

KWS/5000

23 February 2012

Ambassador Gerard van **Bohemen**
IWC Commissioner for New Zealand, and
Chairman of the Inter-sessional Group on the Quorum
Ministry of Foreign Affairs & Trade
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Dear *Amb. Gerard,*

The establishment under your Chairmanship an inter-sessional working group to address the issue of the quorum for meetings of the International Whaling Commission

We are aware of the Circular Number 968 which announces the establishment under your Chairmanship an inter-sessional working group to address the issue of the quorum for meetings of the International Whaling Commission. It is therefore our concern to learn that, the IWC has at recent meetings been unable to take important decisions due to lack of a quorum of voting members.

Kenya has been a party to the Whaling Convention since 1981, but for several years its voting rights in the Whaling Commission have been suspended due to arrears of back dues. These accumulated during a period when Kenya's participation in the Commission lapsed due to national budget constraints. Under the current IWC financial regulations, Kenya would not be able to regain its voting rights unless it pays back dues plus interest amounting to GBP 201,383 as per the IWC Secretariat letter of December 2011. Needless to say, this is not easy for a developing country in the current financial situation. We therefore reiterate our call for an equitable solution to the problem of back dues that will allow our country to resume active participation in the IWC.

In the meantime, Kenya does not wish that our inability to participate in IWC meetings should exacerbate a situation where the IWC is prevented from taking important decisions.

We therefore call for:

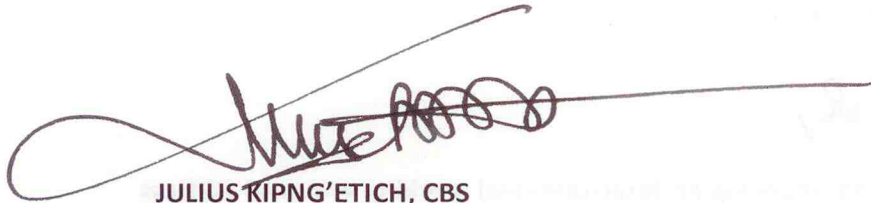
- (a) an equitable solution to the back dues problem that will allow Kenya and other developing countries to resume active participation in the IWC;

(b) in the meantime, parties to the Whaling Convention whose right to vote in the IWC has been suspended should not be counted as members of the Commission for the purpose of determining the quorum.

We believe that this proposal is in accordance with the current Rules of Procedure of the IWC and is not contradicted by them. We respectfully request that you forward this letter to the members of your inter-sessional group.

Because our request concerning the back dues problem goes beyond the remit of the inter-sessional quorum group, we are also copying this letter to the IWC Secretary with the request that it be circulated to all Commissioners and observers.

Yours



JULIUS KIPNG'ETICH, CBS

DIRECTOR

Copy:

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