

Working Group on Operational Effectiveness: Governance Reform Proposals

Background

The Working Group on Operational Effectiveness (WGOE) was tasked with making recommendations to the Commission to implement reforms that would improve the institutional and governance arrangements of the Commission and its subsidiary bodies. These recommendations follow the Report of the panel of Independent Reviewers (IWC/67/18), a workshop held on 17-18 July 2019 in London, and extensive consultation since 2019 with Contracting Governments and observers. The scope of this work is pursuant to Resolutions 2016-1 and 2018-1 and excludes a review of the IWC's objectives and mandate.

This paper summarises the recommendations for decision at IWC68. This paper integrates the proposals from two previously separate papers: 1) potential reforms to Commission structure and meeting operations; 2) potential "low-hanging fruit" items (i.e., quick and easy to implement), including those relating to the Rules of Procedure. All of these recommendations reflect extensive discussions and comments on numerous draft proposals over the past four years. More information about these recommendations and consultation processes are in VSM/2109/3.2.5/01 and in the WGOE's report to IWC68.

These proposals should be considered the first step in an ongoing structural reform process. There were other recommendations in the Report of the panel of Independent Reviewers which are not covered as a priority in this paper but could be considered in future.

Recommendations for decision at IWC68

1. Commission structure

This set of recommendations relates to a new potential Commission structure and the remits of each committee under that new structure. The WGOE recommends that the Commission should:

- a) Adopt a new Commission committee structure such that the Commission would have four committees:
 - Finance and Administration Committee
 - Scientific Committee
 - Conservation Committee
 - Management Committee

A schematic comparing the current Commission structure to the new proposed Commission structure is in Appendix 1.

- b) Agree that the proposed Management Committee will consider issues relating to the management of whaling and provide recommendations to the Commission. It would replace the Technical Committee and incorporate the

existing functions of the Aboriginal Subsistence Whaling (ASW) and Infractions Sub-committees.

- c) Subsume the existing Working Group on Whale Killing Methods and Welfare Issues (WKM&WI) into the Scientific, Conservation and Management Committees to incorporate the consideration of welfare across the spectrum of the Commission's work, such that:
- The Scientific Committee would provide advice and recommendations to the Commission on scientific issues associated with the welfare of cetaceans.
 - The Conservation Committee would provide advice and recommendations to the commission on issues associated with the welfare of cetaceans that are impacted by human activities other than hunting.
 - The proposed Management Committee would provide advice and recommendations to the Commission on issues relating to whale killing methods and associated welfare issues. This would include considered advice from whalers/hunters, consistent with Article V.2.(d) of the ICRW.

The Commission could decide to establish working groups or joint working groups on welfare at this meeting or in the future.

- d) Decide whether management issues related to non-whaling activities should remain under the Conservation Committee or be allocated to the Management Committee. The Commission could choose to make this decision at a later stage, in which case management issues related to non-whaling activities will remain under the Conservation Committee's remit until the Commission decides otherwise.

2. Committee Terms of Reference

This set of recommendations relates to changes to the Terms of References of the committees. In addition to operational changes to implement the recommendations above, these proposed changes to the Terms of Reference implement other recommendations from the Report of the panel of Independent Reviewers to improve effectiveness of the Commission. This does not prevent further changes to Terms of References being made in future.

The WGOE recommends that the Commission should agree to:

- a) For all Committees, add the phrase "*as directed by the Commission*" to ensure the committees are provided with proper oversight by the Commission.
- b) For the Scientific, Conservation and proposed Management Committees:
 - Add the phrase "*base its work and advice on the best available scientific evidence*" to the Scientific Committee's ToR and "*base its work and*

advice on the best available scientific evidence and other relevant information” to the Conservation Committee and proposed Management Committee’s ToRs to help fulfil the requirement of Article V, paragraph 2. (b) of the ICRW.

- Add Terms of Reference for welfare issues associated with each Committee’s work (as per the recommendations for Commission structure).
- c) For the Finance and Administration Committee, add the existing ToR for the Budgetary Sub-committee to the ToR for the Finance and Administration Committee.
- d) For the Conservation Committee:
- Replace references to the future Conservation Agenda of the Commission in the Conservation Committee’s ToR with references to the Conservation Committee’s Strategic Plan.
 - Add that the Conservation Committee will provide recommendations to address activities within its remit.
- e) For the Management Committee:
- To incorporate the existing ToR for the Technical Committee, ASW Sub-committee and Infractions Sub-committee.
 - To make amendments to the ASW-related ToR to incorporate measures agreed to by the Commission in 2018 regarding descriptions of the hunts and catch/strike limit requests for the purpose of streamlining ASW discussions with the IWC.

3. Bureau

This set of recommendations relates to changes to Bureau operations. The WGOE recommends that the Commission should agree to:

- a) Stagger Bureau membership to provide both familiarity and continuity in membership and to ensure more strategic and effective decision-making.
- b) Expand Bureau membership to include the chairs of the four committees.
- c) Bureau documents being generally made available in advance of meetings, except those which are sensitive and/or need to remain confidential.

4. Commission meeting operations

This set of recommendations relates to changes to Commission meeting operations. The WGOE recommends that the Commission should agree to:

- a) Make changes to Commission meetings structures that will increase participation and the effectiveness and efficiency of plenary sessions. The proposal is for a meeting structure as follows:
- 1 day of a plenary session (plenary session I) which would be used to introduce proposed Schedule amendments, proposed rule changes, proposed resolutions, and feedback from committee chairs on intersessional work.
 - 3 days of private commissioners and committee meetings:
 - 0.5 days of meeting of a private commissioners meeting
 - 0.5 days each for the Conservation Committee, Management Committee, and Finance and Administration Committee meetings
 - 0.5 days for finalising, translation and distribution of reports
 - 2 days of a plenary session (plenary session II) which would be limited to discussing the reports of the committee meetings and deciding on committee recommendations.
 - The timings above can be modified as needed depending on the needs of the Commission meeting.

Virtual meetings of the Conservation Committee, Management Committee, and Finance and Administration Committee are being proposed as part of the necessary savings to balance the 2023/24 budget. If these savings are agreed it will affect the timeline for implementing changes to the meeting schedule, as committee meetings will need to occur virtually prior to the first plenary session. Agreeing the new format will allow it to be implemented when income is sufficient to support the change.

- b) Generally prohibit raising issues in the second plenary that have not already been discussed in the committee meetings or first plenary session, unless the following exceptions apply: the Commission may decide to open debate of a new issue by majority vote and/or to consider urgent matters and matters not falling within the mandate of a Commission sub-group.
- c) Rules of Procedure should be a standing item at the Finance and Administration Committee and Commission meetings such that the Rules of Procedure can be reviewed and updated as part of an ongoing reform process.
- d) There should be a Private Commissioners meeting prior to the opening of the first plenary session and possibly prior to the opening of the second plenary session.
- e) Agendas should be simplified to focus on key priorities rather than address every topic under a committee's mandate.

Rules of Procedure and Terms of Reference changes

The recommendations in this paper would be implemented through changes to the Rules of Procedure (Appendix 2) and amending committee Terms of References which are now proposed to be annexed to the Rules of Procedure (Appendix 3).

Broadly, these changes:

- Consolidate the ToR for all of the committees, sub-committees, working groups, and the Bureau in an Annex to the Rules of Procedure so that they are all located in the same place.
- Make changes to the committee ToRs to reflect the recommendations.
- Remove reference to the Technical Committee in Rule C (Observers).
- Change Rule M (Committees) including by reflecting that ToRs are now contained in an Annex to the Rules of Procedure, removing references to the Technical Committee and implementing the proposed changes to the Bureau.
- Add to Rule of Debate D (Arrangements of Debate) that no item of business shall be discussed in the second plenary unless it has been considered in the first plenary with exceptions.
- Add to Rule Q (Commission Documents) that documents should generally be made available in advance of meetings.

Please refer to the supporting document FA/68/4.1.2/03 for a comparison to current Rules of Procedure and Terms of Reference.

Appendix 1: Comparison of existing IWC structure (Figure 1) and proposed IWC structure (Figure 2).

Figure 1: Schematic summary of existing IWC structure

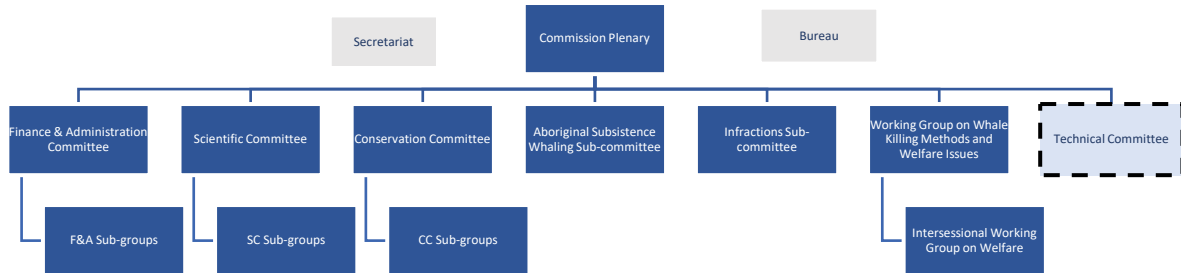
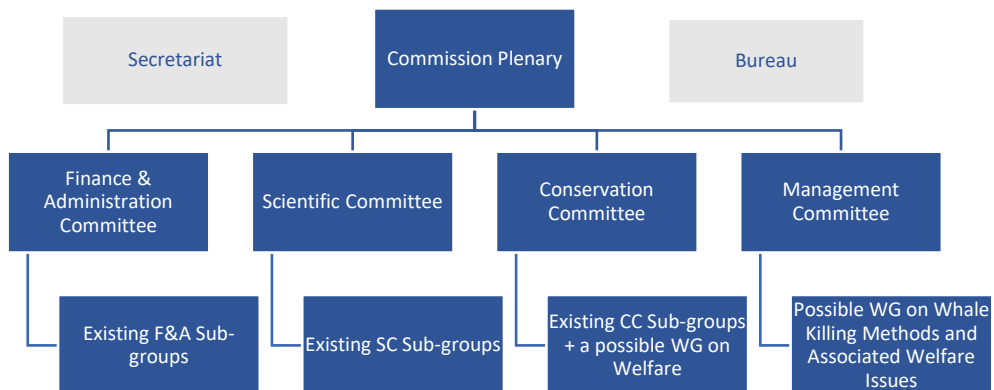


Figure 2: Schematic summary of proposed IWC structure



Appendix 2: Proposed changes to Rules of Procedure C, M and Q, including a proposed Annex to the Rules of Procedure, and 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

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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~~ **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 ~~may be designated by the Commission~~ 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.~~

~~(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.~~

~~4. **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** ~~It~~ shall be **composed** ~~comprised~~ 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 recommendations to that Committee.~~

[NOTE: The part starting "The Bureau will support the work of the Commission...", above, is a ToR and would be placed in the proposed Annex to the Rules of Procedure, below, whereas the first two paragraphs are procedural and would remain in Rule of Procedure M.]

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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. 4. 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.² 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.³

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** ~~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.2. Q.4.~~

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

[**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 3** 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:

- (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 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, taking into account recommendations of the Scientific Committee, 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, taking into consideration advice from the Scientific Committee and other 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 advice 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 making recommendations 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

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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 3: 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 2, 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 was in ***italic bold*** type in Appendix 2. However, this masked proposed changes in relevant sub-group ToR. So as to facilitate review of the proposed Annex, Appendix 3 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 including in pursuance of Article VIII of the ICRW;* ~~shall~~

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

(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;* ~~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** recommendations to 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 recommendations 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, taking into account recommendations of the Scientific Committee, 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, taking into consideration advice from the Scientific Committee and other 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 recommendations **advice** of the Scientific Committee **and Conservation 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;**

(4) ~~(c)~~ 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 the whalers/hunters;

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

(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) ~~(e)~~ 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.

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 to incorporate measures agreed to by the Commission in 2018 regarding descriptions of the hunts and catch/strike limit requests and become sub-paragraphs (b)(1) and (3) of the Management Committee. For sub-paragraph (b)(2), see Infractions Sub-committee below.]

(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;

...

(3) 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)(2) of the Management Committee.]

~~(2) To consider matters and documents relating to the International 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;

Proposed welfare additions to Committee ToRs

[NOTE: These additions of welfare ToR to the Scientific Committee, the Conservation Committee and the proposed Management Committee are 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.]

Proposed Scientific Committee ToR 1. (a)(6):

1.(a)(6) provide scientific advice to the Commission on issues associated with 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)(6):

3.(a)(6) 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 the Scientific Committee and 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 such matters as 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.

(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 making recommendations to that Committee.