

Annex T

Reconsideration of Rules of Procedure for the appointment of Chair and Vice-Chair of the Scientific Committee

At the 2002 Scientific Committee meeting, the Committee developed a proposed procedure and amendment to the Rules of Procedure for the Scientific Committee regarding the appointment of its Chair and Vice-Chair. It was proposed (see IWC, 2003), that a second paragraph be added to Rule of Procedure C.5 of the Scientific Committee as follows (proposed new text in *italics*):

C. Organisation

5. The Committee shall elect from its members a Chair and Vice-Chair 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-Chair shall act for the Chair in his/her absence.

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates. Under normal circumstances, the Vice-Chair will become Chair at the end of his/her term, and a new Vice-Chair will then be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

The rationale of the Scientific Committee for this recommendation was that a reporting of the actual vote has the potential to erode the confidence the Scientific Committee would have for the new Chair. It was also recognized that where three or more candidates were nominated, the potential for multiple votes exists and again the potential exists to erode the confidence the Scientific Committee would have for the new Chair.

It was also noted that in years when elections are required, the Chair will indicate a provisional date for the election in the initial draft agenda circulated to the Scientific Committee. The election process, as noted above, will be undertaken by the heads of the national delegations.

In 2002, when the proposed amendment to the Scientific Committee's Rules of Procedure were submitted to the Commission's Finance and Administration Committee, concern was expressed by a number of governments regarding the proposal that results from secret ballots would only be reported in terms of which nominee received the

most votes and that the vote count would not be reported or retained. Given that the F&A Committee was evenly divided on the issue and that another election was unlikely to arise in the next three years, it agreed to refer the issue back to the Scientific Committee for further consideration. The Commission agreed.

The Heads of Delegation met during the IWC/56 Scientific Committee meeting and reconfirmed by consensus the Committee's support for its earlier position regarding secret ballots. They also agreed that the proposed Rule of Procedure should be revised to indicate that it was expected that the Vice-Chair would become Chair at the end of his/her term unless he/she declined. The Heads of Delegation therefore recommend that the following amended text be put forward to the Commission via the F&A Committee for adoption (proposed new text is in ***bold italics***):

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates. Under normal circumstances, The Vice-Chair will become Chair at the end of his/her term (***unless he/she declines***), and a new Vice-Chair will then be elected. ***If the Vice-Chair declines to become Chair, then a new Chair must also be elected.*** If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

A notification of the proposed changes in the Rules of Procedure of the Scientific Committee was included in the draft agenda for the Scientific Committee and circulated to all Committee delegates in advance of the meeting. Therefore, if approved by the Commission, the proposed changes to the Scientific Committee Rules of Procedure will go into effect at SC/57.

REFERENCE

International Whaling Commission. 2003. Report of the Scientific Committee. Annex Q. Appointments of Chair and Vice-Chair of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 5:449-50.