

CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.846

Intersessional Meeting of the Commission

Letter from the Chair regarding voting rights

Circular Communication IWC.CCG.836 of 18 January 2010 informed Contracting Governments attending the Commission meeting in Florida from 4-5 March whose financial contributions, including any interest due, have not been received by the time of the meeting will not have voting rights in accordance with Rule of Procedure E.2.(a), which reads as follows:

Rule of Procedure E.2.(a)

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.

The due date for financial contributions is 28 February 2010, so the second bullet point of Rule E.2.(a) applies. However, it has been drawn to my attention that some Contracting Governments are concerned that they will not be able to vote at this important Intersessional Meeting and I have been asked to give this matter some consideration.

The purpose of the intersessional meeting is to take a decision on Greenland's request for a take of humpback whales made at the Annual Meeting in Madeira in June last year. In Madeira, a decision was postponed to an intersessional meeting due to the failure of the Commission to reach consensus. The intersessional meeting was initially scheduled for December 2009, but was then postponed to 4-5 March. If the meeting had been held when initially planned, most Contracting Governments would have had voting rights since it would have been held before the due date for 2009/2010 financial contributions. While most Contracting Governments pay their financial contributions by the due date, a number fail to do so and this year is no exception. The Secretariat informs me that as of 24 February, contributions remain outstanding from some 40 countries, a number of whom are intending to participate in the intersessional meeting.

Given the unusual circumstances, I believe that the Commission should at least consider a range of possible actions. One option is, of course, to retain the rules as they are. Another option, provided by the last sentence in Rule of Procedure E.2.(a), i.e. *'This suspension ... applies ... unless the Commission decides otherwise'* would be for the Commission to decide at the intersessional meeting that those Contracting Governments that have voting rights on 28 February 2010 would retain these until the close of business of the Intersessional Meeting on 5 March. The voting rights of those Contracting Governments who have not paid their financial contributions by this time would then be automatically suspended until payment is received.

I propose to raise this matter at the Intersessional Meeting prior to discussing Greenland's request. I strongly believe that any decision on voting rights should be reached by consensus.

Ambassador Cristian Maquieira
Chair of the Commission