

WGOE Supporting document for FA/68/4.1.2/02

Current Rules of Procedure and Terms of Reference

This paper is a supporting document to FA/68/4.1.2/02. It shows the current existing Rules of Procedure and Terms of Reference relevant to the proposed governance reforms in FA/68/4.1.2/02 and is provided as a comparative tool.

Rules of Procedure C, M and Q

C. Observers

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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.

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M. Committees

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.

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 Secretary shall furnish appropriate secretarial services to each committee.

3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.

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.

(b) Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.

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 the 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.

8. 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.

9. The Commission shall establish a Bureau. It shall be comprised of the Chair of the Commission, the Vice-Chair of the Commission, the Chair of the Finance and Administration Committee, and four Commissioners representing a range of views and interests. Commissioners shall be appointed to the Bureau for a period of two years at Biennial Commission Meetings. 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 Secretary will support Meetings of the Bureau.

The Chair of the Commission will serve as the Chair of the Bureau and may call upon 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 recommendations to that Committee.

Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until 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 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).

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 restricted². Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.

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.³

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 on the Commission's public web site in an accessible fashion by year and category of document.

² 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.1.

³ There is no intention that the Secretariat should conduct advance or ex-ante reviews of such statements.

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

Scientific Committee

From Rule of Procedure M.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.

Conservation Committee

From Resolution 2003-1

- (1) The preparation and recommendation to the Commission of its future Conservation Agenda, taking full account of this Resolution;
- (2) The implementation of those items in the Agenda that the Commission may refer to it and
- (3) Making recommendations to the Commission in order to maintain and update the Conservation Agenda on a continuing basis.

Technical Committee

From Rule of Procedure M.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 the 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.

Aboriginal Subsistence Whaling Sub-committee

From Resolution Concerning Aboriginal Subsistence Whaling (34th meeting) - Rep. Int. Whal. Commn Appendix 3 (1992) as revised by Rep. Int. Whal. Commn 48: 31.

The terms of reference of the Aboriginal Subsistence Whaling Sub-committee are: to consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures.

[**Note:** The ASWWG agreed to replace the term “needs statement” with the term “description of the hunt” to recognise the need for flexibility to account for the different nature of hunts (taking into account discussions in IWC/65/ASWRep01 and the Maniitsoq report). IWC/67/ASW/Rep/01. The ASW Sub-Committee endorsed this recommendation. IWC/67/REP/02. The Commission endorsed the ASW Sub-Committee report and recommendations. IWC67 Chair’s Report.]

Infractions Sub-committee

From Rep. Int. Whal. Commn. 29: 22

The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof

Working Group on Whale Killing Methods and Welfare Issues

From Report of the 65th Meeting of the IWC (2014), Appendix 4 of Annex H – Revised name, terms of reference and action plan for addressing welfare with the IWC – Intersessional Working Group on Welfare summary recommendations.

The Working Group on Whale Killing Methods and Welfare Issues is tasked with 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.

Finance and Administration Committee

From Rule of Procedure M.8

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.

Budgetary Sub-committee

From Annual Report 1999

At IWC 51 in 1999 the Commission agreed to establish 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

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 recommendations to that Committee.

Rule of Debate

D. Arrangements for Debate

1. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his allotted time, the Chair shall call him/her to order without delay.
2. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
3. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in favour of, and two Commissioners may 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.

4. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only 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.