

## Annex M

### Revised Rules of Procedure of the Scientific Committee

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:

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

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

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

SPECIFIC TOPICS of current concern are:

Comprehensive Assessment of whale stocks [RIWC 34:30]  
 Implementation of the RMP [RIWC 45:43]  
 Assessment of stocks subject to aboriginal subsistence whaling [Schedule paragraph 13(b)]  
 Development of the AWMP [RIWC 45:42-3]  
 Effects of environmental change on cetaceans [RIWC 43:39-40; 44:35; 45:49]  
 Scientific aspects of whale sanctuaries [RIWC 33:21-2; 45:63]  
 Scientific aspects of small cetaceans [RIWC 41:48; 42:48; 43:51; 45:41]  
 Scientific aspects of whalewatching [RIWC 45:49-50]

#### 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 to be represented on that Committee. The Secretary of the Commission and relevant members of the Secretariat shall be 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, 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 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.
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 (including the period of time they would like them to attend) to the Chairman (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chairman may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda 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. Within two weeks of this, the Chairman, in consultation with the Convenors and Secretariat, will develop a list of invitees.
  - (b) The Secretary will then promptly issue a letter of provisional invitation to those potential Invited

Participants suggested by the Chairman and Convenors. That letter will state that there may be financial support available. Invitees who wish to be considered for travel and subsistence will be asked to submit an estimated airfare (incl. travel to and from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.

- (c) At least three months before the meeting, the Secretariat will supply the Chairman with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chairman has indicated the Invited Participants should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chairman\*, plus an appropriate daily allowance. [\*Footnote: Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance].
- (d) The Chairman will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chairman, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support 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.
- (e) At least two months before the meeting, the Secretary will send out formal invitations to all the selected scientists, in accordance with the Commission's Guidelines (IWC, 1997), indicating where appropriate that financial support will be given and the nature of that support.
- (f) In exceptional circumstances, the Chairman, in consultation with the Convenors and Secretariat, may waive the above time restrictions.
- (g) The letter of invitation to Invited Participants will include the following ideas:

Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to receive all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Committee members nominated by member governments. Such issues will be identified by the Chairman of the Committee during discussions. Invited Participants are also urged to use their discretion as regards their involvement in the formulation of potentially controversial recommendations to the Commission; the Chairman may at his/her discretion rule them out of order.

- 7. A small number of interested local scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chairman. Such scientists should be connected with the local Universities, other scientific institutions or

organisations, and should provide the Chairman with a note of their scientific qualifications and relevant experience at the time of their application.

#### **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 60 days prior to the Annual Meeting of the Committee. Comments will normally 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.
2. The sub-committees and working groups shall prepare the basic documents on the identification, status and trends of stocks, including biological parameters, 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, or for which there is concern over their status, but they may examine matters relevant to all cetaceans where appropriate.
4. The Chairman may appoint other sub-committees as appropriate.
5. The Committee shall 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. The Vice-Chairman shall act for the Chairman in his/her 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 Commission. 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 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.

#### **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 the format agreed by the Committee.

2. Special Reports. The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.
3. Sub-committee Reports. Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.
4. 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 with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.
  - (b) 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 exceptional extenuating circumstances.
  - (c) Working papers will be distributed 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.
  - (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.
5. Publication of Scientific Papers and Reports
  - (a) 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.
  - (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.
    - (i) Reports of intersessional Workshops or Special Committee Meetings are considered confidential until they have been distributed 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.

6. Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. 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.
2. The review process shall take into account guidelines issued by the Commission.
3. 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.
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.

#### 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 four 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.<sup>1</sup>

##### 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.

<sup>1</sup> 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.

**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 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.
  - (iv) 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).
  - (i) 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.
  - (ii) 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.

- (iii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
- (iv) Restrictions on access should not discriminate amongst accredited persons.
- (v) 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.

REFERENCE

International Whaling Commission. 1997. Chairman's Report of the Forty-Eighth Annual Meeting. *Rep. int. Whal. Comm* 47:17-55.