

CIRCULAR COMMUNICATION TO COMMISSIONERS  
AND CONTRACTING GOVERNMENTS  
IWC.CCG.836

**March 2010, Intersessional Meeting of the Commission and voting rights**

At the Intersessional Meeting of the Commission taking place in Florida from 4-5 March 2010 (see Circular Communications IWC.CCG.825 of 19 November 2009 and IWC.CCG.828 of 1 December 2009) a decision will be taken on Greenland's request for a take of humpback whales. This issue was held open from IWC/61 in Madeira last year.

I would like to take this opportunity to remind you about Rules of Procedure and voting rights.

At IWC/61, the chapeau to the Commission's Rules of Procedure E was amended at IWC/61 as follows:

**E. Decision-making**

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:.....

However, if it is necessary to take a decision by voting, then please note that Rules of Procedure E.2.(a) and (b) apply, i.e.:

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

- 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or
- the day before the first day of the next Annual 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.

(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 due date for financial contributions is 28 February 2010, so the second bullet point of Rule E.2.(a) applies since the March intersessional is a Special Meeting of the Commission. Consequently, any Contracting Government attending the Commission meeting in March whose financial contributions, including any interest due, has not been received by the time of the meeting will not have voting rights. The Secretariat has been sending reminders to Contracting Governments regarding the payment of financial contributions. Please do not hesitate to contact us if you have any questions.