

Resolution 2014-3

Resolution on Civil Society Participation and Transparency at the IWC

NOTING that Principle 10 of the Rio Declaration calls upon States to, *inter alia*, "facilitate and encourage public awareness and participation by making information widely available";

RECALLING the importance of transparency in international environmental agreements;

RECOGNISING the valuable contributions of observers to meetings of the International Whaling Commission;

FURTHER recalling Resolution 2011-1 on improving the effectiveness of operations within the International Whaling Commission;

AWARE that during the last decade international law and practice relating to transparency and participation in international decision-making has continued to develop, with the coming into force of relevant conventions at the global and regional level;

MINDFUL of the good practices adopted by the Commission to facilitate NGO participation since 2007;

CONVINCED that advances made in NGO participation can be further enhanced without placing administrative burdens on member governments, the Secretariat or committees of the Commission;

DETERMINED that Commission procedures for NGO participation should be brought into line with current international good practice so as to improve the transparency and governance of the organisation;

NOW, THEREFORE, THE COMMISSION:

REAFFIRMS the important role of civil society participation in its proceedings and in ensuring that the IWC remains an open, transparent and fully accountable organisation;

and

ADOPTS the amendments to the Rules of Procedure of the Commission contained in the Annexes to this Resolution.

ANNEX A

DRAFT CHANGES TO THE RULES OF PROCEDURE OF THE INTERNATIONAL WHALING COMMISSION

These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting (http://iwc.int/document_2385.download).

New text for inclusion is in bold italics; old text for deletion is struck out.

B. Meetings

1. The Commission shall hold a regular [] Biennial Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:

- (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, [] Biennial Commission meeting;
- (b) a proposed time window within which the meeting will take place; and
- (c) a timetable for finalising details of the exact timing and location of the meeting.

Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.

2. Before the end of each [] Biennial Meeting, the Commission shall decide on: (1) the length of the next [] Biennial Commission Meeting and associated meetings [] and (2) which of the Commission's sub-groups need to meet.

3. The Scientific Committee shall meet annually. Other committees and sub-committees shall meet biennially, prior to the meeting of the Commission. However, this does not preclude intersessional work by these committees and sub-groups from continuing.

4. The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfill its functions in accordance with Rule M.9. ***The Chair may invite contracting governments who are not members of the Bureau, as appropriate, to attend in-person Bureau meetings.***

C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.

(b) Any non-governmental organisation which expresses an interest in matters covered by the Convention may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations, which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

(c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will cover attendance at the Biennial Commission Meeting to which it relates and any other meetings of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Biennial Commission Meeting.

2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of **Committees and all** subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and **closed** meetings of the Finance and Administration Committee.

3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.

(...)

M. Committees

...

8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time. **The Chair of the Finance and Administration Committee may close to observers at his or her discretion, portions of meetings of the Committee during which sensitive matters such as personnel questions will be discussed.**

(...)

P. Reports and communications

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.

2. The Chair's Report of the most recent Biennial Commission Meeting or Meeting of the Bureau shall be posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.

3. All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1., and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited ~~intergovernmental~~ observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the Bureau, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of

such confidential communications shall be presented to the next Biennial Meeting or to the Bureau in years when the Commission does not meet.

ANNEX B

DRAFT CHANGES TO THE RULES OF DEBATE OF THE INTERNATIONAL WHALING COMMISSION

These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting (http://iwc.int/document_2385.download).

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A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, ***with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, Observers will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.***
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.