, Aboriginal Subsistence Whaling Sub-committee, Budgetary Sub-committee and the Working Group on Whale Killing Methods and Welfare Issue to understand from them what intersessional work is required and feasible during the extended period until the Commission meeting.

Responses indicated that chairs would like to follow the example of the Scientific Committee and maintain momentum of work programmes wherever possible. The Vice-chair of the Conservation Committee (CC) reported that the CC is likely to seek a virtual, intersessional meeting focusing on priority topics, such as bycatch and climate change. This meeting is likely to be held in September/October 2020.

The Bureau also discussed how to handle any work requiring urgent consideration/endorsement by the Commission. The Bureau concluded that a case-by-case approach will be required. Work that is already clearly endorsed by the Commission should proceed as it would in any other intersessional period. Anything completely new will need Commission endorsement. In some cases this could be sought intersessionally via either a silence procedure or vote. In more complicated or potentially controversial cases, the discussion will have to wait until IWC68.

It was also noted that a number of sub-group posts in various subsidiary bodies are becoming vacant during the intersessional period, and a Circular will be issued, listing these posts and inviting nominations.

9. PREPARATIONS FOR IWC68

9.1 DISCUSSION OF PROPOSED DATES

The Bureau thanked the Government of Slovenia for its flexibility and commitment, finding a way to host the Commission a year later than planned, despite also taking over the Presidency of the EU in 2021.

The Bureau noted the proposed dates of 3-10 September 2021 and acknowledged that finding any dates at all was a challenge when so many organisations had postponed events until this period, competition for large venues was fierce, and conflicts with other events have to be avoided

The Secretariat was asked to write to Regional Fisheries Management Organisations and members of the Biodiversity Liaison Group to inform them of these dates and ensure as far as possible that there are no clashes.

9.2 NEXT BUREAU MEETING

The Bureau agreed that, in keeping with past practice, an in-person meeting should be held in conjunction with the 2021 Scientific Committee meeting if possible. Another meeting may be needed before this, probably in September/October 2020. This will be held virtually if required.

9.3 ANY INITIAL INPUT ON POSSIBLE SCHEDULE AMENDMENTS, RESOLUTIONS AND OTHER ISSUES

Bureau members were not aware of any concrete proposals for IWC68 although some discussion was reported regarding marine plastics. The Bureau agreed that it is too early to have a clear picture of likely agenda items.

There was no additional business and the Chair closed the meeting at 2130 (UK time) thanking everyone for their attendance.