

Terms of Reference and modus operandi for the Expert Panel on Bycatch Mitigation

The Expert Panel will assist in the delivery of the IWC's Cetacean Bycatch Mitigation Initiative by providing scientific and technical advice in support of its aim to address issues relating to cetacean bycatch. The Expert Panel will, as required to deliver the Bycatch Mitigation Initiative's work plan, undertake the key activities given below.

1. The collation of relevant information on bycatch issues and its mitigation;
2. Build on current understanding by identifying research gaps and needs, and develop research questions, if needed;
3. Identify and develop approaches to evaluation of bycatch mitigation success;
4. Evaluate the effectiveness and practical implementation of mitigation measures, including the application of monitoring schemes;
5. Assist the Bycatch Coordinator with the development of case studies;
6. Work with the Bycatch Coordinator to help distil relevant information into documents for the Standing Working Group, Conservation Committee, Scientific Committee and Commission as appropriate;
7. Provide advice on how to
 - a. best communicate issues and ideas,
 - b. develop appropriate policy, and
 - c. work with the relevant communities and national or regional management bodies;
8. Assist the Secretariat, the Bycatch Coordinator and the Bycatch SWG in reviewing the capacity building needs of governments and identifying means to respond to, and taking forward the response to requests for assistance; and
9. Provide input to the strategic development of the Bycatch Mitigation Initiative.

2.1. Membership

2.1.1 *Required expertise*

The Expert Panel should include a range of expertise, including in:

- cetacean biology
- cetacean population monitoring
- fisheries science and technology
- fisheries management
- bycatch mitigation efforts (cetacean and other taxa e.g. seabirds, turtles) including evaluation of success of bycatch mitigation (monitoring of bycatch) and implementation of mitigation measures.
- policy development/influencing expertise (i.e. in achieving effective change of fisheries and other relevant policies)
- direct experience in working with fishing industry and fishing communities

To ensure a diversity of views it could be desirable to have more than one panel member with each type of expertise. However, some experts may have multiple skills. Expertise should be complemented by a regional balance if possible.

The panel will be allowed to complement its expertise by maintaining a roster of experts related to bycatch mitigation from which it can draw (complementary) expertise when needed.

2.1.2. Selection process

IWC Contracting members, members of the Scientific Committee and accredited observers, as well as other IGOs relevant for cetacean bycatch issues (e.g. FAO, the RFMOs, ICES, NAMMCO, CMS etc.) will be invited to nominate individuals with relevant expertise to the Expert Panel. Such individuals can be experts currently involved in the IWC and its Committees, or external candidates.

It is envisaged that the Expert Panel will be composed of 10 to 12 experts with a maximum of 20. The panel should be of a manageable size whilst securing a sufficient level of representation of expertise.

The process for agreeing the membership of the Panel is outlined in Annex 1.

2.1.3 Term of service

The term of service will be four years, following which members may be reappointed according to the process set out in annex 1. An annual evaluation of membership will be undertaken by the Bycatch Coordinator in liaison with the Chair of the Bycatch SWG based on the availability and participation of members, and action taken to address any vacancies or gaps in expertise.

2.2. Modus operandi

The Bycatch Coordinator will act as the Expert Panel convenor. The Expert Panel formally reports to the Bycatch SWG. The Expert Panel will further support the Bycatch SWG with its aim by responding to its requests for advice.

The Expert Panel will, with coordination from the Bycatch Coordinator, liaise and collaborate with the Conservation Committee, Scientific Committee and Whale Killing Methods and Welfare Issues Working Group, and seek input from these Committees on the relevant aspects of its work.

The Coordinator, in collaboration with the Chair of the SWG, shall convene at least two Expert Panel meetings every year which may be in person or via teleconference. When possible, in-person meetings will be planned in conjunction with other workshops or conferences. The report of the Expert Panel's meetings shall be prepared by the Coordinator and the agreed report will be distributed to the Expert Panel, Bycatch SWG, Conservation Committee and Scientific Committee.

The Expert Panel may establish subgroups of its members on an ad hoc basis, as it deems necessary to organise and progress its work. Such subgroups shall report to the Expert Panel.

Annex 1: Process for appointment of the membership of the Expert Panel

Nominations will be sought through a Circular that will go out to Commissioners and Contracting Governments; Members of the Scientific Committee and Accredited Observers.

The Secretariat will send formal letters to other IGOs and follow this up with informal contacts.

Before making a nomination, people will be asked to discuss with the nominee that they are keen and able to commit to serving on the Panel. Panel members will be asked to commit to active engagement in Expert Panel discussions.

Nominations should be accompanied by a short supporting statement (max. 500 words) and/or a CV setting out the prospective member's expertise, abilities and willingness to serve on the Expert Panel.

A sift of nominations will be undertaken by a smaller group, Chaired by the Chair of the Bycatch SWG and also consisting of the Vice-Chair of the Bycatch SWG; Chair of the Conservation Committee (or a nominee); Chair of the Scientific Committee (or a nominee), Bycatch Coordinator and Secretariat. Proposals will then be presented to the Bycatch SWG for comments and endorsement.