

Working Group on Operational Effectiveness: Revised Proposals

Bureau

This set of recommendations relates to changes to Bureau operations. The WGOE recommends that the Commission should agree to:

- a) Stagger Bureau membership to provide both familiarity and continuity in membership with a relevant regional balance and to ensure more strategic and effective decision-making.
- b) Bureau documents being generally made available in advance of meetings, except those which are sensitive and/or need to remain confidential.

Commission meeting operations

This set of recommendations relates to changes to Commission meeting operations. The WGOE recommends that the Commission should agree to:

- a) Make changes to Commission meetings structures that will increase participation and the effectiveness and efficiency of plenary sessions. The proposal is for a meeting structure as follows:
 - 0.5-1 day of a plenary session (plenary session I) which would be used to introduce proposed Schedule amendments, proposed rule changes, proposed resolutions, and feedback from committee chairs on intersessional work.
 - 0.5-3 days of private commissioners and sub-group meetings (dependent on budget constraints, some sub-groups may need to meet virtually in advance to complete their work). In years when the Commission will review ASW catch limits, the ASW sub-committee will meet in person.
 - 2 days of a plenary session (plenary session II) which would be limited to discussing the reports of the committee meetings and deciding on committee recommendations.
 - The timings above can be modified as needed depending on the needs of the Commission meeting.
- b) Generally prohibit raising issues in the second plenary that have not already been discussed in the committee meetings or first plenary session, unless the following exceptions apply: the Commission may decide to open debate of a new issue by majority vote and/or to consider urgent matters and matters not falling within the mandate of a Commission sub-group.
- c) Rules of Procedure should be a standing item at the Finance and Administration Committee and Commission meetings such that the Rules of Procedure can be reviewed and updated as part of an ongoing reform process.

- d) There should be a Private Commissioners meeting prior to the opening of the first plenary session and possibly prior to the opening of the second plenary session.
- e) Agendas should be simplified to focus on key priorities rather than address every topic under a committee's mandate.

Rules of Procedure changes

The recommendations in this paper would be implemented through changes to the Rules of Procedure (Appendix I):

- Make changes to Rule M.9 on the Bureau to extend the appointment period of the four Commissioners representing a range of views with a relevant regional balance, and to stagger their membership
- Add to Rule M.1 and Rule of Debate D (Arrangements of Debate) that no item of business shall be discussed in the second plenary unless it has been considered in the first plenary with exceptions.
- Add to Rule Q (Commission Documents) that documents, including those of the Bureau should generally be made available in advance of meetings.

Intersessional Tasks for the Working Group on Operational Effectiveness (WG-OE)

- Develop a proposal that addresses quorum, Rule of Procedure B.1, to be discussed as the first item of business at IWC 69, before any other decisions are adopted.
- Further consideration of the proposals from the WG-OE that were not adopted at IWC 68
- For future application of the change to RoP E.2(a) and Financial Regulation F.2 agreed at IWC 68, work intersessionally to define criteria for what constitutes exceptional circumstances and a process for decision-making.
- Further consideration of proposal to align voting right suspension with Biennial Meeting schedule and allow Contracting Governments in arrears to participate in intersessional decision making.
- Further consideration of proposal to make payment plans more accessible: Voting rights could be restored regardless of the length of time in arrears, provided the Contracting Government enters into and adheres to a re-payment plan, including an upfront good-faith payment.
- Consider issues related to obtaining visas for contracting governments to participate in IWC meetings
- Consider the IWC conducting meetings in a hybrid format and/or allowing for absentee voting, to facilitate the participation of all contracting governments.

Appendix: Proposed changes to Rules of Procedure M and Q and proposed change to Rule of Debate D

Proposed additions are in *italic bold* type. Proposed deletions are ~~struck out~~.

DRAFT Proposed Changes to Rules of Procedure M.1, M.9 and Q

M. Committees

1. **(a)** The Commission shall establish a Scientific Committee, a Technical Committee, and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical, and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.

(b) No item of business shall be the subject of discussion by the Commission in its second plenary session of a biennial meeting unless that item has first been considered in the first plenary or appropriate Commission sub-group(s). Notwithstanding this requirement for prior consideration of matters by Commission sub-group(s), the Commission may decide

(1) to open debate on a matter pursuant to Rule of Debate D.5 by majority vote; or

(2) to consider, at the recommendation of the Chair of the Commission in consultation with the Bureau

(A) urgent matters where there have been important developments since the last intersessional meeting of the relevant committee that warrant action in the Commission, and

(B) other matters not falling within the mandate of a Commission sub-group.

9. The Commission shall establish a Bureau. **The Bureau** ~~It~~ shall be **composed** ~~comprised~~ of the

(a) Chair of the Commission;

(b) the Vice-Chair of the Commission;

(c) the Chair of the Finance and Administration Committee; and

(d) four Commissioners representing a range of views and interests **with a relevant regional balance.**

Commissioners shall be appointed to the Bureau **under Rule 6(d)** for a **single** period of **four** ~~two~~-years (limited to one four-year term at a time) at Biennial Commission Meetings. **However, upon adoption of these rules, the Commission will appoint 2 Commissioners under Rule 6(d) for a period of [2/6] years such that there will be staggered terms for two of the**

Commissioners. In addition, the Commissioner of the host Government for the next meeting of the Commission will serve in an *ex officio* capacity for a period of two years. The Secretary will support meetings of the Bureau.

The Chair of the Commission will serve as the Chair of the Bureau and may call upon the Chairs of the Commission's sub-groups and committees to participate in Bureau discussions, as appropriate.

The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on going under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:

- Provide advice to the Chair and Secretariat on implementing Commission decisions;
- Advise the Secretariat on administrative and financial matters between meetings of the Commission;
- Assist in the preparation for meetings of the Commission and its sub-groups and committees;
- Review progress of work of the committees and sub-groups;
- Provide support to the Chair during meetings of the Commission, as may be requested by the Chair.

The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the Convention. The Bureau may consider issues related to financial or administrative ~~tasks~~ **matters** within the scope of the Finance and Administration Committee, but only in the context of making recommendations to that Committee.

Q. Commission Documents

1. Where possible, documents submitted for consideration by the Commission, including documents submitted to committees, sub-committees, working groups, and the Bureau, shall generally be made available in advance of the meeting(s) at which they will be considered, except for documents considered confidential and/or sensitive by the Chair of the Commission. The Chair, in consultation with the Vice-Chair and the Bureau, shall determine whether documents are confidential and/or sensitive. The presiding officer of a meeting may, however, permit the discussion and consideration of documents that have not been circulated previously, subject to Rule of Procedure J.

2. 4--Reports of meetings of *the Bureau and* all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting in prohibited) until *they have been made available by the Secretary to Contracting Governments*

~~and Commissioners~~ the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to the Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).

3.2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted.² Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under **2. 4.** above.

4.3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the Biennial or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation.

The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments.³

5.4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived **in a publicly-accessible electronic format** ~~on the Commission's public web site in an accessible fashion~~ by year and category of document.

² This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure ~~Q.2. Q-4.~~

³ There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.

DRAFT Proposed Change to Rule of Debate D

D. Arrangements for Debate

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5. A Commissioner, if seconded by another Commissioner, may move to open debate in plenary on a particular subject or question that has not been previously debated in committee at the biennial meeting. Permission to speak on the motion for the opening of debate shall be accorded only to the Commissioner presenting the motion, and to a seconder, and to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule