

## **Report of the Meeting of the IWC Bureau**

Monday 20 June 2016

*Attendance either person at Bled, Slovenia or by teleconference for those unable to travel*

The IWC's Bureau met at the Hotel Golf, Bled, Slovenia on the evening of 20 June 2016. The meeting was timed to take place the day after the close of the IWC's Scientific Committee in order to allow delegates to attend both meetings.

The Chair of the Commission, Bruno Mainini (Switzerland) acted as Chair of the meeting. The list of participants is given as Annex A.

### **1 Welcome from Chair**

Commissioner Mainini welcomed participants.

### **2 Appointment of Rapporteur**

Simon Brockington (IWC Secretary) agreed to act as rapporteur.

### **3 Adoption of Agenda**

The meeting adopted the agenda, with the addition of four items under Section 10 'Other'. The adopted agenda is given at Annex B.

### **4 Minutes from last meeting**

The report from the previous meeting in September 2015 had previously been adopted by correspondence. Members confirmed that the report contained an accurate record of the meeting.

### **5 Commission agenda for IWC66 in October 2016**

Commission Rule of Procedure F.2.d (i) requests the Chair to consult with the Bureau to develop a draft agenda based on decisions and recommendations made at the previous Commission meeting. At its September 2015 meeting the Bureau formulated an outline structure for the agenda. In advance of the present meeting, the Secretary had developed the outline into a full draft agenda with annotations.

Bureau members discussed the full draft agenda and **agreed** that it reflected the outline developed in September 2015. The USA requested that sub-items including 'Report of the Scientific Committee', 'Report of the Conservation Committee' and 'Commission discussions and action arising' be removed in order to provide simplicity and consistency throughout the agenda. The meeting **agreed** that introducing agenda items by title alone would be sufficient, but noted that it was important that contributions were not accidentally omitted from discussions. To prevent this the Secretary **agreed** to provide the Chairs of Commission and Sub-committee meetings with comprehensive notes to ensure all relevant actors would be called to intervene.

With this agreement, the Secretary **noted** that he would circulate the draft agenda for IWC 66 and its associated Sub-committee meetings by 16 July 2016, this being 100 days prior to the opening of IWC66.

### **6 Proposal for the attendance of an external expert at IWC66**

Following the recent IWC expert workshop on Aboriginal Subsistence Whaling held in Maniitsoq, Greenland, the Chair of the ASW Sub-committee had requested the Secretary to enquire if the UN Special Rapporteur on the Rights of Indigenous Peoples (Ms. Victoria Tauli-Corpuz) is available to attend IWC66. At the time of the Bureau meeting Ms Tauli-Corpuz had not responded to indicate if she was available to attend. The Secretary requested advice from the Chair and Bureau members on whether there are any protocol or procedural issues to take into account when inviting external experts to IWC meetings.

Japan, supported by Australia, enquired on how the costs of external experts would be covered. Japan noted that if funds were available through the voluntary ASW fund established at IWC65 in 2014 then this would be the most appropriate method to support costs. If this option was possible Japan recommended that the Commission could be notified when the 100 day draft agenda was circulated with a request for comment.

Alternatively, Japan noted that if core funds were required to cover costs (for example from the General Fund) then this would require approval from the Commission.

The USA supported the comments by Japan and Australia and considered that this would be an appropriate use of the ASW voluntary fund. It noted that St Lucia, as Chair of the ASW Sub-committee, would be ideally placed to propose expenditure for this purpose from the voluntary fund.

The Chair noted that, in addition to the decision on how to fund invited experts, there was a requirement to decide when, where and how the expert would participate in the meeting. In asking this question the Chair observed that the Bureau works for the Commission and proposed that, if Bureau members agreed, the Bureau was in a position to confirm invitations to outside experts.

Japan confirmed the Chair's view, and stated that a Circular Communication would only be required if an external expert required funding from core Commission funds. If no finance was required, or if finance would be drawn from an IWC voluntary fund, then the Chair of the relevant Sub-committee (with advice from the Bureau as appropriate) can make the invitation to the expert and to inform the Commission. The USA supported this view and noted that the Commission would ultimately be asked to adopt the agenda which would include a contribution from invited experts. However the USA also observed that a communication to inform the Commission as to why the expert had been invited would be of great assistance to Contracting Governments.

Following discussion, the Bureau **advised** that: (1) the invitation of experts was a matter for Committee or Sub-committee Chairs with advice and endorsement from either the Chair of the Commission and/or the Bureau; (2) that invited experts should be supported by voluntary funds if at all possible, and if this is not possible that a request to the Commission is required before core funds can be considered for use; (3) the Commission should be notified, either by Circular Communication or through the draft agenda of the attendance of external experts; and (4) that the draft agenda should specifically provide for a speaking opportunity for external experts.

## **7 Commission budget for 2017 and 2018**

Rule of Procedure M.9 indicates that the Bureau may advise the Secretariat on administrative and financial matters between meetings of the Commission. The Bureau may consider issues related to financial tasks within the scope of the Financial and Administrative Committee, but only in the context of making recommendations to that Committee.

Financial Regulation D.1 requires the budget estimate of expenditure and income for the ensuing two year period be presented to each biennial Commission meeting, and Rule of Procedure H.2(c) requires the Secretary to prepare the draft budget. The Secretary made the draft available as document BUR J16 03 in order that Bureau members could provide advice and make appropriate recommendations to the Finance and Administration Committee.

The USA (Chair of the Finance and Administration Committee) thanked the Secretary for the draft budget and noted that the provisions set aside for Severance Pay had their origins in the 1980s when there were doubts about the Commission's long term future. Given the funds had now built up to a high level there was a case

for using this money to pay down the loan on the Commission's headquarters premises. Accordingly the USA **requested** the Secretary to provide an analysis on the interest savings that would result.

The USA noted that the Commission had held its levels of contributions at a zero percent increase since 2013 and that this approach was not viable in perpetuity. Australia observed that this situation was similar across other inter-governmental organisations and that a model was required which projected IWC income and expenditure some years into the future, for example to 2020. Slovenia proposed that following several years of zero percent increase in contributions it would be appropriate to start by developing a scenario which reflected the inflation rate in the host country. Supporting this suggestion, the USA noted that ICES had recently achieved a greater than inflation increase in contributions but only after ministerial level negotiations.

The Chair noted the importance of saving money and of using available funds effectively. He agreed that the IWC would benefit from a longer term financial strategy and if increases to offset inflation could not be agreed then at some point in the future the Commission would be required to make cuts to programme expenditure. The USA proposed the use of visual tools to increase understanding of future financial scenarios and the importance of rises to contributions which, at the minimum, reflected inflation levels.

Following this advice from the Bureau, and at the request of the Chair, the Secretary **agreed** to: (1) further refine the draft budget and to provide for an inflation level increase in Contracting Government contributions; (2) to explore long term financial planning and the use of visual tools to support the communication of these long term scenarios, and (3) to provide an analysis of the net savings to the Commission from using the severance pay reserve to pay down the loan on the headquarters premises.

## **8 Website Guidance and Proposals for Facilitating Communication**

The Bureau established a working group in March 2015 to provide general principles and practical guidance on the use of the IWC website. Document BUR J16 04 presented the working group's report.

The Chair of the F&A Committee introduced the working group's report and drew attention to its Terms of Reference as presented at Annex A of BUR J16 04. He noted that part of the group's role was to increase dialogue around issues and proposals which had not been endorsed by the Commission. With regard to the use of the website, the working group recommended at Annex B of BUR J16 04 that: (1) work that has been clearly endorsed by the Commission should be recorded on the website in as timely a fashion as resources allow; and (2) that work that has not received this endorsement should be considered on a case-by-case basis, and referred by the Secretariat to the IWC Chair and/or Vice-chair.

The Chair of the F&A Committee went on to draw attention to suggestions contained in the second part of the working group report which were aimed at facilitating communication across the Commission's membership. Noting that the Commission already has access to the IWC portal for sharing and archiving meeting documents, and also list serve email groups to help groups work by correspondence the Chair of the F&A Committee asked whether shared documents, similar in example to Google Docs, could be introduced to facilitate the development of agreed text. Such a system could be trialled with one or two groups to assess its effectiveness, and whether there would be any cost implications in the long term.

Australia thanked the working group for its report, noting that it had been one of the founding members. It confirmed that the document should go forwards to the F&A Committee at IWC66 for further discussion. Japan noted that the suggestions in the second part of the working group report would be implemented gradually and asked how any new ways of working would be reviewed and improved. The USA responded that this was a Bureau working group, and consequently Bureau members may wish to keep the issue of facilitating communication under its review.

The Chair **noted** the Bureau's agreement to retain an interest in this issue while also forwarding the working group report to the Finance and Administration Committee at IWC66 for further discussion.

## 9 **Chairs for Commission Sub-committees**

### 9a **Infractions**

At the request of the Chair, the Secretary reported that Professor Lars Walløe (Norway) had given notice that he is unable to continue as Chair of the Infractions Sub-committee. Professor Walløe recommended that Ms Hild Ynnesdal (Norway) may be available to take on the role.

Australia raised the question as to how candidates are selected to fill vacant roles as Committee or Sub-committee chairs, and whether a call for nominations is required through a Circular Communication. Japan responded that at present the practice is informal, with the Bureau often acting as a starting point for identification of candidates who could be approached to take on positions as Chair. The USA noted that while the current process is informal it was also transparent, and that the main difficulty encountered was the low number of candidates who would consider taking up positions as Committee or Sub-committee chairs.

The Chair expressed his gratitude to the Norwegian delegation for their foresight and planning and indicated his support for Ms Ynnesdal's offer to take on the role as Chair of the Infractions Sub-committee. The Bureau **agreed** that Ms Ynnesdal should take on the role subject to approval by the Commission's membership at the Sub-committee's next meeting.

### 9b **Other vacancies**

Bureau members noted an early indication from St Lucia that, following recent elections, Commissioner Compton-Antoine may soon stand down from the IWC. Japan noted that the ASW Sub-committee Chair was a specialist role and that it would be important to act as soon as possible to establish a replacement candidate should one be needed. The Chair acknowledged the requirement to ensure an experienced Chair was available for the ASW Sub-committee and encouraged St Lucia to communicate any change in its circumstances as soon as it was able to do so.

Bureau members **agreed** to add identification and selection of Committee and Sub-committee Chairs to the agenda for the Private Commissioners' meeting which will take place in Portorož on Sunday 23 October 2016.

## 10 **Other**

### 10a **Location for 2017 Scientific Committee**

Slovenia reported that it was very pleased with the outcome of the 2016 Scientific Committee meeting which had recently concluded in Bled. The prevailing feedback from participants, including especially those who had travelled long distances, was that Bled made a superb venue for the meeting given its combination of comfortable hotels, excellent meeting facilities and a beautiful lakeside setting. Given this feedback Slovenia indicated that it would be delighted to host the Committee again in 2017.

Bureau members **thanked** Slovenia for its offer. While noting that there are advantages in moving to different geographical locations, including the opportunity for local scientists to participate in the Committee's work, the Bureau agreed that it would be a pleasure to return to Slovenia. The Chair **proposed** that Slovenia should make a formal offer to the Commission, ideally at or before IWC66 in October 2016.

### 10b **Update on Resolutions for presentation at IWC66 under development by Government of Australia**

Australia provided an update on two Resolutions it was preparing for presentation at IWC66. The first would provide for a review of IWC performance and governance, focusing in particular on the relationship between the Commission and its subsidiary bodies. The review will consider all aspects of the Commission's governance, rules and operations and will be undertaken by an independent expert or experts who will work with Commission members and the Secretary. Australia noted that the review will not seek to interpret the Convention in any way, or to influence how the Commission works within the Convention. Australia noted that its intention was to develop a Resolution which will be adopted by consensus and that it had already started working with other Contracting Governments to ensure consensus agreement can be achieved.

The second Resolution would examine the issue of Special Permits and would focus on governance and process, and in particular it would look to increase the Commission's engagement with the work of the Scientific Committee.

Australia **stated** that it would provide a voluntary contribution to the IWC totalling AUD \$1.5million (equivalent to £758,000 British Pounds) to support the work of the IWC-Southern Ocean Research Partnership including an allocation of AUD \$500k for projects relating to whales and krill. In addition, another contribution of AUD \$200k (equivalent to £103k) would support the costs of the governance and performance review referred above<sup>1</sup>. Additional contributions would be welcomed from other Contracting Governments.

#### **10c IWC 70<sup>th</sup> anniversary communications**

At its previous meeting in September 2015 Bureau members noted that the ICRW will celebrate its 70<sup>th</sup> anniversary in 2016 and agreed to discuss options to mark the occasion at its next meeting. The Secretariat developed a document BUR J16 05 'Marking the IWC's 70<sup>th</sup> Anniversary' in support of this suggestion.

The Secretary introduced BUR J16 05 and noted that the proposed approach to marking the 70<sup>th</sup> anniversary centred on using a range of communications to highlight the breadth and extent of the IWCs work. The document analysed the IWC's different audiences and in particular identified the need to establish a biennial report series to provide a narrative and illustrated account of the activities undertaken by the Commission in the period leading up to Commission meetings. This would build upon the successful trial report produced in 2014 and the themes identified in the report would be accompanied by a series of other communications materials including press releases, placed articles, interviews and the continued update of the website and production of the news bulletin.

In discussion, Japan noted that the development of the IWC's communications work was not only limited to the 70<sup>th</sup> anniversary. It encouraged the preparation of material for the anniversary and requested an opportunity to continue discussing ideas around communication going forwards from IWC66, perhaps by establishing a dedicated working group.

Slovenia noted that, in comparison to other organisations, the IWC tends to draw a higher level of public and media attention. It suggested that observers and media commentators will already have acknowledged the 70<sup>th</sup> anniversary and that if the IWC responds actively it will provide an opportunity to transmit messages which are supportive of the work currently underway. Supporting Slovenia's comment, Australia noted that the Antarctic Treaty had recently celebrated its 25<sup>th</sup> anniversary by adopting a declaration and that this had been a useful exercise.

Australia also noted that 2016 will see the 30<sup>th</sup> anniversary of the moratorium coming into effect and that commentators on the IWC will also be aware of this significance. Japan noted that communications around

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<sup>1</sup> See Circular Communication IWC.ALL.256 of 30 June 2016 which provided details of all voluntary contributions received by the Commission from January to June 2016.

the 70<sup>th</sup> anniversary should not highlight differences between the membership, but instead reflect the Commission's current approach of identifying and working upon areas where there are agreements between the Commission's membership.

The Chair remarked that the IWC has much to celebrate. He noted that many decisions had been taken in the last 70 years and that this gave rise to a rich history for the organisation. The 70<sup>th</sup> anniversary provided an opportunity to set the organisation's current work into the context of its history and to demonstrate all the progress that had been achieved.

The Secretary noted that the communications outputs recommended in the paper were contingent upon the Secretariat's ability to produce them. Noting this, the Bureau members **agreed** to the proposed recommendations and awaited progress on their production.

#### **10d      Date of next Bureau meeting**

Bureau members agreed to meet again at 16.30Hrs on Saturday 22 October 2016 at the Grand Hotel Bernardin, Portorož, Slovenia. This meeting is scheduled two days prior to the opening of IWC66 and will allow Bureau members to discuss any items related to the conduct of the Commission meeting.

## **Annex A**

### **List of Participants**

#### **Switzerland**

Bruno Mainini (IWC Chair)

#### **Australia**

Nick Gales

Deb Callister

Bill de la Mare

#### **Ghana**

Benson Nutsukpui

#### **Japan**

Joji Morishita (IWC Vice-chair)

Naohito Okazoe

#### **Slovenia** (Host for next meeting)

Andrej Bibič

#### **USA**

Russell Smith

Ryan Wulff

Lisa Phelps

#### **IWC Secretariat**

Simon Brockington

### **Apologies for absence:**

#### **St Lucia**

Jeannine Compton-Antoine

#### **Uruguay**

Carlos Rodriguez

**Annex B**  
**Bureau Agenda**

- 1 Welcome from Chair
- 2 Appointment of Rapporteur
- 3 Adoption of Agenda
- 4 Minutes from last meeting
- 5 Commission agenda for IWC66 in October 2016
- 6 Proposal for the attendance of an external expert at IWC66
- 7 Commission budget for 2017 and 2018
- 8 Website Guidance and Proposals for Facilitating Communication
- 9 Chairs for Commission Sub-committees
  - 9a Infractions
  - 9b Other vacancies
- 10 Other
  - 10a Location for 2017 Scientific Committee
  - 10b Update on Resolutions for presentation at IWC66 under development by Government of Australia
  - 10c IWC 70<sup>th</sup> anniversary communications
  - 10d Date of next meeting



**Annex C**  
**List of Documents**

<b><i>Primary Documents</i></b>	
BUR J16 01	Provisional Agenda
BUR J16 02	IWC 66 Draft Agenda
BUR J16 03	Budget for the IWC for 2017 and 2018. Initial Proposals for Comment and Modification
BUR J16 04	Bureau website working group report
BUR J16 05	IWC 70 <sup>th</sup> anniversary communications
<b><i>Reference Documents</i></b>	
No number	Report of the September 2015 Bureau meeting