

Draft Resolution on the Response to the Independent Review of the International Whaling Commission

*Submitted by Argentina, Australia, Austria, Belgium, **Brazil**, Bulgaria, Cyprus, Croatia, Czech Republic, Kingdom of Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, New Zealand, Poland, Portugal, Romania Slovak Republic, Slovenia, Spain, Sweden, United Kingdom and the United States*

RECALLING Resolution 2016-1, which the International Whaling Commission adopted by consensus to establish a comprehensive, independent review of its institutional and governance arrangements;

NOTING the importance of continuing to work towards consensus agreement on reforming the Commission;

REAFFIRMING the Commission's commitment to ensure it aligns its institutional and governance arrangements with best practice for contemporary multilateral treaty bodies, notwithstanding any difference in views among Commission members on substantive matters;

GRATEFULLY ACKNOWLEDGING the work of the independent review panel selected to conduct the review in accordance with the Terms of Reference for an Independent Review of the International Whaling Commission;

RECOGNISING the extensive outreach the review panel undertook to reach an informed view, including through soliciting the views of all Commission members, the Secretariat, accredited observers, and representatives of other multilateral treaty bodies;

NOTING that the review panel submitted a final report on 8 April 2018, and that the report provides recommendations for institutional and governance reform, and calls on the Commission to develop an implementation plan for reform;

NOTING that a number of the panel's recommendations are already underway;

FURTHER RECOGNISING the need for the Commission to respond to the independent review panel's report in a timely and considered way, and ensure the Commission is on a clear path to becoming a more accountable and effective organisation.

NOW, THEREFORE THE COMMISSION:

ACKNOWLEDGES receipt of the independent review panel's report, which provides a basis upon which to progress reform of the Commission's institutional and governance arrangements;

ADOPTS the report of the Working Group on Operational Effectiveness, and considering the recommendations of the independent review panel's report, DIRECTS the Working Group on Operational Effectiveness to develop a plan to implement reforms that will improve the institutional and governance arrangements of the Commission and its subsidiary bodies, to be presented to the 68th meeting of the Commission;

REQUESTS subsidiary bodies, contracting governments and accredited observers continue to work with the Working Group on Operational Effectiveness for the development of a plan to implement the reforms that will improve institutional and governance arrangements of the Commission;

AGREES to the Terms of Reference for the Working Group on Operational Effectiveness found at Annex A;

FURTHER AGREES that existing work to improve governance and accountability being progressed by the Secretariat, the Bureau or other relevant subsidiary bodies as identified in Annex B should continue.

ANNEX A

Terms of Reference to develop an implementation plan for institutional and governance reform

Objective

The Working Group on Operational Effectiveness (Working Group) will identify reforms to improve and enhance the effectiveness of the International Whaling Commission's institutional and governance arrangements, and develop an implementation plan for consideration by the Commission at its 68th meeting in 2020.

Scope

The following elements of the Commission's institutional and governance arrangements will be considered:

- a) Strategic and work planning practices;
- b) Meeting arrangements, conduct and procedures;
- c) Subsidiary bodies (Secretariat, Bureau, committees and subgroups);
- d) Communication and outreach;
- e) Financial management;
- f) Rules of procedure and legal preparedness.

Out of scope

As per Resolution 2016-1 on *Enhancing the Effectiveness of the International Whaling Commission*, institutional and governance reforms will not take account of the Commission's objectives or mandate. The Working Group will not consider reforms that seek to amend or relate to:

- a) The text of the International Convention for the Regulation of Whaling;
- b) The text of the Schedule to the International Convention for the Regulation of Whaling;
- c) The conservation and management status of cetaceans;
- d) Contracting Governments' compliance with the Convention and Schedule;
- e) Aligning the Commission's operations with the International Court of Justice's judgment in the case concerning Whaling in the Antarctic (*Australia v. Japan: New Zealand intervening*).

Inputs

The Working Group will take account of the following sources of information to identify reforms and develop the implementation plan:

- a) The report of the independent review panel and its recommendations (2018)
- b) The Scientific Committee's preliminary feedback on the independent review panel's report (IWC/67/Rep01(2018), Annex X)
- c) Additional input as a result of consultation undertaken by the Working Group following IWC67 with subsidiary bodies, contracting governments and accredited observers

Working method and time

The Working Group will conduct its work in two stages:

(1) Identify reforms

The Working Group should build on the consultation undertaken by the independent review panel. The views of subsidiary bodies, contracting governments and accredited observers should be sought. The method of consultation is to be determined by the Working Group.

This stage should be completed by July 2019.

(2) Develop an implementation plan

The plan to implement the reforms should include:

- a) Discrete deliverables
- b) Identified leads
- c) Timeframes
- d) Performance indicators

This plan should be developed in time for consideration by the Commission at its 68th meeting in 2020.

ANNEX B

The Secretariat should continue to progress the following improvements to management and accountability in the next intersessional period. These improvements are already underway, straightforward and do not require additional resources, and can be implemented without delay.

- Review the provision of IT services to the Commission to improve the efficiency of the Secretariat and to enable effective collaboration between the Commission and its subsidiary bodies.

- The Secretariat to work with the Commission and its subgroups to enhance financial management and financial reporting practices including by:
 - Ensuring compliance with International Financial Reporting Standards and accounting best practice
 - Continuing to enhance the currency, risk and cash flow management strategy and associated policies
 - Establishing a consistent approach to the calculation of per diems for Commission meetings, subgroup meetings and workshops
 - Ensuring that robust contracts are in place for all work being undertaken for the Commission in line with U.K. legal requirements and procurement best practice.

- Enhance the Secretariat's operation and management practices through:
 - Reviewing and amending staff regulations and human resource policies to ensure they are in line with U.K. legal requirements and best practice
 - Reviewing the allocation of financial and human resources within the Secretariat to ensure that they are aligned to Commission priorities
 - Developing an organisational risk register for the Secretariat
 - Developing a plan to ensure organisational resilience to potential staff turnover in the short to medium term, and build depth of capability where needed.