



INTERNATIONAL WHALING COMMISSION

Monday 9th September 2024

Virtual Meeting

10:00-1200 (BST)

Attendance:

Bureau Members:

Amadou Télivel Diallo	(Chair, Republic of Guinea)
Nick Gales	(Vice-Chair, Australia)
Margie Eddington	(BSC Chair, Australia)
Suzi Heaton	(Australia)
Miguel Iniguez	(CC Vice-Chair, Argentina)
Stephanie Langerock	(Belgium)
Horace Walters	(Saint Lucia)
Mi Ae Kim	(USA)
Lisa Phelps	(WGOE Co-Chair, USA)

Invited Participants:

Lindsay Porter	(SC Vice-Chair, UK)
Jack Collier	(CC Chair, WGOE Co-Chair, UK)
Julio Reinoso	(Peru)

Secretariat:

Martha Rojas Urrego	(Executive Secretary)
Nikki Bartmeier	(Head of Finance & Administration)
Iain Staniland	(Head of Science, Conservation & Mgt)
Mark Tandy	(Head of External Affairs & Communications)
Kate Wilson	(Communications Manager)
Moussa Ki Sow	(IT Support)
Patrick Naylor	(Publications)

1. Opening remarks

The Chair thanked Bureau members for their participation in the final Bureau meeting before IWC69.

The Chair informed the Bureau that the Chairs and Vice-Chairs of the Finance & Administration Committee (F&A), Scientific Committee (SC), Conservation Committee (CC), the Working Group on Operational Effectiveness (WGOE) and Budgetary Sub-Committee (BSC) had been invited to join the meeting. The Chair also welcomed the new Commissioner from Peru and informed the Bureau that he was going to provide an update under Item 5 as the host government to IWC69.

2. Adoption of Agenda

The Agenda was adopted with amendments to Item 7 to address the membership of Bureau.

3. Appointment of Rapporteur

The Secretariat was appointed Rapporteur.

4. Update on preparatory process for IWC69

4.1. Issues arising from the virtual meetings of the IWC Sub-Committees

The Chair congratulated the Chairs and Vice-Chairs of the IWC's various Committees and Sub-Committees on the progress of their virtual meetings. The Chair invited each respective Chair to provide a summary of the key outcomes from these meetings.

The Co-Chairs of the WGOE explained that, while there was no consensus for a single recommendation to change the Rules of Procedure (RoP) on quorum, the WGOE agreed to recommend that changes to RoP on decision making could only be made if there was consensus, and that if there was no consensus the rules would stay as they are. There was general agreement on its other recommendations to the F&A Committee. The Report is finalised.

The Chair of the BSC confirmed that the BSC and F&A agreed to accept the Financial Reports for 2022 and 2023 and the forecasted outturn for 2024. The Chair provided a summary of the robust discussion of the budget proposal highlighting that there was a range of views. There are a number of vacancies on the BSC, including the Vice-Chair role. The Report is out for comment.

The Acting Chair of F&A explained that the F&A Committee endorsed the WGOE's approach to quorum and agreed to recommend three options for discussion at IWC69. F&A endorsed changes to the RoP on exceptional circumstances, voting rights and payment plans. It also endorsed proposed changes in RoP regarding SC leadership positions. Further proposals will be discussed at IWC69. The Report is out for comment.

Regarding the work of Whale Killing Methods & Welfare Issues (WKM&WI) Working Group, a point was raised to keep requests for funding Secretariat capacity under the Voluntary Welfare fund within that fund, and not to expect such funding to come from the Voluntary Conservation Fund.

The Chair of the CC reported that the CC endorsed new workplans, standardised Terms of Reference (ToR) and endorsed new Conservation Management Plans (CMP) for consideration at IWC69. The CC also noted new requests to the Voluntary Conservation Fund (VCF) exceed the resources currently available. There was agreement to explore improvements in the management of the fund and to consider the funding of Secretariat capacities. The Report is out for comment.

The Vice Chair thanked the Chairs and Vice-Chairs for having completed their agendas in the new context of virtual meetings and thanked the Secretariat for organizing what was a complex process. He noted that while

a good number of people participated, those people did not include a good representation of the disparate views across Parties. He further highlighted that some issues cannot be resolved in virtual settings and suggested further analysis of participation from members and whether it was sufficiently broad to reflect their full views.

The Chair noted that all members of the IWC have praised the Secretariat's work during the intersessional period but recognised that the Secretariat's budget has been reduced with severe cuts in IWC68, while its workload has increased. The Chair therefore encouraged members to consider creative ways to save costs in other areas of the IWC's activities. The Chair emphasised the need to establish an appropriate process to discuss sensitive and/or confidential issues, particularly human resources.

The Chair recognised that the virtual meetings have been well organised, with good overall participation, but noted that the Secretariat had very little time following SC69B to arrange the virtual meetings, and very little time between the virtual meetings and IWC69 to finalise reports. The Chair suggested it would be preferable to hold future Commission meetings in October – with Bureau raising the need to consider any potential clashes with other international meetings and events.

The Chair also raised other key issues arising from the virtual meetings, including the range of time zones for delegates, the burden on the Secretariat and the application of RoP across various issues, including credentials, payment of participation fees, the confidentiality of reports and deadlines.

The Bureau recognised the burden of these virtual meetings on the Secretariat and members, and stressed the importance of ensuring virtual meetings are inclusive for all members of the IWC. The Bureau raised the possibility of revisiting previous proposals to hold Committee and Sub-Committee meetings in person, before the Commission meeting.

The Secretariat confirmed it will prepare an analysis of participation and a summary of relevant international meetings scheduled to take place in October to support discussions about future Commission meetings.

4.2. Registration and status of voting rights

The Secretariat presented its Report on Financial Contributions and Voting Rights (updating the information provided in the BSC report). To date, the Secretariat has received full contributions from 48 Contracting Governments, with 40 Contracting Governments yet to pay full contributions, seven of which have only part of the invoice outstanding.

On 22 September 2024, any Contracting Government with outstanding financial contributions will lose its right to vote, in accordance with Financial Regulation F.2. The Secretariat pointed out that 22 September is a Sunday and therefore encourages Contracting Governments to transfer outstanding monies on Friday 20 September 2024. The Secretariat confirmed that a circular will go out to Contracting Governments on 9 September to share this information.

The Secretariat informed the Bureau that, to date, 290 participants have registered to attend IWC69, including 64 countries and 50 observers. While these numbers are similar to IWC68, the Secretariat anticipates further registrations before IWC69. The Bureau suggested there would be operational advantages to introducing a deadline for registrations. The Secretariat will address this for future meetings.

4.3. Proposed timetable for IWC69 (BUR-2409-04.3-01)

The Bureau discussed whether the proposed timetable for the first day of Plenary sessions is achievable. The Secretariat explained that it had used the timetable for IWC68 as guidance, with some indicative timings for each Agenda Item. The Secretariat explained that in the first day, the issues will only be presented and that substantive discussion would take place later in the week – for example for Items 13 and 14. The Secretariat

also explained that the proposed timetable allows for proposed Resolutions and Schedule Amendments to be presented on Day One with substantive discussion to follow on Day Two.

4.4. Other updates

There were no further updates.

5. Updates from the Secretariat (BSC-2409-05-01)

The Secretariat reported on progress in its preparations for IWC69, including logistics for main and side meetings arranged and relevant information available on the IWC website. The Secretariat thanked the Commissioner for Peru for his efforts.

The Commissioner for Peru shared the Peruvian Government's enthusiasm about the upcoming meeting and provided an update on preparations, including coordination with embassies to resolve any outstanding visa issues this week. Bureau emphasized the importance of the visa arrangements and the need for rapid responses especially for delegates who also need to get visas to transit in Europe.

The Secretariat provided an update on the sale of the Red House. Members of the Secretariat signed statutory declarations as part of the potential buyer's application for a Change of Use.

The Secretariat provided an update on its latest internship placement, funded by the Oxford University Crankstart Internship Programme, to develop social media products in coordination with the SC.

The Secretariat provided an update on its external engagement, including the Committee on Fisheries of the FAO (July 2024), the Regional Fishery Body Secretariat's Network and preparation for the upcoming COP of the Convention on Biological Diversity. The Secretariat also facilitated two regional training workshops on strandings response and disentanglement.

The Chair raised the case of recent cetacean strandings in the Gulf of Guinea. The Secretariat confirmed the Strandings Coordinator will follow up with information about support for strandings response training and resources.

6. Next Bureau meeting at IWC69

The Bureau agreed to meet again after the Private Commissioners' Meeting on Sunday 22 September 2024, in Lima, Peru, and at mid-point, with any further Bureau meetings during IWC69 to be arranged as required.

7. Any Other Business

7.1. Rule of Procedure F.5(e)

According to RoP F.5(e) *"if a Contracting Government's annual payment, including any interest due, have not been received by the Commission in respect of a period of 3 financial years (...) 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"*.

The Secretariat had sought advice from the Chair and Vice Chair on this rule.

The Chair noted this is an unusual RoP which imposes an additional penalty on parties and risks restricting participation in the IWC's discussions. He was not aware that this rule had been applied in the past and therefore his view was that it should not be applied at IWC69.

The Vice-Chair mentioned that the Chair, Vice Chair and Executive Secretary had previous discussions and considered that this needed to be shared with the Bureau. The Vice-Chair explained that because this is an existing rule, it is not possible to change the RoP prior to IWC69, but the Chair can use his authority to follow the precedent of IWC68 for IWC69.

Members of the Bureau asked for more information about how this RoP has been applied. The Secretariat explained this RoP has not been applied in the past. Bureau asked about financial implications and the Secretariat shared some approximate calculations– £947 per delegate, stressing that this potential income has not been part of the IWC budget.

Bureau members shared the rationale while also highlighting the importance of upholding the RoP and not setting a precedent. They suggested that the WGOE could look at this issue intersessionally.

Given that the rule had not been applied in the past, that not applying it would not result in loss of expected income, and that there was confusion in the application of this rule, the Bureau supported the Chair to use his authority to make an allowance for the purpose of IWC69 and to inform the Private Commissioners meeting. The Bureau suggested the WGOE might consider formal proposals to amend this RoP during the next intersessional period.

7.2. Request from the Government of Japan to circulate to members a letter addressed to the Chair of the Scientific Committee

The Bureau was asked for advice on the request from the government of Japan to the Executive Secretary to circulate the letter addressed to the SC Chair.

The Vice-Chair of the SC explained the background to this issue. The SC Chair had received three letters from the Government of Japan, regarding its commercial whaling in its Exclusive Economic Zone and had requested the SC Leadership to circulate the latest letter to Contracting Governments. The SC Vice-Chair explained that the methodology used to determine catch quotas as described in the letters has not been endorsed by the SC. The SC Chair had explained that it was not in his prerogative as chair of the Scientific Committee to circulate letters addressed to him to Contracting Governments of the Commission.

The Bureau asked the Secretariat about any precedent regarding such requests. The Secretariat informed Bureau that it had never circulated a letter from a non-member Government to all Contracting Governments. A request had been made in 2022 by the Government of Japan to send their quotas by circular to all members and the request had not been approved.

The Bureau considered the request and the background provided and decided not to support circulation of the correspondence for the following reasons: (1) this could set a precedent for sharing information from non-member governments; (2) the correspondence contains information that is contested and not supported by the SC; (3) this information is already available in the public domain and has been widely reported.

7.3. Membership of the Bureau

At the request of Belgium, the Bureau briefly discussed the possibility of reducing its outstanding membership period to two years to ensure membership is staggered between Contracting Governments. The Bureau agreed to discuss this at the next Bureau meeting.