

**Chair's Report of the 2013  
IWC Bureau Meeting  
3-4 September 2013, St Lucia**



# Chair's Report of the 2013 IWC Bureau Meeting

3-4 September 2013, Bay Gardens Hotel, St Lucia

This was the first 'in-person' meeting of the IWC's Bureau. The meeting was convened under Commission Rule of Procedure B.4 which states that 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 Chair of the Commission acted as Chair of the Bureau meeting.

## 1. WELCOME ADDRESS

Mr Vaughn Charles (St Lucia's Alternate Commissioner) called the meeting to order and presided over the opening ceremony and prayers. Welcoming remarks were provided by Dr Simon Brockington (Executive Secretary to the IWC) and the Hon. Moses Jn. Baptiste (Minister of Agriculture, Food Production, Fisheries and Rural Development, St. Lucia). The Vote of Thanks was given by Mrs Jeannine Compton-Antoine (Chair of the Commission).

A list of participants is given at Annex A.

## 2. APPOINTMENT OF RAPPORTEUR

The Secretary was appointed rapporteur.

## 3. ADOPTION OF AGENDA

The Commissioner for Australia recorded that the Australian government was in caretaker mode ahead of the federal election on 7 September 2013. This required Australia to only advocate existing policies and not bind any future government. This would not cause concern for the current meeting because the Australian Commissioner was present only in her role as Chair of the Commission's F&A Committee.

The Vice Chair of the Commission recorded that Belgium would hold elections in 2014 but that the outcome of the elections would not affect his position.

The adopted agenda is given at Annex B.

A list of documents is given at Annex C.

## 4. APPROVAL OF MINUTES FROM MARCH TELECONFERENCE

A range of editorial changes to the draft minutes of the teleconference held on 26 March 2013 (IWC/S13/BUR03) were proposed and **adopted**.

The Bureau discussed the reliability of international teleconferencing systems and **agreed** that if the system reliability was in question that a test should be conducted to ensure that all states, especially those in Africa, would be able to join successfully.

## 5. CONFIDENTIAL COMMUNICATIONS

Rule of Procedure P.3 requires the Secretary to report any confidential communications arising during the preceding year to the Bureau. He **reported** that there had been no confidential communications.

The Bureau discussed the reporting of confidential communications and **agreed** that the report requested at P.3 should be available to all Commission members rather than just to the Bureau. The meeting **requested** the Secretary to propose a change to Rule of Procedure P.3 at IWC/65 in 2014 so as to ensure the report of confidential communications would be available to all members.

## 6. BUREAU PROCEDURES

Members undertook an extensive discussion on how the Bureau should provide advice to the Chair and Vice-Chair of the Commission [hereafter Chair and Vice-Chair] so as to be consistent with the requirements of Rule of Procedure M.9. In particular the discussion included issues surrounding intersessional vacancies in Bureau membership, attendance at Bureau meetings, the process for provision of advice, regularity of Bureau meetings and notification of Bureau meetings to the IWC membership.

The outcome of the discussions was the development and **agreement** of a guidance document on Bureau Procedures. This document is given at Annex D.

## 7. FINANCIAL AFFAIRS

### a. Provisional financial statement for the year ended 31 August 2013

The Bureau **received** the provisional financial statement for the year ended 31 August 2013 (document IWC/S13/BUR05) in accordance with the requirements of Financial Regulation D.1(c).

In discussion the Bureau **noted** that a total of £320,000 of voluntary contributions had been received. These were provided from various sources for work associated with *inter alia* tagging of western Pacific gray whales, for the small cetaceans conservation fund, for the workshops on marine debris and for the forthcoming Workshop on euthanasia protocols. The Secretary confirmed that a list of voluntary contributions and the donor governments and organisations would be provided in the audited accounts in the same way as in previous years.

### b. Bureau process for receiving audited accounts

The Bureau **noted** that Financial Regulation C.5 states that the audited financial statement shall be submitted to the Bureau (the statement is also circulated to the entire Commission membership by the auditors). The Bureau **agreed** that its role was to provide any advice or comments to the Chair who would formally accept the statement on behalf of the Commission.

The Bureau discussed the format of the annual report in years when the Commission did not meet. It **agreed** that a management report should be produced to accompany the financial statements to provide an explanation of how the funds were obtained and disbursed and in so doing record the Commission's activity over the previous year. The Bureau **requested** the Secretary to develop a template for the Chair, Vice-Chair and Chairs of the Sub-committees to use to guide this report's production. The management report should be published in electronic form only.

### c. Report on uncollected financial contributions and suspended votes

The Bureau **received** paper IWC/S13/BUR06 which was the Report on Collection of Financial Contributions for 2012-13. The paper showed that at 30 July 2013 a total of £535,846 was outstanding. The Bureau recalled the Budgetary Sub-committee's request for the Secretary to report at IWC/65 on additional measures to assist Contracting Governments in paying their arrears, and **agreed** the report was important. It

should include a description of the communication methods currently used by the Secretariat to recover payment arrears. It should also consider different methods of approach to Contracting Governments, perhaps to Finance Departments rather than Fishery or Environment Departments, and where appropriate through regional groupings of countries (including ATLAFCO on the western African coast). The Secretariat's communications should aim to establish why Contracting Governments are in arrears as this may identify a need for co-ordination within countries between the IWC contact point and the agency with financial authority. The communications should also identify the consequences of late payment so as to encourage payment. Additionally the effectiveness of Financial Regulation F.5(e) dealing with repayment schedules should be evaluated and, if necessary, any further options proposed.

The Bureau **noted** that the change of financial year (see item 7e below) may assist the prompt collection of payments since the Commission's financial year would operate simultaneously with that of the majority of Contracting Governments. The Bureau **expressed concern** that Contracting Governments should not be allowed to get into a situation where debts build up during the biennial period so that they become unable to pay ahead of a biennial meeting.

The Bureau **advised** that any communications between the Secretariat and Contracting Governments on recovery of arrears which are subsequently provided to the Budgetary Sub-committee shall remain confidential.

#### d. Budget for 2013-14 Financial Year

The Bureau **received** paper IWC/S13/BUR07 which was a review of the second half of the Commission's biennial budget. The Secretary indicated that financial expectations for the 2013-14 year were unchanged and that the budget continued to represent a reasonable forecast of the level of the general fund as at 31 August 2014. This view was based upon: (1) no increase in the level of debtors compared to levels in 2012-12; (2) no unforeseen expenditure associated with intersessional meetings; and (3) success in constraining costs of IWC/65 to budget in the possible absence of a host government.

The Bureau **noted** that the breakdown of items on the expenditure sheet did not clearly express the funds budgeted for the individual Scientific and Commission meetings, and **requested** that these be shown as individual items in future budget exercises. The Bureau also **noted** that future budgets will require four years of projections comprising the next biennial budget and the subsequent biennial forecast. In addition this will assist in showing how Contracting Government contributions are 'smoothed' so as to remain relatively constant between years when there is a Commission meeting compared to years when one does not take place.

The Bureau **noted** that member countries may move between Capacity to Pay groups (as used in the contributions formula) in the year when a meeting is not held and **advised** that the process to be applied to resolve this situation should be clarified. The Secretary indicated that the use of the World Bank deflator to correct the capacity to pay thresholds for inflation may also need revision. The Bureau **recommended** that investigation of these processes be taken forwards by the Budgetary Sub-committee intersessionally.

The Bureau referred to savings in printing and postal charges which may arise from electronic publication of the *Journal of Cetacean Research and Management*<sup>1</sup>. It **noted**

the Scientific Committee's request that the Supplement to the *Journal* containing the Report of the Scientific Committee would continue to be made available in hard copy. The Secretary suggested further savings of around £2,000 to £3,000 would be possible if the Commission's Annual Report was produced in electronic format only.

The Bureau discussed the Commission's lease on its headquarters premises (the Red House) in Cambridge. It **noted** that the present lease was signed for ten years on 18 March 2009 and that a lease break was possible at the five year point (18 March 2014) although notice must be given by 17 September 2013. The Secretary noted that although the rental charges were competitive, the repair bills on the property were in excess of those which would be expected on more modern business premises. The Bureau **noted** the poor state of repair of the Red House and **advised** the Secretary to: (1) contact the landlord to see what, if anything, can be done to share the cost of the repairs or renovations under the terms of the commercial lease; and (2) to prioritise investigation of alternative options in the local Cambridge area, the financial implications of a move and any cost savings which may be possible. The non-financial benefits of a move such as modern office space, improved energy efficiency and a better working environment should also be emphasised.

#### e. Process for changing the financial year and effect on general reserve fund

The Bureau received paper IWC/S13/BUR08 which was a review of the options for enacting the change to the Commission's financial year. The paper focussed on how to deal with the four month 'bridging period' which would occur at the end of the next financial year and before the start of the new annual period (i.e. the four months between 1 September 2014 and 31 December 2014). At IWC/64 the Commission had agreed that the cost of the four month bridging period should be recovered over subsequent years, with some governments suggesting that a four year period (i.e. one year for each month) would be reasonable.

The Bureau **noted** that the cost associated with the four month period would be additional to what many Contracting Governments may already have budgeted for a standard 12 month year. Accordingly the Bureau **advised** that the Commission should be given as much notice as possible of need to budget for the four months bridging period, and as much flexibility in when to pay as possible. No suspension of vote should be caused by non-payment of the costs associated with the bridging period until the four year period had elapsed.

The Bureau **noted** that IWC/65 in September 2014 would need to agree: (1) the normal biennial budget covering 1 January 2014 to 31 December 2015; and (2) the costs associated with the four month bridging period.

Specifically, the Bureau **advised** that two invoices should be issued simultaneously after IWC/65. One should be a 12 month period covering 1 January 2014 to 31 December 2014 payable within six months in accordance with current rules of procedure. The other invoice should be for the four month bridging period payable by 30 June 2018 (i.e. four years from date of issue). The Bureau **advised** that this would allow some governments to pay the full amount associated with the bridging period immediately, while others may wish to pay a certain amount each year while still others may wish to defer payment until 2018. The Bureau also **noted** that the Inter-American Tropical Tuna Commission had recently changed its financial year and may be in a position to provide further guidance based upon its experiences.

<sup>1</sup>J. Cetacean Res. Manage. (Suppl.) 14: 80 [2013].

It **advised** the Secretary that the Commission would need to review these proposals, including any associated changes to the financial regulations at IWC/65 in 2014. It further **advised** that a letter of explanation should be provided to all Contracting Governments at the point when invoices were issued, and that Contracting Governments should be given the opportunity to express how they wished to pay the bridging invoice.

#### **f. Process for Commission approval of research expenditure**

The Bureau received paper IWC/S13/BUR09 which gave an update on progress for approval of the disbursement of the research budget. The paper recalled that the Commission had agreed an allocation of £315,800 for research for the financial year 1 September 2013 to 31 August 2014 when it had met at IWC/64 in July 2012. The Scientific Committee had proposed an allocation of those funds at its meeting in Korea in June 2013, and this proposal had been circulated to Contracting Governments through Circular Communication IWC.ALL.198 of 28 June 2013. Three responses from Contracting Governments had been received at the Secretariat which raised concerns with the proposed allocation.

The Bureau **advised** that the three letters received from Contracting Governments indicated there was no consensus agreement to proceed with the disbursement of the research budget. After an extensive evaluation of the available options the Bureau **advised** that in the long term:

- the Scientific Committee should be requested to provide its list of proposed expenditure in priority order, and that a two year work plan was required to be consistent with the Commission's meeting cycle;
- that the financial information provided to the Scientific Committee should include the amount budgeted for research, and also a balance sheet showing the level of funds remaining unspent from allocations in previous years; and
- that any unspent money from previous allocations, including those in the research fund, should be drawn to the attention of the Budgetary Sub-committee and thereby the Finance and Administration Committee so that those funds could be re-assigned by the Commission, either to further research or to other areas.

In the short term the Bureau considered that, in the absence of a Commission meeting, it was impractical to resolve the concerns expressed by the three countries and so it **advised** that: the Chair should write to each of the three countries with a request for them to withdraw their objections to the research allocation for the present year. The letters should refer to the impracticality of resolving the concerns in the absence of a Commission meeting and include a commitment to place the issue on the agenda of IWC/65; and if the countries did not wish to withdraw their objections the result would be either to suspend the research expenditure for the current year, or to move to a postal ballot to see if the Commission wished to proceed with the allocation as proposed by the Scientific Committee.

## **8. UPDATES ON INTERSESSIONAL WORK**

The Bureau received papers IWC/S13/BUR10 and IWC/S13/BUR10a which gave updates on the Commission's intersessional work programme.

### **a. Aboriginal Subsistence Whaling**

#### *Aboriginal Subsistence Whaling in Greenland*

The Bureau **noted** Circular Communication IWC.CCG.1064 of 3 July 2013 which contained a letter from the Government of Denmark regarding Aboriginal Subsistence Whaling. This letter indicated that unless a solution can be found which allows the Kingdom of Denmark to remain consistent with the requirements of the International Convention for the Regulation of Whaling then it intended to submit notification of withdrawal from the Convention before 1 January 2014 to be effective by 30 June 2014.

The Bureau had a full discussion of the various options to support the Chair and Vice-Chair in responding to the Kingdom of Denmark's letter. The Bureau **agreed** there was a general consensus that Contracting Governments wished to see Denmark remain within the Convention.

The Bureau considered whether it would be possible to request the Kingdom of Denmark to postpone its withdrawal until after the Commission was next expected to meet at IWC/65 in September/October 2014. This would allow all Contracting Parties to discuss the matter again, and would allow additional time for intersessional negotiations. However this request was considered inappropriate given the Kingdom of Denmark's expressed desire to move to a situation where it was compliant with its international obligations as soon as possible.

After an extensive discussion on alternative ways to move forward the Bureau **advised** the Chair and Vice-Chair to engage with Denmark and Greenland so as to develop an understanding of what would be required for an acceptable solution. In providing this advice the Bureau noted that there could be other issues beyond simple quota numbers where Denmark/Greenland may appreciate progress which may contribute to an overall resolution. The Bureau **advised** that there were funds available to support the Chair and Vice-Chair's costs in engaging in these discussions.

The Bureau **noted** paper IWC/S13/BUR11 and gave consideration as to how a decision on quotas could be made, if necessary, before IWC/65. It **noted** the difficulties associated with the current arrangement for postal ballots and **recommended** that the Working Group on Operational Effectiveness should add the procedures for intersessional decision making to its agenda. If an intersessional meeting was required the Bureau **advised** that it could be held at a location where there was a high concentration of diplomatic representation in order to allow Alternate Commissioners to be designated and hence to avoid issues with establishing a quorum.

Given the difficulties described above in taking a Commission decision intersessionally, the Bureau considered how to provide alternative advice to the Chair and Vice-Chair. In this regard the Bureau noted that although the Kingdom of Denmark was expected to submit its notice of withdrawal before 1 January 2014 the notice would not become effective until 30 June 2014. Given that the withdrawal notice could itself be withdrawn, one possibility might be that 30 June 2014 provided a more realistic deadline by which the current situation could be resolved.

In this light, the Bureau **advised** the Chair and Vice-Chair to work with Denmark and Greenland to undertake sufficient discussion and outreach so as to develop adequate confidence by 30 June 2014 that the situation was close to resolution. The Bureau considered that the Chair and Vice-Chair should work towards the development of a proposal by 30 June 2014 in time for the biennial meeting. This could take the form either of a draft Schedule Amendment

for adoption at IWC/65, or of an alternative which may be worth exploring such as a voluntary and temporary Code of Agreement which could allow Denmark to become compliant with its international obligations during the remainder of the intersessional period pending full resolution at IWC/65. If considered beneficial to discussions, the Bureau **advised** that a proposal or a voluntary Code of Agreement could be offered in the first instance by the Chair and Vice-Chair.

In this way, the Bureau believed it would be possible to develop reassurance that Denmark's difficulties were sufficiently close to resolution that it may wish to re-consider its withdrawal from the Convention.

The Bureau **noted** the importance of a co-ordinated European Commission position on reducing the timescales for gaining Commission agreement on Greenland progress. Accordingly it **advised** the Chair and Vice-Chair to work with those Contracting Governments who are members of the European Commission in developing their approach. It also **advised** the Chair and Vice-Chair to undertake outreach to all Contracting Parties regarding progress made.

The Bureau **noted** that the Commissioner for Denmark had recently written to the Chair requesting advice on the implementation of recent Scientific Committee advice relating to the Greenland harvest of minke whales. The Bureau **advised** the Chair to respond to the letter as to how the Scientific Committee's recommendations could be acted upon in the context of the above advice to assist Denmark in becoming compliant with its international obligations. The Bureau also **recommended** that on future occasions the Scientific Committee could be asked to provide a timescale by which their advice should be implemented.

#### *Stinky gray whales*

The Bureau discussed the placement of an agenda item to discuss interpretation of catch limits in regard to stinky whales and **advised** the Chair that the item could be heard as part of the discussions on North Pacific eastern stock of gray whales as part of the ASW Sub-committee's agenda.

#### **b. Conservation Committee**

The Bureau received document IWC/S13/BUR10a and **thanked** the Chair of the Conservation Committee for his time in producing the report. The Bureau **noted** that the summary of the Conservation Committee's workplan would be helpful in preparing the management report as discussed under Agenda Item 7b above.

#### **c. Finance and Administration Committee**

The Chair of the F&A Committee **noted** the summary of the Committee's work given in IWC/S13/BUR10 and drew attention to the need for an increase in membership of the Committee's working groups, especially those dealing with Strengthening of IWC Financing and Operational Effectiveness. The Correspondence Group on Strengthening Financing was developing a Resolution for adoption at IWC/65 and an increased membership would ensure that it was adequately scrutinised prior to presentation to the Commission. The Bureau **advised** the Chair to write to Contracting Governments to indicate the need to strengthen membership of these groups because they were developing proposals for the Commission's consideration. The Bureau further **advised** the Chair and Secretary to work through regional organisations (such as ATLAFCO), or focal points where appropriate to highlight the need for greater membership.

The Chair of the F&A Committee **notified** the Bureau that she would stand down from her second term as Chair at

the end of IWC/65 in 2014. The Bureau **acknowledged** the need to establish a succession process, and **noted** that this may also extend to a number of other Commission officers and Bureau members.

#### **d. Infractions Sub-committee**

The Bureau **noted** that there was no requirement for the Infractions Sub-committee to work intersessionally and that it would next meet prior to IWC/65 in 2014.

#### **e. Scientific Committee<sup>2</sup>**

The Bureau **noted** the Scientific Committee meeting which had taken place at the invitation of the Republic of Korea in June 2014 and **thanked** all those who contributed to the successful outcome.

The Bureau **received** paper IWC/S13/BUR12 which contained proposed terms of reference for a review of the Scientific Committee's governance and procedures. The Secretary explained that the review had been requested by the Heads of Delegation to the Scientific Committee, and that subsequently three Contracting Governments had indicated that the review should ultimately be received by the Commission. Given the requests to present the review to the Commission the Secretary requested the Bureau's guidance on the entirety of the proposed terms of reference.

The Bureau discussed the current methods used by the Scientific Committee to allocate the research budget and to plan its work. As part of the discussion the Bureau **noted** the report of the 2012 Scientific Committee meeting which stated that changes to either the Convenors or Heads of Delegation roles were not required<sup>3</sup>, and accordingly **noted** that the requirement for a review was a new development in 2013.

The Bureau **advised** the Secretary that any change to the Scientific Committee's terms of reference must be verified by the Commission. It further **advised** that at this stage the review should take an analytical form and document the existing practice of the Scientific Committee and compare it to the practices of other science committees, perhaps using a flow chart methodology. At this stage it would be inappropriate for the review to make recommendations, and its scope should be limited to highlighting areas which could be further investigated. The Scientific Committee's views on the analysis should be reported to the Commission as part of the review. The Secretary **undertook** to update IWC/S13/BUR12 in light of this advice.

#### **f. Working Group on Whale Killing Methods and Associated Welfare Issues**

The Bureau **noted** the summary of the Working Group's progress provided in IWC/S13/BUR10 and discussed arrangements for the proposed Workshop on ship strikes to be held in the second quarter of 2014 in conjunction with the Conservation Committee. The Chair of the Ship Strikes Working Group indicated that the Workshop was expected to be held in Panama and would comprise two back to back events, the first to examine ship strikes in the wider Caribbean region and the second to develop a strategic plan for the Commission's work on ship strikes.

The Bureau **noted** the advanced preparations for an IWC Workshop, co-funded by Norway and the United Kingdom, to develop protocols for dealing with euthanasia of large stranded cetaceans and wished the organisers a successful outcome.

<sup>2</sup>See also Agenda Item 7f in regards to the research fund.

<sup>3</sup>*J. Cetacean Res. Manage. (Suppl.)* 14: 79-80 [2013].

## 9. PREPARATION FOR IWC/65 IN 2014

### a. Location, venue, date

The Bureau received paper IWC/S13/BUR13 which presented two venue options, both located in the UK, to accommodate IWC/65 in 2014 in the absence of a host government. The Bureau **recognised** that the UK Government did not wish to host IWC/65.

The Bureau questioned the Secretariat's practice of proposing UK meeting venues in years when no host government came forwards. While noting that a UK venue minimised the Secretariat's costs in transporting staff and equipment, the Bureau **advised** that this had the effect of 'cost shifting' the expense of travelling around the world onto Contracting Governments which were geographically distant from Europe such as those in South America, Asia and Oceania. The Bureau **requested** the Secretariat to research venues in other geographical regions, including in non-member countries, and in so doing to provide options for the IWC to rotate its meeting venues in years when host governments did not come forwards.

In addition, the Bureau **requested** the Secretariat to develop creative ways of reducing meeting costs. In particular the Bureau **advised** that registration and document services can be provided by local conference staff using specialist software packages, thus saving Secretariat travel and overtime charges. The Bureau further **requested** freight charges to be reduced by minimising the volume of material to be transported and to investigate alternative transport options including tendering of freight services. Such savings would also be beneficial to IWC host governments since it would clarify the extent of any financial commitment in acting as host.

Given the relatively short time period ahead of IWC/65 the Bureau **advised** the Secretariat to conduct further research at the two venues suggested in IWC/S13/BUR13 and report back in four weeks.

The Bureau **noted** that October 2014 was likely to be a busy period given Meetings of the Parties for CMS and CBD were already scheduled. After discussion, the Bureau **advised** that early September may provide a suitable time window (subject to venue availability), as long as the necessary separation between the Scientific Committee and Commission meetings could be achieved.

### b. Duration (including length of sub-group meetings)

The Bureau **received** paper IWC/S13/BUR14 which proposed a timetable and duration for IWC/65 in 2014. The proposal was for an eight-day meeting, in contrast to the 12-day meeting schedule which was employed at IWC/64 in 2012. The eight day schedule could be achieved by removing one sub-committee day, shortening the plenary to four days and removing the two days for report preparation.

Recognising the need to reduce costs and increase efficiency the Bureau **advised** the Chair to adopt the eight-day meeting schedule.

The Bureau also **noted** that further efficiencies may be possible by dealing with Sub-committee material directly in plenary to save duplication of discussions and that this matter could be examined intersessionally by the Working Group on Operational Effectiveness. The Bureau **advised** that the assistance of specialist rapporteurs (as discussed under Item 9e below) during Sub-Committee week would be advantageous in expedient production of Sub-committee reports.

Given this change in schedule, the Bureau **advised** the Chair to provide a letter to Contracting Governments in

the run-up to IWC/65 to explain how the meeting would be organised and why the changes to scheduling had been introduced.

### c. Private Commissioners Meeting agenda for IWC/65

The Bureau received paper IWC/S13/BUR15 which contained a proposed agenda for the Private Commissioners' Meeting planned for immediately prior to IWC/65 in 2014. The Bureau **advised** that the purpose of the Private Commissioner's meeting was to assist the Chair and Vice-Chair facilitate full and open discussions during the plenary meeting of the Commission of important items on the Commission's agenda, in particular regarding proposed Resolutions or draft Schedule amendments. It also provided a forum to discuss items which were confidential, for example, the recruitment of senior staff to the Secretariat. Documents such as the status of the Convention and Draft List of Participants could be provided for background information but did not require an agenda item in their own right. The Bureau **advised** that issues such as scheduling of plenary sessions<sup>4</sup> and possibly oversight of credentials could be passed to the Bureau. Finally the Bureau **advised** that an item on 'Any Other Business' was required to allow Commissioners to highlight other issues of importance.

### d. Development of IWC/65 agenda and timetable

The Bureau received paper IWC/S13/BUR16 which described options for developing the draft Agenda for IWC/65 in 2014. The Bureau recognised that the transition to biennial meetings and the separation of the Scientific Committee meeting from that of the Commission provided an opportunity to develop the efficiency and flow of the Commission's plenary meeting.

After extensive discussion the Bureau **recommended** that the agenda for IWC/65 be developed according to an 'action orientated' approach so that items which required a Commission decision (such as the adoption of Schedule Amendments or Resolutions) would be given priority on the agenda order. The Bureau **recommended** that duplicity in committee reporting to plenary should be reduced so as to make better use of the time available. The Bureau further **recommended** that the agenda should make clear on which day items will be opened in plenary so as to allow Ministers with limited time schedules to attend particular sessions.

To enact these recommendations, the Bureau **advised** the Chair to request the Secretary to produce an initial 100 day agenda in early June 2014 (i.e. after the close of the Scientific Committee meeting) for the Bureau's review. This agenda would contain items ordered according to: (1) whether a Commission decision was required; followed by (2) those items where a recommendation was proposed; and finally (3) items which required general discussion or were provided for information. Budget discussions would be scheduled towards the end of the meeting so as to take account of Commission decisions. Recognising that this style of Agenda would be a development of the IWC's current practice the Bureau **requested** the Chair and Secretary to develop a covering letter explaining the intention behind the new format. The Bureau **noted** that other IGOs regularly adopt strategic plans to assist with the process of prioritising work areas.

In order to reduce duplicity in reporting of committee work, the Bureau **advised** that the Scientific Committee should report its work on status of whale stocks early in

<sup>4</sup>See also Item 9d on scheduling.

the plenary proceedings. Work on other topics should be reported to the relevant Sub-committee who would then make management recommendations, based on science advice, into the plenary session.

The Bureau **noted** that paragraph 7b of the Schedule indicated that the prohibition of commercial whaling associated with the Southern Ocean Sanctuary shall be reviewed at ten year intervals. Given that this provision was adopted in 1994 and the first review took place in 2004, a second review is due in 2014. The Bureau **noted** that the Scientific Committee may wish to start its preparations for the review at its 2014 meeting and that the Chair should add this item to the Commission's agenda for IWC/65.

#### **e. Process for accelerating the production of the Chair's Report**

The Bureau received paper IWC/S13/BUR17 which was a proposal for increasing the efficiency of production for IWC meeting reports through the use of specialist rapporteurs.

The Bureau **noted** that the method proposed through IWC/S13/BUR17 worked efficiently during meetings of the Antarctic Treaty Consultative Meetings, but that it would have a cost implication if applied at IWC. The Bureau **emphasised** that the main requirement was for the plenary to adopt a record of its decisions, and **advised** the Secretary and Chair to provide such a record – in a similar style to the Summary of Main Outcomes, Decisions and Required Actions already produced – in a way which can be adopted by the plenary meeting as its last item. The record of decisions could be produced by specialist rapporteurs to ensure it would be ready for adoption by the plenary on the last day. The production and adoption by plenary of the record of decisions would satisfy the two month time requirement given at Rule of Procedure P.2.

The Bureau also discussed the utility of the Chair's Summary Report as currently produced. It **advised** that there was a need for a written record of the meeting, but that it could be shortened by removing the accounts of

Sub-committee and Scientific Committee reports which are reproduced in full in other IWC publications. Further discussion on the length and detail of the Chair's Summary Report could be referred intersessionally to the Working Group on Operational Effectiveness.

### **10. SECRETARIAT**

The USA was optimistic that it would be able to continue financial support of the Technical Advisor role on human impacts until September 2014. The USA requested the support of the Chair, Vice-Chair and Chair of F&A Committee in developing a process to propose the Technical Advisor role as a permanent role within the Secretariat from September 2014 onwards. The Bureau **advised** that Contracting Governments may be concerned over any rise in financial contributions which could result.

### **11. BUREAU**

The Bureau agreed to meet by teleconference soon after the close of the 2014 Scientific Committee meeting to review progress and make preparations for the 100 day agenda for IWC/65.

In addition, the Bureau agreed to meet by teleconference again in 2013 should a need arise either to decide on a venue for IWC/65 or to review progress on negotiations with Denmark on Aboriginal Subsistence Whaling.

### **12. ANY OTHER BUSINESS**

The Secretary proposed to increase the Commission's internal communications by providing a regular update every two months on intersessional working. The Bureau **agreed** with this suggestion and considered adding organisational communications to the agenda of its next meeting.

Bureau members thanked the Chair and the Government of St Lucia for hosting the meeting. The meeting closed at 16:00 hours on 4 September 2013.

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## **Annex A**

### **List of Participants**

#### **AUSTRALIA**

Donna Petrachenko  
*Chair of the F&A Committee*

#### **BELGIUM**

Frederic Chemay  
*Vice-Chair of the Commission*

#### **GHANA**

Mike Akyeampong

#### **JAPAN**

Joji Morishita  
Tatsuo Hirayama  
Takeshi Kodo

#### **PANAMA**

Tomas Guardia

#### **ST LUCIA**

Jeannine Compton-Antoine  
*Chair of the Commission*  
Vaughn Charles  
Rufus George  
Thomas Nelson

#### **USA**

Ryan Wulff  
Lisa Phelps  
Roger Eckert  
Melissa Garcia

#### **SECRETARIAT**

Simon Brockington  
Julie Creek



## Annex B

### Adopted Agenda

1. Welcome from Chair
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Approval of minutes from March teleconference
5. Confidential communications
6. Bureau procedures
7. Financial affairs
  - a. Provisional Financial Statement for the year ended 31 August 2013
  - b. Bureau process for receiving audited accounts
  - c. Report on uncollected financial contributions and suspended votes
  - d. Budget for 2013-14 financial year
  - e. Process for changing the financial year and effect on general reserve fund.
  - f. Process for Commission approval of research expenditure
8. Updates on intersessional work
  - a. Aboriginal Subsistence Whaling Sub-Committee Process for intersessional Commission decision making in anticipation of a proposal from Denmark Consideration of addition of an agenda item at IWC/65 in 2014 covering Russian Federation catches of stinky gray whales
  - b. Conservation Committee
  - c. Finance and Administration Committee
  - d. Infractions Sub-Committee
  - e. Scientific Committee  
As part of the report of the Scientific Committee's work, Bureau members may wish to comment on the process to be used to review the Scientific Committee's governance procedures as requested by the Heads of Delegations during the meeting in Korea in 2013. A draft paper suggesting a possible review process will be available.
  - f. Working Group on Whale Killing Methods and Associated Welfare Issues
9. Preparation for IWC/65 in 2014
  - a. Location, venue, date
  - b. Duration (including length of sub-group meetings)
  - c. Private Commissioners Meeting agenda for IWC/65
  - d. Development of IWC/65 agenda and timetable
  - e. Process for accelerating the production of the Chair's report
10. Secretariat
  - a. Secondment of Technical Adviser
11. Bureau
  - a. Next meeting(s)
12. Any other business

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## Annex C

### List of Documents

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## **Annex D**

### **Bureau Procedures Guidance**

The Bureau's Terms of Reference are provided in the Rules of Procedure, and the Bureau is not a decision-making forum. Its purpose is limited to the provision of advice to the Chair of the Commission and to the Executive Secretary, and the consideration of financial and administrative tasks only in the context of making recommendations to the Finance and Administration Committee.

#### **PURPOSE OF THIS GUIDANCE**

The purpose of this guidance is to describe how the Bureau will carry out its activities under the Rules of Procedure, and is intended to supplement the applicable Rules. If there is any conflict between this Guidance and the Rules of Procedure, the Rules will govern. The Bureau may review and amend this guidance from time to time.

#### **INTERSESSIONAL BUREAU VACANCIES**

If a Chair of the Commission, Vice-Chair of the Commission or Chair of the Finance and Administration Committee is selected intersessionally, that said Commissioner shall also be a member of the Bureau. For the four additional Bureau members, if he or she is replaced by a Contracting Government during an intersessional period, the Chair of the Commission will offer Bureau membership to that new Commissioner. If declined, the Chair of the Commission, after consultation with other members, may invite another Commissioner to fill an intersessional Bureau vacancy, taking into account that the necessary range of views and interests are represented.

#### **ATTENDANCE**

In recognition of the value of advice or guidance provided by the Bureau, its members shall make every effort to attend meetings (including teleconferences) of the Bureau. Attendance by five Bureau members shall be required to constitute a Bureau meeting which must include either the Chair or Vice-Chair. Absent members may provide their contributions to the meeting.

#### **PROCESS FOR PROVIDING ADVICE**

Recognising that the Bureau is an advisory body and not a decision-making forum, the Bureau shall make every effort to provide consensus based advice. Otherwise, individual advice of Bureau members will be provided.

#### **FREQUENCY OF MEETINGS**

The Bureau will meet at least once a year, and will hold a teleconference with its members at least once a year. The Bureau will also meet, as needed, during or between meetings of the Commission.

#### **NOTIFICATION OF BUREAU MEETINGS TO CONTRACTING GOVERNMENTS**

The Secretariat will post notices of Bureau meetings on the IWC website. The website will also include the annotated agenda of Bureau meetings and the Chair's Report of Bureau meetings. The minutes will remain confidential.