

Rules of Procedure and Financial Regulations

As amended by the Commission at the 68th Meeting, October 2022

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RULES OF PROCEDURE

A. Representation

1. A Government party to the International Convention for the Regulation of Whaling, 1946 (hereafter referred to as the Convention) shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his/her designation and notify the Secretary promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment.
2. In addition to the Commissioner, each Contracting Government is invited to establish an additional means of communication between the Chair and Secretary of the Commission and that Government by designating an Alternate Commissioner or by creating a focal or contact point (which could be an e-mail address). The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Commissioner, Alternate Commissioner or the focal or contact point shall also be posted on the Commission's public web site.
3. All Contracting Governments shall furnish the Secretary of the Commission with the contact details of the national office responsible for making payment of financial contributions.

B. Meetings

1. The Commission shall hold a regular Biennial Meeting in such 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.

2. Before the end of each Biennial Meeting, the Commission shall decide on: (1) the length of the next Biennial Commission Meeting and associated meetings and (2) which of the Commission's sub-groups need to meet.
3. The Scientific Committee shall meet *at least biennially ~~annually~~, and must meet in years when SC advice is required by the Commission for ASW quota renewal*. Other committees and sub-committees shall meet biennially, prior to the meeting of the Commission. However, this does not preclude intersessional work by these committees and sub-groups from continuing.
4. The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfil its functions in accordance with Rule M.9. The Chair may invite Contracting Governments who are not members of the Bureau, as appropriate, to attend in-person Bureau meetings.

C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.
- (b) Any non-governmental organisation which expresses an interest in matters covered by the Convention, may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

(c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will cover attendance at the Biennial Commission Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Biennial Commission Meeting.

2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of Committees and all subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and closed meetings of the Finance and Administration Committee.

3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.

D. Credentials

1.(a) The names of all representatives of member and non-member governments and observer organisations to any meeting of the Commission or committees, as specified in the Rules of Procedure of the Commission, Technical and Scientific Committees, shall be notified to the Secretary in writing before their participation and/or attendance at each meeting. For member governments, the notification shall indicate the Commissioner, his/her alternate(s) and advisers, and the head of the national delegation to the Scientific Committee and any alternate(s) as appropriate.

The written notification shall be made by governments or the heads of organisations as the case may be. In this context, 'governments' means the Head of State, the Head of Government, the Minister of Foreign Affairs (including: on behalf of the Minister of Foreign Affairs), the Minister responsible for whaling or whale conservation (including: on behalf of this Minister), the Head of the Diplomatic Mission accredited to the seat of the Commission or to the host country of the meeting in question, or the Commissioner appointed under Rule A.1.

(b) Credentials for a Commissioner appointed for the duration of a meeting must be issued as in D.1(a). Thereafter, until the end of the meeting in question, that Commissioner assumes all the powers of a Commissioner appointed under A.1., including that of issuing credentials for his/her delegation.

(c) In the case of members of delegations who will attend the Biennial Commission Meeting and its associated meetings, the notification may be made *en bloc* by submitting a list of the members who will attend any of these meetings.

(d) The Secretary, or his/her representative, shall report on the received notifications at the beginning of a meeting.

(e) In case of any doubt as to the authenticity of notification or in case of apparent delay in their delivery, the Chair of the meeting shall convene an *ad hoc* group of no more than one representative from any Contracting Government present to decide upon the question of participation in the meeting.

E. Decision-making

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. The text will also be made simultaneously available to all other accredited participants. The text shall normally be distributed or presented in English and conveyed in the other working

languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.

The Commission shall make every effort to reach its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the following Rules of Procedure shall apply:

1. Each Commissioner shall have the right to vote at Plenary Meetings of the Commission and in his/her absence his/her deputy or alternate shall have such right. Experts and advisers may address Plenary Meetings of the Commission but shall not be entitled to vote. They may vote at the meetings of any committee to which they have been appointed, provided that when such vote is taken, representatives of any Contracting Government shall only exercise one vote.

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.***

(b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means: (i) until 30 days after the date of adherence, although they may participate fully in discussions of the Commission; and (ii) unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3., the day before the first day of the Biennial or Special Meeting concerned.

3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.

(b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.

(c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.

(d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC Biennial Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.

4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple majority shall be of those Contracting Governments whose right has not been suspended under paragraph 2 casting an affirmative or negative vote, or where required, the necessary three-fourths majority; shall be of those Contracting Governments whose right to vote has not been suspended under paragraph 2 casting an affirmative or negative vote. In each case, a simple majority of the members of the Commission must have cast a vote.

F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the Biennial Meeting at which he/she is elected. The Chair shall serve for a period of two years and shall not be eligible for re-election as Chair until a further period of two years has elapsed. The Chair shall, however, remain in office until a successor is elected, if he/she agrees to do so.

The Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Chair.

2. The duties of the Chair shall be:

- (a) to preside at all meetings of the Commission and Bureau;
- (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to appeal against any ruling of the Chair.
- (c) to call for votes and to announce the result of the vote to the Commission;
- (d) to develop, with appropriate consultation, draft agenda for meetings of the Commission and Bureau.
 - (i) for Biennial Meetings:
 - in consultation with the Bureau, to develop a draft agenda based on decisions and recommendations made at the previous Biennial Meeting for circulation to all Contracting Governments and Commissioners for review and comment not less than 100 days in advance of the meeting;
 - on the basis of comments and proposals received from Contracting Governments and Commissioners under d(i) above, to develop with the Secretary, an annotated provisional agenda for circulation to all Contracting Governments not less than 60 days in advance of the meeting;
 - (ii) for Special Meetings, the two-stage procedure described in (i) above will be followed whenever practicable, recognising that Rule of Procedure J.1 still applies with respect to any item of business involving amendment of the Schedule or recommendations under Article VI of the Convention.
- (e) to sign, on behalf of the Commission, a report of the proceedings of each biennial or other meeting of the Commission and Bureau, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired;
- (f) generally, to make such decisions and give such directions to the Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decision.
- (g) the Chair may form ad hoc groups of interested Commissioners at any time to facilitate the reaching of consensus consistent with Rule E.

G. Vice-Chair

1. The Vice-Chair of the Commission shall be elected from time to time from among the Commissioners and shall preside at meetings of the Commission and Bureau, or between them, in the absence or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair. The Vice-Chair shall be elected for a period of two years and shall not be eligible for re-election as Vice-Chair until a further period of two years has elapsed. He/she shall, however, remain in office until a successor is elected, if he/she agrees to do so.

The Vice-Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Vice-Chair.

H. Secretary

1. The Commission shall appoint a Secretary and shall designate staff positions to be filled through appointments made by the Secretary. The Commission shall fix the terms of employment, rate of remuneration including tax assessment and superannuation and travelling expenses for the members of the Secretariat.

2. The Secretary is the executive officer of the Commission and shall:

- (a) be responsible to the Commission for the control and supervision of the staff and management of its office and for the receipt and disbursement of all monies received by the Commission;
- (b) make arrangements for all meetings of the Commission, its committees and the Bureau and provide necessary secretarial assistance;

(c) prepare and submit to the Chair a draft of the Commission's budget for each two year period and shall subsequently submit the budget to all Contracting Governments and Commissioners as early as possible before the Biennial Meeting;

(d) despatch by the most expeditious means available:

(i) a draft agenda for the Biennial Commission Meeting to all Contracting Governments and Commissioners 100 days in advance of the meeting for comment and any additions with annotations they wish to propose;

(ii) an annotated provisional agenda to all Contracting Governments and Commissioners not less than 60 days in advance of the Biennial Commission Meeting. Included in the annotations should be a brief description of each item, and in so far as possible, documentation relevant to agenda items should be referred to in the annotation and sent to member nations at the earliest possible date;

(e) receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission;

(f) perform such other functions as may be assigned to him/her by the Commission or its Chair;

(g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.

(h) maintain the Commission's public web site, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.

I. Chair of Scientific Committee

1. The Chair of the Scientific Committee usually attends meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

J. Schedule amendments, recommendations under Article VI and Resolutions

1. No item of business which involves amendment of the Schedule to the Convention, recommendations under Article VI of the Convention, or Resolutions of the Commission, shall be the subject of decisive action by the Commission unless the full draft text has been circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

2. Notwithstanding the advance notice requirements for draft Resolutions in Rule J.1, at the recommendation of the Chair in consultation with the Bureau, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.

3. Notwithstanding Rules J.1 and J.2, the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.

4. If a proposal to amend Schedule paragraph 13 is circulated to the Commissioners 90 days or more in advance of the Commission meeting at which that proposal is to be discussed, then Contracting Governments should endeavour to submit comments on the proposal for circulation to the Commissioners at least 30 days in advance of the meeting to facilitate consideration by the Commission. Any responses made to comments received should also be circulated to all Commissioners as soon as possible.

K. Financial

1. The financial year of the Commission shall be from 1st January to 31st December

2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.

3. Annual payments and other financial contributions by Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

L. Offices

1. The seat of the Commission shall be located in the United Kingdom.

M. Committees

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.

2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.

3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.

4. (a) The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall review current and potential threats and methods to mitigate them in order to maintain cetacean populations at viable levels, shall provide conservation and management advice where appropriate, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.

(b) Any *ad hoc* committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.

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 Biennial Commission meeting or* within 21 days of the conclusion of the Scientific Committee meeting, *whichever is the sooner*.

In years when the Scientific Committee and Commission both meet, the Scientific Committee report shall be considered formally adopted at the Commission meeting. In years when the Commission meeting is not held, the Scientific Committee report shall be considered adopted in its entirety provided no objections are received within 30 days of its circulation to the Commission by the Secretariat. Should an objection to any section be received by the Commission, that section of the report shall be considered not adopted until the matter is resolved by the Chair of the Commission or, if that is not possible, at the subsequent Biennial Meeting.

6. The Secretary shall be an *ex officio* member of the Scientific Committee without a vote.

7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:

(a) Management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;

(b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;

(c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;

(d) Commission agenda items assigned to it;

(e) any other matters.

8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time. The Chair of the Finance and Administration Committee may close to observers at his or her discretion, portions of meetings of the Committee during which sensitive matters such as personnel questions will be discussed.

9. The Commission shall establish a Bureau. It shall be comprised of the Chair of the Commission, the Vice-Chair of the Commission, the Chair of the Finance and Administration Committee, and four Commissioners

representing a range of views and interests *with a regional balance*. Commissioners shall be appointed to the Bureau for a period of **2-6** years at Biennial Commission Meetings, *with any membership changes being staggered*. In addition, the Commissioner of the host Government for the next meeting of the Commission will serve in an *ex officio* capacity for a period of two years. The Secretary will support Meetings of the Bureau.

The Chair of the Commission will serve as the Chair of the Bureau and may call upon Chairs of the Commission's sub-groups and committees to participate in Bureau discussions, as appropriate.

The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on-going under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:

- provide advice to the Chair and Secretariat on implementing Commission decisions;
- advise the Secretariat on administrative and financial matters between meetings of the Commission;
- assist in the preparation for meetings of the Commission and its sub-groups and committees;
- review progress of work of the committees and sub-groups;
- provide support to the Chair during meetings of the Commission, as may be requested by the Chair.

The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the Convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of making recommendations to that Committee. ***Bureau documents shall be made available in advance of Bureau meetings, except those that are sensitive or must remain confidential.***

N. Languages of the Commission

1. English shall be the official language of the Commission. English, French and Spanish shall be the working languages of the Commission. Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English. Agreed publications shall be available in English, French and Spanish¹.

O. Records of Meetings

1. The proceedings of the meetings of the Commission, its committees and the Bureau shall be recorded in summary form.

2. The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's public web site in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.

P. Reports and communications

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.

2. The Chair's Report of the most recent Biennial Commission Meeting or Meeting of the Bureau shall be posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.

3. All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the Bureau, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by

¹ As agreed at IWC 59 in Anchorage in 2007: i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of: (1) Resolutions and Schedule amendments; (2) the Chair's reports of biennial meetings and meetings of the Bureau; (3) Annotated Provisional Agendas; and (4) summaries of the Scientific Committee and working group reports. *Ann. Rep. Int. Whaling Comm. 2007: 56-57.*

Contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. Every year a list of dates and subject titles of such confidential communications shall be sent to all Commissioners and Contracting Governments and presented to the next Biennial Meeting or to the Bureau in years when the Commission does not meet.

Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).

2. Documents, including those of the Bureau, shall be made available in advance of meetings.

3. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted². Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.

4. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the Biennial or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation.

The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments.³

5. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission's public web site in an accessible fashion by year and category of document.

R. Amendment of Rules

R.1. These Rules of Procedure and the Rules of Debate may be amended from time to time by a simple majority of the Commissioners voting, but the full draft text of any proposed amendment shall be circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

² This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

³ There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.

FINANCIAL REGULATIONS

A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1 of the Rules of Procedure ~~in respect of those Rules.~~
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

B. Financial Year

1. The financial year of the Commission shall be from 1st January to 31st December. ~~(Rules of Procedure, Rule K.1).~~

C. General Financial Arrangements

1. General Fund

- (a) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.
- (b) *In order to ensure financial sustainability, the Commission's General Fund should maintain reserves at a level sufficient to cover minimum 6 months of operational costs.*

2. Voluntary Funds

- (a) *Voluntary Funds may be established by the Commission from time to time for the orderly management of voluntary contributions, outside core funds.*
 - (i) *Requests to establish new Voluntary Funds shall be submitted to the Finance & Administration Committee. The Finance and Administration Committee shall seek guidance from the Secretariat as to whether new funds are required for the orderly administration of contributions, before the request is made to the Commission for consideration.*
- (b) *Rules for the administration of Voluntary Funds, including details of the Commission representative responsible for the management of each Voluntary Fund, are given in Annex 1 to the Financial Regulations.*

~~There shall be established a Research Fund, a General Fund, a Voluntary Fund for Small Cetaceans Research and Conservation, a Voluntary Fund for Aboriginal Subsistence Whaling, a Voluntary Conservation Fund, a Voluntary Research Fund on Southern Ocean Research Partnership and a Voluntary Assistance Fund to facilitate Contracting Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments), to Participate fully in the Work of the Commission (the Voluntary Assistance Fund).~~

~~(e) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature. The Research Fund shall have a balanced distribution among activities, defined according to conservation priorities and the work of the Commission, including small cetaceans. The details of the Research Fund are given under Scientific Committee Rules of Procedure G and in the Handbook of the Scientific Committee.~~

~~(d) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.~~

~~(e) The details of the Voluntary Fund for Small Cetaceans Research and Conservation are given in Appendix 1.~~

~~(f) The details of the administration of funding from the Voluntary Fund for Aboriginal Subsistence Whaling are given in Appendix 2.~~

~~(g) The details of the Voluntary Conservation Fund are given in Appendix 3.~~

~~(h) The details of the administration of funding from the Voluntary Research Fund on Southern Ocean Research Partnership are given in Appendix 5.~~

~~(i) The details of the administration of funding from the Voluntary Assistance Fund to facilitate eligible Groups 1 and 2 Governments to Participate fully in the Work of the Commission are given in Appendix 4.~~

3. Acceptance of Voluntary Contributions

- (a) Subject to the restrictions and limitations of the following paragraphs, the Commission may accept funds from *sources* outside the regular contributions of Contracting Governments *to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the*

objectives and provisions of the Convention. These funds are referred to as Voluntary Contributions.

~~The Commission may accept such funds to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention.~~

- (b) The Commission shall not accept ~~external funds~~ *Voluntary Contributions* from any of the following:
- (i) Sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention;
 - (ii) Individual companies directly involved in ~~legal-commercial whaling under the Convention~~;
 - (iii) Organisations which have deliberately brought the Commission into public disrepute.

4. Investments

- (a) *To ensure that Commission funds are safeguarded against risks such as bank failure*, monies in any of the Funds that are not expected to be required for disbursement within a reasonable period may be invested in ~~appropriate Government or similar loans by the Secretary in consultation with the Chair.~~ *any of the following instruments:*
- (i) *For durations not exceeding 12 months:*
 - *UK Government instruments*
 - *Certificates of Deposit, term deposits or similar investments rated 'BBB+' or above by at least one credit rating agency.*
 - (ii) *Liquid investments with the Commission's own banker regardless of rating. 'Liquid' is defined as being accessible within 30 days.*
 - (b) *The primary consideration in determining the investment strategy for the Commission shall be to safeguard the funds of the Commission and not primarily to seek a return. Funds shall be invested in such a way as to place primary emphasis on avoiding the erosion of principal funds while ensuring the liquidity necessary to meet the Commission's cash flow requirements.*
 - (c) *Wherever possible, the Secretariat should consider environmental, social, and governance factors when making investment decisions.*
 - (d) *Interest shall be credited to funds proportionately based on the closing balances on each fund at the end of the financial year.*

5. Responsibilities of the Executive Secretary

- (a) *The Executive Secretary is accountable to the Commission for ensuring that the Secretariat's budget is properly managed.*
- (b) The *Executive Secretary* shall, *for all Commission Funds*:
- (i) establish detailed *operational* financial procedures and *keep* accounting records *in accordance with international financial best practices to ensure economy, efficiency and effectiveness in the administration of Commission funds* ~~as are necessary to ensure effective financial administration and control and the exercise of economy;~~
 - (ii) deposit and maintain the funds of the Commission in an account in the name of the Commission in a bank to be approved by the Chair;
 - (iii) cause all payments, *including travel expense payments*, to be made on the basis of supporting ~~vouchers~~ *invoices, receipts, or other documentary evidence showing* ~~and other documents which ensure that the services or goods have been received, and that payment has not previously been made;~~
 - (iv) designate ~~the officers of the Secretariat~~ *positions to support the Commission in the good governance of core and voluntary income as appropriate, and Secretariat positions that* ~~who~~ may receive monies, incur obligations and make payments on behalf of the Commission;
 - (v) authorise the writing off of losses of cash, stores and other assets ~~and submit a statement of such amounts written off to the Commission and the auditors with the annual accounts;~~
 - (vi) *establish proper segregation of duties in procedures for disbursing funds;*
 - (vii) *annually prepare guidance on, and revise, a schedule that details the cost assumptions when planning*

Commission activities.

D. Financial ~~Yearly~~ Statements

1. The accounts of the Commission shall be audited annually by a firm of qualified **auditors** ~~accountants~~ selected by the Commission. The auditors shall ~~certify~~ **advise the Commission whether the accounts show a true and fair view of the Commission's financial position, free from material misstatement or error.** ~~that the financial statements are in accord with the books and records of the Commission, that the financial transactions reflected in them have been in accordance with the rules and regulations and that the monies on deposit and in hand have been verified. The most recent audited financial statements and the audit report shall be submitted to the Biennial Meeting or to the Bureau in years when the Commission does not meet and posted on the Commission's public website by the opening of the Biennial Meeting or Meeting of the Bureau.~~
2. At each Biennial Meeting, there shall be laid before the Commission ~~two financial statements:~~
 - (a) **the most recent audited financial accounts and auditor's report;**
 - (b) a provisional ~~statement~~ financial forecast showing ~~dealing with~~ the actual and estimated expenditure and income in respect of the current financial year;
 - (c) the budget estimate of expenditure and income for the ensuing two year period, **and a provisional estimate for a further two-year period**, including the estimated amount of the individual annual payment to be requested of each Contracting Government for each of the ensuing two years;
 - (d) **information on invested Commission funds that outlines investment methods and the kinds of certificates of deposits and/or instruments chosen.**
3. In years when no Biennial Commission Meeting is held the **documents in Regulation D.2.** ~~provisional statement for the current financial year identified in regulation D.1.(a)~~ shall be laid before the Meeting of the Bureau.
 - (a) ~~in years when no biennial Commission Meeting is held the Bureau shall review the second half of the two year budget. Expenditure and income shall be shown under appropriate sub heads accompanied by such explanations as the Commission may determine.~~
- 4 **The most recent audited accounts will be made available on the Commission's public website.**
- 5 The ~~two financial statements~~ **documents** identified in Regulation D.2 shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the Biennial Commission Meeting. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts shall be sent to all Contracting Governments after they have been audited. In years when the Commission does not meet, the ~~provisional financial statement~~ forecast for the current year shall be made available to each Contracting Government and each Commissioner ~~not less than 60 days~~ in advance of the Meeting of the Bureau.
- 6 ~~Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.~~

E. Contributions

- 1 As soon as the Commission has approved the budget for any year, the **Executive** Secretary shall send a copy thereof to each Contracting Government (~~in compliance with Rules of Procedure, Rule K.2~~), and shall request it to remit its annual payment. **Contributions shall be calculated according to the Commission's agreed funding formula.**
- 2 Payment shall be in pounds sterling, ~~drafts being and paid 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 30 June, the 'due date' whichever is the later.
- 3 It shall be open to any Contracting Government to ~~postpone~~ **defer** the payment of any increased portion of the ~~amount which~~ **its annual contribution resulting from a change in Capacity to Pay Groups. The Contracting Government must obtain written agreement to defer the increased portion of its annual contributions from the Executive Secretary 30 days before payment is due. The deferred portion shall be payable paid in full by the following 31 December of that year which then becomes the 'due date'. The non-deferred portion must still be paid to the Commission by 30 June.**
- 4 Payment shall be by bank transfer **only** from an account belonging to the Contracting Government or to a state

institution of that Government. ***Contracting Governments must cover any bank charges associated with the transaction.***

- 5 New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention or before the first day of any Meeting of the Commission or Bureau in which it participates, whichever is the earlier. Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.
- 6 ***Contracting Governments leaving the Commission will be liable for the full year's contributions in the year that their adherence to the Convention ceases plus any arrears or interest outstanding.***
- 7 The ***Executive*** Secretary shall report at each Biennial Meeting and Meeting of the Bureau the position as regards the collection of annual payments. ***These reports will also be made available to Commissioners. The report shall also be sent to all Commissioners including those who are not members of the Bureau before the beginning of the Meeting of the Bureau in the years when the Commission does not meet.***
- 8 ~~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.~~

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 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.***

- 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.

⁴ 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.

- 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;
- (b) no further annual contribution will be charged;
 - (c) interest will continue to be applied annually in accordance with Financial Regulation F.1.;
 - (d) 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;
 - (e) 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;
 - (f) 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;
 - (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 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.

G Budgets

1. Budget Setting

- (a) *The Commission shall agree a two-year budget and shall agree a provisional budget for the following two years at its Biennial Meeting.*
- (b) *The Commission shall make every effort to adopt the budget by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the procedure outlined in section E of the Rules of Procedure shall apply.*
- (c) *The Commission shall not agree deficit budgets. Budgeted income must equal or exceed budgeted expenditure.*
- (d) *Budgets shall be prepared using a zero-based approach. This means that no costs or activities shall be included in the budget for the forthcoming period just because they figured in current or previous periods. Rather, budget items will be considered and justified based on the Commission's forthcoming priorities and work plan. Under this approach, the contributions formula shall be applied to the total of the agreed expenditure budget to ensure it is entirely covered by core contributions.*

2. Budget Management

- (a) *Core funds (i.e. not voluntary funds) may not be expended before the financial year in which they are allocated.*
- (b) *All Commission funds awarded to third parties for research, projects, or workshops shall be supported by a contract signed by the individual and a designated Secretariat representative.*
- (c) *Clear audit trails shall be kept for all transactions, including invoices and receipts for income and expenditure and any other supporting document required as part of accounting practices.*
- (d) *No less than 3 months before a Scientific Committee Meeting, the Secretariat shall provide the Scientific Committee Chair with the estimated travel costs for funded invited participants to attend the Scientific Committee meeting so that a decision may be made on participant numbers. Cost estimates will include:*
 - (i) *Economy airfare*
 - (ii) *Accommodation*
 - (iii) *Subsistence / Per Diem*
 - (iv) *Local Travel*
 - (v) *Any visa fees*

3. Variations

- (a) *For core funds (i.e. monies not administered under the principles laid out in Annex 1):*
 - (i) *The Commission may designate certain positions with the authority to reallocate up to 10% of their designated annual budget among different budget headers to ensure the effective implementation of*

existing Commission-approved projects and activities.

- (ii) Should the Commission-designated position wish to reallocate more than 10% of their designated annual budget, either in a lump sum or in aggregate, they shall refer this request, along with a justification for the proposed variation, to the Finance and Administration Committee who shall scrutinise the request in light of Commission-agreed priorities in consultation with the Chairs of the Budgetary Sub- Committee and the Bureau, and approve or deny the request by correspondence.*
- (b) All such reallocations will be reported to the Commission at its Biennial Meeting. In years when the Commission does not meet, reallocations will also be reported to the Bureau meeting and included in the minutes that are circulated to Commissioners following the Bureau meeting.*

Appendix 1
VOLUNTARY FUNDS

1. Voluntary funds currently in place for a wide array of Commission work include:

- ***Voluntary Fund for Small Cetacean Research and Conservation***
- ***Voluntary Fund for Aboriginal Subsistence Whaling***
- ***Voluntary Conservation Fund***
- ***Southern Ocean Research Partnership (SORP)***
- ***Voluntary Assistance Fund to facilitate Governments (in Pay Groups 1&2) to participate fully in the work of the Commission***
- ***Voluntary Welfare Fund***

2. The table below provides guidelines on five of the six voluntary funds. In addition, the Commission has endorsed two documents that set out clear and ethical rules on fundraising and the acceptance of funds:

- ***Acceptance of Funds Policy***
- ***Ethical Fundraising Code***

3. Voluntary funds can be contributed by Contracting Governments and non-contracting Governments, intergovernmental organisations, and other entities as appropriate. Voluntary funding cannot be accepted unless it fits within both the policy on accepting funding and an endorsed workstream. This is required whether the funding is offered by a Contracting ~~Party~~ **Government, Observer, or any other external funding source. ***These measures ensure that voluntary funding cannot unduly influence the Commission's work.*****

4. Voluntary Conservation Funding is restricted to those work streams that have already been endorsed by the Commission through the Conservation Committee's 5-year Workplan. Allocations to the Small Cetacean Research and Conservation Fund and to the SORP are based on priority research areas identified by the IWC Scientific Committee.

5. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures, including relevant audit processes. The Secretariat will notify all Contracting Governments on receipt of such voluntary donations, providing information about the donor, donation amount and any earmarked purpose. Where expenditure is incurred using these voluntary funds, the Secretariat will inform donors as appropriate when their contribution has been utilised unless other arrangements have been made.

6. The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature. The Research Fund shall have a balanced distribution among activities, defined according to conservation priorities and the work of the Commission, including small cetaceans. The details of the Research Fund are given under Scientific Committee Rules of Procedure G and in the Handbook of the Scientific Committee.

Voluntary Funds Terms of Reference for Dissemination of Funds

5. _____

Fund	Small Cetacean Fund Est: IWC46 (1994)	Voluntary Conservation Fund	Aboriginal Subsistence Whaling	Southern Ocean Research Partnership Endorsed by the SC in 2009, and research fund established at IWC62 (2010)	Voluntary Assistance Fund
Purpose	<p>To allow for participation from developing countries in small cetacean work.</p> <p>To support high priority research that improves conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities.</p>	<p>To support the International Whaling Commission's conservation initiatives, consistent with the purpose and provisions of the International Convention for the Regulation of Whaling, particularly in providing for the proper and effective conservation and development of whale populations. This is a dedicated IWC fund, to ensure financial transparency in monitoring and auditing the use of any voluntary contributions made for the purposes above. Donors, including Contracting Governments, may further specify a particular purpose for their contribution in accordance with the agreed Project Categories that are eligible for utilisation of this fund. The Commission may not accept funds for which the earmarks would undermine the Commission's ability to carry out objectives established by the Commission.</p>	<p>To allow Contracting Governments, or organisations recognised by a Contracting Government, responsible for aboriginal subsistence whaling pursuant to paragraph 13 of the Schedule to receive financial assistance to assist in achieving compliance with IWC measures identified in Schedule amendments. These include, inter alia, the priority for hunter safety, reporting, and weapons improvement programs adopted by the IWC.</p>	<p>The Southern Ocean Research Partnership (IWC-SORP) is an integrated, collaborative consortium for non-lethal whale research, which aims to maximise conservation outcomes for Southern Ocean whales through an understanding of the post-exploitation status, health, dynamics and environmental linkages of their populations, and the threats they face. The partnership maintains an integrated and responsive relationship with the Scientific Committee and its priorities.</p>	<p>To facilitate Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development, to participate fully in the work of the Commission.</p>
Distribution of funds, applications processes and policies, and reporting requirements	<p>1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:</p> <p>(a) provision of support for attendance of invited participants at meetings of the Scientific Committee;</p> <p>(b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission;</p>	<p>A Voluntary Conservation Fund Project Steering Group will oversee the selection of projects and distribution of funds in accordance with the guidance in the terms of reference for the Group and:</p> <ul style="list-style-type: none"> the established Project Categories the established Eligibility Criteria the established Evaluation Criteria the established Allocation Process. <p>Project Categories and Eligibility Criteria were agreed by the 64th meeting of the Commission and updated at its 67th meeting. Revised project categories, eligibility criteria, evaluation criteria, and allocation process are available in IWC/67/FA/04. On the advice of the Voluntary Conservation Fund Project Steering Group, the Commission may decide to revise these documents as required to ensure they remain relevant.</p> <p>The Steering Group will be responsible for allocating funding for projects which support the conservation initiatives of the Commission</p>	<p>1. The following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:</p> <p>(a) provision of support for research (including surveys) in areas, species or populations that have subsistence hunts or in work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission regarding aboriginal subsistence whaling;</p> <p>(b) advice or activities aimed at improving the efficiency of whale killing methods and hunter safety, including weapons improvement programs and improvements in hunting techniques aimed at reducing struck and lost</p>	<p>Where expenditure involves research activity, the following will apply:</p> <p>(a) an IWC-SORP Scientific Steering Committee (IWC-SORP SSC) is established as advisory body for all processes and activities related to SORP;</p> <p>(b) the SORP SSC is composed of a representative, with technical expertise, nominated by each member nation of the Partnership, as well as the Convenor of the Southern Hemisphere subcommittee, the Chair of the Scientific Committee, the IWC Head of Science, the IWC-SORP Secretariat and the CCAMLR observer to IWC Scientific Committee. At the discretion of the IWCSORP SSC, additional representatives from Partnership members, as well as interested parties are welcome to attend and</p>	<p>Eligibility: Contracting Governments in Capacity to Pay Groups 1 and 2 that are not in arrears and are not European Union Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments). In any given year, the categorization of Groups 1 to 4 will be taken from the most recent Commission Circular allocating Contracting Governments to capacity to pay groups.</p> <p>Funds provided to eligible Governments under the Voluntary Assistance Fund must be used for the purposes identified in each respective application.</p> <p>Contracting Governments may request funds relating to travel and subsistence for full participation in IWC meetings and activities including capacity building exercises, scientific research, and conservation and welfare activities.</p> <p>For the purpose of these guidelines, full</p>

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	<p>particularly, to support high priority research that improves conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities;</p> <p>(c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.</p> <p>2. Where expenditure is proposed in support of invited participants, the following will apply:</p> <p>(a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Head of Science at the IWC Secretariat.</p> <p>3. Where expenditure involves research activity, the following will apply:</p> <p>(a) an Assessment Panel shall be established by the Chair and vice-Chair of the Scientific Committee, in consultation with the Head of Science, at the beginning of his/her term.</p> <p>(b) the Assessment Panel shall consist of the Chair and vice-Chair of the Scientific Committee, the Convenor of the Sub-committee on Small Cetaceans, the Head of Science at the IWC Secretariat, and a number of competent members of the Scientific Committee who provide a wide geographical scope and</p>	<p>and reporting the progress of project outcomes to the Finance and Administration Committee.</p>	<p>rates and times to death;</p> <p>(c) technical exchange of information among aboriginal subsistence hunters; and</p> <p>(d) other work regarding aboriginal subsistence whaling that may be identified from time to time by the Commission as requiring, or likely to benefit from, support through the Fund.</p> <p>2. Where expenditure involves research activity, the following will apply:</p> <p>(a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;</p> <p>(b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed by the Scientific Committee or relevant sub-committee or working group; and</p> <p>(c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.</p> <p>3. Where expenditure involves support for hunter safety, weapons improvement programs, or technical exchange of information, the following will apply:</p> <p>(a) the normal procedures for review of proposals and recommendations by the relevant sub-committee or working group will be</p>	<p>participate in meetings of this Committee;</p> <p>(c) in years when sufficient funds are gathered the following process will be followed [NOTE: This following section contains agreed adjustments to the existing evaluation procedure to select for fund IWC-SORP project proposals (see Annex W; IWC 2017) which aim to help avoiding conflict of interest]:</p> <p>(i) the IWC-SORP Assessment Panel shall comprise the following Scientific Committee members:</p> <ul style="list-style-type: none"> • Chair of the Scientific Committee (leading the Assessment process); • Vice Chair of the Scientific Committee; • IWC Head of Science (IWC Secretariat); • Current Convenor of the SH sub-committee; • Two to three ex-Convenors of the SH sub-committee; • A representative from the IWC-SORP Secretariat; • Chair and Vice-chair of the IWC-SORP Scientific Steering Committee; • Additional members deemed necessary by the SC Chair to facilitate the assessment of proposals. These assessors will be drawn from the Scientific Committee. <p>(ii) the IWC and IWC-SORP Secretariats shall advertise a call for proposals on their official websites and through a Circular Communication, which shall include detailed information on</p>	<p>participation entails that a sponsored delegate from the eligible Contracting Government:</p> <ul style="list-style-type: none"> • Takes forward the work of the Commission as an officer of the IWC or its subsidiary bodies; as a member of the Bureau; as a member of an IWC Working Group or subsidiary body; by making a presentation; or by reporting back from one of these bodies; or • Attends an IWC activity for the purposes of training and capacity building for the benefit of the Contracting Government. <p>Funds from the Voluntary Assistance Fund may not be used to pay salaries of Contracting Government employees or payment of Contracting Governments' annual subscriptions and other financial contributions.</p> <p>If funds are requested for travel to IWC meetings, allocations from the Fund will be in accordance with the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments, so that all sponsored delegates receive fair and consistent treatment from the IWC.</p> <p>Requests shall be limited to funding necessary for the attendance of one member of the delegation per eligible Groups 1 and 2 Government at each meeting. The participant must be an official member of the Contracting Government delegation.</p> <p>Application process: The Secretariat shall notify Contracting Governments no less than 180 days in advance of the meeting of the dates and venues of Commission meetings.</p> <p>Applications for funding from the Voluntary Assistance Fund must be received 90 days before the date on which the activities to be funded are expected to occur.</p> <p>Applications for travel to a meeting or event shall include a budget based on the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount</p>

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	<p>relevant expertise.</p> <p>(c) in years where sufficient funds are gathered the following process shall be followed:</p> <p>(i) the Secretariat shall advertise a call for proposals on the official website and through a Circular Communication, which shall include detailed information on deadlines, review process (including criteria), administrative process;</p> <p>(ii) all full proposals meeting the minimum administrative requirements shall be sent by the Secretariat to the Assessment Panel, which produce a report with its recommendations for funding, with the rationale behind each recommendation;</p> <p>(iii) all projects recommended by the Assessment Panel shall be considered by the Sub-committee on Small Cetaceans at the Annual meeting of the Scientific Committee and then by the full Scientific Committee when discussing its budget;</p> <p>(iv) recommended proposals shall be included in the Scientific Committee's budget, as given in its report to the Commission under the heading of a specific request to the Voluntary Research Fund for Small Cetaceans;</p> <p>(v) these recommendations shall be presented to the Budgetary sub-committee and endorsed when the Commission approves the</p>		<p>followed;</p> <p>(b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed by the relevant sub-committee or working group; and</p> <p>(c) the Secretariat shall solicit the involvement, as appropriate, of Governments in the regions where the activity is undertaken or that have relevant expertise.</p>	<p>deadlines, review process (including criteria) and administrative requirements;</p> <p>(iii) all full proposals meeting the minimum administrative requirements (i.e. prepared in accordance with the IWC Scientific Committee pro forma) shall be sent by the Secretariat to the IWC-SORP Assessment Panel;</p> <p>(iv) the IWC-SORP Assessment Panel shall carry out an evaluation of all proposals, which shall include a determination of how well the proposals align with IWC-SORP objectives, any other criteria specified in the Call for Proposals and shall consider any conditions associated with voluntary contributions as specified by donors. The IWC-SORP Assessment Panel may suggest improvements to proposals where they believe this is appropriate;</p> <p>(v) upon receipt of a final proposal(s) (revised if necessary), the IWC-SORP Assessment Panel shall provide its written report to the Scientific Committee for consideration at its next annual meeting. For each proposal, this shall include:</p> <ul style="list-style-type: none"> • a short summary of the proposal and its associated budget; • a summary of the final evaluations made by the IWC-SORP Assessment Panel, including comments on how well it aligns with IWC-SORP objectives and recommendations as to whether the proposal 	<p>provided for in the domestic rules of the eligible Groups 1 and 2 Governments.</p> <p>Applications for funding from the Voluntary Assistance Fund must specify:</p> <ul style="list-style-type: none"> • the activities to be funded; • estimated travel costs including air fare and per diem expenses; • if the application is for travel to a meeting or event, the total number of delegates eligible Groups 1 and 2 Government will be sending to that meeting or event; • if the application is for capacity building, scientific research, and conservation and welfare activities, how those activities contribute to IWC work plans; • the applicant's experience, qualifications, and expected contribution to that meeting or event; • declaration of interest, i.e. any funding or support received from elsewhere; and • that the applicant eligible Groups 1 and 2 Government has determined the amount of expenses to be accurate. <p>Application forms will be made available through the IWC website and applications should be sent to secretariat@iwc.int.</p> <p>Where funds have been requested for travel to IWC meetings, based on the funding available and the prioritisation procedure set out below, the Secretariat will prepare a list of sponsored delegates. The final list of delegates that may be supported will be dependent upon the funds raised and funding is not guaranteed for all eligible countries.</p> <p>Delegates will be notified at least 30 days before the meeting whether or not they will receive funding from the Voluntary Assistance Fund.</p> <p>Disbursement of funds: Where funds have been requested for travel to IWC meetings, upon approval of an application consistent with Section 3 above, the Secretariat will hold the funds until such time as each respective Government provides instructions to the Secretariat to effect the payment.</p> <p>Upon receipt of instruction from each respective Government, the Secretariat will purchase travel</p>

Fund	Small Cetacean Fund Est: IWC46 (1994)	Voluntary Conservation Fund	Aboriginal Subsistence Whaling	Southern Ocean Research Partnership Endorsed by the SC in 2009, and research fund established at IWC62 (2010)	Voluntary Assistance Fund
	<p>overall budget;</p> <p>(vi) after final approval by the Commission, the Secretariat develops grant contracts specifying deliverables and timelines for the project leaders; funds shall be provided in accordance with the agreed schedule.</p> <p>(d) an Assessment Panel shall be able to allocate a discretionary amount of not more than £10,000, per budget period, in order to ensure the smooth running of approved projects. Any such requests will be discussed and agreed by the Assessment Panel in advance of an allocation being made. All discretionary allocations shall be consistent with the priorities of the sub-committees on Small Cetaceans and the IWC as endorsed by the Scientific Committee and Commission. All allocations shall be reported in written by the Assessment Panel chair to the Scientific Committee at its next meeting.</p>			<p>should be fully, partially or not supported;</p> <p>(vi) the Scientific Committee shall consider the funding recommendations of the IWC-SORP Assessment Panel when discussing its budget; following con-sideration (and potential revision) by the Committee, approved requests shall be included in the Scientific Committee budget under the heading of a specific request to the IWC-SORP Research Fund and reported to the Commission in its Report;</p> <p>(vii) the Scientific Committee recommendations shall be presented to the Budgetary subcommittee and endorsed when the Commission approves the overall budget;</p> <p>(viii) after final approval by the Commission, the IWC Secretariat, with the assistance of the IWCSORP Secretariat, shall develop grant contracts specifying deliverables and timelines for the project leaders; funds shall be provided in accordance with the agreed schedule.</p> <p>(d) the IWC-SORP SSC shall be able to allocate a discretionary amount of not more than £8,000, per budget period, in order to ensure the smooth running of approved projects. Any such requests shall be discussed and agreed by the IWC-SORP SSC in advance of an allocation being made. All discretionary allocations shall be consistent with the objectives of IWC-SORP and the IWC as endorsed by the Scientific Committee and Commission. All allocations shall be reported in</p>	<p>tickets as previously determined in each respective application. The Daily Subsistence Allowance and terminal expenses will be disbursed, based on actual presence and actual receipts respectively, after closure of the meeting.</p> <p>Where funds have been requested for purposes other than travel to IWC meetings, the Secretariat will disburse funds in a timely manner to the Government while ensuring adequate oversight of all disbursements.</p> <p>Prioritisation: In the event of a shortfall in funding to support the participation of all eligible Groups 1 and 2 Governments, the prioritisation process below shall be followed: The following principles shall be applied to the allocation of funding from the Fund:</p> <ol style="list-style-type: none"> i. Eligibility (section 2 above) ii. Priority for eligible Group 1 Governments iii. Balanced representation of a range of views and interests iv. Balanced distribution across the activities of the IWC in line with the priorities identified by the Commission; and iv. Consideration shall be given to provision of partial funding in order to maximise the number of funding recipients. <p>At any time in applying these criteria, the Secretariat may seek advice from the Chair and Bureau in order to support a funding decision.</p> <p>Reporting: The Secretariat will provide a progress update to each Commission meeting on work to support countries of limited means to participate in the work of the Commission, including administration of the Voluntary Assistance Fund. The Secretariat will also report on the criteria used to allocate the Voluntary Assistance Fund, including any amendments needed in the event of a shortfall of Funds.</p>

<i>Fund</i>	<i>Small Cetacean Fund Est: IWC46 (1994)</i>	<i>Voluntary Conservation Fund</i>	<i>Aboriginal Subsistence Whaling</i>	<i>Southern Ocean Research Partnership Endorsed by the SC in 2009, and research fund established at IWC62 (2010)</i>	<i>Voluntary Assistance Fund</i>
				<i>written by the SORP SSC chair to the Scientific Committee at its next meeting.</i>	

Appendix 2
VOLUNTARY WELFARE FUND

Purpose

The purpose of this voluntary fund is to support the International Whaling Commission's initiatives related to non-hunting threats to cetacean welfare. This is a dedicated IWC fund, to ensure financial transparency in monitoring and auditing the use of any voluntary contributions made for the purposes above.

Voluntary Contributions

The Commission welcomes contributions to the fund from Contracting Governments, non-Contracting Governments, international organisations, non-governmental organisations and other entities as appropriate.

Acceptance of contributions from entities other than Contracting Governments will be subject to the Commission's procedures for voluntary contributions as described in the Financial Regulations.

Donors, including Contracting Governments, may further specify a particular purpose for their contribution in accordance with the outcomes in the Welfare Action Plan, as endorsed by the Commission. The Commission may not accept funds for which the earmarks would undermine the Commission's ability to carry out objectives established by the Commission.

The Secretariat will administer the use of such funds in accordance with Commission procedures, including relevant audit processes. The Secretariat will notify all Contracting Governments on receipt of such voluntary donations, providing information about the donor, donation amount and any earmarked purpose. The Secretariat will inform donors as appropriate when their contribution has been utilised unless other arrangements have been made.

Distribution of Funds

The Intersessional Working Group on Welfare will oversee the selection of projects and distribution of funds in accordance with the guidance in the terms of reference for the Group and:

- the established Eligibility Criteria*
- the established Evaluation Criteria*
- the established Allocation Process*

The Intersessional Working Group will be responsible for allocating funding for projects which support the non-hunting welfare initiatives of the Commission and reporting the progress of project outcomes to the Finance and Administration Committee.

Appendix 1

~~VOLUNTARY FUND FOR SMALL CETACEAN RESEARCH AND CONSERVATION~~

Purpose

The Commission decided at its 46th Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission. In 2009, the purpose of this fund was extended to support high priority research that improves conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities.

Contributions

The Commission has called on Contracting Governments and non contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetacean research and conservation.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

Distribution of Funds

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:

- (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
- (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission; particularly, to support high priority research that improves conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities;
- (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.

2. Where expenditure is proposed in support of invited participants, the following will apply:

- (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Head of Science at the IWC Secretariat.

3. Where expenditure involves research activity, the following will apply:

- (a) an Assessment Panel shall be established by the Chair and vice Chair of the Scientific Committee, in consultation with the Head of Science, at the beginning of his/her term.
- (b) the Assessment Panel shall consist of the Chair and vice Chair of the Scientific Committee, the Convenor of the Sub-committee on Small Cetaceans, the Head of Science at the IWC Secretariat, and a number of competent members of the Scientific Committee who provide a wide geographical scope and relevant expertise.

(c) in years where sufficient funds are gathered the following process shall be followed:

- (i) the Secretariat shall advertise a call for proposals on the official website and through a

~~Circular Communication, which shall include detailed information on deadlines, review process (including criteria), administrative process;~~

~~(ii) all full proposals meeting the minimum administrative requirements shall be sent by the Secretariat to the Assessment Panel, which produce a report with its recommendations for funding, with the rationale behind each recommendation;~~

~~(iii) all projects recommended by the Assessment Panel shall be considered by the Sub-committee on Small Cetaceans at the Annual meeting of the Scientific Committee and then by the full Scientific Committee when discussing its budget;~~

~~(iv) recommended proposals shall be included in the Scientific Committee's budget, as given in its report to the Commission under the heading of a specific request to the Voluntary Research Fund for Small Cetaceans;~~

~~(v) these recommendations shall be presented to the Budgetary sub-committee and endorsed when the Commission approves the overall budget;~~

~~(vi) after final approval by the Commission, the Secretariat develops grant contracts specifying deliverables and timelines for the project leaders; funds shall be provided in accordance with the agreed schedule.~~

~~(d) an Assessment Panel shall be able to allocate a discretionary amount of not more than £10,000, per budget period, in order to ensure the smooth running of approved projects. Any such requests will be discussed and agreed by the Assessment Panel in advance of an allocation being made. All discretionary allocations shall be consistent with the priorities of the sub-committees on Small Cetaceans and the IWC as endorsed by the Scientific Committee and Commission. All allocations shall be reported in written by the Assessment Panel chair to the Scientific Committee at its next meeting.~~

Appendix 2

VOLUNTARY FUND FOR ABORIGINAL SUBSISTENCE WHALING

Purpose

To establish an IWC voluntary fund to allow Contracting Governments, or organisations recognised by a Contracting Government, responsible for aboriginal subsistence whaling pursuant to paragraph 13 of the Schedule to receive financial assistance to assist in achieving compliance with IWC measures identified in Schedule amendments. These include, inter alia, the priority for hunter safety, reporting, and weapons improvement programs adopted by the IWC.

The Secretary is requested to make arrangements for the creation of such a fund whereby contributions in cash can be registered and utilised by the Commission.

Contributions

The Commission calls on Contracting Governments and non Contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in aboriginal subsistence whaling, to contribute to the IWC Voluntary Fund for Aboriginal Subsistence Whaling.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

Distribution of funds

1. The following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:

(a) provision of support for research (including surveys) in areas, species or populations that have subsistence hunts or in work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission regarding aboriginal subsistence whaling;

(b) advice or activities aimed at improving the efficiency of whale killing methods and hunter safety, including weapons improvement programs and improvements in hunting techniques aimed at reducing struck and lost rates and times to death;

(c) technical exchange of information among aboriginal subsistence hunters; and

(d) other work regarding aboriginal subsistence whaling that may be identified from time to time by the Commission as requiring, or likely to benefit from, support through the Fund.

2. Where expenditure involves research activity, the following will apply:

(a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;

(b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed by the Scientific Committee or relevant sub-committee or working group; and

(c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

3. Where expenditure involves support for hunter safety, weapons improvement programs, or technical exchange of information, the following will apply:

- ~~(a) the normal procedures for review of proposals and recommendations by the relevant sub-committee or working group will be followed;~~
- ~~(b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed by the relevant sub-committee or working group; and~~
- ~~(c) the Secretariat shall solicit the involvement, as appropriate, of Governments in the regions where the activity is undertaken or that have relevant expertise.~~

Appendix 3

VOLUNTARY CONSERVATION FUND

Purpose

~~The purpose of this voluntary fund is to support the International Whaling Commission's conservation initiatives, consistent with the purpose and provisions of the International Convention for the Regulation of Whaling, particularly in providing for the proper and effective conservation and development of whale populations. This is a dedicated IWC fund, to ensure financial transparency in monitoring and auditing the use of any voluntary contributions made for the purposes above.~~

Voluntary Contributions

~~The Commission welcomes contributions to the fund from Contracting Governments, non-Contracting Governments, international organisations, non-governmental organisations and other entities as appropriate.~~

~~Acceptance of contributions from entities other than Contracting Governments will be subject to the Commission's procedures for voluntary contributions as described in the Financial Regulations.~~

~~Donors, including Contracting Governments, may further specify a particular purpose for their contribution in accordance with the agreed Project Categories that are eligible for utilisation of this fund. The Commission may not accept funds for which the earmarks would undermine the Commission's ability to carry out objectives established by the Commission.~~

~~The Secretariat will administer the use of such funds in accordance with Commission procedures, including relevant audit processes. The Secretariat will notify all Contracting Governments on receipt of such voluntary donations, providing information about the donor, donation amount and any earmarked purpose. The Secretariat will inform donors as appropriate when their contribution has been utilised unless other arrangements have been made.~~

Distribution of Funds

~~A Voluntary Conservation Fund Project Steering Group will oversee the selection of projects and distribution of funds in accordance with the guidance in the terms of reference for the Group and:~~

- ~~— the established Project Categories[†]~~
- ~~— the established Eligibility Criteria[†]~~
- ~~— the established Evaluation Criteria[†]~~
- ~~— the established Allocation Process[†]~~

~~The Steering Group will be responsible for allocating funding for projects which support the conservation initiatives of the Commission and reporting the progress of project outcomes to the Finance and Administration Committee.~~

[†] Project Categories and Eligibility Criteria were agreed by the 64th meeting of the Commission and updated at its 67th meeting. Revised project categories, eligibility criteria, evaluation criteria, and allocation process are available in IWC/67/FA/04. On the advice of the Voluntary Conservation Fund Project Steering Group, the Commission may decide to revise these documents as required to ensure they remain relevant.

Appendix 4

~~Guidelines for administration of funding from the Voluntary Assistance Fund to facilitate Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development to participate fully in the work of the Commission~~

~~Introduction~~

~~The purpose of the Voluntary Assistance Fund is to facilitate Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development to participate fully in the work of the Commission.~~

~~1. Definitions~~

~~Capacity to Pay Groups 1 and 2 means the groups identified by the Commission in calculating the financial contributions from each Contracting Government.~~

~~Voluntary Assistance Fund to facilitate eligible Governments in Capacity to Pay Groups 1 and 2 to Participate fully in the Work of the Commission (“Voluntary Assistance Fund”) means the fund of the same name identified in IWC Financial Regulation C(1)(f) and Appendix 4.~~

~~2. Eligibility~~

~~Eligible countries are Contracting Governments in Capacity to Pay Groups 1 and 2 that are not in arrears and are not European Union Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments). In any given year, the categorization of Groups 1 to 4 will be taken from the most recent Commission Circular allocating Contracting Governments to capacity to pay groups.~~

~~Funds provided to eligible Governments under the Voluntary Assistance Fund must be used for the purposes identified in each respective application.~~

~~Contracting Governments may request funds relating to travel and subsistence for full participation in IWC meetings and activities including capacity building exercises, scientific research, and conservation and welfare activities.~~

~~For the purpose of these guidelines, full participation entails that a sponsored delegate from the eligible Contracting Government:~~

- ~~• Takes forward the work of the Commission as an officer of the IWC or its subsidiary bodies; as a member of the Bureau; as a member of an IWC Working Group or subsidiary body; by making a presentation; or by reporting back from one of those bodies; or~~

- ~~• Attends an IWC activity for the purposes of training and capacity building for the benefit of the Contracting Government.~~

Funds from the Voluntary Assistance Fund may not be used to pay salaries of Contracting Government employees or payment of Contracting Governments' annual subscriptions and other financial contributions.

If funds are requested for travel to IWC meetings, allocations from the Fund will be in accordance with the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments, so that all sponsored delegates receive fair and consistent treatment from the IWC.

~~Requests shall be limited to funding necessary for the attendance of one member of the delegation per eligible Groups 1 and 2 Government at each meeting. The participant must be an official member of the Contracting Government delegation.~~

3. Application process

~~The Secretariat shall notify Contracting Governments no less than 180 days in advance of the meeting of the dates and venues of Commission meetings.~~

~~Applications for funding from the Voluntary Assistance Fund must be received 90 days before the date on which the activities to be funded are expected to occur.~~

~~Applications for travel to a meeting or event shall include a budget based on the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments.~~

Applications for funding from the Voluntary Assistance Fund must specify:

- the activities to be funded;
- estimated travel costs including air fare and per diem expenses;
- if the application is for travel to a meeting or event, the total number of delegates eligible Groups 1 and 2 Government will be sending to that meeting or event;
- if the application is for capacity building, scientific research, and conservation and welfare activities, how those activities contribute to IWC work plans;
- the applicant's experience, qualifications, and expected contribution to that meeting or event;
- declaration of interest, i.e. any funding or support received from elsewhere; and
- that the applicant eligible Groups 1 and 2 Government has determined the amount of expenses to be accurate.

~~Application forms will be made available through the IWC website and applications should be sent to secretariat@iwc.int~~

~~Where funds have been requested for travel to IWC meetings, based on the funding available and the prioritisation procedure set out below, the Secretariat will prepare a list of sponsored delegates. The final list of delegates that may be supported will be dependent upon the funds raised and funding is not guaranteed for all eligible countries. Delegates will be notified at least 30 days before the meeting whether or not they will receive funding from the Voluntary Assistance Fund.~~

4. Disbursement of funds

~~Where funds have been requested for travel to IWC meetings, upon approval of an application consistent with Section 3 above, the Secretariat will hold the funds until such time as each respective Government provides instructions to the Secretariat to effect the payment. Upon receipt of instruction from each respective Government, the Secretariat will purchase travel tickets as previously determined in each respective application. The Daily Subsistence Allowance and terminal expenses will be disbursed, based on actual presence and actual receipts respectively, after closure of the meeting.~~

~~Where funds have been requested for purposes other than travel to IWC meetings, the Secretariat will disburse funds in a timely manner to the Government while ensuring adequate oversight of all disbursements.~~

5. Prioritisation

~~In the event of a shortfall in funding to support the participation of all eligible Groups 1 and 2 Governments, the prioritisation process below shall be followed:~~

~~The following principles shall be applied to the allocation of funding from the Fund:~~

- ~~i. Eligibility (section 2 above)~~
- ~~ii. Priority for eligible Group 1 Governments~~
- ~~iii. Balanced representation of a range of views and interests~~
- ~~iv. Balanced distribution across the activities of the IWC in line with the priorities identified by the Commission; and~~
- ~~v. Consideration shall be given to provision of partial funding in order to maximise the number of funding recipients.~~

~~At any time in applying these criteria, the Secretariat may seek advice from the Chair and Bureau in order to support a funding decision.~~

6. Reporting

~~The Secretariat will provide a progress update to each Commission meeting on work to support countries of limited means to participate in the work of the Commission, including administration of the Voluntary Assistance Fund. The Secretariat will also report on the criteria used to allocate the Voluntary Assistance Fund, including any amendments needed in the event of a shortfall of Funds.~~

VOLUNTARY RESEARCH FUND ON SOUTHERN OCEAN RESEARCH PARTNERSHIP

Purpose

The Southern Ocean Research Partnership (IWC SORP) is an integrated, collaborative consortium for non-lethal whale research, which aims to maximise conservation outcomes for Southern Ocean whales through an understanding of the post-exploitation status, health, dynamics and environmental linkages of their populations, and the threats they face. The partnership maintains an integrated and responsive relationship with the Scientific Committee and its priorities. IWC SORP was endorsed by the Scientific Committee of the IWC at its Annual Meeting in June 2009. The SORP Research Fund was established in 2010 (Annex R; IWC/SC/62).

Contributions

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in this partnership, to contribute to this voluntary fund.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

Distribution of Funds

Where expenditure involves research activity, the following will apply:

- (a) an IWC SORP Scientific Steering Committee (IWC SORP SSC) is established as advisory body for all processes and activities related to SORP [NOTE: this is a different task compare to the one that this group has now];
- (b) the SORP SSC is composed of a representative, with technical expertise, nominated by each member nation of the Partnership, as well as the Convenor of the Southern Hemisphere sub-committee, the Chair of the Scientific Committee, the IWC Head of Science, the IWC SORP Secretariat and the CCAMLR observer to IWC Scientific Committee. At the discretion of the IWC SORP SSC, additional representatives from Partnership members, as well as interested parties are welcome to attend and participate in meetings of this Committee;
- (c) in years when sufficient funds are gathered the following process will be followed [NOTE: This following section contains agreed adjustments to the existing evaluation procedure to select for fund IWC SORP project proposals (see Annex W; IWC 2017) which aim to help avoiding conflict of interest]:
 - (i) the IWC SORP Assessment Panel shall comprise the following Scientific Committee members: (a) Chair of the Scientific Committee (leading the Assessment process); (b) Vice Chair of the Scientific Committee; (c) IWC Head of Science (IWC Secretariat); (d) Current Convenor of the SH sub-committee; (e) Two to three ex-Convenors of the SH sub-committee; (f) A representative from the IWC SORP Secretariat; (g) Chair and Vice chair of the IWC SORP Scientific Steering Committee; (h) Additional members deemed necessary by the SC Chair to facilitate the assessment of proposals. These assessors will be drawn from the Scientific Committee.
 - (ii) the IWC and IWC SORP Secretariats shall advertise a call for proposals on their official websites and through a Circular Communication, which shall include detailed information on deadlines, review process (including criteria) and administrative requirements;
 - (iii) all full proposals meeting the minimum administrative requirements (i.e. prepared in accordance with the IWC Scientific Committee pro forma) shall be sent by the Secretariat to the IWC SORP Assessment Panel;

- ~~(iv) the IWC SORP Assessment Panel shall carry out an evaluation of all proposals, which shall include a determination of how well the proposals align with IWC SORP objectives, any other criteria specified in the Call for Proposals and shall consider any conditions associated with voluntary contributions as specified by donors. The IWC SORP Assessment Panel may suggest improvements to proposals where they believe this is appropriate~~
 - ~~(v) upon receipt of a final proposal(s) (revised if necessary), the IWC SORP Assessment Panel shall provide its written report to the Scientific Committee for consideration at its next annual meeting. For each proposal, this shall include: (a) a short summary of the proposal and its associated budget; (b) a summary of the final evaluations made by the IWC SORP Assessment Panel, including comments on how well it aligns with IWC SORP objectives and recommendations as to whether the proposal should be fully, partially or not supported;~~
 - ~~(vi) the Scientific Committee shall consider the funding recommendations of the IWC SORP Assessment Panel when discussing its budget; following consideration (and potential revision) by the Committee, approved requests shall be included in the Scientific Committee budget under the heading of a specific request to the IWC SORP Research Fund and reported to the Commission in its Report;~~
 - ~~(vii) the Scientific Committee recommendations shall be presented to the Budgetary sub-committee and endorsed when the Commission approves the overall budget;~~
 - ~~(viii) after final approval by the Commission, the IWC Secretariat, with the assistance of the IWC SORP Secretariat, shall develop grant contracts specifying deliverables and timelines for the project leaders; funds shall be provided in accordance with the agreed schedule.~~
- ~~(d) the IWC SORP SSC shall be able to allocate a discretionary amount of not more than £15,000, per budget period, in order to ensure the smooth running of approved projects. Any such requests shall be discussed and agreed by the IWC SORP SSC in advance of an allocation being made. All discretionary allocations shall be consistent with the objectives of IWC SORP and the IWC as endorsed by the Scientific Committee and Commission. All allocations shall be reported in written by the SORP SSC chair to the Scientific Committee at its next meeting.~~

RULES OF DEBATE

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, each Observer organisation will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the question voted upon shall be stated as: Shall the decision of the Chair be overturned? The Chair's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide. A Commissioner rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Commission:
 - (a) to adjourn the session;
 - (b) to adjourn the debate on the particular subject or question under discussion;
 - (c) to close the debate on the particular subject or question under discussion.
3. Notwithstanding anything in these Rules, the Chair may suspend the meeting for a brief period at any time in order to allow informal discussions aimed at reaching consensus consistent with Rule E of the Rules of Procedure. The Chair may also extend a session in order to facilitate decision-making.

D. Arrangements for Debate

1. *No item of business shall be discussed in the second Plenary unless it has already been considered in the first Plenary.*
2. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his allotted time, the Chair shall call him/her to order without delay.
3. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
4. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in

favour of, and two Commissioners may speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

5. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

E. Procedure for Voting on Motions and Amendments

1. A Commissioner may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request of such division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be accorded only to two Commissioners wishing to speak in favour of, and two Commissioners wishing to speak against, the motion. If the motion for division is carried, those parts of the proposal or amendments which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

2. When the amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the last amendment moved and then on the next to last, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

3. If two or more proposals relate to the same question, the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may, after voting on a proposal, decide whether to vote on the next proposal.

RULES OF PROCEDURE OF THE TECHNICAL COMMITTEE

A. Participation

1. Membership shall consist of those member nations that elect to be represented on the Technical Committee. Delegations shall consist of Commissioners, or their nominees, who may be accompanied by technical experts.
2. The Secretary of the Commission or a deputy shall be an *ex officio* non-voting member of the Committee.
3. Observers may attend Committee meetings in accordance with the Rules of the Commission.

B. Organisation

1. Normally the Vice-Chair of the Commission is the Chair of the Technical Committee. Otherwise the Chair shall be elected from among the members of the Committee.
2. A provisional agenda for the Technical Committee and each sub-committee and working group shall be prepared by the Technical Committee Chair with the assistance of the Secretary. After agreement by the Chair of the Commission they shall be distributed to Commissioners 30 days in advance of the Biennial Meeting.

C. Meetings

1. The Meeting of the Technical Committee shall be held between the Scientific Committee and Commission meetings with reasonable overlap of meetings as appropriate to agenda requirements. Special meetings may be held as agreed by the Commission or the Chair of the Commission.
2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

D. Reports

1. Reports and recommendations shall, as far as possible, be developed on the basis of consensus. However, if a consensus is not achievable, the committee, sub-committee or working group shall report the different views expressed. The Chair or any national delegation may request a vote on any issue. Resulting recommendations shall be based on a simple majority of those nations casting an affirmative or negative vote.
2. Documents on which recommendations are based should be available on demand immediately following each committee, sub-committee or working group meeting.
3. Technical papers produced for the Commission may be reviewed by the Committee for publication by the Commission.

RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE

The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1, has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the duties of the Scientific Committee are the scientific investigation of cetaceans and their environment, leading to assessment of the status of stocks¹ and the impact of direct catches and any other human-induced mortality or threats upon them, and so to provide conservation and management advice on stocks and the regulation/mitigation of lethal and of non-lethal human activities. This can be defined in the following terms for the Scientific Committee to:

- (a) Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1(a)]
- (b) Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]
- (c) Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]
- (d) Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilization of the whale resources [Article V.2 (a) and (b)]
- (e) Publish reports of its activities and findings [Article IV.2]
- (f) Review current threats and methods to mitigate them in order to maintain populations at viable levels [i.e. Rule of Procedure M.4]
- (g) Provide conservation and management advice [i.e. Rule of Procedure M.4; *Rep. int. Whal. Commn* 31:30-31; *Ann. Rep. IWC* 1998:46; 2003:58]
- (h) Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]
- (i) Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4]

A. Membership and Observers: full members, *ex-officio* members, Observers and Invited Participants

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee. Commissioners shall identify the head of delegation and any alternate(s) when making nominations to the Scientific Committee. These are the only voting members (full members). Representatives from Contracting Governments that received a grant from the Voluntary Assistance Fund, shall be considered national delegates. See also Commission's Rules of Procedure A.1, A.2, D.1(a) and Financial Regulations' rule C1(f). The Secretary of the Commission and relevant members of the Secretariat shall be *ex-officio* non-voting members of the Scientific Committee.

2. The Scientific Committee recognises that representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members, subject to the agreement of the Chair of the Committee acting according to such policy as the Commission may decide.

3. Further to paragraph 2 above, the International Union for Conservation of Nature (IUCN) shall have similar status in the Scientific Committee.

4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1(a) of the Commission's Rules of Procedure.

5. Any non-governmental organisation accredited by the Commission under its Rule of Procedure C.1(b) may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination should reach the Secretary 45 days before the start of the meeting in question and should specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-

¹ The Scientific Committee takes the term 'stocks' herein to include inter alia populations and other units of conservation/management interest.

Chair of the Commission. Observers admitted under this rule may submit documents in accordance with Rule E of the Scientific Committee, participate in discussions and have access to all meeting documents.

6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists or experts in technical matters relevant to the Committee's Agenda not nominated by a Commissioner to participate in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees and working groups, and they shall receive all Committee documents and papers.

(a) Convenors² will submit suggestions for Invited Participants (including the period of time they would like them to attend and a reference to the relevant group/s where they are expected to focus their expertise) to the Chair (copied to the Head of Science) *not less than four months* before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. *Three and a half months* before the relevant meeting, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees. This 'four months' provision may be waived by the Chair in special circumstances.

(b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to find their own support. Invitees who wish to be considered for travel and subsistence will be asked to fill a template on key aspects of their travel and return it *within two weeks* of receiving an invitation letter.

(c) At the same time as (b), all Contracting governments will be advised of all invitations.

(d) *At least three months* before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily estimated actual cost of the hotel deemed most suitable by the Secretary and Chair. Invited participants who choose to stay at cheaper accommodation will receive the actual rate for their accommodation, plus (4) an appropriate daily subsistence allowance set by the Secretariat. The Chair will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chair, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support and the period of the meeting for which that support will be provided. Invited Participants not supported for the full period, may attend the remainder of the meeting at their own expense. Any invitee who subsequently attends the same meeting as an Invited Participant who has obtained financial support from elsewhere, or as a delegate nominated by a Contracting Government under rule A1, will not be eligible for financial support from the Scientific Committee budget.

(e) *At least two months* before the meeting, the Secretary will send out formal confirmation of the invitations to all the selected scientists, in accordance with the Commission's Guidelines, indicating where appropriate that financial support will be given and the nature of that support. The letter of invitation to Invited Participants will also include the following language:

(f) Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to access all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Scientific Committee members nominated by Contracting Governments. Such issues will be identified by the Chair of the Committee during discussions. Invited Participants are also urged to use their discretion as regards to their involvement in the formulation of potentially controversial recommendations to the Commission; the Chair may at his/her discretion rule them out of order.

(g) In exceptional circumstances, the Chair, in consultation with the Convenors and Secretariat, may waive all above time restrictions.

² In practice, Convenors and Co-convenors are selected by the Chair and Vice-Chair of the Scientific Committee in consultation with the Head of Science.

7. A small number of interested local-scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chair. Such scientists should be connected with the local Universities, other scientific institutions or organisations, and should provide the Chair with a note of their scientific qualifications and relevant experience at the time of their application. For logistic reasons, requests should be sent *at least two months* before the annual meeting.

B. Agenda and workplan

1. In years when the Commission meets, the initial agenda and workplan for the Committee meeting of the following biennium shall be developed by the Committee prior to adjournment, for the Commission's approval. The agenda should identify, as far as possible, key issues to be discussed in the next biennium and specific papers on issues should be requested by the Committee as appropriate. In years when the Commission does not meet, the Committee shall develop its initial agenda and workplan for the following year based on the progress made.

C. Organisation

1. The Scientific Committee shall include sub-committees and working groups by area or species, or other subject, and standing sub-groups on small cetaceans, aboriginal whaling management procedure and environmental concerns, as required. The Chair of the Committee, assisted by the Convenors group, may create sub-groups as appropriate based on the biennial workplan.

2. The sub-committees and working groups shall prepare the basic documents, *inter alia*, on the identification, status and trends of stocks, including biological parameters, threats, mitigation measures and related matters as necessary, for the early consideration of the full Committee.

3. The sub-committees shall concentrate their efforts on stocks which are currently exploited, or for which exploitation is under consideration, or for which there is concern over their status.

4. The Committee shall elect, from among its voting members (full members), a Chair and Vice-Chair who will normally serve for a period of three years. In years when the Commission meets, they shall take office at the conclusion of the Biennial Meeting. In years when the Commission does not meet, the new Chair and the Vice-Chair shall take office once the silence procedure for the adoption of the Scientific Committee's report has been completed (see Rule M5). The Vice-Chair shall act for the Chair in his/her absence. The Vice-Chair will become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected.

5. The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates³. The Chair shall facilitate the process. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation or the Chair, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

D. Meetings

1. Meetings of the Scientific Committee considered in these rules include all meetings of sub-groups of the Committee, e.g. sub-committees, working groups, workshops, etc.

2. The Scientific Committee shall meet prior to the Biennial Meeting of the Commission or in years when the Commission does not meet, the Scientific Committee shall meet prior to the meeting of the Bureau. Special meetings of the Scientific Committee or its sub-groups may be held as agreed by the Commission or the Chair of the Commission.

3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/working group chairs and relevant members of the Secretariat.

E. Scientific Papers and Documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

³ The Commission's Rule of Procedure on voting rights (rule E.2) also applies to the Scientific Committee.

1. *Progress Reports.* Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report following the format agreed by the Committee.

2. *Special Reports.* The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.

3. *Sub-group Reports.* Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein can be subject to modification by the full Committee before inclusion in its Report.

4. *Scientific and Working Papers.*

(a) Any scientist may submit a scientific paper for consideration by the Committee. The format and submission procedure shall be in accordance with guidelines established by the Secretariat with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.

(b) Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, intersessional meeting or any sub-group. Exceptions to this rule can be granted by the Chair of the Committee where there are exceptional extenuating circumstances.

(c) Working papers will be distributed for discussion only if prior permission is given by the Chair of the Committee or relevant sub-group. They will be archived only if they are appended to the meeting report.

(d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee, provided that they are received under the same conditions (with regard to timing etc.) that apply to members.

(e) Papers submitted under Rule of Procedure 4(a) must be based on science and facts and shall not contain disrespectful statements to any participating person, organisation or government.

5. *Publication of Scientific Papers and Reports.*

(a) Scientific papers and reports considered by the Committee that are not already published shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees. Papers submitted to meetings shall be available on request at the same time as the report of the meeting concerned (see (b) below).

(b) The report of the Annual Meeting of the Scientific Committee shall be distributed to all Commissioners in accordance with the Commission's Rule of Procedure M.5.

Reports of intersessional Workshops or Special Committee Meetings are confidential until they have been dispatched by the Secretary to the full Committee, Commissioners and Contracting Governments.

Reports of intersessional Steering Groups or Sub-committees are confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.

In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.

The Scientific Committee shall identify the category of any intersessional meetings at the time they are recommended.

(c) Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. Papers shall be subject to peer review before publication. Papers submitted shall follow the Guidelines for Authors published by the Commission.

F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments, the Scientific Committee shall review the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose and comment on them to the Commission.

2. The review process shall take into account guidelines issued by the Commission.

3. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.

4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, paper or series of papers.

G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.

2. The Scientific Committee shall recommend priority research proposals for Commission financial support as it judges best meet Commission priorities as communicated in the Scientific Committee's workplan. Details of the procedure agreed to identify priorities is given in the Handbook of the Scientific Committee.⁴

3. In years when the Commission meets, the Committee shall develop and include in its report an overall budget summary with a short summary of the objectives of each proposed item for funding. In the alternate years, in light of progress made, the Chair, Vice- Chair, Head of Science and Secretary shall present the actual situation of all completed activities and provide to the Scientific Committee a plan to include all identified priorities of the second year.

4. The Scientific Committee Chair, Vice-Chair and the Head of Science, in consultation with the Secretary, shall be able to allocate a discretionary amount of not more than 10% of the total budget of the Research Fund, per budget period, in order to ensure the smooth running of approved projects. All discretionary allocations shall be consistent with the priorities of the IWC as proposed by the Scientific Committee and endorsed by the Commission. All allocations shall be reported in writing by the Scientific Committee Chair to the Committee at its next meeting.

H. Availability of data

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.

This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention⁵.

2. Information and reports provided where possible under Section VI of the Schedule.

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined under 4. below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.

3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.

This information is of a substantially different status from the previous two types. It can be further divided into two categories:

(a) Information collected under International Schemes.

(i) Data from the IWC sponsored projects.

(ii) Data from the International Marking Scheme.

⁴ See Rule I.

⁵ The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.

(iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.

(b) Information collected under national programmes, or other than in (a).

Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:

(i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.

(ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.

(iii) Restrictions on access should not discriminate amongst accredited persons.

(iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

4. Accredited persons

Accredited persons are those scientists defined under sections A.1, 2, 3 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.

I. Working practices of the Scientific Committee

1. The Scientific Committee shall regularly consider its working practices, known as the Handbook of the Scientific Committee, and revise them as necessary.

2. In years when the Commission meets, a revised version of the Scientific Committee Handbook shall be submitted to the Commission for its consideration at the same time as the report of the Scientific Committee.