

Outcome of the Drafting Group plus comments 27/10 16.30

Draft Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC

Submitted by Cambodia, Ghana and Japan

Recalling the terms of Article III.5 of the International Convention for the Regulation of Whaling, whereby "the expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government";

Recognising that a large number of developing countries are members of the IWC and that some have financial difficulties that limit their full participation in the work of the IWC;

Desiring, within the terms of the Convention, to ensure the fullest possible participation of all Contracting Governments in the work of the Commission;

Recognising that financial assistance to strengthen the scientific and technical capacity of member governments to participate fully in the work of other intergovernmental organizations is provided by other intergovernmental organizations,

Recalling the voluntary financial support provided to Contracting Governments in Capacity to Pay Groups 1 and 2 during the special meetings of the Small Working Group tasked with advancing the 'Future of the IWC' process;

NOW THEREFORE THE COMMISSION:

Decides to create a 'Voluntary Assistance Fund' so as to facilitate Contracting Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments), to participate fully in the work of the Commission;

Decides that the sources of the Fund shall be voluntary contributions obtained from Contracting Governments or from national or international bodies or entities interested in facilitating eligible Groups 1 and 2 Governments to participate fully in the work of the Commission;

Decides that for reasons of fair representation, Contracting Governments that are willing to contribute to the Fund shall not place individual country-specific restrictions on the choice of beneficiaries of their contributions and shall not specifically finance participation by means other than contributions to the Fund;

Decides that payments from the Fund shall be made in accordance with the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments, and shall ensure that all beneficiaries are treated in the same way;

Decides that the initial capital of the Fund shall be the amount of voluntary contributions provided for support of developing countries during the 'Future of the IWC' process that remain unspent;

Encourages Contracting Governments and **invites** others in a position to do so, to make contributions to the Fund;

Requests the Secretary with advice from the Bureau to administer the Fund subject to the financial regulations and audit rules of the Commission, giving priority to eligible Group 1 Governments;

Requests the Secretary to provide timely estimates to the Commission of the funding required to facilitate the full participation of eligible Groups 1 and 2 Governments in the work of the Commission, as well as of the balance available in the Fund and to indicate any shortfall;

Decides that the Fund shall be available to the eligible Groups 1 and 2 Governments to participate fully in the Commission's work based on guidelines for the administration of funding in Annex 2;

Decides that these guidelines should be kept under review and further amendments be proposed to the Commission as appropriate to ensure effective prioritisation and use of available funds in a manner consistent with Article III(5) of the International Convention for the Regulation of Whaling

Decides that a review of the performance of the Fund shall take place at the 69th Meeting of the International Whaling Commission;

Adopts the amendments to its Financial Regulations and an additional Appendix thereto, as contained in Annexes 1 and 2 to this Resolution.

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Annex 1

Amendments (shown in *bold italics*) to the IWC's Financial Regulations

C. General Financial Arrangements

1. There shall be established a Research Fund, a General Fund, a Voluntary Fund for Small Cetaceans, a Voluntary Fund for Aboriginal Subsistence Whaling, and a Voluntary Conservation Fund, **and a Voluntary Assistance Fund to facilitate Contracting Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments), to Participate fully in the Work of the Commission (the Voluntary Assistance Fund).**

(a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature. The Research Fund shall have a balanced distribution among activities, defined according to conservation priorities and the work of the Commission, including small cetaceans.

(b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.

(c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 1.

The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.

(d) The details of the Voluntary Fund for Aboriginal Subsistence Whaling are given in Appendix 2.

(e) The details of the Voluntary Conservation Fund are given in Appendix 3.

(f) The details of the administration of funding from the Voluntary Assistance Fund to facilitate eligible Groups 1 and 2 Governments to Participate fully in the Work of the Commission are given in Appendix 4.

Annex 2

Appendix 4

Guidelines for administration of funding from the Voluntary Assistance Fund to facilitate Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development to participate fully in the work of the Commission

Introduction

The purpose of the Voluntary Assistance Fund is to facilitate Governments in Capacity to Pay Groups 1 and 2 that are not EU Member States or members of the Organisation for Economic Cooperation and Development to participate fully in the work of the Commission.

1. Definitions

Capacity to Pay Groups 1 and 2 – means the groups identified by the Commission in calculating the financial contributions from each Contracting Government.

Voluntary Assistance Fund to facilitate eligible Governments in Capacity to Pay Groups 1 and 2 to Participate fully in the Work of the Commission (“Voluntary Assistance Fund”) – means the fund of the same name identified in IWC Financial Regulation C(1)(f) and Appendix 4.

2. Eligibility

Eligible countries are Contracting Governments in Capacity to Pay Groups 1 and 2 that are not in arrears and are not European Union Member States or members of the Organisation for Economic Cooperation and Development, (hereinafter eligible Groups 1 and 2 Governments). In any given year, the categorization of Groups 1 to 4 will be taken from the most recent Commission Circular allocating Contracting Governments to capacity to pay groups.

Funds provided to eligible Governments under the Voluntary Assistance Fund must be used for the purposes identified in each respective application.

Contracting Governments may request funds relating to travel and subsistence for full participation in IWC meetings and activities including capacity building exercises, scientific research, and conservation and welfare activities.

For the purpose of these guidelines, full participation entails that a sponsored delegate from the eligible Contracting Government:

- Takes forward the work of the Commission as an officer of the IWC or its subsidiary bodies; as a member of the Bureau; as a member of an IWC Working Group or subsidiary body; by making a presentation; or by reporting back from one of those bodies; or
- Attends an IWC activity for the purposes of training and capacity building for the benefit of the Contracting Government.

Funds from the Voluntary Assistance Fund may not be used to pay salaries of Contracting Government employees or payment of Contracting Governments' annual subscriptions and other financial contributions.

If funds are requested for travel to IWC meetings, allocations from the Fund will be in accordance with the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments, so that all sponsored delegates receive fair and consistent treatment from the IWC.

Requests shall be limited to funding necessary for the attendance of one member of the delegation per eligible Groups 1 and 2 Government at each meeting. The participant must be an official member of the Contracting Government delegation.

3. Application process

The Secretariat shall notify Contracting Governments no less than 180 days in advance of the meeting of the dates and venues of Commission meetings.

Applications for funding from the Voluntary Assistance Fund must be received 90 days before the date on which the activities to be funded are expected to occur.

Applications for travel to a meeting or event shall include a budget based on the lesser of the amount provided for in the International Civil Service Commission's Daily Subsistence Allowance and UN travel rules, or the amount provided for in the domestic rules of the eligible Groups 1 and 2 Governments.

Applications for funding from the Voluntary Assistance Fund must specify:

- the activities to be funded;
- estimated travel costs including air fare and per diem expenses;
- if the application is for travel to a meeting or event, the total number of delegates eligible Groups 1 and 2 Government will be sending to that meeting or event;
- if the application is for capacity building, scientific research, and conservation and welfare activities, how those activities contribute to IWC work plans;
- the applicant's experience, qualifications, and expected contribution to that meeting or event;
- declaration of interest, i.e. any funding or support received from elsewhere; and
- that the applicant eligible Groups 1 and 2 Government has determined the amount of expenses to be accurate.

Application forms will be made available through the IWC website and applications should be sent to secretariat@iwc.int

Where funds have been requested for travel to IWC meetings, based on the funding available and the prioritisation procedure set out below, the Secretariat will prepare a list of sponsored delegates. The final list of delegates that may be supported will be dependent upon the funds raised and funding is not guaranteed for all eligible countries. Delegates will be notified at least 30 days before the meeting whether or not they will receive funding from the Voluntary Assistance Fund.

4. Disbursement of funds

Where funds have been requested for travel to IWC meetings, upon approval of an application consistent with Section 3 above, the Secretariat will hold the funds until such time as each respective Government provides instructions to the Secretariat to effect the payment. Upon receipt

of instruction from each respective Government, the Secretariat will purchase travel tickets as previously determined in each respective application. The Daily Subsistence Allowance and terminal expenses will be disbursed, based on actual presence and actual receipts respectively, after closure of the meeting.

Where funds have been requested for purposes other than travel to IWC meetings, the Secretariat will disburse funds in a timely manner to the Government while ensuring adequate oversight of all disbursements.

5. Prioritisation

In the event of a shortfall in funding to support the participation of all eligible Groups 1 and 2 Governments, the prioritisation process below shall be followed:

The following principles shall be applied to the allocation of funding from the Fund:

- i. Eligibility (section 2 above)
- ii. Priority for eligible Group 1 Governments
- iii. Balanced representation of a range of views and interests
- iv. Balanced distribution across the activities of the IWC in line with the priorities identified by the Commission; and
- v. Consideration shall be given to provision of partial funding in order to maximise the number of funding recipients.

At any time in applying these criteria, the Secretariat may seek advice from the Chair and Bureau in order to support a funding decision.

6. Reporting

The Secretariat will provide a progress update to each Commission meeting on work to support countries of limited means to participate in the work of the Commission, including administration of the Voluntary Assistance Fund. The Secretariat will also report on the criteria used to allocate the Voluntary Assistance Fund, including any amendments needed in the event of a shortfall of Funds.