



International
Whaling
Commission

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CIRCULAR COMMUNICATION TO COMMISSIONERS, CONTRACTING GOVERNMENTS
AND MEMBERS OF THE SCIENTIFIC COMMITTEE
IWC.ALL.173

Correction and Modification to the IWC's Rules of Procedure and Financial Regulations following the changes agreed at IWC/63 in 2011.

An extensive series of changes to the IWC's Rules of Procedure and Financial Regulations were agreed at the IWC's last annual meeting held in 2011 on the Island of Jersey. The changes were circulated to Commissioners, Contracting Governments and members of the Scientific Committee in Circular Communication IWC.ALL.164 of 27 July 2011.

It has since been drawn to my attention that Communication IWC.ALL.164 contained an error in the reporting of the agreed change to Rule M.5 regarding the report of the Scientific Committee. Additionally a clarification regarding the status of Footnote Four of the Financial Regulations has been provided by the Advisory Committee.

The correction to Rule M.5 and the modification to Footnote Four are described below. In addition, a full and correct version of the IWC's Rules of Procedure and Financial Regulations is attached to this circular and has been placed on the IWC's website at:

<http://www.iwcoffice.org/commission/procedure.htm>

1) Correction to Rule of Procedure M.5 regarding the completion and release of the report of the Scientific Committee

The incorrect version of this Rule, as given in IWC.ALL.164 was as follows:

5. The preliminary report of the Scientific Committee should be completed and available to all Commissioners by the opening date of the Annual Commission Meeting **or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.**

However the correct version of Rule M.5, as adopted at IWC/63 is as follows:

5. The report of the Scientific Committee should be completed and made available to all Commissioners **and posted on the Commission's public web site** by the opening date of the Annual Commission Meeting **or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.**

The Secretariat apologises for this transcriptional error and any confusion caused.

Secretary: Dr. Simon Brockington

2) **Change to Financial Regulation E.2, establishment of Financial Regulation E.5 and effect on Footnote Four of the Financial Regulations**

At IWC/63 the Commission adopted the following change to Financial Regulation E.2:

2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the "due date" whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the "due date". ***Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government.***

Also at IWC/63 the Commission also adopted a new Financial Regulation E.5:

5. For the purpose of application of Rule of Procedure E.2, payments of membership dues shall only count as having been received by the Commission when the funds have been credited to the Commission's account unless the payment has been made and the Commission is satisfied that the delay in receipt is due to circumstances beyond the control of the Contracting Government.

However the Secretariat has been become aware that the change adopted to Financial Regulation E.2 and the adoption of the new Financial Regulation E.5 contradicts Footnote Four of the Financial regulations.

Footnote Four of the Financial Regulations states:

4. For the purposes of the Financial Regulations the expression 'received by the Commission' means (1) that confirmation has been received from the Commission's bankers that the correct amount has been credited to the Commission's account via bank transfer, (2) that a cheque, banker's draft or international money order of the correct value has been paid into the Commission's bank and cleared, or (3) that the Secretariat has in its possession cash of the correct value.

The wording of Footnote Four was not discussed during the debate on the above rule changes at IWC/63 and so the Secretary has taken advice from the Advisory Committee on how to proceed in the light of the apparent contradiction. The Advisory Committee have advised that in the light of the consensus adoption of the changes to Financial Regulations E.2 and E.5, that Footnote Four should be deleted from the Financial Regulations so as to ensure consistency with the intention of the Commission as expressed at IWC/63.



Simon Brockington
Secretary to the Commission

c.c. Intergovernmental Organisation observers to the IWC