

Report of the Working Group on Operational Effectiveness (WG-OE)

27 June 2024

Background:

The Working Group on Operational Effectiveness (WG-OE) was established under the Finance and Administration Committee at IWC64. The Working Group focuses on procedural and cost savings matters. The Commission continues to endorse the work of the working group and recommend that it continues.

The WG-OE currently comprises members from Argentina, Australia, Belgium, Brazil, Cambodia, Denmark, France, Mexico, The Netherlands, New Zealand, Nicaragua, Palau, Peru, Saint Lucia, Slovenia, Switzerland, Suriname, the United Kingdom, and the United States. Membership remains open, and other contracting governments are encouraged to join. The WG-OE also includes participation from non-governmental organisations and observer governments. The WG-OE met virtually on 13 March 2024, 4 April 2024 and 30 May 2024 and conducted its work via written correspondence.

At IWC68, the commission charged the WG-OE with the following items for consideration at IWC69:

- Develop a proposal that addresses quorum, Rule of Procedure B.1, to be discussed as the first item of business at IWC69, before any other decisions are adopted.
- For future application of the change to RoP E.2(a) and Financial Regulation F.2 agreed at IWC 68, work intersessionally to define criteria for what constitutes exceptional circumstances and a process for decision-making.
- Further consideration of the proposal to align voting right suspension with the Biennial Meeting schedule and allow Contracting Governments in arrears to participate in intersessional decision making.
- Further consideration of the proposal to make payment plans more accessible: voting rights could be restored regardless of the length of time in arrears, provided the Contracting Government enters into and adheres to a repayment plan, including an upfront good-faith payment.
- Further consideration of the proposals from the WG-OE that were not adopted at IWC 68
- Consider issues related to obtaining visas for contracting governments to participate in IWC meetings.
- Consider the IWC conducting meetings in a hybrid format and/or allowing for absentee voting, to facilitate the participation of all contracting governments.

This report outlines the discussion the WG-OE held over the intersessional period between IWC68 and IWC69. Specific proposals for changes in the Commission's Rules of Procedure and Financial Regulations are contained in Annex I.

Quorum:

Commission tasking: Develop a proposal that addresses quorum, Rule of Procedure B.1, to be discussed as the first item of business at IWC69, before any other decisions are adopted.

Recommendation: The Commission should consider the proposed changes to the Rules of Procedure contained in Annex I. Notwithstanding Rule R.1 of the IWC's Rules of Procedure, the WG-OE, recommends that should consensus not be reached to change the Rules of Procedure, then the existing Rules of Procedure will remain.

Background:

Rule of Procedure B.1 states “Attendance by a majority of the members of the Commission shall constitute a quorum.” At IWC68 members had differing views on how this rule should be interpreted and applied, in particular whether “attendance” means ‘in the room’ or just ‘at the meeting’. The Commission tasked the Working Group on Operational Effectiveness (WG-OE) to discuss the issue and present a proposal as the first item of discussion at IWC69.

Following written feedback on an options paper circulated late in 2023, the WG-OE held a virtual meeting on 13 March 2024. WG-OE participants exchanged a wide range of views. WG-OE participants agreed some core principles that the rules surrounding quorum should be clear, simple and practical for the Chair, members and the Secretariat to implement. WG-OE participants also agreed that any changes to the Rules of Procedure regarding quorum should be agreed through consensus. The WG-OE noted that items of such importance that affect the functioning of the organization should reflect the views of the entire organisation and should not be put to a vote. If consensus cannot be obtained, then the existing rules of procedure would remain.

Additionally, the WG-OE members noted that IWC Members have a duty to participate in meetings and in decision making in good-faith. Contracting Governments are expected to be active and participate in the organization.

Discussion

WG-OE participants organised the quorum discussion around the following elements:

1. Is there a need for one or two definitions of quorum?

Options: Noting that any definition would be separate from how you determine majority required in a vote:

- a) Two quorums: There is one quorum to open debate/begin a meeting and another quorum for decision-making – separate definitions could set a different bar to open a debate compared to decision-making. So, for example, a meeting could proceed with fewer members present but may not be able to undertake decision-making/voting. Each definition of quorum could be drawn from a different subset of members, for example, all members for opening a debate, given that loss of voting rights does not preclude participation in debate, whereas a quorum for decision-making could be drawn from only those with voting rights or those registered for the meeting and present with credentials.
- b) One quorum: The definition of quorum applies to both enabling the meeting to take place and decision-making – this would be the simplest approach but carries the risk of a meeting not being able to open if not enough members are present which would prevent any discussion from taking place.

2. Who counts towards quorum?

Options:

- a) All members of the Commission – quorum is based on the number of countries that are party to the ICRW. In 2022-2024 that number is 88. Therefore 45 members would need to be present to achieve quorum. This definition carries the risk that if less than 50% of the members of the Commission are present, decision-making cannot occur. This definition also provides the greatest confidence that decisions made by the Commission, in particular binding decisions made under

Article V of the ICRW, represent the views of the majority of the full membership. This approach is generally used by intergovernmental organisations and the approach the IWC has been using.

- b) A subset of members of the Commission, quorum could exclude any parties to the ICRW who have not paid their annual contributions and not participated in any Commission activities, including intersessional meetings, for more than 10 years. This will allow quorum to be made up of only active parties to ensure decision making is truly representative of the engaged membership. Any party who is captured under this definition will be immediately re-added to the number from which quorum is calculated as soon as any engagement (via financial contribution or attendance online/in-person at intersessional or Commission meetings) is undertaken.
- c) A subset of members of the Commission – quorum could be based on members who are registered/credentialed at the meeting. At IWC68 there were 57 members registered/credentialed for the meeting. Therefore 29 members would need to be present in the room, either at the start of a session or at the time of decision making, for quorum to be achieved. This definition mitigates the risk of low attendance at a Commission meeting impacting decision making. However, this option also allows for a subset of the full membership to make decisions on behalf of the entire membership. For example, if 44 or fewer members registered for a meeting, binding decisions made under Article V of the ICRW could be made by 33 or fewer members. The WG-OE notes that this approach to quorum is used in other intergovernmental organisations (e.g. CITES and CMS), although some members of the working group noted what they considered to be a difference in mandate between IWC and these bodies. The Commission could also be in a position where decisions made do not reflect a majority of the views of the Commission. Thus, placing doubt in the decisions coming from the Commission.

3. When is quorum determined?

Options:

- a) Attendance at the start of the meeting – all members who are at the meeting but not necessarily in the room would count toward quorum.
- b) Present in the room at the start of a session – similar to a) all members who are present in the room at the opening of a session would count towards quorum for the entire session.
- c) Present in the room at any time – if at any time a majority of members are not present in the room, the meeting and/or session would be suspended.
- d) Present in the Room at the time of a decision or vote – this ensures decisions/votes can only be taken when there is quorum in the room at the time of the decision/vote.

Exceptional Circumstances:

Commission Tasking: For future application of the change to RoP E.2(a) and Financial Regulation F.2 agreed at IWC 68, work intersessionally to define criteria for what constitutes exceptional circumstances and a process for decision-making.

Recommendation: The Commission should adopt the proposed changes to Rule of Procedure E.2(a) and Financial Regulation F.2 contained in Annex I.

Background:

At IWC68 the Commission agreed to amend the rules of procedure to Financial Regulation F.2 stating that the right to vote of a Contracting Government “shall be suspended as provided under Rule E.2 of the Rules of Procedure, *unless the Commission decides otherwise in the case of exceptional circumstances*”. It also

agreed to add a new clause to the Rule of Procedure E.2 stating that, “This suspension of voting rights applies until payment is received by the Commission, *unless the Commission decides otherwise in the case of exceptional circumstances*”.

The Commission subsequently instructed the WG-OE to “*work intersessionally to define criteria for what constitutes exceptional circumstances and a process for decision-making*”.

Based on analyses of Rules of Procedures and recent rulings across a wide range of International Governmental Organisations, the WG-OE co-chairs drafted a paper: “Exceptional circumstances option paper (FINAL)” to present potential options and considerations that could be used to facilitate discussions of the WG-OE, inform a recommendation to the F&A, and the Commission at IWC69. The paper split the exercise into two distinct tasks:

1. Define criteria for what constitutes “exceptional circumstances”
2. Define a process for decision-making with regard to applying exemptions to the suspension of voting rights, including:
 - a. Process for application by a Contracting Government for exemption; and
 - b. Process for consideration of applications by the Commission.

The WG-OE held a virtual meeting on 3 April 2024 to discuss the options presented in the paper.

Defining Criteria

There was general agreement that defining strict criteria would be too restrictive for Contracting Governments to feasibly make an application for an exemption from voting rights suspensions, given the broad range of issues that might impact a Contracting Government's ability to pay its annual contributions. Several working group members noted that it would be more appropriate to place the burden of proof on the evidence provided by a Contracting Government, rather than attempt to tightly define very detailed criteria.

Some working group members felt that not defining criteria at all would provide the most flexibility to Contracting Governments when applying for an exception. Conversely, it was also raised that this might increase the risk that exemptions may be granted in cases where the circumstances are not genuinely “exceptional”.

It was broadly agreed that providing some basis via criteria for Contracting Government to frame their justification would reduce the initial burden on the applying Contracting Government and provide a framework of measurement for review of the application and decision-making. Multiple WG-OE members expressed a desire to facilitate clear and straightforward decision-making by the Commission, given ongoing time pressures on the agenda of Commission Meetings.

There was broad agreement that an application from a Contracting Government should be supported by reasonable evidence. A standardised format or template that could be used to structure an application could reduce any administrative burden and would assist review and decision-making by providing some consistency of format and information.

Process to seek restoration of voting rights based on exceptional circumstances

There was broad consensus that exceptions to voting suspensions should be considered following the submission of a written application by the Contracting Government. The application should be submitted

with sufficient time for consideration by the Commission. While applications/requests could be considered at any time, to be considered for restoration of voting rights at a specific Commission Meeting, applications/requests should be submitted at least two-weeks prior to that meeting.

WG-OE members agreed that all applications/requests for restoration of voting rights based on exceptional circumstances should be considered by the entire Commission. The WG-OE considered three options: one option is the request would be considered in private commissioners meeting. The resulting decision would then be reported in Plenary. A second option is for the Finance and Administration Committee to consider the request in a closed session to then be presented to the Commission in plenary. A third option is for applications to be considered by the Chair and Vice-Chair, with advice from the Bureau.

The WG-OE agreed that any restoration of voting rights the Commission approves should only apply to the current meeting. Several WG-OE members also indicated a preference for requests to be linked to compliance with a repayment plan or an indication of the members intent and ability to pay its financial contributions.

Align Suspension of Voting Rights with biennial meeting schedule

Commission Tasking: Further consideration of the proposal to align voting right suspension with the Biennial Meeting schedule and allow Contracting Governments in arrears to participate in intersessional decision making.

Recommendation: The Commission should adopt the proposed changes to Rule of Procedure E.2(a) and Financial Regulation F contained in Annex I.

Currently, Contracting Governments' voting rights are suspended if a Contracting Government's annual payment is not received within 3 months following the due date or the day before the Biennial or Special Meeting or postal vote if held within three months of the due date. The Commission could decide to change when voting rights are suspended and, for ease of administration, could align this with the meeting schedule. If a member does not pay by ten days before the Biennial or Special Meeting, its right to vote would be suspended. This would remove the suspension of voting rights three months after the due date, simplifying when such suspensions occur, but allow for Contracting Governments to be able to vote during a Biennial or Special Meeting after payment of contributions are made. This would also simplify intercessional postal votes when required under Rule of Procedure E.4.

In this case, payment would continue to be due annually, but only be required prior to each Biennial or Special Meeting of the Commission to secure the right to vote. Annual payment of invoices is critical for the Commission to operate effectively and pay its obligations as they are due. The Commission could choose to modify Rule of Procedure E.2(a) and Financial Regulation F.2 the following way: eliminate the three-month voting right suspension language; Remove the inclusion of "Meeting of the Bureau," since the Bureau is not a decision-making body; remove the linkage between voting rights and postal votes.

Payment Plans

Commission Tasking: Further consideration of the proposal to make payment plans more accessible: voting rights could be restored regardless of the length of time in arrears, provided the Contracting Government enters into and adheres to a re-payment plan, including an upfront good-faith payment.

Recommendation: The Commission should adopt modifications to the Financial Regulations contained in Annex I.

The IWC's Financial Rules currently provide for an ability for a Contracting Government to restore its suspended right to vote if a repayment plan of paying two of three or more years outstanding contributions is agreed.

Rule F.5(e) states that a Contracting Government's right to vote will be reinstated if it "makes a payment of two years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years."

However, this rule only applies when a Contracting Government is more than three years in arrears. The Commission could modify its Financial Regulations to allow voting rights to be restored regardless of the length of time in arrears, provided the Contracting Government enters and adheres to a re-payment plan, which would include an upfront good-faith payment (i.e., a minimum of 25%). The Financial Regulations should also be updated to reflect a suspension of voting rights should a Contracting Government fail to adhere to an agreed repayment schedule.

Contracting Governments would still be encouraged to pay their annual fees upfront to support the Commission's operations and cashflow, with payment plans only used if absolutely necessary. A draft suggested change of the Financial Regulations surrounding payment plans is presented for consideration by the WG-OE in Annex 1

Other items

Commission tasking: Further consideration of the proposals from the WG-OE that were not adopted at IWC 68. Consider issues related to obtaining visas for contracting governments to participate in IWC meetings. Consider the IWC conducting meetings in a hybrid format and/or allowing for absentee voting, to facilitate the participation of all contracting governments.

Recommendations: None

The WG-OE further considered the proposals that were not adopted at IWC68. The Working Group agreed that the proposals that did not reach consensus at IWC68 would still not reach consensus and therefore the working group did not focus on this item.

The WG-OE noted that there may be difficulties and delays in some delegates receiving visas to attend the biennial meeting. The WG-OE recognized that visa issues are outside the expertise of the IWC and noted that delegates should work closely with the host country or the country in which the biennial meeting will be held to obtain visas in time to participate in a meeting. The WG-OE had no recommendations on this item.

The WG-OE also discussed whether the IWC should pursue conducting its meetings in a hybrid format and/or allow for absentee voting. The WG-OE noted that while current technology allows for greater use of hybrid meeting formats, most Working Group participants felt that significant drawbacks occurred in a hybrid format. In addition, the Working Group is aware that in other organizations conducting hybrid meetings can be more costly than in person meetings. In particular in a scientific and natural resource focused organization, in person collaboration is essential for the success of the organization and its decision-making. The Working Group agreed that at this time, conducting IWC meetings in a hybrid format and allowing for absentee voting would not contribute to the effectiveness of the organization. No recommendations are put forward on this item.

ANNEX I: RECOMMENDED RULE OF PROCEDURE CHANGES

Quorum options

WG-OE recommends that any changes to the rules of procedure regarding quorum and decision making should be taken by consensus. If consensus to change the Rules of Procedure related to quorum cannot be reached, the existing Rule of Procedure B.1 would remain unchanged.

The following options only make changes to existing Rule of Procedure B.1:

Option 1

This table provides options to select from to modify the applicable sentence in RoP B.1. Several decisions would need to still be made.

	When is Quorum Calculated? <i>Choose one</i>		Who Counts Towards Quorum? <i>Choose one</i>	
Attendance	at the start of a meeting	by the majority of the	members of the Commission	shall constitute a quorum
	in the room at the start of the session		members of the Commission(1)	
	in the room at the time of decision making		registered and [having delegations present at the meeting]	
	in the room any time a point of order suggesting the absence of a quorum is made		[credentialed (in accordance with Rule of Procedure D)] members of the Commission	

(1) Footnote: Except if a member has not participated in the work of the Commission (through payment of dues or attending any meeting of the Commission for [10][15] or more years), then it will not count towards the total number of Commission members. Members that have been party to the ICRW for less than [10][15] years would not be subject to this exception.

Option 2

B. Meetings

1. A quorum for plenary sessions of the Commission’s Biennial meeting consists of a majority of the [members of the Commission] [registered and having delegations at the meeting].

2. No plenary session of the Commission may take place in the absence of a quorum.

~~3.1.~~ The Commission shall hold a regular Biennial Meeting in such a place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:

(a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, Biennial Commission meeting;

(b) a proposed time window within which the meeting will take place; and

(c) a timetable for finalising details of the exact timing and location of the meeting.

~~Attendance by a majority of the members of the Commission shall constitute a quorum.~~ Special meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.

The following options make changes to existing Rule of Procedure B.1 and Rule of Procedure E:

A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. ...

Option 3

Rule B.1

Attendance by a majority of the members of the Commission shall constitute a quorum ***for purposes of holding a meeting.***

Rule E

A majority of the [members of the Commission] [majority of the accredited/credentialed members] shall be present in the room for a decision of the Commission to be taken.

A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. ...

Option 5

Rule B.1

Attendance by a majority of the members⁽¹⁾ of the Commission ***at the start of the meeting,*** shall constitute a quorum ***to hold it (throughout all its sessions).***

(1)Footnote: Except if a member has not participated in the work of the Commission (through payment of dues or attending any meeting of the Commission for [10][15] or more years), then it will not count towards the total number of Commission members. Members that have been party to the ICRW for less than [10][15] years would not be subject to this exception.

Rule E

Decisions by the Commission will be taken by a majority of members present and voting at each session.

A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. ...

Exceptional Circumstances:

Note this does not include other proposals contained in this report.

Rule E.2(a)

The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:

- 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or
- the day before the first day of the next Biennial or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or
- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.

This suspension of voting rights applies until payment is received by the Commission, unless the Commission decides otherwise in the case of exceptional circumstances.

If a member seeks to have its voting rights restored in the case of exceptional circumstances, that member shall prepare a written request to be considered by [the Commission, with advice from the relevant Committee][the Chair and Vice-Chair, with advice from the Bureau]. The written request will contain:

- (1) a description and robust evidence of the exceptional circumstances that prevent the member from fulfilling its financial contribution which are beyond the Contracting Governments control (examples include but are not limited to war and armed conflict, natural or other disasters)***
- (2) a description of the measures that the member will take to settle the arrears and any interest, including timeframe for repayment of its outstanding financial contributions (i.e., a payment plan).***

The written request will be submitted to the [Commission] [Chair and Vice-Chair] for consideration no later than two weeks before the biennial Commission meeting for which the voting right is to be restored. The [Commission] [Chair and Vice-Chair] may only restore voting rights for the Commission meeting for which the request is made.

Financial Regulation F.2

If a Contracting Government's annual payments, including any interest due⁴, have not been received by the Commission by the earliest of these dates:

- 3 months following the due date; or
- the day before the first day of the next Biennial or Special Meeting of the Commission or Meeting of the Bureau if such a meeting is held within 3 months following the due date; or,
- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date,

the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure, unless the Commission decides otherwise in the case of exceptional circumstances.

Changes to assist in encouraging Contracting Government payments

Note this does not include other proposals contained in this report

Rule E.2 of Rules of Procedure:

2. (a) The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by ~~the earliest of these dates:~~

- ~~● 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or~~
- **Ten** the days before the first day of the next Biennial or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or
- ~~● in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.~~

This suspension of voting rights applies until payment is received by the Commission, unless the Commission decides otherwise in the case of exceptional circumstances.

Financial Regulation F.2

2. If a Contracting Government's annual payments, including any interest due¹, have not been received by the Commission by ~~the earliest of these dates:~~

- ~~● 3 months following the due date; or~~
- **Ten** the days of the next Biennial or Special Meeting of the Commission. ~~or Meeting of the Bureau if such a meeting is held within 3 months following the due date; or,~~
- ~~● in the case of a vote by postal or other means, the date upon which votes must be if this falls within 3 months following the due date.~~

the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure, unless the Commission decides otherwise in the case of exceptional circumstances.

¹ A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding. This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and its right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission

Encourage use of payment plans

Note this does not include other proposals contained in this report.

Financial Regulation F

Arrears of Contributions

1. If a Contracting Government's annual payments have not been received by the Commission within 24 months of the due date referred to under Regulation E.2 compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.

2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission by the earliest of these dates:

- 3 months following the due date; or
- the day before the first day of the next Biennial or Special Meeting of the Commission or Meeting of the Bureau if such a meeting is held within 3 months following the due date; or,
- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date,

the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure, unless the Commission decides otherwise in the case of exceptional circumstances.

3. Any interest paid by a Contracting Government to the Commission in respect of late annual payments shall be credited to the General Fund.

4. Any payment to the Commission by a Contracting Government in arrears with annual payments shall be used to pay off debts to the Commission, including interest due, in the order in which they were incurred.

5. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission in respect of a period of 3 financial years;

~~(a)~~ no further annual contribution will be charged;

~~(b)~~ interest will continue to be applied annually in accordance with Financial Regulation F.1.;

~~(c)~~ the provisions of this Regulation apply to the Contracting Government for as long as the provisions of Financial Regulations F.1. and F.2. remain in effect for that Government;

~~(d)~~ the Contracting Government concerned will be entitled to attend meetings on payment of a fee per delegate at the same level as Non-Member Government observers;

~~(e)~~ the provisions of this Regulation and of Financial Regulations F.1. and F.2. will cease to have effect for a Contracting Government if it makes a payment of 2 years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years; ***Should a Contracting Government fail to meet the agreed payment plan, the right to vote of the Contracting Government shall be suspended as provided for under Rule E.2 of the Rules of Procedure;***

(f~~g~~) interest applied to arrears in accordance with this Regulation will accrue indefinitely except that, if a Government withdraws from the Convention, no further charges shall accrue after the date upon which the withdrawal takes effect.

6. For a Contracting Government to which Financial Regulation F.1 or F.5 applies, it may propose an alternative payment plan schedule, including a good-faith payment of outstanding contributions and/or interest for consideration [by the Commission][by the Chair and Vice-Chair with advice from the Bureau]. Should the proposed payment plan be accepted, the provisions of Financial Regulations F.2 shall cease to have effect. Should a Contracting Government fail to meet the agreed payment plan, the effect of the above provisions will be reinstated.

76. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission any financial obligations incurred prior to its adherence shall, with effect from the date of adherence, be subject to all the penalties prescribed by the Rules of Procedure and Financial Regulations relating to arrears of financial contributions and interest thereon. The penalties shall remain in force until the arrears, including any newly-charged interest, have been paid in full.