

**PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE
OF THE COMMISSION AND THE SCIENTIFIC COMMITTEE**

Advisory Committee

The Commission last year, by IWC Resolution 1997-10, established an Advisory Committee and suggested that the Secretary draw up a Rule of Procedure for consideration at the next meeting. The proposed text is as follows:

New Commission Rule of Procedure M. 9.

The Commission shall establish an Advisory Committee. This Committee shall comprise the Chairman, Vice Chairman, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners shall be for two years on alternative years. The role of this Committee shall be one of support and not to make policy decisions nor to micro-manage the Secretariat's work.

Scientific Committee

Amendments to the Rules of Procedure of the Scientific Committee to set out that Committee's objectives, priorities and procedures were agreed last year (*IWC/49/4 Annex L*). They will be given final consideration at the Scientific Committee's 1998 Meeting (and amended if considered appropriate) before being recommended for adoption at the 50th Annual Meeting of the Commission. Further additions for the selection and provision of financial support for Invited Participants were also proposed for Rule A.6 (*Chairman's Report, item 18.2.1*).

The revised texts are attached.

REVISED
RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE
(Proposed new language in *italic*, deletions shown ~~struck-out~~)

The DUTIES of the Scientific Committee, as set out in the Convention, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of catches upon them, and finally the provision of management advice on the regulation of whaling. This role can be defined in the following terms for the Scientific Committee to :

<i>Encourage and initiate scientific studies related to whales and whaling</i>	<i>[Convention Article IV.1(a)]</i>
<i>Investigate the trend and condition of whale stocks, and the effects of whaling on them</i>	<i>[Article IV.1 (b)]</i>
<i>Develop measures for the conservation and utilisation of whale resources</i>	<i>[Article IV.1 (c)]</i>

In addition to activities associated with meeting the above duties, additional specific FUNCTIONS of the Scientific Committee associated with these activities are to:

<i>Advise on the regulation of whaling</i>	<i>[Convention Article V. 2 (b)]</i>
<i>Review and comment on Special Permits issued for scientific research</i>	<i>[Schedule paragraph 30]</i>
<i>Review research programmes of Contracting Governments and other bodies</i>	<i>[Rule of Procedure M.4]</i>
<i>Publish reports of its activities and findings</i>	<i>[Convention Article IV.2]</i>

SPECIFIC TOPICS of current concern are:

<i>Comprehensive Assessment of whale stocks</i>	<i>[RIWC 34:30]</i>
<i>Implementation of the RMP</i>	<i>[RIWC 45:43]</i>
<i>Development of the AWMP</i>	<i>[RIWC 45:42-3]</i>
<i>Effects of environmental change on cetaceans</i>	<i>[RIWC 43:39-40; 44:35; 45:49]</i>
<i>Scientific aspects of whale sanctuaries</i>	<i>[RIWC 33:21-2; 45:63]</i>
<i>Scientific aspects of small cetaceans</i>	<i>[RIWC 41:48; 42:48; 43:51; 45:41]</i>
<i>Scientific aspects of whale watching</i>	<i>[RIWC 45:49-50]</i>

A. Membership and Observers

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of *each Contracting Government which indicates that it wishes* ~~each nation which elects, at the Annual Meeting of the Commission,~~ to be represented on that Committee. The Secretary of the Commission *and relevant members of the Secretariat* shall be ~~an~~ *ex officio* non-voting members of the Scientific Committee.

2. The Scientific Committee recognises that *representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members of while CCAMLR, FAO and UNEP are represented at the Commission's meetings by Observers their representatives attend the Scientific Committee as scientists with the status of advisers to the Committee. The representatives of other intergovernmental organisations of similar scientific standing may also be given the same status in the Scientific Committee,* subject to the agreement of the Chairman of the Committee acting according to such policy as the Commission may decide.

3. Further to paragraph 2 above the World Conservation Union (IUCN) shall have ~~ad hoc adviser~~ *similar status* in the Scientific Committee.

4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1(a) of the Commission's Rules of Procedure.

5. Any other international organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must

specify the scientific qualifications and relevant experience of the nominee. The Chairman of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chairman and Vice-Chairman of the Commission. Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee. ~~The number of places for observers admitted under this rule at any meeting and the observers to whom they are to be allocated shall be determined by the Chairman of the Scientific Committee having regard to the accommodation available but the number shall not normally be less than five.~~

6. The Chairman of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.

(a) Convenors will submit suggestions for Invited Participants to the Chairman (and copied to the Secretary) not less than four months before the meeting in question. The Chairman may also consider offers from suitably qualified scientists to contribute to specific aspects of the work of the Committee, if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. The Chairman, in consultation with the Convenors and Secretary, will then develop a list of invitees three months before the meeting. In exceptional circumstances, the Chairman, in consultation with the Convenors and Secretary, may waive these time restrictions.

(b) The Chairman will indicate which participants should be offered financial support (at the standard subsistence rate offered by the Commission) and the period of the meeting for which that support will be provided. Scientists not supported for the full period, may, with the agreement of the Chairman, attend the remainder of the meeting at their own expense.

(c) The Secretary will send out invitations to the selected scientists, in accordance with the Commission's Guidelines (Rep. Int. Whal. Commn 47:44).

B. Agenda

1. 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.

2. The provisional agenda for the Committee meeting shall be circulated for ~~comment~~ ^{approval} 60 days prior to the Annual Meeting of the Committee. ~~and~~ comments will be considered *for incorporation into the draft agenda presented to the opening plenary* only if received by the Chairman 21 days prior to the beginning of the Annual Meeting.

C. Organisation

1. The Scientific Committee shall include standing sub-committees *and working groups* by area or species, or other subject, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.

[renumber] 4. The Chairman may appoint other sub-committees as appropriate.

2. The sub-committees *and working groups* shall prepare the basic documents on the identification, *status and trends* ~~and classification~~ of stocks, including biological parameters, ~~initial and present stock size and catch limits using catch records supplied by the Secretariat~~, and related matters as necessary, for the early consideration of the full Committee.

3. The sub-committees, except for the sub-committee on small cetaceans, shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited or for which exploitation is under consideration, but they may examine *matters relevant to all cetaceans where appropriate* ~~fishery matters in which both large and small cetaceans are taken or refer those matters as appropriate to the sub-committee on small cetaceans.~~

5. The Committee shall ~~annually~~ elect from among its members a Chairman and Vice-Chairman *who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected.* ~~at the conclusion of its pre-Commission session.~~ The Vice-Chairman shall act for the Chairman in his absence.

D. Meetings

1. Meetings of the Scientific Committee as used in these rules include all meetings of subgroups of the Committee, e.g. sub-committees, *working groups*, workshops, etc.

2. The Scientific Committee shall meet prior to the Annual Meeting of the ~~Technical Committee and the Commission, with reasonable overlap as appropriate to agenda requirements.~~ Special meetings *of the Scientific Committee or its subgroups* may be held as agreed by the Commission or the Chairman of the Commission.

~~3. The sub-committees should meet during the first few days of the full Committee meeting; their progress should be reviewed at regular intervals at plenary sessions of the full Committee. During those days there should be opportunity for generating ideas, production of papers by individuals and other reviews of data. It should be the aim of the sub-committees to complete their work and prepare reports for the full Committee by the end of the first week. Sub-committees, including sub-committees consisting of the full Committee, may meet on other occasions as necessary.~~

3. *The Scientific Committee will organise its work in accordance with a schedule determined by the Chairman with the advice of a group comprising sub-committee/working group chairmen and relevant members of the Secretariat.*

~~4. The Scientific Committee will consider *ad hoc* questions during the week of the Plenary Session only if they are referred to it by the Chairman of the Technical Committee or of the Commission.~~

E. Scientific Papers and Documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

1. Progress Reports. Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report *following in the format agreed already used by the Committee* ~~summarising these matters for consideration by the Committee.~~

2. Special Reports. The Committee may request special reports, ~~including special national reports,~~ as necessary on matters to be considered by the Committee for the following year.

3. Sub-committee Reports. Reports of the ~~standing~~ sub-committees or *working groups of special sub-committees appointed by the Chairman* shall be *included as annexes to the considered by the Committee for inclusion in its Report to the Commission.* ~~The reports of the sub-committees shall be considered as working documents and the Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.~~

~~4. The above reports should be distributed to Committee and sub-committee members as early as possible.~~

5. Scientific and Working Papers.

(a) Any scientist may submit a scientific paper for consideration by the Committee *in accordance with guidelines established by the Secretariat*. ~~The Secretary may, with the concurrence of the Committee, set technical guidelines for the preparation and presentation of such papers. Scientific papers shall be of two types, primary papers presenting new data or analysis, and secondary papers expanding or analysing data and concepts in the primary papers or reports to the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.~~

(b) ~~Primary~~ Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, *intersessional meeting or any sub-group*. Exceptions to this rule can be granted by the *Chairman of the Committee where there are only in the case of exceptional extenuating circumstances*.

(c) ~~Secondary~~ Working papers will be ~~distributed~~ *considered* for discussion *only if prior permission is given by the chairman of the committee or relevant sub-group. They will be archived only if they are appended to the meeting report. and possible inclusion in the papers of the Committee only if:*

~~(i) The paper is received by the Secretariat before the end of the first week of the Committee meeting, or~~

~~(ii) Preparation of the paper is specifically requested by the Scientific Committee through its Chairman.~~

(d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee provided that they are received under the same conditions (with regard to timing etc.) that apply to members.

6. Publication of Scientific Papers and Reports

1. ~~Primary~~ Scientific papers and reports *considered by the Committee that are not already published* shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees.

2. 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.

(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.

(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.

The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.

3. Scientific papers and reports (revised as necessary) may be *considered* ~~selected~~ for publication by the Commission. ~~The Secretariat, with the concurrence of the Scientific Committee, shall issue guidelines for the technical revision of the papers or reports.~~ Papers shall be subject to peer review before publication. *Papers submitted shall follow the Guidelines for Authors published by the Commission.*

F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments the Scientific Committee shall review *the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose* and comment on them *to the Commission*.

[new]2. *The review process shall take into account guidelines issued by the Commission.*

[re-numbered 3]

2. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.

~~3. The Scientific Committee shall review the scientific aspects of the proposed permits at its Annual Meeting and comment on such proposed permits to the Commission, the national government concerned, and any scientist designated by that government.~~

~~4. In the event that the proposed permits would be granted prior to the next Annual Meeting of the Scientific Committee, members shall review and comment on the scientific aspects of the proposed permits by mail.~~

~~5. The proposed permits and the~~ 4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, *paper or series of papers*.

RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE
Appendix 1
GUIDELINES FOR AVAILABILITY OF DATA HELD BY THE IWC

G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.
3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives.

H. Availability of data

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.

This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention.¹

(1) The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.

2. Information and reports provided where possible under Section VI of the Schedule.

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.

3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.

This information is of a substantially different status from the previous two types. It can be further divided into two categories:

(a) Information collected under International Schemes

- (i) Data from the *IWC sponsored ~~IDCR~~* projects.
- (ii) Data from the International Marking Scheme.
- (iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.

(b) Information collected under national programmes, or other than in (a)

Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:

- (i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.
- (ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
- (iii) Restrictions on access should not discriminate amongst accredited persons.
- (iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

Accredited persons

Accredited persons are those scientists defined under sections A.1, 2, 3 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.