

03 February 2021

**Working Group on Operational Effectiveness
Governance Reform Papers 1 and 2 for Consideration at IWC68:
Potential Reforms to Commission Meeting Structure and Meeting Operations
Potential “Low-Hanging Fruit” Items**

On 17-18 July 2019, the Working Group on Operational Effectiveness (WGOE) held a workshop in London to elaborate on recommendations to the Commission on how to follow the 39 recommendations contained in the Report of the panel of Independent Reviewers (IWC/67/18), and develop a plan to implement reforms that will improve the institutional and governance arrangements of the Commission and its subsidiary bodies. A report of the July 2019 WGOE workshop was distributed via Commission Circular Communication (IWC.ALL.355).

The workshop participants agreed that the WGOE should develop several papers for proposal to IWC68 in September 2020 (now postponed to September 2021):

Paper 1: Potential reforms to Commission structure and meeting operations

Paper 2: Potential “low-hanging fruit” items, including those relating to the Rules of Procedure

This document is a combination of Papers 1 and 2. While consensus on all elements of this draft was not achieved within the WGOE there was broad support for the main features described in the paper. As a result, in order to assist a broader discussion, the paper offers some options around the areas where consensus was not achieved.

Structural changes are limited by the International Convention for the Regulation of Whaling (ICRW): Any consideration of a possible reorganization of the structure of the Commission must necessarily be limited by the scope of the ICRW. The scope of the governance review excluded the IWC’s objectives and mandate as per Resolutions 2016-1 and 2018-1.

Structural Reform is an Ongoing Process – Consider Priority Reforms First: The WGOE would also like to note at the outset that structural reform of the Commission is an ongoing process, and will necessarily include an ongoing review of the functions of the Commission’s committees, sub-committees, working groups, and Bureau, as described in their respective Terms of Reference (ToR). The workshop participants categorized the recommendations contained in the Report of the panel of Independent Reviewers, and then specified *when* those recommendations should be implemented or revisited. For instance, recommendation 15 of the Governance Review Report recommends, in part, that all committees, sub-committees, and working groups should have clear and consistent ToR. As indicated in its July workshop report (see IWC.ALL.355), the WGOE identified recommendation 15 as a “Tier II” recommendation that should be considered and implemented *after* implementation of “Tier I” recommendations,

which are the subject of Papers 1 and 2.

Recognizing that some improvements in the Commission's structure and functions are a priority, whereas others can or should wait, the WGOE welcomes suggestions for further defining or improving the functions, *i.e.*, ToR, for the Commission's committees, sub-committees, working groups, and Bureau. Some additional priority improvements in the functions of the Commission's sub-groups could probably be proposed now, whereas some suggestions for improvement could probably wait as a "Tier II" item or might require additional consideration by the Commission. Tier II items include, for example, strengthening the committees' intersessional roles, reviewing and refining ToRs, reviewing the committees' sub-groups and reorganize/update as needed etc. Following initial consultation, some feedback recommended not leaving these issues until after the structural changes were made. Further revisions to the Commission's structure and the ToR of its sub-groups may also be appropriate following the development of IWC strategic principles, which is the subject of WGOE Paper 3.

The WGOE notes that ToR for various Commission sub-groups (*i.e.*, committees, sub-committees, and working groups) are not all located in the same place. ToR for the Scientific Committee, the Technical Committee, the Finance and Administration Committee, and the Bureau, are contained in Rule of Procedure M. ToR for the Conservation Committee are contained in Resolution 2003-1. As noted below, the WGOE suggests these be consolidated into one stand-alone document (see below).

*As a first step in an ongoing structural reform process, **Appendix 1** contains the WGOE's proposed revisions of the Rules of Procedure, including the proposed addition of an **Annex to the Rules of Procedure** that would contain the ToR for Commission sub-groups, *i.e.*, committees, sub-committees, working groups, and Bureau.*

In addition, the WGOE is proposing changes to Rule C (Observers), Rule M (Committees) and Rule Q (Commission Documents) regarding the Commission's committee structure and the implementation of "low-hanging fruit" from the recommendations contained in the Governance Review Report. Following initial consultation, some Contracting Governments and observers suggested that more recommendations could be included in the "low-hanging fruit" category, such as streamlining practices around credentials, quorum and observer participation in line with the best practices of other Multilateral Environmental Agreements. The WGOE's proposed revision of Rule C (Observers) is limited to removal of its reference to the Technical Committee; at this stage the WGOE did not identify possible revisions of Rule C regarding observer participation as "low-hanging fruit."

The WGOE is also proposing an addition to Rule of Debate D (Arrangements for Debate) to allow for the opening of debate. This proposed change in the Rules of Debate relates to the WGOE's proposed limitation on debate in a second plenary session of the Commission. (See discussion of "low-hanging fruit" below.) Rule D would enable countries to bypass the proposed limitation on debate, and voting, in limited circumstances.

Subsequent steps in the structural, and functional, reform process are likely to include: (1) further review of ToR of Commission sub-groups, with the possible development of new or more detailed ToR; and (2) removal of ToR from the Rules of Procedure into a stand-alone document. In sum, improvements in the Commission's structure and ToR for its sub-groups is an ongoing process, with the recommendations contained in Papers 1 and 2 as a starting point.

Revision of the Rules of Procedure as an Ongoing Process: The WGOE also notes that there is other "low-hanging fruit" not specifically identified by the workshop participants as the subject of Paper 2. Some observers suggested that an overhaul of all rules of procedure was low-hanging fruit and recommended that the Secretariat propose revisions for consideration at IWC68. Regardless, the WGOE will, from time to time, propose other revisions of the Rules of Procedure as one of its ongoing functions, for example the development of a language strategy, assuming that the WGOE continues to exist. The WGOE notes that the Commission could also request the Secretariat to keep the Rules of Procedure under review and propose updates, as needed, and that a comprehensive overhaul of the Rules is perhaps long overdue.

The WGOE seeks comments on these papers, especially from Commission members who did not participate in the WGOE's July 2019 workshop and did not respond to the first WGOE report.

Paper 1: Potential Reforms to Commission Structure and Meeting Operations

The workshop participants identified recommendations 1, 5, 6, 8, and 14 from the Report of the panel of Independent Reviewers (IWC/67/18) as a category of recommendations that would improve the current structure of the Commission and its subsidiary bodies and improve decision making processes. Of these, recommendations 1, 5, and 14 relate to Commission structure and meeting operations. The following are recommendations 1, 5, and 14 from the Report:

Recommendation 1: Biennial Commission meetings should be maintained, but measures should be implemented to strengthen the IWC inter-sessional process, including through maintaining: (i) a strong and effective Bureau; (ii) a well-structured and effective subsidiary body system; (iii) regular, effective and two way communication between the subsidiary bodies within the Commission; and (iv) effective involvement of States in discussions during the inter-sessional period, particularly in the case of developing States, which should be supported to attend IWC meetings, including those of the scientific and conservation committees.

Recommendation 5: The following approaches to improve the effectiveness and efficiency of Commission meetings should be considered: (i) allow more time (days) for Commission meetings; (ii) reduce and/or better prioritize the number of IWC agenda items; (iii) allow longer breaks within meetings for networking and coordination; (iv)

have draft decisions released as early as possible; and (v) ensure well-structured approach of contact group discussion of contentious issues.

Recommendation 14: A clearer and more logical structure should be established for the IWC Committee and Working Group system, setting out: (i) the roles of, and the distinction between, committees, sub-committees and Working Groups; (ii) which current groups fit into which category; and (iii) opportunities for reducing duplication and ensuring better reporting arrangements between the different groups. The development of this structure should be led by the Commission and should be included in the strategic plan, referred to in Recommendation 6.

Once the workshop participants agreed upon the categories of recommendations, the discussion moved away from the detail of each individual recommendation and focused on their overarching themes. This was because recommendations contained subsets of additional recommendations which weren't necessarily equivalent in terms of value to the Commission, cost or ease of implementation. The group opted for the pragmatic way forward to focus more generally on themes instead. Two of those themes are the subject of WGOE Papers 1 and 2:

potential reforms to Commission structure and potential reforms to Commission meeting operations.

Potential Reforms to Commission Structure

Following on from recommendations 1 and 14 of the Governance Review Report, the WGOE agreed to propose revising the Commission's committee structure such that the Commission would be composed of four committees: (1) a Finance and Administration Committee; (2) a Scientific Committee; (3) a Conservation Committee; and (4) a Management Committee.

Allocation of Functions between the Conservation Committee and the Proposed Management Committee:

The WGOE seeks comments on the allocation of management-related issues of non-whaling activities (such as whale watching) between the Conservation Committee and the proposed Management Committee.

There are two options:

1. The Conservation Committee could continue to address management issues related to non-whaling activities. According to its strategic plan, the Conservation Committee's current management role is to develop and oversee the implementation of mitigation strategies for specific threats or populations, informed by the Scientific Committee. The Conservation Committee deals with Conservation Management Plans, entanglements, strandings, ship strikes, whale watching, etc. Therefore management-related issues are already a major focus of the Conservation Committee. Indeed, it is the natural 'management' follow-on from the technical work of the Scientific Committee which - under its mandate - does not deal with

management.

2. The proposed Management Committee could address all management issues related to the utilization of whale resources, including whale-watching. This would result in the Management Committee absorbing a substantial portion of the Conservation Committee's current workload.

Initial responses to these options has been mixed, with some Contracting Governments and Non-Governmental Organisations (NGOs) supporting the allocation of whale-watching to the Management Committee, one Contracting Government opposed to the idea and others asking for further analysis of the issues for the Commission to consider prior to making a decision. If Commission agreement on the allocation of these functions cannot be reached at this time, the WGOE recommends leaving these functions where they currently are and revisiting as a later step in the ongoing structural reform process.

Ensuring Schedule Amendments are Based on the Best Available Scientific Evidence: Article V, paragraph 2. (b) of the ICRW requires Schedule amendments to be based on scientific findings. To facilitate fulfillment of this requirement and to ensure other relevant sources of information are used, the WGOE proposes to add ToR to the Scientific Committee, the Conservation Committee, and the Management Committee providing that they shall base their work, advice and recommendations on the best available scientific evidence and to take account of any relevant findings. This requirement should not prevent the committees from considering other information, as necessary and appropriate.

Commission Oversight of its Committees: The WGOE proposes adding the phrase "as directed by the Commission" to the beginning of the ToR for each of the four committees in order to ensure the committees are provided the proper oversight by the Commission. The WGOE recognizes that the Commission provides both specific and general oversight. The phrase "as directed by the Commission" should be broadly interpreted to include general (as well as specific) direction to the committees, such that would be contained in decisions, resolutions, and policies of the Commission.

Improved Coordination between Committees: The WGOE proposes the addition of a general requirement in Rule of Procedure M.1.(a) that these four committees shall coordinate with each other. They would be similar to the four legs of a chair, whose legs are strengthened by interconnecting rungs. The WGOE does not propose, at this time, *how* the committees shall coordinate with each other, but clarifies that each receives its instructions from and reports to the Commission, and that they may hold joint meetings where necessary. The WGOE notes that there is an existing Joint Working Group between the Conservation Committee and the Scientific Committee (*see* Resolution 2014-4) and suggests that this is an area for further consideration by the Commission as part of an ongoing structural reform process.

As indicated above, ToR for the four committees and the Bureau would be consolidated in an **Annex to the Rules of Procedure (See Appendix 1.)** ToR for sub-committees and working

groups of each committee should be consolidated into a single document pertinent to each committee. Committee-specific proposed revisions to the ToR are described below.

Finance and Administration Committee: ToR for the Finance and Administration Committee already contained in Rule of Procedure M would substantively remain the same, except that they would be moved to an Annex to the Rules of Procedure, and the existing ToR for the Budgetary Sub-committee would be included in the ToR for the Finance and Administration Committee. The WGOE is not proposing, at this time, any changes to the Finance and Administration Committee's sub-groups. Again, the July 2019 WGOE workshop participants agreed that structural reform of the Commission would be an ongoing process, with priority changes proposed now, and others later.

Scientific Committee: ToR for the Scientific Committee already contained in Rule of Procedure M would be moved to an Annex to the Rules of Procedure. In addition, the WGOE proposes the addition of a welfare ToR to the Scientific Committee's ToR. The WGOE is not proposing, at this time, any changes to the Scientific Committee's sub-groups.

Conservation Committee: ToR for the Conservation Committee (from Resolution 2003-1) would be added to an Annex to the Rules of Procedure and updated. The WGOE also proposes replacing references in the Conservation Committee's ToR to the future Conservation Agenda of the Commission with references to the Conservation Committee Strategic Plan.¹ In addition, the Conservation Committee would provide recommendations to address activities within its remit (subject to decisions on allocations of functions between the committees as discussed above). These recommendations could include, among other things, technical advice for Contracting Governments and possible use by other organisations to address bycatch, entanglements, and ship strikes. Finally, the Conservation Committee's ToR would be updated to include a ToR on welfare issues associated with the Committee's conservation work. The WGOE is not proposing, at this time, any changes to the Conservation Committee's sub-groups.

Management Committee: The workshop participants agreed to propose restructuring the Technical Committee, with its ToR contained in Rule of Procedure M applicable to the management of whaling,² in general, as a Management Committee, and include updated functions of the Aboriginal Subsistence Whaling (ASW) Sub-committee and Infractions Sub-committee. The ToR for the Management Committee would be located in an Annex to the Rules of Procedure. The ASW Sub-committee and the Infractions Sub-committee would no longer exist. Following initial consultation, several Contracting Governments and NGOs highlighted the importance of including the mandate of the current Infractions Sub-Committee within the Management Committee. Some minor amendments have been made in the annex to reflect this. Subject to decisions on allocations of functions between

¹ See 2016 Chair's Report at page 5 and 2018 Chair's Report at page 5.

² The Conservation Committee would provide recommendations concerning conservation measures to address non-whaling activities that could be implemented by Contracting Governments or another organization where relevant.

the committees as discussed above, further tasks could be allocated to the Management Committee.

Given that the Management Committee would provide advice and recommendations to the Commission on the management of whaling, including ASW, there are several ASW-specific ToR from the ToR for the ASW Sub-committee that would be updated. (See **Appendix 2.**) The Management Committee's ToR would include a requirement to take into consideration advice of ASW hunters, consistent with Article V.2.(d) of the ICRW, which requires that Schedule amendments "shall take into consideration the interests of the consumers of whale products and the whaling industry." The Management Committee's ToR would include references to ASW-related measures agreed to by the Commission in 2018 regarding Descriptions of the Hunts and Catch/Strike Limit Requests. Finally, the Management Committee's ToR would be updated to include a ToR on whale killing methods and welfare issues associated with whale killing methods. (See discussion, below, on sub-committees and committee working groups.)

Sub-Committees and Committee Working Groups: The four committees could establish appropriate standing or time-limited sub-groups, *i.e.*, sub-committees and working groups, as needed. ToR for each sub-committee and working group would be consolidated into a single document for each committee and would need to be consistent with Commission directives. One NGO provided draft terms of reference to establish how the Committees would operate, including with each other, and during the new Biennial meeting schedule.

The WGOE reviewed the ToR for the Working Group on Whale Killing Methods and Welfare Issues (WKM&WI), which currently reports directly to the Commission. It is important to note that the Working Group on WKM&WI is a cross-cutting working group because it deals with welfare issues associated with hunting, *as well as with welfare issues associated with all other activities*, such as scientific research, entanglement, and whale watching. Some governments expressed concerns with proposing that the Working Group on WKM&WI report solely to the Management Committee as the Working Group also addresses welfare issues associated with scientific and conservation activities, and there were concerns with proposing that the Working Group on WKM&WI report to the Management Committee and other committees, as appropriate, due to the potential for confusion within the Working Group as to which committee should receive its report.

Accordingly, and in order to incorporate the consideration of cetacean welfare across the spectrum of the Commission's work, the WGOE proposes the addition of welfare components to the ToR for the Scientific Committee, the Conservation Committee, and the Management Committee so that these committees take welfare issues into account with respect to their work. Some NGOs disagreed with this approach, preferring to have a dedicated group focused on cetacean welfare issues.

The Scientific Committee would be directed by the Commission to provide advice and recommendations to the Commission on scientific issues associated with welfare of cetaceans.

The Conservation Committee would be directed by the Commission to provide advice and

recommendations to the Commission on issues associated with welfare of cetaceans that are impacted by human activities other than hunting. In so doing, the Conservation Committee would be directed to consider advice from relevant experts.

The Management Committee would be directed by the Commission to provide advice and recommendations to the Commission on issues relating to whale killing methods and associated welfare issues. In so doing, the Management Committee would be directed to consider advice from whalers/hunters, relevant environmental conditions, whaler/hunter safety, and appropriate and available equipment, in order to help improve the quality of and confidence in the Committee's advice. As indicated above, the proposed requirement to consider advice from ASW hunters is consistent with Article V.2.(d) of the ICRW.³ Advice from scientific experts (e.g., vets and animal welfare scientists) would come from the Scientific Committee, and the Commission can seek advice from others, or direct the Management Committee to seek advice from others, as needed. Note also that the Management Committee's ToR would address whale killing methods in addition to welfare issues associated with those killing methods. (See **Appendix 1**, draft proposed Annex to the Rules of Procedure.)

Based on the general consensus of responses from the initial consultation, the WGOE has removed option 1 (intersessional working group on welfare) and has combined option 2 and 3 below for further discussion. Please note, however, that a number of NGOs supported the establishment of a distinct sub-group on welfare and provided draft terms of reference for a new welfare committee or joint Conservation Committee/Management Committee sub-committee.

Option 1 which proposed to establish welfare-related working groups has been removed from consideration given that the proposed rule would: (1) add welfare components to the ToR for the Scientific Committee, the Conservation Committee, and the Management Committee; and (2) allow committees to establish appropriate working groups, or joint working groups, as needed. Accordingly, the Conservation Committee and the Management Committee could decide, in the future, if they want the assistance of working groups to address welfare issues associated with activities under their respective purviews. In addition, these two committees will work closely together on cetacean welfare issues to avoid duplication of efforts, and could, in the future, set up a joint working group for that purpose, similar to the Scientific Committee - Conservation Committee model. Due to the importance of welfare issues and to maintain a coordinated and coherent approach, a number of governments and observers have requested that a joint working group be established as part of this process.

The WGOE is not proposing inclusion of any updated ToR for other standing working groups at this time, although some NGOs disagreed with this decision, preferring that such ToR be

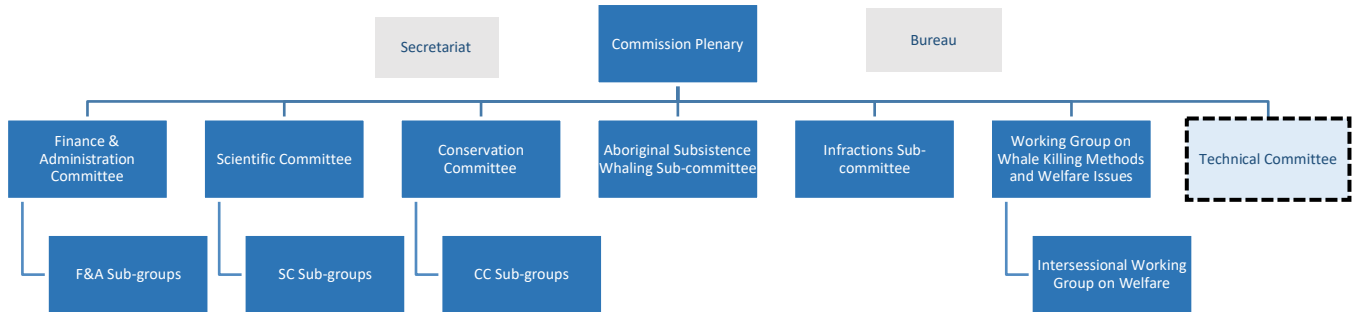
³ Article V.2.(d) of the ICRW requires that Schedule amendments "shall take into consideration the interests of the consumers of whale products and the whaling industry." The WGOE also notes that the ASW Working Group, in its 2018 report, encouraged IWC members to work with the Chair of the ASW Sub-committee "to consider ways in which processes may be improved with respect to participation of representatives of hunting communities." (IWC/67/ASW/Rep/01 at 7.) See also Recommendation 27 of the Governance Review Report.

developed before structural changes are agreed. ToR for other working groups could be added to their “parent” committee ToR, as needed, in the future, perhaps following the outcome of any strategic planning.

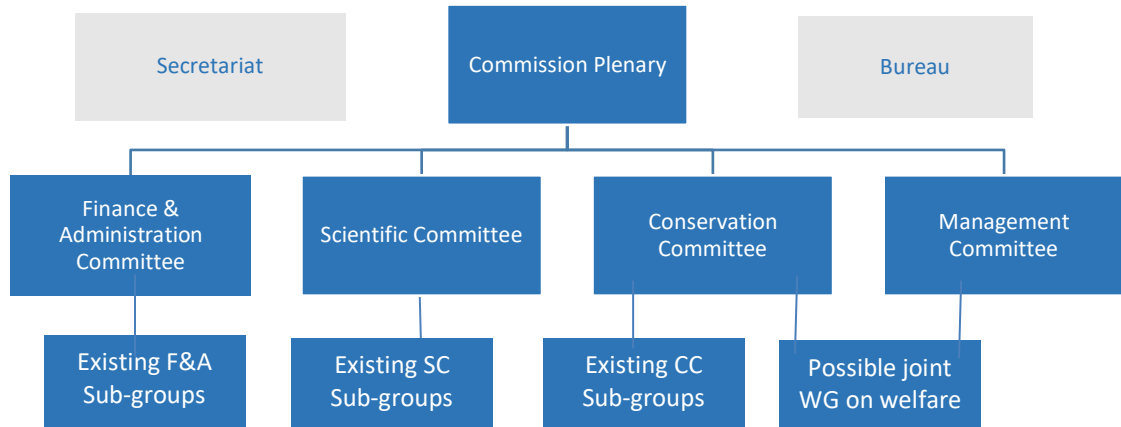
Bureau: The Bureau would continue to advise the Chair and the Secretariat. Its ToR in Rule of Procedure M would be updated and moved to an Annex to the Rules of Procedure. The WGOE proposes some changes to the Bureau’s ToR to reflect governance review recommendations 1, 12, and 13. (See discussion of “low-hanging fruit” below, and **Appendix 1.**) Terms for Commissioners who are members of the Bureau would be staggered. Where possible, and like other Commission documents, Bureau documents would generally be made available in advance of Bureau meetings, except those which are sensitive and/or need to remain confidential. In addition, membership on the Bureau would be expanded to include the Chairs of the four committees.

The following is a comparison of the existing and proposed organizational structure of the Commission.

Schematic Summary of IWC Structure – Existing



Schematic Summary of IWC Structure – Proposed



Potential Reforms to Commission Meeting Operations

Based on recommendation 5 of the Governance Review Report, the WGOE agreed to propose a revision of the Commission’s biennial meeting operations in order to increase the efficiency and effectiveness of Commission meetings. Currently, Commission meetings are

typically composed of a week of sub-group meetings, (*i.e.*, meetings of Committees, sub-committees, and working groups), followed by a Commissioners-only meeting, followed by a 4-5-day plenary session.

The WGOE proposes the following 2-3-2 meeting sequence, with variations in length of time, as needed, for any particular Commission meeting:

2 days of a plenary session – Plenary Session 1

3 days of committee meetings – One day each for the:

Conservation Committee;

Management Committee; and

Finance and Administration Committee

2 days of a plenary session – Plenary Session 2

Following initial consultation, the Secretariat provided practical feedback around challenges in preparing the reports from each committee and subsidiary meetings. Considering this, they proposed an alternative schedule:

Day 1 - Plenary Session 1 [*opening speeches, adoption of agenda, presentation of SC and CC reports - the Secretariat is already planning on a standard template, short presentation from SC and CC Chairs*]

Day 2 (morning) - Meeting of Heads of Delegation/Private Commissioners' meeting

Afternoon of days 2 and 3, and morning of day 4 – sequential Conservation, Management and F&A committee meetings

Day 4 (afternoon) – No meetings [*finalize reports, translate and post on the website, distribute*]

Days 5 and 6 – Plenary

Two Commission Plenary Sessions: The Commission could use its first plenary session to introduce proposed Schedule amendments, proposed rule changes, and proposed resolutions. The Chairs of the Scientific and Conservation Committees might also provide an overview of the Committee's earlier intersessional work. If a Management Committee is created, their report would also be provided in the initial Plenary session. Specific discussion of underlying issues would then occur in the committee meetings, informed by the Scientific Committee's work. The second plenary session would be limited to discussing the results of the committee meetings and deciding on committee recommendations.

Importantly, the WGOE proposes a rule change that would generally prohibit discussion of any issue in the second plenary session that has not already been raised and discussed in the committee meetings or first plenary session. (*See Appendix 1*, draft proposed Rule of Procedure M.1.(b).) *See also* draft proposed Rule of Debate D.5.) Notwithstanding this requirement for prior consideration of matters by Commission sub-group(s), the Commission may decide:

(1) to open debate on a matter pursuant to Rule of Debate D.5 by majority vote; and/or

(2) to consider, at the recommendation of the Chair of the Commission in consultation with the Bureau, (A) urgent matters where there have been important developments that warrant action in the Commission (including taking a new vote on a matter already voted on), and (B) other matters not falling within the mandate of a Commission sub-group.

The WGOE especially seeks comments on draft proposed Rule of Procedure M.1.(b).

The WGOE believes that this revised meeting schedule would increase participation in and effectiveness of the committee meetings, and improve the efficiency of the plenary session.

Private Commissioners Meetings: There would be a Commissioners-only meeting prior to the opening of the first plenary session, and a possible second Commissioners-only meeting prior to the opening of the second plenary session.

Flexibility in the Schedule: The length of time for each Commission meeting could vary. The WGOE does not intend to lock the Commission in to a seven-day Commission/committee meeting. There could also be an occasional specialized pre-meeting, as needed, on a particular topic. The Bureau would continue to assist in the preparation for meetings of the Commission and its sub-groups.

Simplified Agendas: With regard to agenda topics for the plenary and sub-group sessions, the WGOE agrees with the governance review recommendations that the agendas could be simplified. For example, agendas could focus on particular topics rather than address every topic under that committee's mandate. Following initial consultation, the Secretariat also noted that the agenda for the Commission should also be focused on key priorities.

Timing of Scientific Committee Meetings: The Scientific Committee would continue to meet well in advance of the Commission meeting in order to inform the Commission and its sub-groups. The WGOE does not take a position on whether the Scientific Committee should continue to meet annually, or whether the Scientific Committee should shift to biennial meetings, with increased intersessional activity in the off year.

Paper 2: Potential “Low-Hanging Fruit” Items

The WGOE identified recommendations 12, 13, 17, and a portion of 39, from the Report of the panel of Independent Reviewers (IWC/67/18) as “low-hanging fruit” that should be considered and implemented immediately. The following are recommendations 12, 13, 17, and 39 from the Report:

Recommendation 12: The membership terms of Bureau members should be staggered to provide for both refreshing and continuity in Bureau membership and also to ensure more strategic and effective decision making.

Recommendation 13: Bureau documents should be made available, with the exception of documents on confidential and sensitive issues. The IWC Chair, in consultation with the Vice Chair and the Bureau, should determine whether documents are confidential and the level of availability. The agenda, report, and other Bureau documents as appropriate will be made available in the three languages of IWC.

Recommendation 17: IWC should consider making papers available in advance of committee and working group meetings, except for issues considered sensitive and/or confidential by the IWC Chair. The IWC Chair, in consultation with the Vice Chair and the Bureau, should determine whether documents are confidential and the level of availability. To the extent possible, these documents should be available in all three languages of the IWC.

Recommendation 39: The Rules of Procedure (RoP) should be a standing item for Commission meetings and should be comprehensively reviewed. This review should address, as a minimum: (i) better definition of the role and functions of the Bureau, building on the Bureau Guidelines Document; (ii) revising rules on observer participation in Commission meetings so they are consistent with other treaty RoP on this matter; (iii) revising IWC credentials rules so they are brought in line with normal treaty practice; (iv) formally terminating the Technical Committee, in conjunction with the restructuring recommended in recommendations 14 and 15; (v) requiring RoP for all IWC subsidiary bodies; and (vi) revision to clarify what constitutes a quorum.

Revision of the Rules of Procedure as an Ongoing Process: As indicated above, the WGOE notes that there is probably other “low-hanging fruit” not specifically identified by the workshop participants as the subject of Paper 2. The Secretariat has prepared revised Rules of Procedure and a new Terms of Reference for a Credentials Committee, which would be valuable to present to IWC68 so that the Commission can consider aligning the Commission’s Rules of Procedure with best practices. In addition, , the WGOE will, from time to time, propose other revisions of the Rules of Procedure as one of its ongoing functions, assuming it continues to exist. More specifically, the low-hanging portion of recommendation 39 would be to place review of the Rules of Procedure on the agenda of the Finance and Administration Committee as a standing item. This would allow the Finance and Administration Committee to

review the Rules, and address, among other things, the six sub-recommendations of recommendation 39, some of which are not low-hanging.⁴ The WGOE again notes that the Commission could also request the Secretariat to keep the Rules of Procedure under review and propose updates, as needed, and that a comprehensive overhaul of the Rules is perhaps long overdue. Some NGOS recommended that this comprehensive review could be done by the Secretariat for consideration at IWC68.

The WGOE's draft proposed revisions to the Rules of Procedure and Rules of Debate (**Appendix 1**) would implement recommendations 12, 13, 17, and related portions of recommendation 39.

⁴ See, e.g., 2005 Chair's Report at 57-58 and 2012 Chair's Report at 63-64 regarding observer participation. See 2011 Chair's Report at 24 and 2012 Report of the Finance and Administration Committee (IWC/64/Rep2) at 1-3 regarding the definition of quorum.

Appendix 1

DRAFT Proposed Changes to Rules of Procedure C, M and Q, including a Proposed Annex to the Rules of Procedure, and DRAFT Proposed Change to Rule of Debate D

Proposed additions are in *italic bold* type. Proposed deletions are ~~struck out~~.

DRAFT Proposed Changes to Rules of Procedure C, M and Q

C. Observers

....

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

....

M. ~~Committees~~ *Commission Sub-Groups*

1.(a) The Commission shall establish a Scientific Committee, *a Conservation Committee*, a *Management* ~~Technical~~ Committee, and a Finance and Administration Committee. *The Terms of Reference for these committees, as well as Terms of Reference for Commission sub-committees, working groups, and Bureau, are contained in an Annex to these Rules. These committees shall coordinate with each other and can hold joint meetings as necessary.* Commissioners shall notify their desire to be represented on the Scientific, *Conservation*, *Management* ~~Technical~~, and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.

(b) No item of business shall be the subject of discussion by the Commission in its second plenary session of a biennial meeting unless that item has first been considered in the first plenary or appropriate Commission sub-group(s). Notwithstanding this requirement for prior consideration of matters by Commission sub-group(s), the Commission may decide

- (1) to open debate on a matter pursuant to Rule of Debate D.5 by majority vote; or*
- (2) to consider, at the recommendation of the Chair of the Commission in consultation*

with the Bureau

(A) urgent matters where there have been important developments since the last intersessional meeting of the relevant committee that warrant action in the Commission, and

(B) other matters not falling within the mandate of a Commission sub-group.

2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Executive Secretary shall furnish appropriate support to each committee (subject to available resources).

3. Sub-Committees and Working Groups. (a) The Commission may establish sub-committees and working groups to consider technical issues as appropriate, and each will report to the **appropriate committee** ~~Technical Committee~~ or the plenary session of the Commission as the Commission may decide. **(b) Each committee may establish sub-committees or working groups, as needed, to provide advice which then shall report to the relevant committee, which shall review the report of such sub-committee or working group, as appropriate, and make its own recommendations to the Commission on the subject matter.**

~~4.(a). The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall review current and potential threats and methods to mitigate them in order to maintain cetacean populations at viable levels, shall provide conservation and management advice where appropriate, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.~~

~~4. (b) Scientific Committee.~~ 5. The report of the Scientific Committee should be completed and made available to all Commissioners and posted on the Commission's public web site within 21 days of the conclusion of the Scientific Committee meeting.

~~6. The Secretary shall be an ex officio member of the Scientific Committee without a vote.~~

~~7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:~~

~~(a) Management principles, categories, criteria and definitions, taking into account recommendations of the Scientific Committee as a means of helping the Commission to deal with management issues as they arise;~~

~~(b) Technical and practical options for implementation of conservation measures based on Scientific Committee advice;~~

~~(c) The implementation of decisions taken by the Commission through resolutions and through Schedule provisions;~~

~~(d) Commission agenda items assigned to it;~~

~~(e) Any other matters.~~

~~5.8. Finance **and Administration Committee.** The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time. The Chair of the Finance and Administration Committee may close to observers at his or her discretion portions of meetings of the Committee during which sensitive matters such as personnel questions will be discussed.~~

[NOTE: The first sentence, above, regarding the F&A Committee is a ToR and would be placed in the proposed Annex to the Rules of Procedure, below, whereas the second sentence is procedural and would remain in Rule of Procedure M.]

~~6.9. Bureau. The Commission shall establish a Bureau. The Bureau ~~is~~ shall be **composed** of the~~
~~(a) Chair of the Commission;~~
~~(b) the Vice-Chair of the Commission;~~
~~(c) the **Chairs of the Commission's committees** Chair of the Finance and Administration Committee; and~~
~~(d) four Commissioners representing a range of views and interests **with a relevant regional balance.**~~

~~Commissioners shall be appointed to the Bureau **under Rule 6(d)** for a **single** period of **four two** years (limited to one four-year term at a time) at Biennial Commission Meetings. **However, upon adoption of these rules, the Commission will appoint 2 Commissioners under Rule 6(d) for a period of [2/6] years such that there will be staggered terms for two of the Commissioners.** In addition, the Commissioner of the host Government for the next meeting of the Commission will serve in an *ex officio* capacity for a period of two years. The Executive Secretary and appropriate staff members shall furnish appropriate support. ~~The Secretary will support meetings of the Bureau.~~~~

~~The Chair of the Commission will serve as the Chair of the Bureau and may call upon the Chairs of the Commission's sub-groups and committees to participate in Bureau discussions, as appropriate.~~

~~The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on-going under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:~~

- ~~• Provide advice to the Chair and Secretariat on implementing Commission decisions;~~
- ~~• Advise the Secretariat on administrative and financial matters between meetings of~~

the Commission;

- ~~Assist in the preparation for meetings of the Commission and its sub-groups and committees;~~
- ~~Review progress of work of the committees and sub-groups;~~
- ~~Provide support to the Chair during meetings of the Commission, as may be requested by the Chair.~~

~~The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of making recommendation to that Committee.~~

....

Q. Commission Documents

1. Where possible, documents submitted for consideration by the Commission, including documents submitted to committees, sub-committees, working groups, and the Bureau, shall generally be made available in advance of the meeting(s) at which they will be considered, except for documents considered confidential and/or sensitive by the Chair of the Commission. The Chair, in consultation with the Vice-Chair and the Bureau, shall determine whether documents are confidential and/or sensitive. The presiding officer of a meeting may, however, permit the discussion and consideration of documents that have not been circulated previously, subject to Rule of Procedure J.

2. 1. Reports of meetings of **the Bureau and** all committees, sub-committees and working groups of the Commission are confidential until **they have been made available by the Secretary to Contracting Governments and Commissioners** ~~the opening plenary session of the Commission meeting to which they are submitted,~~ or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to the Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).

3.2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be

restricted.⁵ Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under **2. 4.** above.

4.3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the Biennial or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation.

The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments.⁶

5.4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived *in a publicly-accessible electronic format* by year and category of document.

[NOTE: Since the proposed Annex, below, would be an addition to the Rules of Procedure, everything is in *italic bold* type. However, this masks proposed changes in ToR contained in Rule of Procedure M or elsewhere. So as to facilitate review of the proposed Annex, **Appendix 2** shows how the ToR would be changed.]

Annex to the Rules of Procedure

Terms of Reference for Committees, Sub-Committees, Working Groups, and Bureau

1. Scientific Committee.

(a) The Scientific Committee shall, as directed by the Commission:

⁵ This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure **Q.2. Q.1.**

⁶ There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.

- (1) base its work, and advice on the best available scientific evidence;***
- (2) review the current scientific and statistical information with respect to whales and whaling;***
- (3) review current scientific research programmes of Contracting Governments, other international organisations or of private organisations;***
- (4) review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, including in pursuance of Article VIII of the ICRW;***
- (5) review current and potential threats and methods to mitigate them in order to maintain cetacean populations at viable levels;***
- (6) provide scientific advice to the Commission on issues associated with welfare of cetaceans;***
- (7) provide scientific advice on conservation and management advice where appropriate;***
- (8) draw the attention of the Commission to the best available scientific evidence that indicate new or intensifying threats to one or more cetacean populations that may require action by the Commission;***
- (9) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;***
- (10) consider such additional matters as may be referred to it by the Commission;***
- (11) submit reports and advice for consideration by the Commission; and***
- (12) report to the Commission on activities it has carried out between biennial meetings of the Commission.***

2. Conservation Committee.

(a) The Conservation Committee shall, as directed by the Commission:

- (1) base its work and advice on the best available scientific evidence and other relevant information;***
- (2) implement items in the Conservation Committee Strategic Plan, as well as other items the Commission may refer to it;***

(3) submit advice to the Commission in order to maintain and update the Conservation Committee Strategic Plan on a continuing basis;

(4) provide advice to the Commission on technical and practical options for implementation, by Contracting Governments and entities other than the Commission, of conservation measures to address non-whaling activities affecting cetacean conservation status and welfare, including through threat or issue-specific initiatives that combine a coordinator with relevant technical expertise in the Secretariat, a standing working group and an expert panel;

(5) provide advice to the Commission on issues associated with welfare of cetaceans that are impacted by human activities other than hunting, to be developed taking into consideration advice from relevant experts;

(6) draw the attention of the Commission to findings that indicate new or intensifying threats to one or more cetacean populations that may require action by the Commission;

(7) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;

(8) provide advice to the Commission on any other matters referred to it by the Commission; and

(9) report to the Commission on activities it has carried out between biennial meetings of the Commission.

3. Management Committee.

(a) The Management Committee shall, as directed by the Commission:

(1) base its work and advice on the best available scientific evidence and other relevant information;

(2) provide advice to the Commission on management principles, categories, criteria and definitions, taking into account recommendations of the Scientific Committee and Conservation Committee as a means of helping the Commission to deal with management issues as they arise;

(3) provide advice to the Commission on technical and practical options for implementation of regulations for whaling based on Scientific Committee advice and taking into consideration whaler/hunter experience;

(4) provide advice to the Commission on the implementation of decisions taken by the Commission, including through resolutions, recommendations, and through Schedule provisions;

(5) consider any infractions reported to the Commission under Article IX of the Convention and relevant provisions of the Schedule, including reporting on domestic measures taken for addressing compliance matters, including penalties, and provide advice and recommendation to the Commission as necessary

(6) provide advice and recommendations to the Commission on issues relating to whale killing methods and associated welfare issues, and measures implemented by affected countries to address any such issues that might be identified, taking into consideration advice of the Scientific Committee and whalers/hunters relevant environmental conditions; whaler/hunter safety; appropriate and available equipment; and financial resources available to whalers/hunters;

(7) draw the attention of the Commission to findings that indicate new or intensifying threats to one or more cetacean populations subject to hunting or to other utilization, that may require action by the Commission;

(8) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;

(9) provide advice to the Commission on any other matters referred to it by the Commission; and

(10) report to the Commission on activities it has carried out between biennial meetings of the Commission.

(b) With regard to aboriginal subsistence whaling, the Management Committee shall, as directed by the Commission, oversee the implementation of the Aboriginal Subsistence Whaling Scheme, including considering and providing advice to the Commission on any Catch/Strike limit requests taking into consideration:

(1) any changes to hunting practices, especially changes due to environmental conditions;

(2) any infractions insofar as they involve monitoring and compliance with the Schedule, including reporting on domestic measures for addressing compliance matters, including penalties; and

(3) any new information on Descriptions of the Hunts.

4. Finance and Administration Committee.

(a) The Finance and Administration Committee shall, as directed by the Commission:

(1) provide advice to the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions;

(2) provide advice to the Commission on any other matters the Commission may refer to it; and

(3) report to the Commission on activities it has carried out between biennial meetings of the Commission.

(b) The Finance and Administration Committee shall also include a Budgetary Sub-committee to review income and expenditures and proposed budgets to help expedite the work of the full Finance and Administration Committee.

5. Bureau.

(a) The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on-going under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:

(1) provide advice to the Chair and Secretariat on implementing Commission decisions;

(2) advise the Secretariat on administrative and financial matters between meetings of the Commission;

(3) assist in the preparation for meetings of the Commission and its sub-groups and committees;

(4) review progress of work of the committees and sub-groups;

(5) provide support to the Chair during meetings of the Commission, as may be requested by the Chair.

(b) The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of providing advice to that

Committee.

DRAFT Proposed Change to Rule of Debate D

[NOTE: The proposal for opening debate, below, would allow for discussion of an issue in the second plenary session that has not already been raised and discussed in the committee meetings. See proposed Rule of Procedure M.1.(b), above.]

D. Arrangements for Debate

....

5. A Commissioner, if seconded by another Commissioner, may move to open debate in plenary on a particular subject or question that has not been previously debated in committee at the biennial meeting. Permission to speak on the motion for the opening of debate shall be accorded only to the Commissioner presenting the motion, and to a seconder, and to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

Appendix 2

Changes in Terms of Reference for Selected IWC Sub-Groups

The WGOE is proposing to create an **Annex to the Rules of Procedure**, contained in Appendix 1, above, that would contain ToR for committees and other Commission sub-groups. Since the proposed Annex would be an addition to the Rules of Procedure, everything is in ***italic bold*** type. However, this masks proposed changes in relevant sub-group ToR. So as to facilitate review of the proposed Annex, Appendix 2 shows how the ToR for selected sub-groups would be changed, with proposed additions in ***italic bold*** and proposed deletions in ~~strikeout~~.

Scientific Committee (from Rule of Procedure M.4.(a))

1. Scientific Committee.

(a) The Scientific Committee shall, as directed by the Commission:

(1) base its work and advice on the best available scientific evidence;

(2) review the current scientific and statistical information with respect to whales and whaling;
~~shall~~

(3) review current scientific research programmes of Governments, other international organisations or of private organisations;~~shall~~

(4) review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits;~~shall~~

(5) review current and potential threats and methods to mitigate them in order to maintain cetacean populations at viable levels;~~shall~~

(6) provide advice to the Commission on issues associated with welfare of cetaceans;

(7) provide conservation and management advice where appropriate;~~shall~~

(8) draw the attention of the Commission to the best available scientific evidence that indicate new or intensifying threats to one or more cetacean populations that may require action by the Commission;

(9) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;

~~(10) consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission; and shall~~

(11) submit reports and *advice* for consideration by the Commission; and

(12) report to the Commission on activities it has carried out between biennial meetings of the Commission.

Conservation Committee (from Resolution 2003-1)

2. Conservation Committee.

(a) The Conservation Committee shall, as directed by the Commission:

~~(1) The preparation and recommendation to the Commission of its future Conservation Agenda, taking full account of Resolution 2003-1;~~

(1) base its work and advice on the best available scientific evidence and other relevant information;

(2) implement ~~The implementation of these items in the~~ **Conservation Committee Strategic Plan, as well as other items** ~~Agenda that the Commission may refer to it; and~~

(3) submit advice ~~Making to the Commission in order to maintain and update the~~ Conservation **Committee Strategic Plan** ~~Agenda~~ on a continuing basis;

(4) provide advice to the Commission on technical and practical options for implementation, by Contracting Governments and entities other than the Commission, of conservation measures to address non-whaling activities affecting cetacean conservation status and welfare;

(5) provide advice to the Commission on issues associated with welfare of cetaceans that are impacted by human activities other than hunting, to be developed taking into consideration advice from relevant experts;

(6) draw the attention of the Commission to findings that indicate new or intensifying threats to one or more cetacean populations that may require action by the Commission;

(7) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;

(8) provide advice to the Commission on any other matters referred to it by the Commission; and

(9) report to the Commission on activities it has carried out between biennial meetings of the Commission.

Management Committee (from Rule of Procedure M.7.)

3. Management Committee.

(a) The ~~Management~~ Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:

(1) base its work and advice on the best available scientific evidence and other relevant information;

***(2) ~~(a)~~ provide advice to the Commission on management* Management principles, categories, criteria and definitions, taking into account the **advice** of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;**

(3) ~~(b)~~ provide advice to the Commission on technical and practical options for implementation of ~~conservation~~ regulations for whaling based on Scientific Committee advice and taking into consideration whaler/hunter experience;

~~(c)~~ provide advice to the Commission on the implementation of decisions taken by the Commission, including through resolutions, recommendations, and through Schedule provisions;

(4) consider any infractions reported to the Commission under Article IX of the Convention and relevant provisions of the Schedule, including reporting on domestic measures taken for addressing compliance matters, including penalties, and provide advice and recommendation to the Commission as necessary;

(5) provide advice to the Commission on issues relating to whale killing methods and associated welfare issues, and measures implemented by affected countries to address any such issues that might be identified, taking into consideration advice of the Scientific Committee and whalers/hunters; relevant environmental conditions; whaler/hunter safety; appropriate and available equipment; and financial resources available to the whalers/hunters;

~~(d)~~ Commission agenda items assigned to it;

(6) draw the attention of the Commission to findings that indicate new or intensifying threats to one or more cetacean populations that may require action by the Commission;

(7) advise the Commission on possible recommendations to Contracting Governments, in accordance with Article VI of the Convention;

(8) ~~(e)~~ provide advice to the Commission on any other matters referred to it by the Commission; and

(9) report to the Commission on activities it has carried out between biennial meetings of the Commission.

Aboriginal Subsistence Whaling Sub-committee

[NOTE: The ASW Sub-committee would no longer exist and its functions would be performed by the Management Committee. The ToR for the ASW Sub-committee, below, would be modified and become sub-paragraphs (b)(1) and (3) of the Management Committee.]

(b) With regard to aboriginal subsistence whaling, the Management Committee shall, as directed by the Commission, oversee the implementation of the Aboriginal Subsistence Whaling Scheme, including considering and providing advice to the Commission on any Catch/Strike Limit requests, taking into consideration:

(1) any changes to hunting practices, especially changes due to environmental conditions;

...

(4) any new information on Descriptions of the Hunts

Infractions Sub-committee

[NOTE: The Infractions Sub-committee would no longer exist and its functions would be performed by the Management Committee. The ToR for the Infractions Sub-committee, below, would be modified and become sub-paragraph (b)(3) of the Management Committee.]

~~(3) To consider matters and documents relating to the Observer Scheme and Infractions~~ **any infractions** in so far as they involve monitoring and compliance with the Schedule, **including reporting on domestic measures for addressing compliance matters, including penalties and penalties for infractions thereof;**

Working Group on Whale Killing Methods and Welfare Issues (WKM&WI)

[NOTE: The WGOE proposes the addition of welfare ToR to the Scientific Committee, the Conservation Committee, and the proposed Management Committee, based on the ToR for the Working Group on WKM&WI, which currently reports to the Commission. The Management Committee's ToR would also address whale killing methods, and would help implement ICRW Article V.2(d), which requires Schedule amendments to take into consideration the interests of the consumers of whale products and the whaling industry.

Based on the general consensus of responses from the initial consultation, the WGOE has removed option 1 (intersessional working group on welfare) and has combined option 2 and 3 below for further discussion. Option 1 which proposed to establish any welfare-related working groups has been removed from consideration given that the proposed rule would: (1) add welfare components to the ToR for the Scientific Committee, the Conservation Committee, and the Management Committee; and (2) allow committees to establish appropriate working groups, or joint working groups, as needed. Accordingly, the Conservation Committee and the Management Committee could decide, in the future, if they want the assistance of working groups to address welfare issues associated with activities under their respective purviews. In addition, these two committees will work closely together on cetacean welfare issues to avoid duplication of efforts, and could, in the future, set up a joint working group for that purpose, similar to the SC-CC model.

Proposed Scientific Committee ToR 1. (e):

1.(e) provide advice to the Commission on issues associated with welfare of cetaceans that are impacted by scientific research, in addition to other scientific aspects of the welfare of cetaceans;

Proposed Conservation Committee ToR 2. (a)(5):

2.(a)(5) provide ~~reviewing information and providing~~ advice to the Commission on issues relating to whale killing methods and all aspects associated with ensuring good welfare of cetaceans that are ~~hunted or otherwise~~ impacted by human activities **other than hunting, to be developed taking into consideration advice from relevant experts;**

Proposed Management Committee ToR 3. (a)(5):

3.(a)(5) provide ~~reviewing information and providing~~ advice to the Commission on issues relating to whale killing methods and **associated welfare issues, and measures**

implemented by affected countries to address any such issues that might be identified, taking into consideration advice of whalers/hunters, relevant environmental conditions, whaler/hunter safety, appropriate and available equipment, and financial resources available to whalers/hunters ~~all aspects associated with ensuring good welfare of cetaceans that are hunted or otherwise impacted by human activities;~~

Finance and Administration Committee (from Rule of Procedure M.8.)

[NOTE: The last sentence of Rule of Procedure M.8 provides: “The Chair of the Finance and Administration Committee may close to observers at his or her discretion, portions of meetings of the Committee during which sensitive matters such as personnel questions will be discussed.” This sentence is procedural and would remain in the Rules of Procedure.]

4. Finance and Administration Committee.

(a) The Finance and Administration Committee shall, *as directed by the Commission:*

(1) *provide advice to* ~~advise~~ the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions; ~~and such~~

(2) *provide advice to the Commission on any* other matters the Commission may refer to it ~~from time to time;~~ *and*

(3) *report to the Commission on activities it has carried out between biennial meetings of the Commission.*

Budgetary Sub-committee

[NOTE: The ToR for the Budgetary Sub-committee would become sub-paragraph 4. (b) of the ToR for the Finance and Administration Committee.]

(b) *The Finance and Administration Committee shall also include a Budgetary Sub-committee* to review income and expenditures and proposed budgets to help expedite the work of the full Finance and Administration Committee.

Bureau (from Rule of Procedure M.9.)

[NOTE: The first paragraph of Rule of Procedure M.9 would remain in the Rules of Procedure.]

5. Bureau.

(a) The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on-going under the Convention, especially at times

when the Commission is not in session. To this end, the Bureau will:

- (1)** provide advice to the Chair and Secretariat on implementing Commission decisions;
- (2)** advise the Secretariat on administrative and financial matters between meetings of the Commission;
- (3)** assist in the preparation for meetings of the Commission and its sub-groups and committees;
- (4)** review progress of work of the committees and sub-groups;
- (5)** provide support to the Chair during meetings of the Commission, as may be requested by the Chair.

The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of providing advice to that Committee.