

Draft Minutes of the Meeting of the IWC Bureau

26 March 2013 (27 March local time Australia and Japan)

The meeting was conducted by telephone conference

Present

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| Jeannine Compton-Antoine | (St Lucia) | Chair of the Commission |
| Frederic Chemay | (Belgium) | Vice-Chair of the Commission |
| Donna Petrachenko | (Australia) | Chair of the Finance and Administration Committee |
| Akima Umezawa ¹ | (Japan) | |
| Tomas Guardia | (Panama) | |
| Ryan Wulff ² | (USA) | |
| Simon Brockington | (IWC) | |

Apologies for absence:

Mike Akyeampong (Ghana) attempted to join the call but was unable to do so because of technical difficulties.³

Minutes

1 Appointment of Rapporteur

The Secretary was appointed as rapporteur and the Chair confirmed that a record of the meeting would be circulated.

2 Adoption of Agenda

The proposed annotated agenda was circulated to Bureau members on the 6th March 2013.

The Chair noted that Japan had provided advance written comments on the annotations to the Agenda, and Japan confirmed it would raise these comments at each relevant item.

The USA requested the addition of an additional item regarding the on-going secondment of a Technical Advisor to the Secretariat. The Bureau agreed to discuss this issue under Agenda Item 7.

The agenda was adopted.

3 Review of Terms of Reference

The Chair recalled that the Bureau had been established by the Commission during IWC/64 in 2012, and noted that any proposals for changes or modifications to the terms of reference must be placed before the Commission for decision. Japan noted that under Rule of Procedure M9 the Bureau can consider financial or administrative tasks, but only in the context of making recommendations to the F&A Committee.

In response to a question from Belgium, the Chair confirmed that Bureau members would have opportunity for further discussion of the Terms of Reference during the in-person meeting planned for September 2013.⁴

¹ Dr Umezawa participated as Acting Commissioner in Mr Kagawa's absence.

² Lisa Phelps (Alternate Commissioner for USA and Chair of the Budgetary Sub-committee) also attended on behalf of USA

³ The Secretariat has contacted the telephone conference provider to understand the nature of the difficulties and to prevent future re-occurrence

⁴ See Agenda Item 7

Panama, supported by Australia, welcomed the opportunity to develop a general understanding on how the Bureau would operate, and said that this understanding would not affect the Terms of Reference. Panama recommended further development of work around the items highlighted in the annotations to the agenda to support discussions in September. Australia noted that the Chair is able to decide how the Bureau will function and suggested that the experience of present meeting will be helpful in supporting discussions in September.

In response to a question from Belgium, the Chair noted that the Bureau was able to invite the Chairs of the Commission's other sub-groups to attend Bureau meetings, and added that this would be dependent upon the specific agenda items to be discussed.

The Chair proposed that the Secretary should prepare a document on how the Bureau will operate for consideration at the in-person meeting in September. Japan emphasized that the document must be consistent with the Rules of Procedure and that the Bureau was not a decision making forum. The Bureau's purpose was to provide advice to the Chair of the Commission and the Secretariat. Australia as Chair of the F&A Committee agreed that the Commission was the decision maker. However it added that the Bureau could request the Secretary to provide a paper within the ambit of its current terms of reference, The USA supported Panama's suggestion and understood the concerns raised by Japan. It supported the Chair's proposal to develop guidelines on how the Bureau will operate while respecting the Terms of Reference as provided by the Commission. Belgium noted that the Bureau is mandated to discuss issues and make recommendations, and as such it agreed with the documents as circulated.

Agreed outcome: The Bureau requested the Secretary to develop a document on how the Bureau will operate for discussion during the in-person meeting in September. The document should be consistent with the current Terms of Reference, and recognise in particular that the Bureau is not a decision making forum.

4 Financial Affairs

4a Audited Accounts for Financial Year 1 September 2011 to 31 August 2012

The Chair noted that the audited accounts for the 2011-2012 Financial Year were circulated on the 1st March. Australia as Chair of the F&A Committee thanked the auditor for his work and noted the improvements to timeliness and clarity especially with regard to the application of voluntary funds and explanatory notes. The USA supported these comments. Japan drew attention to a typing error in the annotations to the Bureau's agenda which misstated the year end surplus as £25,931 instead of £25,391.

Belgium noted that the year closed with General Fund reserves at 106% of the target level and asked if any action was required. The Secretary said that 106% was very close to the expected budgeted level.

Japan requested that the use of the General Fund should be considered at the Bureau's September meeting in order to support the process for changing the Commission's financial year. Australia supported this proposal and said it would work with the Secretary to prepare a document on this issue.

Panama questioned how the Bureau should advise the F&A Committee on financial affairs, and Japan said that the Bureau's role was to review the auditor's report rather than to accept it. Ghana suggested that it would be appropriate for the Bureau to adopt, advise or direct since the mandate of the Bureau was only to assist in process management⁵. Australia, as Chair of the F&A Committee stated that the role of the F&A Committee was to provide advice to the Bureau regarding the accounts prior to their approval by Chair on behalf of the Commission. The USA supported this approach.

Agreed outcome: The Secretary and Chair of F&A Committee will prepare a document for discussion in September on use of the General Fund to support the change to the Financial Year.

⁵ After minute: Ghana was prevented from joining the meeting and provided these comments in writing.

The Bureau reviewed the auditor's report and advised the Chair to accept the audited accounts for 2011-2012 on behalf of the Commission.

4b Review of the Interim Financial Report

The Secretary introduced the interim financial report and said that expenditure was running according to budget. He also noted that the rate of collection of contribution income was following a similar pattern to that of previous years. Japan noted that the Bureau's role was to review, rather than accept, the interim report. There were no other comments.

The Chair of the F&A Committee reported on the progress of its working groups as follows:

- The Budgetary Sub-committee would next convene ahead of the Commission meeting in 2014.
- The Working Group on provision of Assistance to Governments of Limited Means was being taken forwards by St Lucia, who confirmed that a call to increase the membership of this group was being prepared.
- The UK continued to act as Chair of the Intersessional Correspondence Group on strengthening IWC financing and was working to provide an update and a draft Resolution for consideration at IWC/65 in 2014.
- The USA was Chair of the Working Group on Operational Effectiveness and Cost Saving Measures. To date this group had only four members (Australia, Japan, UK, USA) and it was important to establish a broader representation. The USA indicated it would continue to reach out to increase the groups representation and would provide an additional progress report shortly.

Agreed outcome: The Bureau reviewed the interim financial statements.

5 Procedure for agreeing Scientific Committee expenditure in 2013-2014

Japan noted that the Bureau was not a decision making forum, and said that although the Commission had agreed the allocation of the total amount of funds for research the specific proposals on how to disburse the funds must also be approved by the Commission. Belgium clarified that the Bureau's purpose was to discuss the process by which the Commission could approve the Scientific Committee's proposals. Japan drew attention to point five of the annotations which suggested the Bureau would be expected to 'decide and endorse' the research allocation. The USA considered that it would be appropriate to circulate the Scientific Committee's proposed list of expenditure to the Commission and that if any Contracting Government wished to express opposition to the proposed list then a postal ballot may be required. Australia agreed with this proposal and suggested that the words 'decision and endorsement' in the annotations be deleted and replaced with 'review'. Australia suggested that if any Contracting Governments did wish to express opposition to the Scientific Committee's proposed use of the research funds then the appropriate course of action could be discussed by the Bureau in September, noting that the use of the funds is a Commission decision.

Australia noted that the Commission had allocated a budget but had not allocated how to spend it. Given the recent move to biennial Commission meetings Australia said that it was imperative for the Scientific Committee to develop two year work plans.

Agreed outcome: The Bureau adopted the procedure as provided in the annotated agenda but with the words 'decision and endorsement' in point five replaced with 'review'.

6 Procedure for calculating Contracting Government invoices in 2013 in regards to meeting shares

The Chair noted that the Secretary had asked for clarification on how the 2013-2014 invoices for Contracting Government contributions were to be prepared.

In its written comments Japan highlighted that the Commission's current practice was to allocate shares according to the 'most recent annual meeting' and Australia agreed with this interpretation. Australia also said

that it would be important for the F&A Committee to address this issue in 2014 as part of the intention in adopting biennial meetings was to distribute cost savings. The Chair supported this proposal.

Panama noted that regardless of the current rules it was important that this change would not increase financial contributions. It asked the F&A Committee Chair to develop proposals to ensure that any changes to the current procedures would not imply increases in financial contributions to any group. The USA supported this proposal, but noted that Greece's withdrawal would create a slight increase in individual contributions. The Secretary suggested the effect of Greece's withdrawal on individual contributions could be described in the Circular Communication detailing the calculation of contributions which will be prepared in August 2013.

Agreed outcome: 2013 financial contributions will be prepared using a share allocation for meeting attendance based on IWC/64 in 2012. The F&A Committee will review this process when it meets prior to IWC/65 in 2014.

The Secretary will note the effect of Greece's withdrawal on individual financial contributions through the August 2013 Circular Communication which describes the application of the contributions formula.

7 Development of the Agenda and arrangements for an in-person meeting of the Bureau in 2013

The Chair confirmed that her Government would, in the near future, invite the Bureau to meet in St Lucia. After general discussion there was agreement that a two day meeting would take place during the first week of September, and that the Secretary should contact Bureau members to identify the most convenient dates within that week.

The Secretary agreed to work with the Chair to develop a draft agenda for the meeting which would be circulated to Bureau members by 1 July 2013. The draft agenda would include the suggestions raised during the present meeting.

The USA noted that the secondment to the Secretariat of the Technical Expert on entanglement response and ship strikes would expire in October 2013 and requested that this item be included on the Bureau's agenda at its next meeting.

Agreed outcome: The Bureau will meet in St Lucia for a two day period in the first week of September 2013. The Secretary will contact Bureau members to confirm which two days within that week are most convenient.

The Chair, supported by the Secretary, will develop a draft agenda for the September meeting. This will be circulated for comment by 1 July 2013.

An item on the secondment of the Technical Expert to the Secretariat will be included on the Agenda for the September meeting.

8 Any Other Business

There was no further business. The meeting closed at 23.22 Hrs UK local time.