

NJG/JAC/29093

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CIRCULAR COMMUNICATION TO COMMISSIONERS  
AND CONTRACTING GOVERNMENTS  
IWC.CCG.209

**Revised Rules of Procedure to incorporate changes agreed at IWC/53**

Please find enclosed revised Rules of Procedure for the Commission and the Scientific Committee that incorporate the changes adopted by the Commission at its 53<sup>rd</sup> Annual Meeting held in Hammersmith, London, 23-27 July 2001. The changes to the various Rules are illustrated in the attachment.

The revised Commission Rules of Procedure also include, where appropriate, minor editorial changes to address the Finance and Administration Committee recommendation that *'the Secretary should undertake a comprehensive review of the Rules of Procedure to make the text gender neutral and to ensure that it met the needs of the electronic age'*. Although the revisions necessary to meet these requirements are simply editorial and could therefore take effect prior to the next Annual Meeting, it is felt that Commissioners and Contracting Governments should have the opportunity to review the changes (shown by bold italic text in the enclosed revised Rules) and to comment upon them if necessary before their implementation. In summary, the editorial changes are as follows:

- 'Chairman' has been changed to '*Chair*'
- 'he' and 'him' to '*he/she*' and '*him/her*'
- 'despatch by email' to '*despatch by the most expeditious means available*'.

The opportunity has been taken to make minor revisions to the Commission Financial Regulations, the Rules of Debate, the Rules of Procedure for the Technical Committee and the Rules of Procedure for the Scientific Committee to make them also gender-neutral. These are also enclosed, with editorial revisions shown in bold italics.

If you have any comments on any of the editorial changes (i.e. the bold italicised text), they should be sent to me by 10 December 2001. In due course, the revised Rules of Procedure and Financial Regulations will be published in the Annual Report, along with the Chairman's Report of the 53<sup>rd</sup> Annual Meeting.

At its 53<sup>rd</sup> Annual Meeting, the Commission agreed to a number of changes to the Rules of Procedure, but postponed their adoption until next year's meeting to meet the 60-day notice period required for amendment to the Rules (see Rule of Procedure R.1). These changes are therefore not included in the revised texts, but are illustrated in the attachment.

Dr. Nicky Grandy  
Secretary to the Commission

c.c. Non-member Government Observers (for information)

## ATTACHMENT

### NEW/REVISED RULES OF PROCEDURE ADOPTED AT IWC/53

#### 1. COMMISSION RULES OF PROCEDURE

**Rule C.1.(b):** The Commission agreed that this Rule be amended as follows (new text is shown in bolded italics):

<b>From</b>	<b>To</b>
<p>C.1.(b) Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer, if such international organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of such observers. Once an international organisation is accredited, it remains accredited until the Commission votes to revoke the organisation's accreditation.</p>	<p>C.1.(b) Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer, if such international organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of such observers. <i>The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Annual Meeting.</i> Once an international organisation is accredited, it remains accredited until the Commission <i>decides otherwise.</i></p>

**Rules Q.1 and Q.2:** The Commission agreed that these existing Rules be replaced by a revised Q.1 as follows:

<b>From</b>	<b>To</b>
<p>Q.1 Reports of all committees, sub-committees and working groups of the Commission are strictly confidential until the opening plenary session of the Commission meeting to which they are submitted. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.6.1 and E.6.2.<sup>1</sup></p> <p>Q.2 Reports of intersessional meetings are similarly confidential until they have been distributed by post to Commissioners and Contracting Governments.</p>	<p>Q.1 Reports of meetings of all committees, sub-committees and working groups of the Commission are <i>[[ confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) ]]</i> until the opening plenary session of the Commission meeting to which they are submitted, <i>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.</i> Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).</p>

<sup>1</sup> Note that in the current version of the Commission's Rules of Procedure, there is an error in the cross-reference to the Scientific Committee Rules of Procedure. The reference should be to Scientific Committee Rules of Procedure E.5.(a) and E.5.(b).

**New Rule in Section Q. Commission Documents**

The Commission agreed to add the following new Rule:

*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 Annual 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.*

The Commission also agreed that the associated understanding that there is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements should be retained and this will be included as a footnote.

Section Q has been renumbered to take account of revisions to Q.1 and 2 and to the addition of a new rule (see revised Rules of Procedure).

**2. SCIENTIFIC COMMITTEE RULES OF PROCEDURE**

**Rule E.5.(b):** The Scientific Committee agreed to the following change:

<b>From</b>	<b>To</b>
<p>5. Publication of Scientific Papers and Reports</p> <p>(b) Reports of the meetings of the Scientific Committee shall be available outside the Commission after distribution to the Commission. They are strictly confidential prior to that time. In particular, the Report of the Annual Meeting of the Scientific Committee shall be available at the time of the opening plenary of the Commission meeting</p> <p>(i) Reports of intersessional Workshops or Special Committee Meetings are considered confidential until they have been distributed by post to the full Committee, Commissioners and Contracting Governments.</p> <p>(ii) Reports of intersessional Steering Groups or Sub-committees are considered confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.</p> <p>The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.</p>	<p>5. Publication of Scientific Papers and Reports</p> <p>(b) <b><i>The report of the Annual Meeting of the Scientific Committee shall be distributed to the Commission no later than the beginning of the opening plenary of the Annual Commission Meeting and is confidential until this time.</i></b></p> <p>Reports of intersessional Workshops or Special Committee Meetings are <del>[delete 'considered']</del> confidential until they have been <b><i>dispatched by the Secretary</i></b> to the full Committee, Commissioners and Contracting Governments.</p> <p>Reports of intersessional Steering Groups or Sub-committees are <del>[delete 'considered']</del> confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.</p> <p><b><i>In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.</i></b></p> <p>The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.</p>

## REVISIONS AGREED BUT ADOPTION POSTPONED UNTIL IWC/54

### 1. COMMISSION RULES OF PROCEDURE

**Rule B.1:** The Commission agreed to the following revision, but decided to postpone adoption until IWC/54:

From	To
<p><b>B. Meetings</b></p> <p>1. The Commission shall hold a regular Annual Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice thereof in advance of the preceding Meeting. Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chairman after consultation with the Contracting Governments.</p>	<p><b>B. Meetings</b></p> <p>1. The Commission shall hold a regular Annual Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice <i>two years in advance</i>. <i>A formal offer should include:</i></p> <ul style="list-style-type: none"><li><i>(a) which meetings it covers, i.e. Scientific Committee, Commission Sub-groups, Annual Commission Meeting;</i></li><li><i>(b) a proposed time window within which the meeting will take place; and</i></li><li><i>(c) a timetable for finalising details of the exact timing and location of the meeting.</i></li></ul> <p>Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chairman after consultation with the Contracting Governments.</p>

### 2. SCIENTIFIC COMMITTEE RULES OF PROCEDURE

The Commission agreed to recommend that the Scientific Committee's Rules of Procedure be amended by the insertion of a new rule A.6 (i) to read as follows:

*'After an Invited Participant has his/her participation confirmed through the procedures set up above, a Contracting Government may grant this person national delegate status, thereby entitling him/her to full participation in Committee proceedings, without prejudice to funding arrangements previously agreed upon to support the attendance of the scientist in question.'*

It was agreed that this provision is aimed at developing countries - it is not the intention that it should be used by developed countries.