

Identification of research priorities and allocation of funds in IWC and some other IGOS

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Background

Last year, the Heads of Delegation requested a review of the rules, procedures and practices of the Scientific Committees of the IWC and other Inter-Governmental Organisations (JCRM 15 (suppl.), p.67. This paper is prepared in response to that request.

It was originally provided as a working paper in order to maximise the opportunity for comment and observation. It is intended to be read alongside two other papers developed by the Convenors, (SC/65b/SCP03 and 04) which *inter alia* describe in more detail the IWC's current practices.

The IWC sets its scientific priorities through two inter-related sets of rules and procedures. Firstly, the Rules of Procedure of the Scientific Committee¹ set out overall Terms of Reference and high level topics of current concern.

Secondly, specific priority topics are set through the Committee's development of its draft annual agenda. This is developed by the SC and submitted to the Commission for possible modification and approval.

The Committee develops a proposed budget to cover the work it believes is required to provide the best advice to the Commission. These requirements are generated through discussion at Scientific Committee annual meetings and put forward to the Commission for approval or modification.

The sections below explore the IWC's procedures for identification of priorities in more detail. The sections on agenda setting and allocation of research funds include comparison of the practices of other Inter-Governmental Organisations (IGOs).

High Level Priorities: Establishment of the Scientific Committee

The IWC's Scientific Committee is constituted through Commission Rule of Procedure M.1 *'The Commission shall establish a Scientific Committee'*

Rule of Procedure M.4 indicates the purpose of the Scientific Committee shall be to *'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 private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission ... and shall submit reports and recommendations to the Commission'*

High Level Priorities: Scientific Committee Terms of Reference

Commission Rules of Procedure M.1 and M.4 establish the Scientific Committee as the primary mechanism to make progress against several articles of the International Convention for the Regulation of Whaling². These Articles are listed in the Scientific Committee's Terms of Reference and are provided at the start of the Scientific Committee's Rules of Procedure. The relevant Convention Articles include:

- (a) Article IV.1(a): Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling
- (b) Article IV.1(b): Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them
- (c) Article IV.1(c): Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks
- (d) Article V.2 (a) and (b): Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilization of the whale resources
- (e) Article IV.2: Publish reports of its activities and findings

Operating within these Articles, the Scientific Committee's Terms of Reference go on to highlight specific topics of current concern to the Commission. Eight specific topics are listed, along with citations to relevant Commission

¹ <http://iwc.int/index.php?cID=2385&cType=document>

² <http://iwc.int/convention>

discussions. These were developed in the mid-1990s and the most recent Commission discussions cited in the Terms of Reference date from IWC45 in 1993.

However the Scientific Committee has continued to actively respond to Commission requests under these topics. For example, under the broad heading the 'effects of environmental change on cetaceans' the Committee has responded by addressing many topics including those related to habitat degradation and climate change, as well as establishing a Working Group on Ecosystem Modelling.

Similarly the topic 'Implementation of the RMP' has given rise to a working group on Human Induced Mortality. This has developed as a work programme in its own right and is relevant not only to the RMP but also to Commission directed work on ship strikes and entanglements.

In this way the Committee has continued responding to Commission directions as well as suggesting initiatives of its own. These are encapsulated in the Commission's endorsements of the Committee's annual work programmes (further examples are given in Table 1 of SC-65b-WP03).

Specific Priorities: Development and Approval of Scientific Committee Agenda and Workplan

The Scientific Committee's Rules of Procedure describe the process for development of the Committee's agenda under Rule B. Rule B.1 states '*The initial agenda for the Committee meeting of the following year shall be developed by the Committee prior to adjournment each year. The agenda should identify, as far as possible, key issues to be discussed at the next meeting and specific papers on issues should be requested by the Committee as appropriate*'.

In addition to the development of the agenda, a more detailed work plan containing priority topics is also agreed at the end of each Scientific Committee meeting. The agenda and work-plan are developed first within individual sub-committees, and then agreed (or modified) at the Committee plenary.

The Chair of the Scientific Committee attends Commission meetings, and *inter alia* presents the Scientific Committee's future draft agenda and work-plan to the Commission for approval/modification. The draft agenda and workplan are discussed through a dedicated item on the Commission's agenda. Based on the Commission's deliberations, the Scientific Committee Chair circulates a draft Agenda for comment, 60 days in advance of the subsequent Scientific Committee meeting.

Since the move to biennial meetings the Commission has asked the Committee to develop two year programmes and an associated budget.

A summary of the rules and procedures of some other IGOs relating to SC agenda setting is given in Table 1.

Observations

Table 1 shows that the Scientific Committee's agenda is developed by the Scientific Committee Chair at WCPFC, CCAMLR, NAMMCO and ACCOBAMS. Some of the Rules of Procedure indicate the support provided to the Chair in undertaking this role, which may be through the Convenors (e.g. IWC and WCPFC), the Secretary (e.g. CCAMLR) or the overall Committee (e.g. NAMMCO). Final adoption of the draft agenda at IWC is by the full Committee at an Annual Meeting.

One organisation in Table One (IATTC) appears to take a slightly different approach whereby the Agenda is developed by the Director in consultation with members of the Commission.

Three organisations prepare their Scientific Committee agendas in the context of multi-year plans. For example CCSBT has developed and adopted a Scientific Research Programme. CBD has a multi-year programme of work of the Conference of the Parties which supports the Strategic Plan of the Convention, and the SBSTTA operates in support of the multi-year work programme. ACCOBAMS Scientific Committee sets its work programmes taking into account the priorities set in the triennial (3 year) work programme (the Parties meet once every three years).

Development of Scientific Committee priorities: Budget

Commission financial regulation D.1 (b) states that 'at each Biennial Meeting, there shall be laid before the Commission ... the budget estimate of expenditure and income for the ensuing two year period'.

The draft budget is prepared under Commission Rule of Procedure H.2 which requests the Secretary to 'prepare and submit to the Chair a draft of the Commission's budget'. In practice, this draft is submitted to the Commission Chair and the Chair of the Budgetary Sub-committee. In 2012-2014 the draft budget included an allowance for research of around £316,000 or roughly 20% of core income per annum. A similar level is proposed for 2014-2016.

Table 1.
Summary of Rules and Procedures of some other IGOs on Scientific Committee agenda setting

Organisation	Rule of Procedure
Western & Central Pacific Fisheries Commission (WCPFC) CCAMLR	The SC Chair and Convenors are involved with the Commission's Secretariat in developing the provisional annotated agenda for the approval of Heads of Delegation (Source: Attachment J: Guidelines for the SC Chair and theme convenors ³) The Executive Secretary shall prepare, in consultation with the Chairman, a provisional agenda for each meeting of the [Scientific] Committee. The provisional agenda shall include: (a) all items which the Committee has previously decided to include in the provisional agenda; (b) all items the inclusion of which is requested by any Member of the Committee; (c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates. (Source: Scientific Committee Rules of Procedure, Rule 7).
NAMMCO	The Scientific Committee decides the terms of reference of the Working Groups, their provisional agenda, membership, Chairmen and dates of meetings, and makes proposals to the Council on invitation of external experts or observers. (Source: NAMMCO Scientific Committee Rules of Procedure, Rule IV.2) ⁴ 2. A provisional agenda for all Scientific Committee meetings shall be developed by the Chairman and distributed to the members of the Committee no later than 30 days prior to the meeting in question. (Source: NAMMCO Scientific Committee Rules of Procedure, Rule V.2)
IATTC	2. The functions of the Director shall be: (i) preparing draft agendas for and convening the meetings of the Commission and its subsidiary bodies, in consultation with the members of the Commission and taking into account their proposals, and providing administrative and technical support for such meetings. Source: Antigua Convention, Article XII. ⁵
CCSBT	Identification of Priorities: In 2001 the Scientific Committee of the CCSBT developed and adopted an integrated Scientific Research Programme. This programme sets out the research priorities for the CCSBT. Source: Report of the SC to CCSBT on the Scientific Research Program ⁶
Convention on Biological Diversity (SBSTTA)	3. The Subsidiary Body on Scientific, Technical and Technological Advice, in carrying out its functions, shall support the implementation of the multi-year programme of work of the Conference of the Parties and the Strategic Plan of the Convention, in a manner consistent with other internationally agreed goals relevant to the objectives of the Convention Source: Consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice. (Annex III of decision VIII/10) ⁷
ACCOBAMS	The Chair shall preside over the meetings of the Scientific Committee, prepare the provisional agenda in consultation with the Secretariat ... and 4. At its first meeting after the Meeting of Parties, the Scientific Committee shall assign specific topics for each task manager taking into account the priorities set in the Work Programme for the triennium. Source: Scientific Committee Rules of Procedure, Article V, Rules 2 and 4. ⁸

The Scientific Committee's Rules of Procedure request it to identify research needs at Rule G.1. Rule G.2 notes that the Committee may also receive 'unsolicited proposals' (i.e. developed outside the Committee) to address its research needs and outlines a method to evaluate these. In addition, Rule G.3 states '*The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives*'.

The procedure used by the Scientific Committee to develop a draft budget to present to the Commission is described in SC-65b-WP03.

All of the organisations listed in Table 1 had developed a Rule of Procedure indicating how the Scientific Committee agenda should be produced. However not all of these organisations have found it necessary to describe how the research budget should be allocated in their Rules of Procedure (although that does not necessarily mean

³ <http://www.wcpfc.int/>

⁴ <http://www.nammco.no/webcronize/images/Nammco/954.pdf>

⁵ http://www.iatc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf

⁶ http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/scientific_research_plan.pdf

⁷ <http://www.cbd.int/convention/sbstta-modus.shtml>

⁸ http://www.accobams.org/images/stories/MOP/MOP5/Documents/Resolutions/mop5.res5.3_scientific%20committee.pdf

that they may not have working methods that are not described in their rules). Those organisations with Rules of Procedure that describe allocation are listed in Table 2.

Table 2
Summary of IGO Rules of Procedure describing allocation of research budgets

CCAMLR	At each annual meeting the Scientific Committee shall submit to the Commission an estimate of the budget required for the work of the Scientific Committee for the forthcoming year with a forecast for the subsequent year. (Source: Rule 14, CCAMLR Scientific Committee Rules of Procedure) ⁹
NAMMCO	The Council shall approve audited accounts and endorse the Commission budget for the following year at its annual meeting, and approve a forecast budget for the subsequent year. (Source: Rule VIII, Rules of Procedure for NAMMCO Council). [RoP for NAMMCO Scientific Committee do not contain budget provision] In practice the SC proposes a work plan to the Council, as well as a budget which is driven by the proposed work plan. The budget is based upon the need for working groups, funding for experts, and travel for the Chair etc. Council may modify and ultimately approves the research budget.
IATTC	2. The functions of the Director shall be: (a) preparing research plans and programs for the Commission; (b) preparing budget estimates for the Commission; ... Source: Antiqua Convention, Article XII.
CBD	The Subsidiary Body on Scientific, Technical and Technological Advice, within the available budgetary resources for matters related to its mandate, may make requests to the Executive Secretary and utilize the clearing-house mechanism, and other appropriate means, to assist in the preparation of its meetings Source: Source: Consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice. (Annex III of decision VIII/10) ¹⁰
ACCOBAMS	The Secretary decides how the research budget should be spent in conjunction with the Bureau. The Scientific Committee is not provided with information on the size of the research budget and is not asked to develop one. It is asked to review some unsolicited proposals but does not decide whether they are funded or not.

Observations

Although all 7 organisations in Table 1 had codified procedures for setting Scientific Committee agendas, only 3 of these (CCAMLR, IATTC and CBD) made specific reference to allocation of research budget in their Rules of Procedure. (NAMMCO's procedure for setting budgets speaks to the overall Commission budget rather than the research allowance specifically).

CCAMLR and IATTC both require the research budget to be submitted to the Commission, a process which is very similar to that currently employed at IWC.

CBDs Rules of Procedure appear to anticipate a broader range of funds for supporting the work of its SBSTTA including the in house clearing mechanism and other appropriate means.

Possible areas for further discussion

Within the IWC the proposed allocation of research budgets follow the priorities identified by the Scientific Committee. The Commission receives the proposed research allocation for its approval.

To further support this process, the Committee may wish to discuss:

- (a) the Specific Topics of current concern listed in the Scientific Committee's Rules of Procedure which date from 1993. The Committee may wish to propose its current list of topics and an updated list of citations to the Commission.
- (b) the merit or otherwise of submitting multi-year plans which contain long term, high level objectives in addition to the current annual/biennial work plans.

⁹ <https://www.ccamlr.org/en/system/files/e-pt4.pdf>

¹⁰ <http://www.cbd.int/convention/sbstta-modus.shtml>