

Scientific Committee Reports in Non-Commission Years

IWC Secretariat

The F&A and Commission are invited to reconsider a change to the RoP that was agreed at IWC67 but not implemented. The RoP pertains to adoption of the SC report in non-Commission years.

At IWC67, a paper was submitted to F&A to address the timing of the transfer of leadership of the Scientific Committee as well as the Scientific Committee report for years in which there is no Commission meeting. The paper (IWC/67/F&A/03) proposed two changes to the Rules of Procedure, one for the (RoP) for the Scientific Committee and the other for the RoP for the Commission, as follows:

- 1) Scientific Committee ROP Part C: proposal to transfer the leadership of the SC 30 days following the publication of the SC report.
- 2) Commission RoP part M: proposal to use a 'silence procedure' for endorsement of the SC report in years in which the Commission does not meet.

Although the paper was adopted by F&A as written, and the F&A report was adopted by the Commission, only the first of the two recommendations was actually implemented through a change in the SC Rule of Procedure.

The second change, which was to the Commission RoP, was not included in the extensive edits to the RoP following IWC67. After consultation with the F&A and SC Chair, it was agreed that this part of the original proposal should be taken up at IWC68. An immediate implementation would have been cumbersome given the four-year gap between Commission meetings.

An excerpt from the IWC/67/F&A/03 report is pasted below, notably the proposed changes to the relevant RoP.

The F&A is invited to revisit the second part of the proposed change suggested in IWC/67/F&A/03 (procedures for adopting SC reports in Commission meeting years and non-meeting years) at IWC68, to ensure that a clear and consistent procedure is agreed, understood by all and reflected in the RoP as well as day-to-day practices.

[Extracted text from IWC/67]

IWC/67/FA/03
F&A Agenda item 4.3

2. PROPOSED SOLUTIONS

In years when the Commission does not meet, given the three-year term for the officers of the Scientific Committee, the provision '*They shall take office at the conclusion of the **annual meeting** [emphasis added] at which they are elected*' could be translated as a lack of Commission endorsement of newly elected Vice-chairs. In practice (and again this is not covered formally in a Rule of Procedure), it has been assumed that the Committee's report in non-Commission years is endorsed unless an objection is received within a period of time after it has been circulated.

As we have noted above, the current formulation could also cause unnecessary confusion in terms of duties of Scientific Committee officers (outgoing and incoming Chairs and new Vice-Chair), in years when the Commission meets and the Committee elects new officers (i.e. every six years).

In the proposed new formulation below, the Scientific Committee officers' terms remains unchanged (the original terms of three years reflected an appropriate balance between the need for experience/continuity and a reasonable period of commitment to expect: six years between election as Vice-Chair and completion of period as Chair). These modify SC RoP C.5 to clarify when Scientific Committee officers take office (in line with the original intention and longstanding practice) and to allow the ratification by the Commission of the Scientific Committee report, including the adoption of the new Scientific Committee Vice-Chair in Commission's intersessional years.

Key changes: 1) **added text**; 2) ~~deleted text~~.

Scientific Committee's Rules of Procedure

C. Organisation

[...]

5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. ***In years when the Commission meets, they shall take office at the conclusion of the Biennial annual Meeting at which they are elected. In years when the Commission does not meet, the new Chair and the Vice-Chair shall take office once the silence procedure for the adoption of the Scientific Committee's report has been completed (see Rule M5).***

[...]

Commission's Rules of Procedure

M. Committees

[...]

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 by the opening date of the Biennial Commission Meeting or within ~~14~~ **21** days of the conclusion of the Scientific Committee meeting, whichever is the sooner.

In years when the Scientific Committee and Commission both meet, the Scientific Committee report shall be considered formally adopted at the Commission meeting. In years when the Commission meeting is not held, the Scientific Committee report shall be considered adopted in its entirety provided no objections are received within 30 days of its circulation to the Commission by the Secretariat. Should an objection to any section be received by the Commission, that section of the report shall be considered not adopted until the matter is resolved by the Chair of the Commission or, if that is not possible, at the subsequent Biennial Meeting.

[...]