

## IWC Bureau Meeting – 1 and 2 October 2019

### City Hotel, Ljubljana, Slovenia

Attending in person: Andrej Bibic (IWC Chair, **Slovenia**),  
Amadou Diallo (IWC Vice-Chair, **Guinea**)  
Ryan Wulff (Chair of Finance & Administration Committee, **USA**)  
Josefina Bunge (**Argentina**)  
Miguel Iñiguez (**Argentina**)  
Emmanuel Mantey Mensah, (**Ghana**)  
Matevz Gotovnik (**Slovenia**)  
Katja Piskur (**Slovenia**)  
Horace Walters (**St Lucia**)  
Gemma Harper (**UK**, Co-chair of Working Group on Operational Effectiveness)  
Rosie Carpenter (**UK**)  
Lisa Phelps (**USA**, Co-chair of Working Group on Operational Effectiveness)  
Kristin Rusello (**USA**)  
Rebecca Lent (Executive Secretary)  
Katie Penfold (Secretariat)

*The Chairs of the Scientific Committee, Conservation Committee & Budgetary Sub-Committee as well as members of the Secretariat dialled in to the meeting to provide additional input as indicated in the minutes below.*

#### **1. WELCOME FROM THE CHAIR**

The Chair welcomed everyone to the meeting in Ljubljana, convened in accordance with the Commission's Rule of Procedure B.4<sup>1</sup>. The Chair reminded the group that the role of the Bureau is to provide advice to the Chair and the Secretariat, and to oversee the work programme of the Commission during the intersessional period.

#### **2. APPOINTMENT OF RAPPORTEUR**

It was agreed that the Secretariat would serve as rapporteur.

#### **3. ADOPTION OF AGENDA**

The agenda was adopted. The Bureau agreed to discuss an additional item, relating to the Bureau's Terms of Reference. Details of the discussion are included under section 11.2.

#### **4. MINUTES FROM LAST MEETING**

The Minutes of the Bureau meeting held in April 2019 were adopted and are available in all three Commission languages and can be found [here](#).

#### **5. FINANCE & ADMINISTRATION COMMITTEE & ITS SUB-GROUPS**

The Chair of the Finance & Administration Committee (F&A) introduced this item and reminded the Bureau of the current deficit budget position.

##### **5.1 Presentation and discussion of paper 'Budget Reform Strategy: Report of the Budgetary Sub-Committee to the Bureau' by BSC Chair**

##### **5.2 2021/22 Budget**

These two items were taken together. Australia (BSC Chair) participated remotely to give a presentation to the Bureau regarding these issues. The presentation outlined a forecast deficit for the 2021/22 financial years totalling £242k if the Commission does not take any action, as well as 'quick win' savings into the 2021/22 budget and proposals to allocate dormant Commission funds. The Bureau was requested to give feedback to

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<sup>1</sup> *The Bureau shall meet in those years in which the Commission does not meet and shall otherwise meet as required to fulfil its functions in accordance with Rule M.9*

the BSC on how options should be developed in order to achieve a balanced budget for the next biennium, for example, through increasing contributions, making savings, or a combination of the two. Ideas for savings that were discussed included reducing the length of Commission meetings, moving towards biennial Scientific Committee meetings, virtual participation in various meetings and other options. The Bureau provided ideas to the BSC on how this might be achieved and requested that the BSC undertake further investigations with a view to bringing back formal proposals for the Bureau's feedback in May. The Bureau noted the importance of consulting with the SC Chair and Vice-Chair in considering the option of biennial SC meetings, exploring the possibility of transferring some of the savings to support greater intersessional SC work, and the potential impact on developing country engagement if virtual participation is a regular option for SC meetings. In addition, the Chair (and the Chair of the F&A), following advice of the Bureau, endorsed the BSC's proposal for incorporating some modest 'quick win' savings into the 2021/22 budget as well as proposals to allocate dormant Commission funds.

The Bureau also received an update regarding the BSC's proposed Budget Reform Strategy which comprised a package of financial principles which would bring the Commission into line with international financial best practice and ensure a sustainable and transparent budget situation going forward. This is also one of the four papers being drafted as part of the WG-OE process. The proposal included measures to address inflation, making a balanced budget a requirement, moving towards 'zero based budgeting' principles and a four-year budget planning cycle. These principles were endorsed by the Bureau.

The Bureau acknowledged the importance of outreach by the Bureau members to gain a budget consensus and they committed to assisting the BSC in this process.

### **5.3 Forecast position for 2019**

The Secretariat provided an update on the forecast financial position for 2019, in line with Financial Regulations D.1. (c) and (d). The Commission set a budget for 2019 which included a deficit of £33k. The forecast position is expected to be broadly in line with this for 2019, with an expected overspend of £38k.

The Secretariat reported that the Commission was facing budget pressures in terms of its income, life and health insurance policies for Secretariat staff which have increased by more than inflation due to staff demographics and policy claims. It was noted that while staffing costs were on-budget, pressure on workloads is increasing. The underspend in IT was welcome, however it was noted that this was a one-off situation and additional investment will likely be needed in the near future.

The Bureau thanked the Government of Kenya for its generous financial contribution of £158k which was required to fund the Nairobi SC meeting and stay within the IWC SC meeting budget.

The Bureau noted the forecast position.

### **5.4 SC Finances: Sustaining the SC Work Programmes in the New Financial Climate**

The Secretariat presented a joint paper drafted in partnership with the Chair and Vice-Chair of the Scientific Committee.

The paper outlined a way forward to support the SC in ensuring a sustainable work programme that is well-coordinated with the Commission processes and reflects Commission priorities following the reductions to the SC research budget at IWC 67.

The Bureau thanked the SC Chair and Secretariat for their work and endorsed this approach.

### **5.5 Voting status update**

Financial Regulation E4 requires that the Bureau is updated on financial contributions. The Secretariat noted that 74% of total contributions owed have so far been collected for 2019 from 49 Member Governments. In accordance with Financial Regulation F.2., voting rights of the 39 Governments with contributions in arrears were suspended on 30 September. The Secretariat confirmed that 2020 invoices were ready to be issued and that the average levels of redistributed contributions as a result of the departure of the Government of Japan were in line with estimates reported in April.

The Secretariat made two suggestions to improve the collection of contributions. The first of these was to amend the Financial Regulations to suspend voting rights the day after contributions become due, which may prompt earlier repayment and also simplifies the current rules without affecting voting rights or interest charges in practice. The second suggestion was to request that Member Governments provide updated information on the finance departments responsible for making payments at the point of registration for the Commission, and in line with Rule of Procedure A.3.

The Bureau thanked the Secretariat for its report and supported measures to improve contribution collection, noting that Contracting Governments should be able to nominate the most relevant person as a point of contact with regards to financial contributions, which may not necessarily be a finance department. The Chair requested that the Secretariat gather information regarding contribution levels and arrears in other MEAs to benchmark the IWC's position with comparable organisations, including the consequences of being in arrears.

## **5.6 Other Financial Issues**

The Secretariat requested clarification on how the budget to support Bureau meetings should be comprised. It was agreed that future annual budgets would be comprised of funding for basic Secretariat support, translation of key documents into the three Commission languages and meeting room costs (if required). Bureau members requiring support for travel costs would be required to apply to the Voluntary Assistance Fund, if eligible.

## **6. GOVERNANCE REVIEW AND WORKING GROUP ON OPERATIONAL EFFECTIVENESS (WG-OE) MEETING**

The Co-chairs of the WG-OE (UK and USA) gave a joint presentation to update the Bureau on progress by the WG-OE. The Co-chair from the USA thanked the UK for hosting a successful and productive workshop in July at London Zoo. The task for the meeting attendees was to consider the 39 recommendations proposed by the independent reviewers and how these could be implemented. The workshop was divided into breakout groups who then had the opportunity for substantive discussions on the recommendations, which were then categorised and prioritised.

The workshop was well-attended, with Contracting Governments, Observer Governments, Non-Governmental Observers and the Secretariat participating. Three drafting groups were established in order to produce an implementation plan based on the group's prioritisations. The report of the workshop was issued via Circular Communication [IWC.ALL.355](#) and is available in the three working languages of the Commission.

However, the Co-Chairs regretted that not all Commission viewpoints were represented at this event. The Bureau was asked to provide advice on how the WG-OE could conduct outreach to ensure that all political and geographical perspectives of the Commission are aware of the importance of providing feedback on the reforms ahead of the Commission meeting. The Bureau agreed to support the WG-OE in its outreach and suggested that the Co-chairs consider attending regional meetings such as the upcoming meeting of COMHAFAT in January 2020 and at the next meeting of CARICOM (February 2020), as well as conducting outreach with the EU and Buenos Aires Group and others. The Bureau emphasised the need for documentation to be available in English, French and Spanish.

The Bureau also received a presentation from Drafting Group 1 regarding progress with their work on reviewing meeting structure and sub-committee interaction, two of the four papers being drafted by the WG-OE for review by the Commission. The Co-chairs informed the Bureau that all documents from all three drafting groups should be ready for circulation to the Commission at the end of the year and will be made available in English, French and Spanish. The Co-chairs reminded the Bureau that membership of the WG-OE remains open and welcomed new members from across the Commission.

## **7. UPDATE FROM THE EXECUTIVE SECRETARY**

The Executive Secretary updated the Bureau on a number of issues pertaining to the Secretariat.

### *IWC 68*

The Secretariat has prepared a revised timetable for the meeting to ensure that meeting reports would be available in time for discussion in the plenary session. The Executive Secretary kindly requested that the Circular to Contracting Governments in preparation for IWC68 include a request to provide the Secretariat with any proposed Resolutions or Schedule Amendments 75 days before the Plenary meeting, in order to allow the Secretariat sufficient time to translate and upload documents by the mandated 60-day deadline for posting.

Submissions should clearly indicate whether the proposal is a Resolution or Schedule Amendment. The Bureau supported this approach, noting that the revised deadline would be on a voluntary basis only.

#### *Credentials Committee Membership*

The Executive Secretary highlighted that, with the departure of the Government of Japan, a seat remains open on the Credentials Committee. As Credentials Committee will convene before the start of the Commission Plenary, a replacement member needs to be identified ahead of IWC 68. The members of the Bureau undertook to identify a Contracting Government delegate to undertake this role by the time the Bureau meets in May 2020.

#### *Database of Recommendations*

The Bureau was informed that all SC68A recommendations have now been added into the Database of Recommendations. The Database is on track to be fully operational by the end of the calendar year.

#### *Efficiencies from IWC 67*

The Secretariat has introduced efficiencies into the way the Commission meeting report is produced, by ending the process of turning the agreed final version of the Chair's Report (circulated shortly after the meeting) into a two-column version. This presents substantial savings in staff time for the Publications team allowing them to focus on other priorities. The Bureau welcomed this change.

#### *Information Technology*

The Bureau received an update on an external review of the Commission's IT function which has identified some areas for improvement. Whilst IWC systems are of a high quality, they are complex, and it is difficult to efficiently and swiftly address issues as they arise. In early 2020, further adjustments will be undertaken to the IT function to ensure a sustainable and reliable IT service for the Commission and Secretariat.

#### *Training & Development*

The Executive Secretary confirmed that a training session for the Secretariat on Communications was being planned, and also that informal French language classes had commenced. The Secretariat continues to work without a training budget, so any sessions are funded from one-off savings, or in the case of the language exchange, are led by staff in-house.

#### *Fundraising*

The Bureau were informed of progress in relation to fundraising. The Secretariat, in consultation with relevant working groups, is developing a long-term, multi-year strategy to ensure a holistic approach to raising external funds for programmes that do not receive core budget. Progress to date has included the design of concept notes and outreach to potential funding sources.

#### *Internships*

The Executive Secretary updated the Bureau on recent and upcoming internships within the Secretariat. These include a NOAA Sea Grant Fellow (one-year post-graduate internships) working on ASW-related matters as well as an intern from the University of Algarve in Portugal who will be exploring the use of social media in MEAs. A Fulbright scholar and Leadership Program candidate will join the IWC for an internship in autumn 2020 focused on Conservation Committee and ASW work. Recent entanglement apprentices include two individuals from Peru and one from Norway. The Executive Secretary expressed a commitment to diversity amongst the Commission's interns and requested that Bureau members inform her if any opportunities arise for Governments or regional organisations to fund new internships.

#### *Options for the Red House*

The Secretariat gave a presentation of options for the Secretariat's accommodation going forward, noting that this issue has been under consideration by the Commission for some time. The Bureau discussed the five options that were presented and requested that the Secretariat develop three detailed options to consider at the next meeting in May as follows:

- Renting accommodation in the same area of Cambridge as the Red House
- Renting accommodation in a lower-rent area further outside of Cambridge
- Buying an alternative, lower-priced property

It was requested that these options include details of staff time that would be saved under each option and any interest income that could be achieved on cash generated from the sale of the Red House.

#### *Strategic Plan*

The Bureau thanked the Executive Secretary for her ongoing work with the Secretariat Strategic Plan. The key aims of the Strategic Plan are to establish the Secretariat's priorities, ensure a team approach to the mission, have clear accountability and lines of delegation. The Chair, following the advice of the Bureau, endorsed the Executive Secretary's plan and agreed that this could now be implemented.

## **8. PROGRESS ON COMMISSION INTERSESSIONAL WORK & UPDATES BY OTHER COMMITTEES**

### **8.1 Introduction**

The Chair introduced this item under which the Bureau reviewed progress of work of the committees and sub-groups in line with Rule of Procedure M.9.

### **8.2 Review of Information Drawn from the Database of Recommendations**

The Executive Secretary provided further updates on progress with the Database of Recommendations, informing the Bureau that the Secretariat aims to have this tool to become accessible on the Commission's website by the end of 2019. The Database will also be populated going forward with the support of the SC, and to cover past years as staffing time allows.

### **8.3 Scientific Committee – Main Outcomes from SC68a**

The Chair and Vice-Chair of the Scientific Committee attended the meeting by teleconference to give their report.

They noted that the SC meeting in Nairobi had successfully concluded, with the group completing the majority of its agenda. The Chair noted that Japan participated in full at this meeting and it was hoped that they would continue to make contributions at SC meetings as a Non-Member Government Observer.

Improved communication with the Commission was highlighted as a key priority for the SC and the Bureau was asked for feedback on how this might be achieved. In response to a question from the SC Chair, the Bureau advised that the best approximation for the next biennial budget for SC is the current budget level, although this was just indicative. The Bureau were informed that the SC Chair and Vice-Chair were now undertaking monthly teleconferences with the Secretariat to coordinate SC work and in order to prepare for the upcoming SC meeting in 2020.

The Bureau thanked the Chair of the Scientific Committee for his report.

### **8.4 Conservation Committee Update**

The Chair of the Conservation Committee attended the meeting by teleconference to give his update.

He reported that the Bycatch Mitigation Initiative (BMI) expert panel meeting in Nairobi concluded successfully. The outcomes of this workshop will facilitate the understanding of threats and opportunities in relation to bycatch in the Indian Ocean region.

The Bureau were informed that the Conservation Management Plan Special Working Group (CMP SWG) are developing processes to identify priorities for the Commission, including a fast-track process for species that need urgent attention. The SWG is working with the Secretariat to explore external funding opportunities. The Bureau was informed of a new CMP under development for South American river dolphins, and a proposal to develop a CMP on humpback whales from the USA to Panama.

Regarding Ship Strikes, the CC Chair updated the Bureau on the success of the joint IMMAs workshop in April, the outcomes of which will be to inform a ship strikes strategic plan. Progress with the Ship Strike database is continuing, and the addition of US ship strike data will be a critical next step.

The development of the Whale Watching Handbook is continuing, with a need to update the general principles for whale watching and to give attention to areas where whale watching is a matter for concern.

The upcoming third Marine Debris workshop to be held 3-5 December 2019 in La Garriga, Spain will help to define IWC's role in dealing with this issue.

The CC Chair thanked his Vice Chair and the Secretariat for their support in furthering the work of the CC.

Bureau members raised the issue of climate change, especially in relation to a recent study by the International Monetary Fund on the role and value of large whales in addressing climate change and asked whether the Scientific Committee or Conservation Committee could take a view on this. The CC Chair suggested the joint CC SC meeting, to be held at the end of the 2020 Scientific Committee meeting, may be a good point to cover this issue, and the SC Chair confirmed that this issue was also addressed under the Scientific Committee's Environmental Concern group.

The Vice-Chair of the Conservation Committee updated the Bureau on the outcome of the recent Conservation Committee Planning Group (CCPG) meeting in July. She noted that topics under discussion included the Whale Watching Handbook, bycatch and marine debris among other topics. She noted that the Secretariat would explore using the Database of Recommendations to inform future agendas for future CC meetings and that a paper was under development in relation to how the CC might better address species of urgent concern. An Intersessional Correspondence Group on Climate Change was also established.

The Bureau thanked the Chair and Vice-Chair of the Conservation Committee for these updates.

### **8.5 Other Sub-Committees and Working Groups**

The Executive Secretary provided additional updates as follows:

- Related to the Whale Killing Methods & Welfare Issues (WKM&WI) agenda, successful entanglement training was conducted in Kenya in May 2019 following the SC meeting, and further trainings in 2019 are planned for Argentina in October and Scotland in November.
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- The Aboriginal Subsistence Working Group (ASW WG) had called for a survey of indigenous rights which is expected to be complete by early 2020 by a NOAA Sea Grant Fellow intern

## **9. ENGAGING WITH OTHER ORGANISATIONS**

The Executive Secretary provided an overview of the Biodiversity Liaison Group (BLG) meeting held in Bern that was attended by the IWC Chair and Secretariat. This meeting facilitated the sharing of ideas working towards the development of the Post-2020 Framework. The meeting [report](#) is posted on the CBD website.

The IWC's Bycatch Coordinator represented IWC at the UN FAO bycatch workshop in the summer at which marine mammal bycatch guidelines are under development. The Executive Secretary visited the CMS offices in Bonn following a visit of their Acting Executive Secretary to the Red House.

In late September, the Secretariat hosted a meeting of the BLG at the Red House which was attended by the Executive Secretaries/Directors of the eight member organisations. The report of this meeting will be made available on the CBD website.

The Executive Secretary noted that the next year would be busy in terms of working with other organisations including participation in COPs (CMS, CBD, others). The Vice-Chair of the SC will represent the IWC at the upcoming CBD meeting in Montreal. In December, relevant Secretariat staff will represent IWC at the World Marine Mammal Conference in Barcelona, including presenting a poster and giving talks.

The Bureau welcomed this engagement with other organisations, noting the need to reflect mandate boundaries when speaking on behalf of the Commission.

## **10. PREPARATIONS FOR SC68B AND IWC68**

### **10.1 Update on SC68b Cambridge and Options for SC69a**

The Secretariat updated the Bureau on plans for SC68b, noting that as no offers to host were received, the Secretariat arranged the meeting in Cambridge. The meeting will be held at the Guildhall in Cambridge City Centre with side meetings held at the Holiday Inn Hotel near the Red House. The benefits of hosting a meeting in the Secretariat's home city includes savings on staff accommodation and subsistence costs, reduced

overtime as shift patterns will be established, and exemptions from UK sales taxes. Provisional dates are held as follows:

9-11 May 2020 – Pre-Meetings  
 12-24 May 2020 – Sub-Committees and Plenary  
 25 May 2020 – Convenors  
 26 May 2020 – CC/SC  
 27 May 2020 – Bureau  
 28 May 2020 - WG-OE

Transfers between the Red House, Holiday Inn and Guildhall will be provided.

As no offer to host SC69a in 2021 was received by the deadline, and the reference venue of the FAO is unavailable at the required time, the Secretariat has reserved two provisional options, Bled, Slovenia and Cambridge, UK.

## 10.2 Update on Preparations for IWC68 in 2020

### 10.2.1 Logistics for Portoroz, 25 September – 2 October 2020

The Bureau was notified that the Chair and Executive Secretary would be making a site visit to the 2020 venue in Portorož following the Bureau meeting. The Secretariat also noted that work was being undertaken to implement a new agenda-based document numbering system to improve access as part of a Secretariat-wide effort.

As noted in Circular IWC.CCG.1360 dated 02 May 2019, the 2020 meeting will be one day shorter than meetings in recent years, with three days of Sub-Committees and five days of Plenary. To accommodate the production of sub-committee reports, the Secretariat has updated the meeting timetable as follows:

Friday 25 <sup>th</sup> September	09:00-13:00	BSC
	14:00-18:00	Conservation Committee (1)
Saturday 26 <sup>th</sup> September	09:00-13:00	Conservation Committee (2)
	14:00-18:00	ASW & WKM&WI
Sunday 27 <sup>th</sup> September	09:00-15:00	Finance & Administration
	16:00-18:00	Private Commissioner's
Monday 28 <sup>th</sup> September – Friday 2 <sup>nd</sup> October	09:00-18:00	Plenary, including Infractions

### 10.2.2 Discussion of Draft Agenda for IWC 68

The Executive Secretary introduced the draft agenda for IWC68, confirming that it had been modified to reflect topics that will no longer be covered, reflect the order of pre-Commission reports, and allow agenda items to flow in a more logical way. The Secretariat has spoken with the SC and CC leadership about providing a template for the SC and CC presentation to ensure that these are a brief and digestible verbal and written summary for Commissioners and also to avoid repetition. She confirmed that there would be a further opportunity for the Bureau to review the draft agenda in May before it is issued in line with the 100-day deadline.

### 10.2.3 Discussion of possibly modifying the order of the meeting/agenda along the lines of examples from other IGOs

The Bureau noted that the issue of meeting structure was being explored as part of the WG-OE work programme. The Co-Chairs summarised that different options were being considered, including a possible move to holding 2 days of Plenary, then sub-committees and then a further 3 days of Plenary. The group were in discussions regarding whether a change to meeting structure could enhance efficiency and effectiveness. She confirmed that any proposals put forward would be for implementation at IWC69, not IWC68.

### 10.2.4 Discussion Regarding having a Legal Advisor for Meeting Procedure Issues and to Advise the Chair.

The Bureau was reminded that Recommendation 38 of the independent Governance Review Report indicated that the Commission should strengthen its legal preparedness and that once possibility would be to appoint

a legal adviser. At the WG-OE workshop in July, this recommendation was categorised as being one to revisit once 'Tier 1' reforms had been implemented. It was noted that the WG-OE has not yet formed a consensus view on this issue.

### **10.3 Plans for May 2020 Bureau Meeting in Cambridge**

#### ***10.3.1 Timing relative to the SC and SC/CC Meetings***

The Bureau confirmed that their preference for the next Bureau meeting would be to hold it following the conclusion of the Scientific Committee in May 2020, as this would allow the Bureau to consider the SC's recommendations.

#### ***10.3.2 Addressing WG-OE Implementation Plan***

The Co-Chairs of the WG-OE confirmed that the suite of reform papers will be issued in December for substantive feedback. The Bureau meeting in May 2020 will be an opportunity for the WG-OE to provide an update on the review process.

#### ***10.3.3 Budgetary Discussions***

A revised set of budget options will be presented to the Bureau in May based on its feedback and input from the BSC. These will be finalized for presentation at IWC68 for a Commission decision.

#### ***10.3.4 Other Bureau Agenda Items for May 2020***

The Secretariat will provide an update on the Red House options in order to get a recommendation from the Bureau to present at the IWC68 meeting for consideration by the Commission.

## **11. ANY OTHER BUSINESS**

### **11.1 Report of the Vice-Chair on the African Countries' meeting in Rabat in January 2019**

The Vice-Chair of the Commission updated the Bureau regarding outcomes of the COMHAFAT meeting in Rabat, Morocco in January 2019.

### **11.2 Discussion of rotation of Bureau members after the IWC 68 Meeting**

The Bureau thanked the Secretariat for producing a revised Terms of Reference for the Bureau (Annex 1) and agreed to adopt the provisions within as its 'working practices' pending the agreement of a formal Terms of Reference which is likely to be an output of the WG-OE process.

The Chair noted that Slovenia will step down from the Bureau in 2020 as he will no longer be Chair, and that pending Commission approval, Guinea would become Chair, leaving the Vice-Chair seat vacant.

The Bureau discussed that members who have served for four years will likely step down although it was noted that, at this time, there are no term limits for members. Bureau membership will continue to represent the range of Commission members.

### **11.3 Other Business**

#### ***11.3.1 Addressing a query about participation in the SC and Commission Meetings***

The Bureau discussed a query regarding the process for admitting observers to SC and Commission meetings whose governments are not recognized by a majority of Commission members.

#### ***11.3.2 Wrap-up, agreement on follow-up action and closing statements.***

The Bureau agreed a list of follow-up items as well as the major points of agreement during the Bureau meeting. The Chair thanked all members of this Bureau meeting for their engaged and constructive cooperation at the meeting, and Bureau thanked the Chair and Slovenia for the excellent hosting. The meeting closed at 3pm on Wednesday 2 October 2019.