

CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.756

Meeting of the Small Working Group (SWG) on the Future of IWC
12-13 March 2009, FAO Headquarters, Rome

As indicated in Circular Communication IWC.CCG.735 of 18 November 2008, the SWG will meet on 12 and 13 March 2009 at FAO in Rome, i.e. immediately following the intersessional meeting of the Commission.

This Circular Communication:

1. provides background to the establishment of the SWG and Terms of Reference;
2. provides information on SWG membership to date; and
3. notes the procedure for participation in the SWG meeting in Rome.

1. Establishment of the SWG and Terms of Reference

At last year's Annual Meeting, the Commission agreed to try *'to arrive at a consensus solution to the main issues it faces (it identified 33 of these) and thus to enable it to best fulfil its role with respect to the conservation of whale stocks and the management of whaling'*. It recognised that this would involve reaching agreement on some form of 'package'.

Further recognising that initial discussions would be difficult if they involved all Contracting Governments (because of the number countries - currently 84) and following recommendations of the outside experts involved in the March 2007 intersessional meeting on the future of IWC, the Commission agreed at IWC/60 to establish a smaller group, i.e. the SWG. The SWG's primary task is to *'develop a package or packages for review by the Commission'* in order to assist it *'to arrive at a consensus solution to the main issues it faces'*. Its full Terms of Reference are given in Annex C of document IWC/60/24.

Ambassador Alvaro de Soto was appointed to chair the SWG under the supervision of Bill Hogarth, Chair of the Commission. It has met twice, once in Florida, USA in September 2008 and again in Cambridge, UK in December 2008.

The SWG was required to present a report on the results of its initial deliberations to the 2009 Intersessional Meeting of the Commission on the Future of IWC. Ambassador de Soto's report on the SWG (IWC/M09/4) was made available on 2 February 2009. Based on discussions at the Intersessional Commission meeting in Rome, the *'intersessional will direct the Working Group to continue working on a possible package or packages and develop a final report that will be distributed at least 5 weeks before IWC/61'*.

2. SWG membership to date

The SWG's Terms of Reference require that membership '*will be representative in terms of e.g. views, geography and economy*'. A core list of members was developed at IWC/60 (see Table 1) but it was recognised that '*any Commissioner may attend meetings*'. In conducting its business, SWG members agreed to: (a) consult with those non-participating countries that it broadly represents – this will assist an inclusive process; and (b) take into account the known general views of all countries that are not members of the working group.

Table 1 indicates which Contracting Governments have been involved to date. Twenty-six Contracting Governments participated in the SWG's first meeting in Florida (a further two had planned to attend but were unable). Twenty-four Contracting Governments participated in the second meeting in Cambridge (a further six had planned to attend but were unable). Thus around 28-30% of the whole IWC membership has been involved to date in SWG discussions.

Table 1: Participation in SWG to date

	I	II	III
	Governments who indicated interest at IWC/60 in participating in the SWG ¹ , i.e. core members referred to in ToR	Governments who attended/planned to attend the 1 st SWG meeting in Florida, September 2008	Governments who attended/planned to attend the 2 nd SWG meeting in Cambridge, December 2008
1.	Antigua and Barbuda	Antigua and Barbuda	Antigua and Barbuda
2.	Argentina	Argentina	Argentina
3.	Australia	Australia	Australia
4.	Brazil	Brazil	Brazil
5.	Cameroon	Cameroon	Cameroon (sent apologies)
6.	Chile	Chile	Chile
7.	China	China (sent apologies)	China (sent apologies)
8.	Costa Rica	Costa Rica	Costa Rica
9.	Denmark	Denmark	Denmark
10.	Germany	Germany	Germany
11.	France	France	France (sent apologies)
12.	Iceland	Iceland	Iceland
13.	Italy	Italy (sent apologies)	Italy
14.	Japan	Japan	Japan
15.	Korea, Republic of	Korea, Republic of	Korea, Republic of
16.	Mexico	Mexico	Mexico
17.	Netherlands	Netherlands	Netherlands
18.	New Zealand	New Zealand	New Zealand
19.	Norway	Norway	Norway
20.	Palau	Palau	Palau
21.	Panama	Panama	Panama (sent apologies)
22.	St. Kitts & Nevis	St. Kitts & Nevis	St. Kitts & Nevis
23.	South Africa	South Africa	South Africa (sent apologies)
24.	Sweden	Sweden	Sweden
25.	USA	USA	USA
26.		Cote d'Ivoire	Cote d'Ivoire (sent apologies)
27.		Czech Republic	Czech Republic
28.		St. Lucia	St. Lucia
29.			Guinea, Rep of (sent apologies)
30.			Peru
31.			UK
	Total no. governments attending:	26	24

¹ After IWC/60/24 was distributed, the UK withdrew from the Small Working Group and Germany and Mexico indicated that they wished to join.

3. Participation in the SWG meeting in Rome

It is assumed that membership of the SWG currently comprises those listed in column III above. While the SWG's Terms of Reference allow that '*any Commissioner may attend meetings*', the Chair of the Commission and the Chair of the SWG would like to urge restraint in further Contracting Governments joining this group at this time, principally because of the already large size of the group. Meeting space for the SWG in Rome is also limited.

Ambassador de Soto observes in his report (see Annex 5 of Appendix 2) that while the fact that so many governments should have volunteered to join the SWG, even though they know they will have full opportunity to pronounce of the proposals that emerge in the Commission, is an encouraging sign of the wider membership's desire to address the issues, '*it must be said that as a general proposition, the efficiency of a working group is in inverse proportion to its size. This is particularly the case if the time available for it to discharge its task is limited*'.

As indicated above, each SWG member has agreed to consult with those non-participating countries that it broadly represents and to take into account the known general views of all countries that are not members of the working group. In addition, the whole IWC membership will have an opportunity to comment on further output of the SWG at IWC/61 in Madeira. Consequently, rather than adding to the size of the SWG, Contracting Governments not currently on the group are encouraged to consult with those that are to make their views known and/or to perhaps arrange to substitute members.

Any Contracting Government not included in the list in column III of Table 1 that still wishes to participate in the SWG is requested to inform the Secretariat (Secretariat@iwcoffice.org) as soon as possible and by 20 February at the latest. However, Bill Hogarth and Ambassador de Soto would greatly appreciate it if, in the interest of efficiency and in light of the understandings concerning consultation described above, they would agree to exercise the maximum restraint.

Dr Nicky Grandy
Secretary to the Commission