DRAFT

Report of the Working Group on Providing Options to Governments of Limited Means to Participate in the Commission's Work

Submitted to the Finance and Administration Committee at IWC66
October 2016

Contracting Governments to the IWC recognized the importance of effective participation of Governments of limited means in the work of the Commission during discussions at IWC 63 in 2011 and IWC 64 in 2012. Following the discussions in 2012, a Resolution was proposed to IWC64 'on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC. During IWC64, the Commission concluded that further discussions were required to develop agreed wording for the Resolution to ensure any support was compatible with Article III.5 of the Convention.

At IWC 65 in 2014 the Commission agreed, by consensus, to reconstitute the 'Working Group on Providing Options to Governments of Limited Means to Participate in the Commission's Work' (WG-GLM). The Working Group was expected to report to IWC66 in 2016 with recommendations and/or a draft Resolution on ways to support the participation of Governments of limited means in the Commission's work.

The WG-GLM is currently comprised of members from Brazil, Cambodia, Ghana, Japan, St. Kitts and Nevis, St. Lucia, USA and UK. We also received a request from an NGO, the Indian Ocean Marine Affairs Cooperation (IOMAC). Moronuki (Japan) served as Chair of the Working Group.

The WG-GLM conducted its work via correspondence and at a meeting on October 19 prior to IWC 66, in accordance with the Terms of Reference agreed by members of WG-GLM (Appendix 1) and based on an information document prepared by the IWC Secretariat in consultation with the Chair of the Working Group, i.e., "Discussion Paper on Providing Options to support Governments of Limited Means to participate in the Commission's work" (Appendix 2), which includes the draft Resolution proposed at IWC 64 as the starting point for discussions.

Among other things, the Discussion Paper noted that other intergovernmental organizations have also recognized the requirement to support Governments of limited means and that many of them provide support for attendance at meetings, participation in intersessional work and to address capacity needs to implement decisions. For example, the Inter-American Tropical Tuna Commission and the Indian Ocean Tuna Commission which have similar provisions to that of Article III.5 of the ICRW have recently established funds to assist full participation of developing countries.

The Discussion Paper also noted that over the period 2005-2014, participation by Group 1 and 2 Contracting Governments in Commission meetings, Scientific Committee meetings and intersessional workshops has been lower than participation by Group 3 and 4 Contracting Governments and has decreased over the period.

Comments and views provided by WG Members on a number of issues are summarized below:

1. WHICH ACTIVITIES, INCLUDING MEETINGS, THAT A VOLUNTARY FUND WOULD SUPPORT

At the initial stage of the WG's examination of the discussion paper, with the understanding that funds should be allocated on the basis of objective criteria to be defined by Contracting Governments and adopted by the Commission, Brazil expressed its opposition to the inclusion in the draft Resolution to be prepared for IWC 66 of the following paragraph that was included in the draft Resolution submitted to IWC 64;
Agrees further that the donors of the voluntary contributions may choose the usage of their respective contributions……

The Chair of WG-GLM proposed to limit the financial support at the first stage to the participation in the Commission meeting only. The US (supported by the UK) was of the opinion that the assistance must be consistent with the Article III.5 of ICRW, and that in this vein the purpose of the fund should be to strengthen capacity to participate "fully in the work of the Commission". Although WG-GLM did not come to a conclusion on this point, it was agreed to elaborate a set of guidelines which would ensure consistency with Article III.5 of the ICRW.

With an understanding to continue further examination of which activities would be supported by the fund and elaboration of a set of guidelines thereof, it was suggested that, if necessary, an interim measure would be adopted to provide assistance to Governments of limited means to participate in IWC 67 in 2018. The Secretariat prepared an administration document for this purpose, i.e. "Administration of funding from the Voluntary Assistance Fund to strengthen the capacity of Governments of limited means to participate in the work of the Commission" (Appendix 3), which would be updated in conjunction with the guidelines for the fund, as outlined in the previous paragraph.

Recommendations:
WG-GLM suggests that its draft guidelines elaborating which activities will be supported should be agreed at the Finance and Administrative Committee and, recommended to the Commission of IWC 66.

WG-GLM also suggests that, if necessary, the proposed interim provision for the administration of the fund should be agreed at the Finance and Administration Committee for adoption at the Commission, in order to alleviate the difficulties encountered by Governments of limited means.

2. WHICH COUNTRIES WOULD BE ELIGIBLE

There was a basic agreement that eligible countries should be developing member states while some were of the view that the support should at first stage limited to Group 1 countries but others suggested that assistance should be provided to Groups 1 and 2 countries. Brazil was of a strong view that all developing countries should be eligible to benefit from the fund without differentiation or subcategorization. A proposal was also made to prepare a set of criteria for prioritization.

Recommendations:
WG-GLM suggests that "developing countries" should be designated as eligible countries with a condition that a definition of developing countries and a set of criteria for prioritization be elaborated under the guidelines to be established for the administration of the fund.

3. HOW FUNDS WOULD BE SOUGHT

There was a unanimous agreement that the sources of the fund should be voluntary contributions from Contracting Governments with an initial fund of the unspent balance of the voluntary contributions that had been provided for support of developing countries during the "Future of IWC" process. It was suggested to request the Secretariat to provide a timely estimate of costs and also a balance available in the voluntary fund.

Recommendations:
WG-GLM suggests that a Voluntary Assistance Fund should be established with voluntary contributions from Contracting Governments using, as an initial fund, the unspent balance of the voluntary contributions that was provided for support of developing countries during the "Future of IWC" process.

WG-GLM also suggests that the Secretariat be requested to provide timely estimates of costs and balance available in the Voluntary Assistance Fund, and to indicate any shortfall to the Commission.

4. PRACTICAL MECHANISMS NEEDED TO IMPLEMENT THE PROPOSED APPROACH, INCLUDING THE DISPERSAL OF FUNDS

Taking account of the views and suggestions by members of the WG –GLM, they agreed a proposed amendment of IWC's Financial Regulations with the condition that a set of guidelines containing details of funding administration be elaborated.

Recommendations:
WG-GLM suggests that IWC's Financial Regulation should be amended as described in Appendix 4 of this report, with the condition that a set of guidelines containing details of funding administration be elaborated.

WG-GLM also suggests that if the administration document (Appendix 3) referred to above is not agreed, an interim administration document securing the provision of assistance to Governments of limited means to participate in IWC 67 in 2018 be adopted at IWC 66.

5. RESOLUTION

On the basis of the work of the Working Group summarized above a resolution to establish a "Voluntary Assistance Fund to strengthen the Capacity of Governments of Limited Means to Participate in the work of the Commission" was submitted for consideration at the Finance and Administration Committee and adoption by the Commission at IWC 66 in 2016.

6. OUTSTANDING ISSUES

- Adoption of guidelines to make assistance consistent with Article III .5
- Adoption of criteria for prioritization of members to receive assistance
- If required, adoption of an interim administration document securing the provision of assistance to Governments of limited means to participate in IWC 67 in 2018
- Use of "participation" or "attendance" in describing the purpose of the fund
- Use of "Agrees" or "Decides" in the operative paragraphs of the Resolution
- Definition of "developing countries"

Appendix 1

Working Group on Providing Options to Governments with Limited Means to Participate in the Commission's Work

Terms of Reference

Objectives
The Working Group on Providing Options to Governments with Limited Means to Participate in the Commission's Work (WG-GLM) will prepare recommendations and/or a draft Resolution on the establishment of a Voluntary Fund to support the participation of governments with limited means in the Commission's work.

Approach
The Working Group will build on consensus reported by the F&A Committee at IWC64 in 2012 regarding the establishment of a Voluntary Fund.

Working from an initial paper that the Secretariat will draft at the request of the WG-GLM, the WG-GLM will consider the following issues regarding the establishment of a Voluntary Fund:

- which activities, including meetings, that a Voluntary Fund would support
- which countries would be eligible
- how funds would be sought
- practical mechanisms needed to implement the proposed approach, including the dispersal of funds

In considering these issues, the WG-GLM will draw on information provided at IWC64, including Article III.5 and the experience of other inter-governmental organizations, as described and updated where relevant in the Secretariat paper.

The WG-GLM will report to the Finance and Administration Committee, ahead of IWC66 in 2016.

Appendix 2

Discussion Paper on Providing Options to support Governments of Limited Means to participate in the Commission's work

Prepared by the Secretariat in consultation with the Chair of the Working Group

1. INTRODUCTION

This paper has been prepared by the Secretariat in consultation with the Chair of the Working Group. It compiles recent background and proposes options for the Working Group to consider when developing recommendations on ways to support Governments of limited means to participate in the work of the Commission.

1.1 Background

Contracting Governments to the IWC recognized the importance of effective participation of Governments of limited means in the work of the Commission during discussions at IWC 63 in 2011 and IWC 64 in 2012. Following the discussions in 2012 of the Working Group for the provision of Assistance to Governments of Limited Means (WG-AGLM) (IWC/2012/WG-AGLM3), ten Contracting Governments proposed a Resolution to IWC64 '*on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC* '(IWC/64/18; Annex 1 of this document). During IWC64, the Commission concluded that further discussions were required to develop agreed wording for the Resolution to ensure any support was compatible with Article III.5[1] of the Convention. Further details on previous discussions are provided in Annex 2.

At IWC 65 in 2014 the Commission agreed, by consensus, to reconstitute the 'Working Group on Providing Options to Governments of Limited Means to Participate in the Commission's Work'. The Working Group will report to IWC66 in 2016 with recommendations and/or a draft Resolution on ways to support the participation of Governments of limited means in the Commission's work.

1.2 International practice

Other intergovernmental organisations (IGOs) have also recognised the requirement to support Governments of limited means and many of them provide support for attendance at meetings, participation in intersessional work and to address capacity needs to implement decisions.

Consequently, the Working Group may find it useful to draw on examples and experiences from other IGOs. Examples of funds established by fisheries management organisations and multi-lateral environmental agreements (MEAs) to support participation by Governments of limited means are provided in Annex 3. Some of the attributes of these funds, and how they vary across different IGOs, are summarised below:

i) ***Voluntary vs core funding.*** Some IGOs, such as the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species (CITES) support developing country[2] participation through contributions to a voluntary fund. Others, such as the Indian Ocean Tuna

[1] Article III.5 states "The expenses of each member of the Commission and of his experts and advisors shall be determined and paid by his own government"

[2] Developing Countries. Definition: There is no established convention for the designation of "developed" and "developing" countries or areas in the United Nations system. In common practice, Japan in Asia, Canada and the United States in northern America, Australia and New Zealand in Oceania, and Europe are considered "developed" regions or areas. In international trade statistics, the Southern African Customs Union is also treated as a developed region and Israel as a developed country; countries emerging from the former Yugoslavia are treated as developing countries; and countries of eastern Europe and of the Commonwealth of Independent States in Europe are not included under either developed or developing regions.
Source: http://unstats.un.org/unsd/methods/m49/m49regin.htm

Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC) use core budget funding, either fully or in combination with voluntary funds.

ii) ***The types of activities funded***. Some IGOs have set up specific travel funds, for example the *Meeting Participation Fund* established by the International Commission for the Conservation of Atlantic Tuna (ICCAT). Other funds facilitate a range of other capacity building activities in additional to travel, for example the *"Special sustainable development fund for developing the institutional capacity of developing countries and territories for the sustainable development of fisheries for highly migratory species"* established by the Inter-American Tropical Tuna Commission (IATTC).

iii) ***The types of meeting covered***. Funds from several IGOs cover regular governing body (e.g. Commission) meetings as well as scientific meetings and meetings of other subsidiary bodies. The IOTC restricts the funding available from its meeting participation fund such that no more than 25% is used for non-scientific meetings.

iv) ***Which countries are eligible for funding.*** Some IGOs provide support for participation to all developing countries, whilst some further restrict this. For example, the Convention on Migratory Species (CMS) funds participation in meetings for countries below an eligibility threshold of 0.2% on the UN scale of assessment and does not provide this funding to EU members or European countries with a strong economy. It also excludes countries 3 years or more in arrears in terms of their contributions.

v) ***How the funding is prioritised***. A number of IGOs have established procedures for prioritisation of limited funds. Some prioritise Least Developed Countries[3] (LDCs) if funding is limited. The CBD and the Chemicals Conventions[4] give priority to LDCs and small island developing states (SIDs) and thereafter seek to ensure adequate representation of all eligible parties and geographical representation of all eligible regions. Others operate a "first come first served" principle. For example, ICCAT funds countries in order of application for non-scientific meetings, though for scientific meetings it applies selection criteria.

vi) ***Fund raising*** With respect to those IGOs reviewed for this paper, in all cases where voluntary funding is used to support participation, this funding is actively sought (by the Secretariat) from other Contracting Governments. In several cases, such as the Convention on Migratory Species, this is supplemented by a contribution from the host Government of the Convention, or of the meeting in question.

2. CURRENT PARTICIPATION BY GOVERNMENTS OF LIMITED MEANS

The IWC currently has 88 Contracting Governments, each of which is placed into one of four capacity to pay groups[5] which are defined by thresholds for Gross National Income and Gross National Income per capita (Figure One). The lowest capacity to pay Contracting Governments are allocated to Group One and the highest to Group Four. As of June 2016, of the membership of the IWC, 26 are lowest capacity to pay Contracting Governments (Group 1), 29 are Group 2 Contracting Governments, 26 are Group 3 Contracting

[3] 48 countries are currently designated by the United Nations as "**Least Developed Countries**" (LDCs) based on the following 3 criteria i) **Per capita income** (gross national income per capita) ii) **Human assets** (indicators of nutrition, health, school enrolment and literacy) iii) **Economic vulnerability** (indicators of natural and trade-related shocks, physical and economic exposure to shocks, and smallness and remoteness). The list of LDCs is reviewed every 3 years by the United Nations Economic and Social Council, in the light of recommendations by the Committee for Development Policy (CDP). Source: http://unctad.org/en/Pages/ALDC/Least%20Developed%20Countries/UN-recognition-of-LDCs.aspx

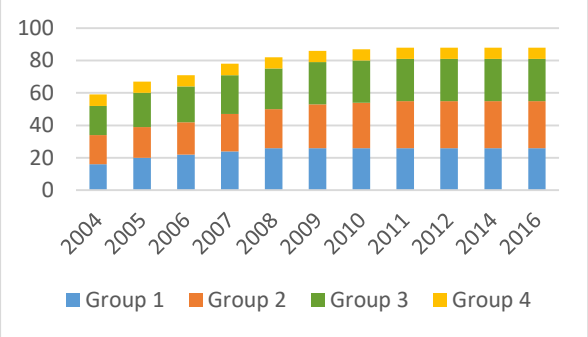
[4] Stockholm Convention on Persistent Organic Pollutants; Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; and Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

[5] For details on the current categorisation of Group 1-4 countries, see Circular Communication IWC.CCG.1184 of 15 December 2015

Governments and 7 are highest capacity to pay Contracting Governments (Group 4) (Figure 1).

The IWC conducts its work during Commission meetings, Committee meetings and through intersessional work via working groups, correspondence groups and workshops as well as through implementation of recommendations. In addition, the Bureau is tasked with organising process and advising the Chair and Secretary.

Figure 1. IWC membership 2004-2016 (based on 2016 capacity to pay groups).



- Over the period 2005-2014, participation by Group 1 and 2 Contracting Governments in Commission meetings, Scientific Committee meetings and many intersessional workshops has been lower than participation by Group 3 and 4 Contracting Governments[6], for example:

- Attendance of Group 1 and Group 2 Contracting Governments at Commission meetings has decreased over the period 2004-2014 (Figure 2) whereas attendance of Group 3 and 4 Contracting Governments has remained relatively stable. At the most recent Commission meeting in 2014, 100% of Group 4 and 88% Group 3 Contracting Governments attended, as compared with 72 % and 50% for Groups 2 and 1 Contracting Governments respectively. Further analyses are provided in Annex 4.

- Over the period 2006-2015, attendance of Group 1 and Group 2 Contracting Governments[7] at the Scientific Committee has been consistently lower than Groups 3 and 4 (Figure 3). During the period 2012-2015, 100% of Group 4 and approximately 50% of Group 3 Contracting Governments attended the Scientific Committee. This compares with 7-31% of Group 2 countries and 0-19% Group 1 countries attending during this period. Further analyses are provided in Annex 4.

Figure 2. Number of Contracting Governments[5] that did NOT attend Commission meetings, 2004-2014.

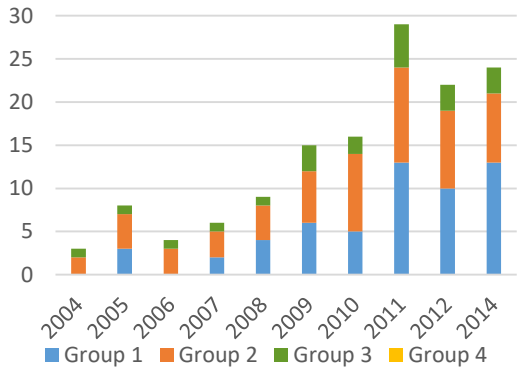
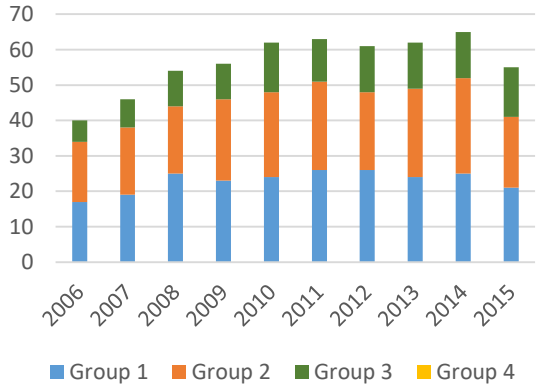


Figure 3. Number of Contracting Governments[5,7] that did NOT attend Scientific Committee meetings, 2006-2015.



- A limited amount of funding from the Scientific Committee's Research Fund is made available to support the attendance of Invited Participants at the Scientific Committee. Invited Participants are selected by the Chair of the Scientific Committee, in consultation with the Scientific Committee's Convenors, on the basis of the priorities and initial agenda agreed by the Commission at its previous meeting and offers to attend by suitably qualified scientists. The Committee's fund has supported some participants from countries from all of the capacity to pay groups.

[6] Data for all years were categorised according to the 2016 capacity to pay groups.
[7] Figures refer to national delegations, and do not include Invited Participants.

- An in-person Bureau meeting was held in 2013, 2014 and 2015. An additional Bureau meeting was held in 2016 back to back with the Scientific Committee, with some members participating via telephone. Rule of Procedure M.7 limits the Bureau's membership to seven participants, each of which is elected by the Commission. Attendance at meetings is consistently high, although one Group 2 Contracting Government was unable to attend in 2014 following a change of Commissioner. Two countries (Uruguay, Group 3 and St Lucia, Group 1) were unable to attend the 2016 Bureau either in person or by phone. In 2015 participation of Group 1 and 2 Contracting Governments at the in person meeting was funded through a voluntary contribution from the host Government.

As already recognized by IWC Contracting Governments, all members should be able to participate freely in the work of the Commission. Without full participation by Governments of limited means, there is a risk that the Commission's decisions and Resolutions will not fully reflect the diversity of its membership. Technical recommendations may apply only to developed countries, and contributions or advice to other organisations may not take account of the views of the entire membership. Furthermore, the IWC risks missing or failing to take account of events relevant to the conservation and management of cetaceans in countries of limited means.

The options introduced in Section 3.3 below discuss two approaches to increasing participation. These are: (1) supporting the attendance at meetings of the Commission and its subsidiary bodies; and (2) exploring the wider capacity needs across the Commission's work including participation at workshops, sharing of experience, and implementation of recommendations.

3. OPTIONS TO SUPPORT GOVERNMENTS OF LIMITED MEANS TO PARTICIPATE IN THE WORK OF THE COMMISSION

3.1 Establishment of a voluntary fund

At IWC 64 in 2012 the Working Group proposed the establishment of a voluntary fund to support participation in the work of the Commission. The discussion below is based on the premise that a Voluntary Fund remains the most appropriate way of funding improved participation in the work of the Commission.

The establishment and management of formal voluntary funds is an accepted practice in the IWC following establishment of the Publications Fund, the Small Cetaceans Voluntary Fund, the Aboriginal Subsistence Whaling Fund and the Voluntary Conservation Fund. Contributions to these funds are subject to the agreed Acceptance of Funds policy[8].

3.2 Article III.5

Discussions at IWC 64 revealed that further work was needed to ensure the establishment of a fund was compatible with Article III.5 of the Convention which states that *'the expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own government'*. This type of article is not unique to the ICRW (1946), and similar clauses can be found in the Conventions of some other intergovernmental organisations.

Examples include the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC) which have similar provisions to that of Article III.5. In recent years each of these organisations have agreed consensus Resolutions permitting the creation of specific funds to assist the full participation of developing countries (Annex 3). These funds have been used to fund the attendance of developing countries at Commission meetings and meetings of the Commission's subsidiary bodies.

It is important to note that, notwithstanding Article III.5, the Commission has used voluntary contributions to fund participation of developing countries in work related to the "Future of IWC process"[9] and, as noted above, a meeting of the bureau. However, the Working Group may wish to consider further possible options

[8] https://iwc.int/private/downloads/RmdPdzXLI7MCzWM1PKL9KA/acceptance_of_funds.pdf

[9] https://iwc.int/future

to develop compatibility with Article III.5. These may include establishment of funding for Contracting Governments to attend IWC meetings in order to report back on their participation in other IWC activities. This could include, for example, reports on IWC workshops, working groups or practical events such as entanglement training, or on activities and progress at national level in taking forward the recommendations of the IWC. The Indian Ocean Tuna Commission (IOTC) provides an example of this practice in action when delegates funded to scientific meetings are expected to present a working paper.

Alternatively, Contracting Governments could be funded in order to participate in capacity development activities held during or in the margins of IWC meetings. Thus, all or part of the costs in participation at the meeting might also be covered. Relevant activities could include: (i) information exchange; (ii) scientific cooperation; (iii) development of partnership projects or funding applications and (iv) training.

3.3 Which activities should be funded?

i) Meetings

Greater participation of lower capacity to pay Contracting Governments in IWC meetings, including those of the Commission, the Scientific Committee and other Committees and subgroups would facilitate improved dialogue and decision making. As outlined above, the Working Group may wish to recommend the creation of a Voluntary Fund to achieve these outcomes.

ii) Capacity development

The Resolution presented at IWC 64 (Annex 1) proposed the establishment of a Voluntary Fund to support participation at IWC meetings and a range of other capacity building activities. For reasons associated with potential costs and ease of administration, the working group may wish to consider if the use of the Voluntary Fund should be limited to participation in IWC meetings and (potentially) associated capacity development activities under the main agenda or in the margins of those meetings (Sections 3.2 and Option 3.3 i. above).

3.4 Eligible Contracting Governments

For purposes of comparison with other IGOs (section 1.2) it is useful to understand how the IWC "capacity to pay" groups compare with UN practice. This is summarised below:

- IWC Group 1 Contracting Governments are all developing countries. Most of the IWC Group 1 Contracting Governments are also Least Developed countries or Small Island Developing States under the UN classification, with a few exceptions.

- Most of the IWC Group 2 Contracting Governments are developing countries, and two are also classified by the UN as Least Developed Countries. Of those Group 2 Contracting Governments that are not considered to be developing countries under the UN Classification, many are countries with transitional economies.

- Three of the IWC Group 3 Contracting Governments are developing countries. There are also several Contracting Governments in Group 3 that are classified as having transitional economies. Remaining Group 3 Contracting Governments are developed countries.

- All IWC Group 4 Contracting Governments are developed countries.

In its previous deliberations, the Working Group agreed that Group 1 Contracting Governments should be eligible for assistance with priority being given to those with least GNI where available funds were insufficient to support all Group 1 Contracting Governments. Assistance could also be extended to Group 2 Contracting Governments where resources allowed.

Different opinions were expressed on whether suspension of vote should affect prioritisation for funding. During the discussions at IWC 64 one Contracting Government suggested that transitional economies should also be eligible for support. The working group may therefore wish to consider the following options relating to which Contracting Governments would be eligible to receive assistance from the voluntary fund:

Option A	Group 1 Contracting Governments only (currently 26 countries)
Option B.	Group 1 Contracting Governments and other Least Developed countries (currently 28 countries)
Option C	Group 1 Contracting Governments and Group 2 Contracting Governments (currently 55 countries)
Option D.	Group 1 Contracting Governments and Group 2 Contracting Governments and other developing countries (currently 58 countries)
Option E	All developing countries[2]
Option F	All developing countries and countries with economies in transition[2]

3.5 Prioritisation

If any of the measures described above are adopted, the Commission will also need to agree a mechanism by which, in the event of a shortfall of funds, allocation of funding to eligible Contracting Governments would be prioritised.

To achieve this, the working group may wish to ask the Secretariat to draft a process for administration and distribution of the fund, including prioritisation. In advising what should be included in this, the working group might wish to consider the following-criteria, either alone or in combination:

A. Prioritisation of Group 1 Contracting Governments (should Group 1 and 2 be eligible)
B. Least developed countries and small island states
C. Prioritisation by least GNI
D. First come first served
E. Geographic representation
F. An opportunity for a Contracting Government of limited means to make a contribution to the implementation or development of Commission decisions

The working group may wish to consider whether Contracting Governments whose vote is suspended would be eligible for funding.

3.6 Cost estimates

Table 1 provides a broad estimate of the travel and subsistence costs that may be incurred in providing funding for Group 1 and Group 2 Contracting Governments[10] to attend meetings such as those of the Commission or the Scientific Committee. The actual cost will vary with venue, but in order to calculate an initial estimate a return airfare of GBP 1000 has been assumed, along with a daily hotel rate of GBP 120 and a per diem allowance of GBP 50 to cover meals and all incidental expenses.

Table 1. Estimated costs of funding delegates from Group 1 and Group 2 Contracting Governments[5]

	Three day meeting (4 nights hotel and 4 days subsistence)	Five day meeting (6 nights hotel and 6 days subsistence)	Ten day meeting (11 nights hotel and 11 days subsistence)
Group 1 (26 countries)	Flights: 26,000 Accommodation: 12,480 Per diem: 5,200 **Total: 45,680**	Flights: 26,000 Accommodation: 18,720 Per diem: 7,800 **Total: 52,520**	Flights: 26,000 Accommodation: 34,320 Per diem: 14,300 **Total: 74,620**
Group 1 and 2 (55 countries)	Flights: 55,000 Accommodation: 26,400 Per diem: 11,000 **Total: 92,400**	Flights: 55,000 Accommodation: 39,600 Per diem: 16,500 **Total: 111,100**	Flights: 55,000 Accommodation: 72,600 Per diem: 30,250 **Total: 157,850**

[10] Based on the number of Contracting Governments as of June 2016.

Table 1 indicates that the costs of supporting the participation of Contracting Governments of limited means in meetings of the Commission and of its subgroups would be a relatively large when compared to the level of voluntary contributions generally received by the IWC and it is possible that the total funds available will not be adequate to support all Group One or Two Contracting Governments. Therefore, an essential step will be to develop criteria for allocating funding to recipients, as discussed previously.

3.7 Fund raising options

As discussed in the previous section, substantial additional funding would be required to support the participation of Governments of limited means in all of the work of the Commission. Consequently, the Working Group may wish to ask the Secretariat to examine the ways in which funds could be solicited, building on lessons learned in other IGOs.

An opportunity may exist for the initial seed funding for a new voluntary fund to be drawn from the unspent funds remaining after the close of the 'Future of the IWC' process. Any decision to re-allocate these funds to support the attendance of Governments of limited means at Commission meetings would require the agreement of the Contracting Governments who originally donated the funds.

3.8 Progress report

The Working Group may wish to ask the Secretariat to provide a progress update to each Commission meeting on work to support countries of limited means to participate in the work of the Commission.

4. NEXT STEPS

The IWC has previously recognised the need to ensure measures are in place to facilitate the participation of Governments of limited means in the Commission's work.

Therefore, the Working Group is invited to:

1. Consider and comment upon the issues raised in this paper, particularly those in Section 3:
    - Establishment of a Voluntary Fund
    - Which activities should be funded
    - Which Contracting Governments would be eligible
    - How should funding be prioritised
    - Fund raising options
    - Progress reports
2. Provide views on what material (for example a report, recommendations and draft Resolution) should be prepared for submission to the Finance and Administration Committee and to the Commission at IWC 66 in October 2016
3. Provide comments and views as to whether the draft Resolution proposed at IWC64 (Annex 1) might be amended to achieve consensus support, taking into account the issues in Section 3.3.
4. Request the Secretariat to develop a timeline for preparation of material for presentation to the Commission at IWC66 in October 2016

Annex 1. Draft Resolution that was proposed for discussion at IWC 64.

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 Antigua and Barbuda, Grenada, Kiribati, Mongolia, Nauru, Republic of Palau, Saint Kitts and Nevis, Saint Lucia, Saint Vincent & the Grenadines, Tuvalu

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

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 those intergovernmental organizations, most notably by CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), IATTC (Inter-American Tropical Tuna Commission), IOTC (Indian Ocean Tuna Commission) and WCPFC (Western and Central Pacific Fisheries Commission);

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;

Desiring to ensure the fullest possible participation in the work of the Commission by all Contracting Governments.

NOW THEREFORE THE COMMISSION:

Agrees to create a 'Voluntary Assistance Fund' so as to strengthen the capacity of Governments of limited means to participate in the work of the Commission;

Agrees that the sources of the Fund shall be voluntary contributions obtained from Contracting Governments or from national or international bodies or entities interested in strengthening the capacity of Governments of limited means to participate fully in the work of the Commission;

Agrees 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;

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

Agrees that disbursements from the fund shall be for the purpose of the development of technical and scientific capacity that will allow the Governments of limited means to strengthen their capacity to participate fully in the work of the Commission, particularly:

• Development of policy and management frameworks and the facilitation of partnerships;

• Increase in information sharing;

• Facilitation of participation in research activities and training activities;

• Participation in projects related to whale conservation and management;

• Participation of representatives of Governments of limited means in the meetings of the Commission or its subsidiary bodies, as well as of scientific experts in the meetings of Scientific Committee;

Agrees further that the donors of the voluntary contributions may choose the usage of their respective contributions

Annex 2. Summary of background discussions on options to support Governments of limited means participate in the work of the Commission

Contracting Governments to the IWC recognised the importance of effective participation of Governments of limited means in the work of the Commission during discussions at IWC 63 in 2011 and IWC 64 in 2012.

These discussions originated at IWC 62 in 2010 when the Commission recommended that the Secretary review the Commission's rules and procedures, including its financial rules and procedures, in comparison with other intergovernmental organizations[11]. The subsequent review (Document IWC/63/F&A3Rev) compared the practices of 14 other intergovernmental organisations with those of the IWC with regards to *inter alia* support for participation of Governments with limited means in IWC meetings.

The findings from this review were considered by the F&A Committee and discussed by the Commission at IWC 63 in 2011. The Commission went on to adopt Resolution 2011-1 which requested the Secretary to report to IWC 64 in 2012 on potential options for providing assistance to Contracting Governments with limited means to participate actively in the Commission's work, while retaining consistency with the Convention.

The Secretary responded to Resolution 2011-1 by convening a Working Group (WG-AGLM) to develop options on providing assistance to Contracting Governments with limited means to participate actively in the Commission's work. The Working Group gave consideration to how assistance would be funded; cost estimations; and how funds could be allocated and distributed. It also assessed current practice in other international intergovernmental organisations.

In 2012, at its 64th meeting, Contracting Governments received the report of the Working Group, recognised the importance of effective participation of Contracting Governments of limited means in the work of the Commission and noted the Working Group's recommendation to establish a voluntary fund[12]. A number of options for implementation of support were discussed at IWC64, after which the Commission concluded that further discussions were required to develop agreed wording for a Resolution to ensure any support was compatible with Article III.5 of the Convention.

[11] See Annual Report of the International Whaling Commission 2010, Section 21.3.4, page 35.
[12] See Annual Report of the International Whaling Commission 2012, Section 22.1.5, page 64.

Annex 3. Support by other intergovernmental organisations for participation of Governments of limited means in their work

IGO	Fund	Description	Funding source	Eligible countries	Prioritisation	Article 3.5-type rule?
CBD	Special Voluntary Trust Fund (BZ) for Facilitating Participation of Developing Country Parties, in particular the Least Developed and the Small Island Developing States, as well as Parties with Economies in Transition	Participation in meetings that are funded by the core budget of the Convention	Voluntary contributions from governments	Developing countries and countries with economies in transition	Priority given to Least Developed Countries (LDCs) and Small Island Developing States (SIDS), thereafter seeking to ensure adequate geographical representation of eligible regions (CBD).	No
CMS	Funding (line in main trust fund) for participation in COP, standing committee and scientific committee.	Participation in meetings that are funded by the core budget of the Convention	Core funds and an additional contribution from COP host (Germany)	Countries below eligibility threshold- set a 0.2% on UN scale**. No EU members or European countries with a strong economy.	Eligibility threshold of 0.2% on a UN scale. Excludes countries 3 years or more in arrears with financial contribution	No
CITES	Funding (from main trust fund budget) for travel expenses of members, including attendance at the relevant committee meetings, and other expenses of the Chairs of the Standing Committee, the Animals Committee and the Plants Committee	Participation in meetings that are funded by the core budget of the Convention	Core funding	Developing countries	Unknown	No

IGO	Fund	Description	Funding source	Eligible countries	Prioritisation	Article 3.5-type rule?
IATTC	Special sustainable development fund for developing the institutional capacity of developing countries and territories for the sustainable development of fisheries for highly migratory species Resolution C-11-11 Resolution C-14-03	Development of technical and scientific capacity that will allow the developing countries to duly follow and comply with their obligations established under the Antigua convention. Including the participation of representatives of developing countries in annual meetings of the commission and its subsidiary bodies, as well as of scientific experts in meetings of the scientific advisory committee	2% of Commission budget plus voluntary contributions	Developing countries and territories	Unknown	Yes- Article XV.5: "Each member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of its subsidiary bodies"
WCPFC	Funding for one representative from each developing State Party to the Convention and, where appropriate, territories and possessions, to each meeting of the Commission and to meetings of relevant subsidiary bodies of the Commission.	Travel to commission meetings and subsidiary bodies	Core funds	Developing countries	Unknown	No
IOTC	Meeting participation fund Resolution 10/05	Supporting scientists and representatives from IOTC members who are developing states to attend	Core funds (replenishment can also be from unspent funds) and ES to seek	Developing countries	For commission meetings priority is given to LDCs. No more than 25% of available	Yes- Article VIII-4: "Expenses incurred by delegates, their alternates experts and advisers when

IGO	Fund	Description	Funding source	Eligible countries	Prioritisation	Article 3.5-type rule?
		and/or contribute to the work of the Commission, the Scientific Committee and its working parties	voluntary contributions		funding can go to non - scientific meetings	attending, as government representatives, sessions of the Commission, its sub-commissions and its committees as well as expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission".
ICCAT	Meeting participation fund	Supporting representatives from those ICCAT contracting parties which are developing states to attend and/or contribute to the work of the	60% from accumulated Working Capital Fund, then voluntary contributions	developing countries	Non-scientific- in order of application. Selection criteria applied for scientific meetings	No

IGO	Fund	Description	Funding source	Eligible countries	Prioritisation	Article 3.5-type rule?
		commission and other subsidiary bodies				
Stockholm Convention on Persistent Organic Pollutants	Voluntary Special Trust Fund (RV) for facilitating the participation of parties in meetings of the Conference of the Parties.	Participation in meetings of the COP and its subsidiary bodies	Voluntary funding from governments	Developing countries and countries with economies in transition	Priority given to Least Developed Countries (LDCs) and Small Island Developing States (SIDS), thereafter seeking to ensure adequate geographical representation of eligible regions	No
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Technical cooperation trust fund	Various technical assistance and capacity building activities including participation in meetings of the Conference of Parties and its subsidiary bodies	Voluntary funding from governments	Developing countries and countries with economies in transition	Priority given to Least Developed Countries (LDCs) and Small Island Developing States (SIDS), thereafter seeking to ensure adequate geographical representation of eligible regions	No
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	Voluntary Special Trust Fund (RV) for facilitating the participation of parties in meetings of the Conference of the Parties	Participation in meetings of the COP and its subsidiary bodies	Voluntary funding from governments	Developing countries and countries with economies in transition	Priority given to Least Developed Countries (LDCs) and Small Island Developing States (SIDS), thereafter seeking to ensure adequate geographical representation of eligible regions	No

Annex 4. Background data on attendance at the Commission and Scientific Committee meetings[13]

The membership of the IWC has grown from 59 Contracting Governments in 2004 to 88 Contracting Governments in 2014 (Table 2). Attendance at Commission meetings during 2004-2008 was relatively high with 80% or more of Group 1, 2, 3 and 4 Contracting Governments attending (Figure 4). Since 2008, the attendance of Group 3 and 4 Contracting Governments has remained relatively stable, with 100% of Group 4 countries attending in all years. During the same period, attendance of Group 1 and 2 Contracting Governments has decreased, with 72% and 50% of Groups 2 and 1 Contracting Governments respectively attending in 2014 (Figure 4).

Groups 1 and 2 include a higher number of countries than Groups 3 and 4 (Table 2). The proportionally low attendance from Groups 1 and 2 countries has a greater impact on overall attendance figures of the Commission. In 2011, 2012 and 2014, between one quarter and one third of IWC member Governments did not attend the Commission meeting (Figure 5).

Table 2. Membership of IWC, 2004-2016. Group 1 countries represent the lowest capacity to pay countries and Group 4 the highest (as of June 2016).

	2004	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2014**	**2016**
Group 1	16	20	22	24	26	26	26	26	26	26	26
Group 2	18	19	20	23	24	27	28	29	29	29	29
Group 3	18	21	22	24	25	26	26	26	26	26	26
Group 4	7	7	7	7	7	7	7	7	7	7	7
Total no. countries	59	67	71	78	82	86	87	88	88	88	88

[13] The analysis in this section is based on the number of Contracting Governments in each Group as of June 2016, when these data were compiled.

Figure 4. Percentage of Group 1, 2, 3 and 4 countries attending IWC Commission meetings.

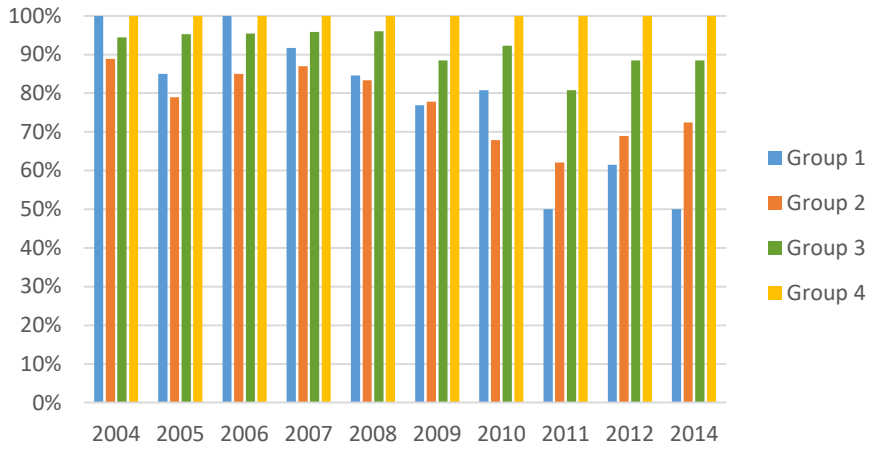
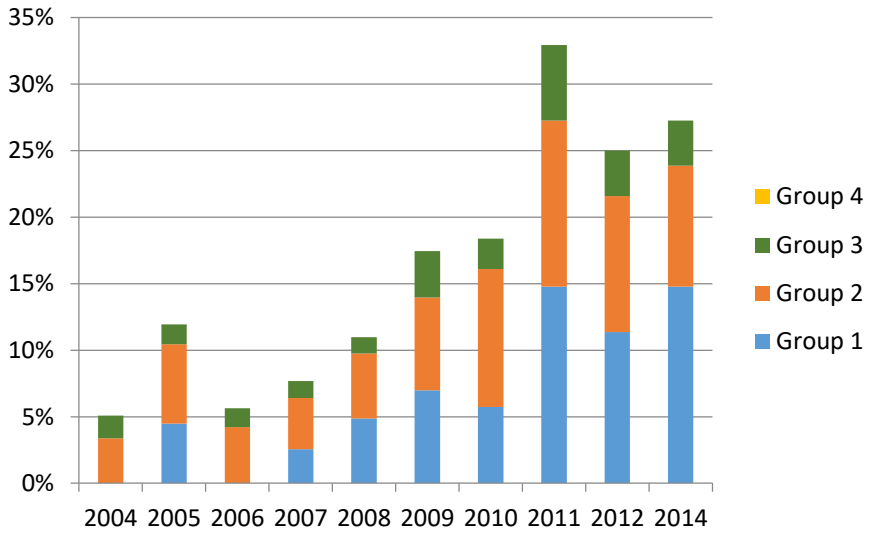


Figure 5. Percentage of IWC Contracting Governments NOT attending the Commission meetings.



Attendance at the Scientific Committee meetings by Group 4 Contracting Governments[14] in the years 2006-2015 has been consistently high (100%). During the same period, 46-73% of Group 3 Contracting Governments have attended (Figure 3). Attendance by Group 1 and Group 2 Contracting Governments has been lower. Fewer than 10% of Group 1 Contracting Governments attended in almost all years 2008-2014

[14] Figures refer to national delegations, and do not include Invited Participants.

(Figure 6), rising to 19% in 2015. Between 7-24% of Group 2 countries attended the Scientific Committee in the years 2008-2014, rising to 31% in 2014.

Groups 1 and 2 include a higher number of Contracting Governments than Groups 3 and 4 (Table 2). The proportionally low attendance from Groups 1 and 2 Contracting Governments has impacted overall attendance figures of the Scientific Committee. In each of the years 2010-2014, approximately 70% of Contracting Governments did not attend the Scientific Committee meeting (Figure 7). In 2015, there was an increase in attendance, with nearly 40% of Contracting Governments attending.

Figure 6. Percentage of Group 1, 2, 3 and 4 Contracting Governments attending IWC Scientific Committee meetings[14].

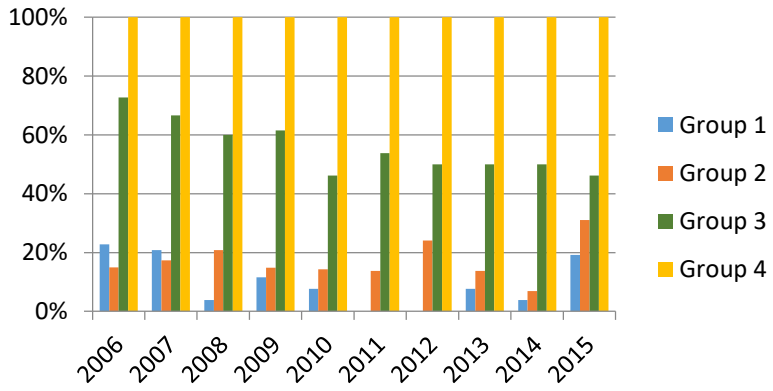
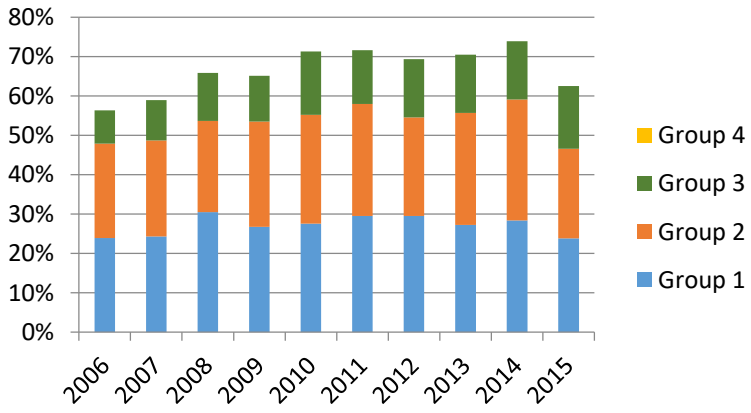


Figure 7. Percentage of IWC Contracting Governments NOT attending the Scientific Committee meetings[14].



Appendix 3

DRAFT

Administration of funding from the Voluntary Assistance Fund to strengthen the capacity of Governments of limited means to participate in the work of the Commission

N.B. This document would be updated once guidance for the use of the fund is agreed by the Working Group.

Introduction

The purpose of the Voluntary Assistance Fund is to strengthen the capacity of Governments of limited means to participate in the work of the Commission.

1. Eligibility

Eligible countries are [developing countries]. In any given year, the categorization of Groups 1-4 will be taken from the most recent Commission Circular allocating contracting members to ability to pay groups.

Contracting governments may apply for funding from the Voluntary Assistance Fund for [one][two] member/s of the delegation per country at each meeting. The participant must be an official member of the contracting member delegation.

2. 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.

Eligible governments should apply for funding no later than [120 days] before the [subgroup or Commission] meeting that they are requesting funding to attend. Only requests for financial support submitted by IWC Commissioners and their alternates will be considered.

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

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.

3. Dispersal of funds and prioritisation

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

The following principles to the allocation of funding from the fund:

i. Eligibility (section 1 above)

ii. Geographical representation, including adequate representation of all eligible regions

iii. Once ii. is met, priority will be given to representatives of [developing countries in accordance with the guidelines]

4. 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.

Appendix 4

Amendments (shown in blue font) 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 Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the Commission.

(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 Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the Commission are given in Appendix 4.