

# **Report of the Scientific Committee**

**Bled, Slovenia, 24 April-6 May 2018**

## **Annex P Revised Amended Draft to ‘Annex P’**

**This report is presented as it was at SC/67b.  
There may be further editorial changes (e.g. updated references, tables, figures)  
made before publication.**

**International Whaling Commission  
Bled, Slovenia, 2018**



# Annex P

## Amended Draft to ‘Annex P’

Draft prepared by ‘Annex P intersessional advisory group’

### CHAPTER #: PROCESS FOR THE REVIEW OF SPECIAL PERMIT PROPOSALS AND RESEARCH RESULTS (FORMER ‘ANNEX P’)

[new section] The text on the Process for the review of Special Permit proposals and research results - commonly known as ‘Annex P’ - was first agreed at in 2008 (IWC, 2009, JCRM 11: 398-401). It was then modified (a) in 2014 (2015, JCRM 16: 349-53) with respect to data access (JCRM 16: 82), (b) in 2015 (2016, JCRM 17: 409-14) in light of Resolution 2014-5<sup>1</sup>, (c) in 2016 (2017, JCRM 18: 403-9) based on the experience and suggestions from two Expert Panel reviews (2017, JCRM 17: 507-54) and (d) in 2018 (2018, JCRM 18 in press) in light of Resolution 2016-2<sup>2</sup>.

#### ~~Process for the Review of Special Permit Proposals and Research Results from Existing and Completed Permits~~ #.1 Submission of new proposals

New proposals should be submitted to the Chair of the Scientific Committee *and the Secretariat* at least **six months** prior to the Annual Scientific Committee Meeting (hereafter Annual Meeting) at which they are to be discussed. *Commission Resolution 2016-2 requests Contracting Governments to submit proposals for new special permit programmes, at least six months before the Annual Meeting held in the same year as a Commission meeting.* Proposers may request that the proposal remains confidential<sup>3</sup>. The proposal shall be structured in the manner given below. In order to ensure that any proposal provides information on each of the items needed for review by the Expert Panel, the Proponent will perform a self-assessment using the checklist provided in Appendix #.1. A completed checklist will be attached to the proposal.

*Structure of the proposal:*

#### (1) Objectives of the study

The objectives should:

- (a) be quantified to the extent possible;
- (b) be arranged into two or three categories, if appropriate: ‘Primary’, ‘Secondary’ and ‘Ancillary’;
- (c) include a statement for each primary proposal as to whether it requires lethal sampling, non-lethal methods or a combination of both; and
- (d) include a brief statement of the value of at least each primary *proposed* objective in the context of the three following broad categories objectives:
  - (i) improve the conservation and management of whale stocks,
  - (ii) improve the conservation and management of other living marine resources or the ecosystem of which the whale stocks are an integral part; and/or,
  - (iii) test hypotheses not directly related to the management of living marine resources;
- (e) include, in particular for d(i) and d(ii), at least for each primary objective, the contribution it makes to *inter alia*:
  - (i) past recommendations of the Scientific Committee;
  - (ii) completion of the Comprehensive Assessment or in-depth assessments in progress or expected to occur in the future;
  - (iii) the carrying out of *Implementations* or *Implementation Reviews* of the RMP or AWMP;
  - (iv) improved understanding of other priority issues as identified in the Scientific Committee Rules of Procedure (IWC, 2006, p.180); and
  - (v) recommendations of other intergovernmental organisations.

<sup>1</sup><https://iwc.int/resolutions>

<sup>2</sup>Resolution 2016-2 was adopted by a simple majority vote, with objections by some Contracting Governments.

<sup>3</sup>The SC is required to review SPs (Schedule para 30) and thus confidential can only refer to not being publicly available, i.e. outside the Commission.

**(2) Methods<sup>4</sup> to address objectives:**

- a) field methods, including:
  - i. species, number (and see (c) below), time-frame, area;
  - ii. sampling protocol for lethal aspects of the proposal; and
  - iii. an assessment of why non-lethal methods, methods associated with any ongoing commercial whaling, or analyses of past data have been considered to be insufficient;
- b) laboratory methods;
- c) analytical methods, including estimates of statistical power where appropriate; ~~and~~
- d) time frame with intermediary targets; *and*
- e) *information pertinent to the terms of reference of the Expert Panel to assist them in their review, including specification of the data<sup>5</sup> used in developing that information.*

**(3) Assessment of potential effects of catches on the stocks involved:**

- (a) a summary of what is known concerning stock structure in the area concerned;
- (b) the estimated abundance of the species or stocks, including methods used and an assessment of uncertainty, with a note as to whether the estimates have previously been considered by the Scientific Committee; and
- (c) provision of the results of a simulation study on the effects of the permit takes on the stock that takes into account uncertainty and projects: (1) for the expected life of the permit (i.e.  $n$  years); (2) for situations where the proposal is assumed to continue for: (a) a further  $n$  years; (b) a further  $2n$  years; and (c) some longer period of years since the start of the proposal.

**(4) A note on the provisions for co-operative research:**

- (a) field studies; and
- (b) analytical studies.

**(5) A list of the scientists the proposers intend to send to the intersessional review Workshop**

**#.2 The review process**

*Resolution 2016-2 ‘requests Contracting Governments to submit proposals for new special permit programmes, at least six months before the Annual Scientific Committee Meeting held in the same year as a Commission meeting’. The Committee notes that, if possible, earlier submission by the proponents (e.g. 9 months prior to a Scientific Committee meeting) would be welcomed since this would allow more time for Expert Panel or Committee members to request data and undertake analyses, where appropriate. Some possible general scenarios for the review process are shown in Table #.1 (see also Tables 3 in Appendix 4 for full details) for new proposals and Table #.2 (see also Tables 3 in Appendix 4 for full details) for periodic and final reviews.*

**#.2.1 Intersessional Expert Panel Workshop**

The initial review of a new proposal, or periodic and final reviews, shall take place at a small Expert Panel Workshop with a limited but adequate number of invited experts (who may or may not be present members of the Scientific Committee). A limited number of scientists associated with the proposal should attend the Workshop in an advisory role, primarily to present the proposal and answer points of clarification. It is important that the composition of the Expert Panel (hereafter ‘the Panel’) is considered balanced and fair (see below). The choice of experts shall be made by the Chair, Vice-Chair and Head of Science in conjunction with a Standing Steering Group (SSG) established by the Chair at an Annual Meeting, with special emphasis on the field and analytical methods provided in the proposal and estimation of the effect of catches on the stocks(s). The SSG shall be selected by the Chair, Vice-Chair and Head of Science, such that it represents an appropriate range of experience and expertise within the Scientific Committee. ***The SSG has normally comprised the four most recent Scientific Committee Chairs<sup>6</sup>.*** The selection process for the Panel shall occur in the manner described below. ~~A schedule of events for the review process is shown in Table 1.~~

<sup>4</sup> Where novel or non-standard methods are proposed, sufficient information must be given to allow these to be ~~properly examined~~ *reviewed by the Expert Panel.*

<sup>5</sup> *Any data used in these evaluations should be specified and made available for the review. Where such data arise from catches taken under prior special permits, the procedures described in section #.2.3.1 will apply.*

<sup>6</sup> *Chairs with a clear conflict of interest are excused from this duty.*

Table #.1

Possible scenarios for reviewing new proposals (Annual Meeting refers to the Annual Scientific Committee Meeting)

Options		Stage 1	Stage 2	Stage 3	Timeframe
Option 1	Proposal submitted prior to Annual Meeting held in Commission year	Submitted 6 or 9 months prior to Annual Meeting	Workshop held 100 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop	6 or 9 months
Option 2	Proposal submitted prior to Annual Meeting held in Commission year	Submitted 9 months prior to Annual Meeting	Workshop held 140 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop	9 months
Option 3	Proposal submitted prior to Annual Meeting held in non-Commission year	Submitted 6 or 9 months prior to Annual Meeting	Workshop held 100 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop or prior to Commission	6 or 9 months/ 18 or 21 months
Option 4	Proposal submitted prior to Annual Meeting held in non-Commission year	Submitted 9 months prior to Annual Meeting	Workshop held 140 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop or prior to Commission	9 months/ 21 months

#### #.2.1.1 CHOICE OF EXPERT PANEL

The Scientific Committee Chair, Vice-Chair and Head of Science will take into account the comments made in IWC (IWC, 2010; 2011; 2012), recognising that some of these issues reflected availability of selected Panel members. In particular, the goal is to obtain a full, fair, independent, balanced and objective review and careful efforts will be made to avoid any inferences of potential *or perceived* conflicts of interest. Emphasis will be given to including outside experts (non-Scientific Committee members) but the precise balance will depend on the subject matter. The Panel membership will include experts in the relevant field and/or analytical methods used in the Permit activities which may include those that are not specialists in whales.

All members of the Panel shall sign a written agreement of confidentiality on the discussion and outcome of the review. The confidentiality agreement will terminate when the Report of the Expert Panel is received by the Scientific Committee and it becomes public (about 60 days after the workshop).

#### #.2.1.2 FORMAT AND OBSERVERS

Following discussions at IWC (2012), at the discretion of the Chair, Workshops will normally follow a format of two types of sessions: (1) open sessions where a limited number of scientists associated with the proposal present the proposal and answer questions; and (2) closed sessions where only the Panel members discuss the proposal and develop the report. There may be a final closing session for the Panel to ask further questions of clarification. For these reasons, Workshops will be held at a venue convenient for proponents.

Scientific Committee members are allowed to attend the same sessions, as the proponents, as observers (they will be referred to as observers from here on). These observers will not normally participate in discussions unless invited to do so by the Chair under special circumstances<sup>7</sup> (*cf* the rule for observers to the Committee's meeting). **Whenever possible, restricted live streaming of the open sessions will be set up as to allow remote participation by approved observers.** All observers, **including remote participants**, shall sign a written agreement of confidentiality on the discussion and outcome of the review. The confidentiality agreement will terminate when the Report of the Expert Panel is received by the Scientific Committee and it becomes public (about 60 days after the workshop).

<sup>7</sup>Note: this has been interpreted as allowing observers who submit papers with substantial analyses to be allowed to present them in a similar manner to proponents who present papers e.g. through a short PowerPoint presentation (*cf* the 2014 JARPA II review).

In addition, any Scientific Committee member may submit reviews or analyses relevant to the review for consideration of the Panel following the agreed time frame outlined in **Tables #.43 and 24 in Appendix 4.**

The admittance of observers has logistical implications for the hosting of the Workshop. The importance of hosting the Workshop in a venue convenient for the proponents is important given the alternating open and closed sessions. Deadlines for registering interest in attendance are given in **Tables #.43 and 24 in Appendix 4.**

#### *#.2.2 Procedure for review of new proposals*

**A tentative timetable for the review of a new Special Permit proposal is given in Tables #.3 and Table #.4 in Appendix 4.**

The Chair shall circulate the proposal to the Vice-Chair, Head of Science and SSG, normally within **1 week** of receipt.

(1) The SSG shall examine the proposal and in particular the field and analytical methods and, normally within **2 weeks**, suggest names for consideration for the Panel (if these experts are not members of the Committee they shall include a rationale for their choice) and the suggestions will be available to all SSG members.

(2) The Chair, Vice-Chair and Head of Science will develop a proposed final list (with reserves) for consideration by the SSG within **2 weeks** and begin the process of establishing the time and venue of the Workshop taking into account the availability of the proposed experts and the scientists associated with the proposal.

(3) The SSG will send final comments within **1 week**.

(4) The Chair, Vice-Chair and Head of Science will agree a final list (with reserves); the proposal (with a note concerning any restrictions) will be sent to the selected experts and reserves - the process thus far will have taken about six weeks ~~since~~ **once** the proposal has been received.

The Workshop will take place at least **100 days** before the Annual Meeting. In addition to the selected experts it will include at least one of the Chair, Vice-Chair and Head of Science, one of whom shall chair the Workshop.

#### **#.2.2.1 TERMS OF REFERENCE OF THE EXPERT PANEL WORKSHOP FOR THE SCIENTIFIC REVIEW OF NEW PROPOSALS** ~~[complete section modified at SC/66a]~~

The primary objective of ~~the Scientific Committee and~~ the Expert Panel Workshop (**and later the Scientific Committee**) will be to review the proposal in the light of the stated objectives following the checklist provided in Appendix **#.1**. Recall, the three broad categories of objectives are: (1) improve the conservation and management of whale stocks; (2) improve the conservation and management of other living marine resources or the ecosystem of which the whale stocks are an integral part; and (3) test hypotheses not directly related to the management of living marine resources. In particular, the review shall:

- (1) comment briefly on the perceived importance of the stated primary objectives from a scientific perspective and for the purposes of conservation and management, noting particularly the relevance of each to the work of the Scientific Committee<sup>8</sup>;
- (2) evaluate whether the objectives of the research could be achieved by non-lethal methods or whether there are reasonably equivalent objectives that could be achieved non-lethally<sup>9</sup>;
- (3) for broad categories of objectives 1 and 2, evaluate whether the elements of the research that rely on lethally obtained data are likely to lead to improvements in the conservation and management of whales. This evaluation should include whether the proposal demonstrates the likely magnitude and relevance of improvements to conservation and management arising from the achievement of the programme objectives;
- (4) evaluate whether the design and implementation of the programme are reasonable in relation to achieving the programme's stated research objectives<sup>10</sup>, and in particular, evaluate whether sample sizes and the spatial and temporal scales<sup>11</sup> are reasonable in relation to the programme's stated research objectives and whether non-lethal alternatives are not feasible to either replace or reduce the size of the lethal sampling being proposed;

<sup>8</sup>Include whether the programme objectives are sufficiently defined to enable an evaluation of the likely contribution of the different data sets to objectives.

<sup>9</sup>The comparison of lethal and non-lethal means should be based on their potential to meet the programme objectives (or their reasonable equivalents) based on power analyses and feasibility, including effort and time frames required to produce comparable results.

<sup>10</sup>For broad categories of objectives 1 and 2, and with respect to methods and sample size, 'reasonable' is determined by a demonstration that methods and sample sizes are necessary and sufficient.

<sup>11</sup>With respect to spatial and temporal scales, assess whether the timeframe, as well as the seasonal and spatial distribution of lethal or non-lethal sampling are appropriate.

- (5) assess the degree to which the programme coordinates its activities with related research projects<sup>12</sup>;
- (6) provide advice on the likely effects of the catches on the stock or stocks involved under various scenarios of length of the programme. This will include *inter alia* examination of abundance estimates provided and may involve a different analysis to that provided in the original proposal, including assumptions that short permit proposals may be projected further into the future;
- (7) determine whether the programme has specified intermediate targets that would allow for an adequate review of progress relative to programme objectives; and
- (8) consider any other ~~relevant~~ matters as ~~decided~~ **deemed relevant** by the Scientific Committee.

***The Panel may develop priority recommendations and optional recommendations or suggestions. In its report, the Panel will clarify which are 'priority recommendations' and which are 'optional recommendations' or suggestions, and for each recommendation will include the order of priority of the task, identify who is expected to take action (e.g. proponents, Scientific Committee), and propose a timeline for completion.***

### *#.2.3 Procedure for periodic and final reviews*

***Commission Resolution 2016-2 requests Contracting Governments to submit review documentation for ongoing and completed special permit programmes, at least six months before the Annual Meeting held in the same year as a Commission meeting.*** For ongoing research without a defined final year, a periodic review shall take place in accordance with either the advice provided under Item (5) of the Workshop to review new proposals or on the advice of a periodical (normally around six years) review Workshop and taking into account the availability of the proponents. The final review shall normally take place no later than three years after the final take under Special Permits. The periodic and final reviews shall be based on documents provided by the proposers and other members of the Scientific Committee **six months** before the Annual Meeting at which the Workshop report is to be presented. In order to ensure that any periodic/final report provides information on each of the items needed for review by the Expert Panel, the Proponent will perform a self-assessment using the appropriate checklist (**Appendix #.2**). **Guidelines for the outline of final reports are contained in Appendix #.3**. A completed checklist will be attached to the report. Information on the analytical methods likely to be used in documents presented to the Workshop that might assist with the selection of appropriate experts shall be circulated **nine months** before the Annual Meeting.

***A tentative timetable for periodic or final reviews is given in Table 2.***

The Chair shall circulate the information on the analytical methods to the Vice-Chair, Head of Science and SSG, normally within **1 week** of receipt.

~~(1)~~ The SSG shall examine the information available on the field and analytical methods and, normally within **2 weeks**, suggest names for consideration for the Expert Panel Workshop (if these experts are not members of the Committee they shall include a rationale for their choice) and the suggestions will be available to all SSG members.

~~(2)~~ The Chair, Vice-Chair and Head of Science will develop a proposed final list (with reserves) for consideration by the SSG within **2 weeks** and begin the process of establishing the time and venue of the Workshop taking into account the availability of the proposed experts and experts associated with the proposal.

~~(3)~~ The SSG will send final comments within **1 week**.

~~(4)~~ The Chair, Vice-Chair and Head of Science will agree a final list (with reserves); the proposal (with a note concerning any restrictions) will be sent to the selected experts and reserves - the process thus far will have taken about 6 weeks since the information on analytical methods has been received.

~~(5)~~ The full *set of* documents (*e.g., proposal, background information, etc.*) shall be ~~circulated~~ **made available to the Scientific Committee by the Secretariat** no later than 6 months before the Annual Meeting.

~~(6)~~ Responses to those documents shall be submitted no later than one month before the Workshop.

The Workshop will take place at least **100 days** before the Annual Meeting. In addition to the selected experts it will include at least one of the Chair, Vice-Chair and Head of Science, one of whom shall chair the Workshop.

<sup>12</sup>This will include assessment of whether the degree of coordination is sufficient to ensure that the field and analytical methods are appropriate and best practice to achieve the stated objectives and whether the degree of coordination is sufficient to avoid unnecessary duplication.

Table #2

Possible scenarios for periodic and final reviews (Annual Meeting refers to the Annual Scientific Committee Meeting)

Options		Stage 1	Stage 2	Stage 3	Timeframe
Option 1	Review scheduled for Annual Meeting held in Commission year	Submitted 6 or 9 months prior to Annual Meeting	Workshop held 100 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop	6 or 9 months
Option 2	Review scheduled for Annual Meeting held in Commission year	Submitted 9 months prior to Annual Meeting	Workshop held 140 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop	9 months
Option 3	Review scheduled for Annual Meeting held in non-Commission year	Submitted 6 or 9 months prior to Annual Meeting	Workshop held 100 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop or prior to Commission	6 or 9 months/ 18 or 21 months
Option 4	Review scheduled for Annual Meeting held in non-Commission year	Submitted 9 months prior to Annual Meeting	Workshop held 140 days prior to the Annual Meeting	Review completed at Annual Meeting following workshop or prior to Commission	9 months/ 21 months

### #.2.3.1 AVAILABILITY OF DATA RELEVANT TO THE PERIODIC OR FINAL REVIEW

The *Scientific Committee shall decide on decision to holding* periodic or final reviews ~~shall take place~~ two Annual Meetings prior to the ~~Specialist-Expert Panel~~ Workshop. **Two months** before the Annual Meeting prior to the ~~Specialist-Expert Panel~~ Workshop, the proponents of the programme shall submit a preliminary<sup>13</sup> data description document that explains the data that will be available for the Workshop. That document will:

- outline the data that will be available, including by broad data type (e.g. sighting data, catch data, biological data, **genetics data**): the years for which the data are available; the fields within the database (e.g. for sightings data: species, date, time, school size; visibility; perpendicular distance etc.); the sample sizes;
- provide references to data collection and validation protocols and any associated information **or metadata** needed to understand the datasets or to explain gaps or limitations;
- where available, provide references to documents and publications of previous analyses undertaken of data collected during the programme; and
- contact details of who should be approached if ~~scientists-Scientific Committee members~~ have questions regarding the data before submitting formal applications for them.

Members of the Scientific Committee and participants in the Expert Panel Workshop who wish to submit papers to the specialist Workshop should submit applications to the data holders in the data holders' data access protocol format via the Data Availability Group (DAG<sup>14</sup>). In accordance with a trial agreement reached at the 2014 Annual Meeting (IWC, 2015a, p.82), such requests should normally be developed for submission as a document to the Scientific Committee **four weeks** before the Scientific Committee meeting<sup>15</sup>. This will allow other members of the Scientific Committee (including

<sup>13</sup>By use of the word 'preliminary', it is recognised that some information (e.g. exact sample sizes) may not be available but the document will be broadly complete including approximate sample sizes.

<sup>14</sup>In order to enable the DAG to function if one or more members are unavailable, the usual membership of the DAG (Chair, vice-Chair and Head of Science) will be expanded to include the Chair of the Special Permit working group and the Chair(s) of the most relevant sub-group(s). Any decisions (which should be few) can be taken with a quorum of three.

<sup>15</sup>While Committee members can still submit requests to the DAG after the meeting in accordance with the timeframe in the Tables, they should be aware that the process may take a longer time and the request may not be accepted.



the data holders) to consider alternative analyses. The final data description document and the data themselves shall be available in electronic format **one month** after the close of the Annual Meeting. The timetable is displayed in Table #.12.

Applications for the access to data for the purpose of periodic or final review, should follow the recommended approach of Procedure B of the IWC SC Data Availability Agreement (IWC, 2004). In order to facilitate this process, requests submitted in advance (see above) will then be considered at the Scientific Committee Meeting. Initially, data requesters, data owners and the DAG will discuss the request early in the Meeting. This will provide opportunities for clarification and possible amendment of proposed studies. If there is disagreement over the acceptability of the request (e.g. whether analytical methods are appropriate and within the terms of reference of the Workshop), this will be referred by the DAG to the appropriate sub-committee or an *ad hoc* group. In the hopefully rare event that disagreement remains after the sub-group discussion, then the DAG will be authorised to take the final decision on the request. Data forms and requests can then be signed/authorised at the meeting. Data owners will provide the data in a prompt manner (usually within two weeks of the data becoming formally available one month after the close of the Annual Meeting) in accordance with the agreed protocols<sup>16</sup>. ***The DAG will report annually back to the Scientific Committee on the outcome of all requests.***

#### #.2.3.2 TERMS OF REFERENCE OF THE EXPERT PANEL WORKSHOP FOR PERIODIC AND FINAL REVIEWS UNDER SPECIAL PERMITS ~~[complete section modified at SC/66a]~~

The primary objective of the Scientific Committee and the Expert Panel Workshop will be to review the scientific aspects of the research under Special Permits in the light of the stated objectives. In particular, the review shall:

- (1) for continuing programmes, evaluate whether the design and implementation of the programme, including sample sizes, continue to be reasonable in relation to achieving the programme's stated research objectives<sup>4,6</sup>;
- (2) for continuing programmes, evaluate whether the temporal and spatial scale of lethal sampling continues to be reasonable in relation to the programme's stated research objectives<sup>5,6,7</sup>, and non-lethal alternatives are not feasible<sup>17</sup> to either replace or reduce the scale of lethal sampling proposed:
  - (i) compare sample sizes from the original research proposal and the achieved sample sizes, and assess the effect of any discrepancy on the ability to achieve the programme's stated research objectives.
  - (ii) assess whether, in light of developments since the commencement of the programme, the objectives of the programme could be achieved by non-lethal means, or whether there are reasonably equivalent objectives that could be achieved non-lethally<sup>5,18,19</sup>.
- (3) assess the extent of the programme's scientific output, and whether this is appropriate in light of the stated research objectives and the time elapsed;
- (4) assess the degree to which the programme coordinated or continues to coordinate its activities with related research projects<sup>8, 13</sup>;
- (5) evaluate other contributions to important research and information needs that were not part of the original set of objectives of the research program;
- (6) in the case of continuing reviews, provide advice on:
  - (i) whether the programme continues to have specified intermediate targets that would allow for adequate review of progress in relation to programme objectives.
  - (ii) evaluate how well the initial, or revised, objectives of the research have been met to date, and for broad categories of objectives 1 and 2 (***see section #.2.2.1 first paragraph***), include the extent to which ~~of~~ progress ~~has been~~ regarding improvements in the conservation and management of whales.
  - (iii) practical and analytical methods, including for non-lethal methods, that can improve research findings relative to stated objectives.
  - (iv) appropriate sample sizes to meet the stated objectives, especially if new methods are suggested under item (ii).
  - (v) effects on stocks in light of new knowledge on status of stocks.

<sup>16</sup>Collaborative studies are encouraged and have produced valuable results in the past but are not mandatory. For clarification, it is noted that the reference to offers of co-authorship within the DAA is not intended to allow the data owners to veto presentation of an analysis but rather to ensure that they are offered co-authorship which they may accept or decline. If data owners do not agree with analyses then they have time to respond with papers of their own given the DAA timeline.

<sup>17</sup>In this case, the interpretation of 'feasible' or 'related' will be left to the opinions of the reviewers.

<sup>18</sup>For broad categories of objectives 1 and 2, where 'reasonably equivalent' is defined as having similar likely benefits in terms of improvements to conservation and management of whales.

<sup>19</sup>Evaluate the merits of replacing lethal sampling with non-lethal sampling, considering developments in non-lethal sampling protocols since the onset of the research program.

- (vi) when future review(s) should be convened.
- (7) consider any other ~~relevant~~ matters as ~~decided~~ **deemed relevant** by the Scientific Committee; and
- (8) for final reviews, evaluate how well the initial, or revised, objectives of the research have been met, and for broad categories of objectives 1 and 2, include the extent to which results have led to demonstrated improvements in the conservation and management of whales.

*As for the review of new proposals, the Panel may develop priority recommendations and optional recommendations or suggestions. In its report, the Panel will clarify which are ‘priority recommendations’ and which are ‘optional recommendations’ or suggestions and for each recommendation will include the order of priority of the task, identify who is expected to take action (e.g. proponents, Scientific Committee), and propose a timeline for completion.*

### **#.3 Reports of Workshops (applies to new proposals, periodic reviews and final reviews)**

The Chair of the **Panel** is responsible for the level and nature of participation of the scientists involved in the proposal, which should be limited to: (1) providing information to the invited experts in addition to that contained in the proposal or research results; and (2) answering questions posed by the invited experts. The ~~specialist group~~ **Panel** should attempt to reach consensus on the individual issues referred to above, but where this is not possible, the rationale behind the disagreement should be clearly stated in the Workshop report. The final report of the Workshop shall be completed at least 80 days prior to the Annual Meeting and will be made available to the proponents for comments in line with the timetables provided (Tables 3 and 4).

#### *#.3.1 Circulation to the Scientific Committee*

The original special permit proposal, *or* the original result documents from ongoing or completed special permit research, the report of the Expert Workshop, and any revised permit proposal (following the agreed protocol), ~~or~~ any revised results, **or any comments** from the Contracting Government shall be submitted to Scientific Committee members no later than **40 days** before the Annual Meeting. The revised proposal, *or* revised results, will also be submitted to the members of the ~~specialist group~~ **Expert Panel** and they will be invited to submit joint or individual comments on that revision to the Annual Meeting.

### **#.4 Discussion at the Scientific Committee**

*The Scientific Committee will provide its evaluation on proposals of Special Permits programmes to the Commission in years when the Commission meets (regardless of when the review commences).* The report of the Expert Panel Workshop will be discussed but not amended by the Scientific Committee. The comments of the Scientific Committee will be included in the Scientific Committee report. The original proposal and any revised proposal, the Expert Panel Workshop report (and subsequent comments on any revised proposal), and the Scientific Committee report will then be submitted to the Commission and become publicly available in accordance with the Commission’s Rules.

### **#.5 Chronology and reference documents**

A chronology and reference documents of past or expected **Special Permit Expert Panel** (~~Annex P<sup>2</sup>~~) workshops to review new, ongoing or completed special permit programmes **is given in Table #.3.**

Table ~~#.31~~ **#.34**

Past or expected **Special Permit Expert Panel** (~~Annex P<sup>2</sup>~~) Workshops to review new, ongoing or completed special permit programmes.

Subject	Status	References
JARPN II ( <del>ongoing programme</del> <b>periodic review</b> )	Completed in 2009	IWC (2010a; 2010b)
Icelandic (final review)	Completed in 2012	IWC (2014a)
JARPA II ( <del>ongoing programme</del> <b>final review</b> )	Completed in 2014	IWC (2015a; 2015b)
NEWREP-A ( <b>new proposal review</b> )	Completed in 2015	IWC (2016a)
JARPN II ( <del>ongoing programme</del> <b>final review</b> )	Completed in 2016	IWC (2017)
<b>NEWREP-NP (new proposal review)</b>	<b>Completed in 2017</b>	<b>IWC (2018)</b>
<b>NEWREP-A (periodic review)</b>	<b>Expected in 2021</b>	<b>N/A</b>
<b>NEWREP-NP (periodic review)</b>	<b>Expected in 2023</b>	<b>N/A</b>

### 3.6 References of Chapter 3

- International Whaling Commission. 2004. Report of the Scientific Committee. Annex T. Report of the data availability working group. *Journal of Cetacean Research and Management (Supplement)* 6:406-08.
- International Whaling Commission. 2006. Rules of Procedure of the Scientific Committee. *Annual Report of the International Whaling Commission* 2005:180-83.
- International Whaling Commission. 2010a. Report of the Expert Workshop to Review the Ongoing JARPN II Programme, 26-30 January 2009, Yokohama, Japan. *J. Cetacean Res. Manage. (Suppl.)* 11(2):405-50.
- International Whaling Commission. 2010b. Report of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 11(2):1-98.
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<ul style="list-style-type: none"> <li>• <b>Description of field methods (by species/stock):</b> <ul style="list-style-type: none"> <li>○ sampling protocol for lethal and non-lethal aspects of the proposal including number, time-frame, area (including protocol to deal with predictable difficulties e.g. prolonged poor weather);</li> <li>○ an assessment of why non-lethal methods, methods associated with any ongoing commercial whaling, or analyses of past data have been considered to be insufficient;</li> </ul> </li> <li>• <b>description of laboratory methods;</b></li> <li>• <b>description of analytical methods (for novel techniques details may be provided in an Annex to allow full evaluation):</b> <ul style="list-style-type: none"> <li>○ characterisation of assumptions, key parameters, methods to deal with uncertainty, statistical power;</li> <li>○ an assessment of why non-lethal methods, methods associated with any ongoing commercial whaling, or analyses of past data have been considered to be insufficient;</li> </ul> </li> <li>• <b>description of use of data from other projects or programmes.</b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. LOGISTICS AND PROJECT MANAGEMENT</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• <b>Description of intermediate targets to allow for adequate review of progress relative to objectives.</b></li> <li>• <b>Description of overall project management including personnel and logistic resources.</b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CO-OPERATIVE RESEARCH</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• Assessment of the degree to which the programme will coordinate its activities with related research projects: <ul style="list-style-type: none"> <li>○ assessment of whether the degree of coordination is sufficient to ensure field and analytical methods were appropriate and best practice to achieve the stated objectives;</li> <li>○ whether the degree of coordination is sufficient to avoid unnecessary duplication;</li> </ul> </li> <li>• A note on the provisions for co-operative research: <ul style="list-style-type: none"> <li>○ field studies;</li> <li>○ analytical studies.</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CONCLUSIONS</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• A summary evaluation of the proposed programme in the light of Annex P.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ANNEXES</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• Field protocols (and if relevant how these compare with IWC guidelines).</li> <li>• Laboratory protocols (and if relevant how these compare with IWC guidelines).</li> <li>• Analytical details for new approaches or models (including formulae for estimating parameters of interest and how uncertainty was dealt with).</li> <li>• A list (by objective) of collaborating institutes, expert, projects or external data sources.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CHECKLIST: DOES THE PERIODICAL OR FINAL REPORT INCLUDE THE FOLLOWING ELEMENTS?**

<b>1. EXECUTIVE SUMMARY</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• A short explanation of the contributions of the programme in light of the topics covered by Annex P:               <ul style="list-style-type: none"> <li>(a) Assessment of the extent of the programme’s scientific output, and whether this was appropriate in light of the stated research objectives and the time elapsed;</li> <li>(b) Assessment of the degree to which the programme coordinated its activities with related research projects; this included assessment of whether the degree of coordination was sufficient to ensure that the field and analytical methods were appropriate and best practice to achieve the stated objectives and whether the degree of coordination was sufficient to avoid unnecessary duplication;</li> <li>(c) Evaluation of other contributions to important research and information needs that were not part of the original set of objectives of the research programme;</li> <li>(d) Consideration of any other relevant matters as decided by the Scientific Committee;</li> <li>(e) Evaluation of whether the initial, or revised, objectives of the research were met, and the extent to which results have led to demonstrated improvements in the conservation and management of whales, for broad categories of objectives 1 (‘improve the conservation and management of whale stocks’) and 2 (‘improve the conservation and management of other living marine resources or the ecosystem of which the whale stocks are an integral part’).</li> <li>(f) Summary of the results of programme by Objective and Sub-objectives with an indication of any limitations</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. INTRODUCTION ON OBJECTIVES</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• Identification of Objectives and Sub-objectives of the programme;</li> <li>• A short background as to why they are important.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. STUDY AREA(S), SAMPLE SIZE AND SAMPLING DESIGN</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• A summary of the justification for sample sizes, design and sampling areas (this may include logistical as well as scientific considerations);</li> <li>• A summary of the justification for any changes to the above over the period of the programme (this may include logistical as well as scientific considerations)</li> <li>• A summary of how well the achieved sampling matched the proposed sampling (in terms of design and size)</li> </ul> <p><i>For programmes with multiple objectives.</i></p> <ul style="list-style-type: none"> <li>• Specification of the appropriate study areas to address each objective;</li> <li>• Specification of the quantities of interest that need to be determined to achieve each objective where applicable;</li> <li>• Specification of the sources of uncertainty in the estimation for each quantity of interest and which of these are/were functions of sample size;</li> <li>• Explanation of the calculations used to determine the optimal sampling design and sample size for each objective (including consideration of methods e.g. lethal and non-lethal techniques) and then how this was integrated into the final sampling design and sample size;</li> <li>• An overview of how the achieved sampling followed the proposed design and numbers (and an explanation as to why if it did not);</li> <li>• An analysis of the effect of sample size changes (if they occurred during the programme) on the ability to meet objectives and sub-objectives</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. A CHAPTER FOR EACH OBJECTIVE CONTAINING:</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• The field methods;</li> <li>• The laboratory methods;</li> <li>• Use of data from other projects or programmes;</li> <li>• The analytical methods (including an explanation of assumptions, key parameters, how uncertainty was accounted for the previous three bullet points and estimates of statistical power);</li> <li>• The results;</li> <li>• A discussion of the importance of the results (including caveats about conclusions that can be drawn) and how these add to and/or compare with related research from other regions;</li> <li>• An evaluation (for the overall objective) of the results in light of the topics covered by Annex P.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ADDITIONAL RESEARCH</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• A summary of any results and studies that were completed that used data from the programme but was not addressing the objectives of the programme itself</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. CO-OPERATIVE RESEARCH</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• A note on the provisions for co-operative research:               <ul style="list-style-type: none"> <li>○ field studies;</li> <li>○ Analytical studies.</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. CONCLUSIONS</b>	<b>Y</b>	<b>N</b>	<b>n/a</b>
<ul style="list-style-type: none"> <li>• An evaluation for the programme as a whole in the light of the topics covered by Annex P;</li> <li>• Consideration of any other scientific issues that arose from the programme.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. ANNEXES	Y	N	n/a
• Field protocols (and if relevant how these compare with IWC guidelines).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Laboratory protocols (and if relevant how these compare with IWC guidelines).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A list of samples and data collected, and samples analysed by technique.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Analytical details for new approaches or models (including formulae for estimating parameters of interest and how uncertainty was dealt with).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The predetermined tracklines for sampling and sightings surveys and the rationale for those lines - for each year (and season if appropriate).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The actual coverage of those tracklines and the rationale for any decisions taken to deviate from the predetermined lines including the rationale for any new lines developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• An evaluation of how representative the realised samples may be of the study area and the biological populations involved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A list (by objective) of collaborating institutes, expert, projects or external data sources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A list and PDF copies (by objective, or for other research, topic) of published papers that use data from the programme.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A list and PDF copies (by objective, or for other research, topic) of primary papers that use data from the programme that have been presented at international meetings, including the IWC Scientific Committee.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SOME SUGGESTIONS FOR POTENTIAL GUIDELINES FOR AN INTEGRATED FINAL REPORT FROM A SPECIAL PERMIT PROGRAMME<sup>20</sup>**

These guidelines are intended to assist proponents as well as reviewers *in drafting an integrated final report from a Special Permit programme. However, they could prove useful to draft periodic reports as well.* It should be noted that several of the sections should easily be taken from the original proposal and any periodic reviews. Electronic copies of the full report, its annexes and all listed peer-review papers and cited documents should be submitted to the Secretariat according to the timeline defined in Table **1a, 1b and 2 (section #.2.1).**

**1. EXECUTIVE SUMMARY**

This should be short summary (usually no more than 3-4 pages) of the results of *the* programme by Objective and Sub-objectives with an indication of any limitations and a short explanation of the contributions the programme in the following areas:

- (a) *The extent of the programme's scientific output, and whether this was appropriate in light of the stated research objectives and the time elapsed;*
- (b) *The degree to which the programme coordinated its activities with related research projects; this included assessment of whether the degree of coordination was sufficient to ensure that the field and analytical methods were appropriate and best practice to achieve the stated objectives and whether the degree of coordination was sufficient to avoid unnecessary duplication;*
- (c) *Other contributions to important research and information needs that were not part of the original set of objectives of the research programme;*
- (d) *Any other relevant matters as decided by the Scientific Committee; and*
- (e) *How well the initial, or revised, objectives of the research were met, and the extent to which results have led to demonstrated improvements in the conservation and management of whales, for broad categories of objectives 1 ('improve the conservation and management of whale stocks') and 2 ('improve the conservation and management of other living marine resources or the ecosystem of which the whale stocks are an integral part').*

**2. INTRODUCTION**

This should include:

- (a) identification of Objectives and Sub-objectives and any changes to these over the period of the programme;
- (b) short background as to why they are important and why changes were made if they occurred.

**3. STUDY AREA(S), SAMPLE SIZE AND SAMPLING DESIGN**

This chapter should contain (a) a summary of the justification for sample sizes, design and sampling areas, including any changes to these over the period of the programme (this may include logistical as well as scientific considerations); and (b) a summary of how well the achieved sampling matched the proposed sampling (in terms of design and size).

For programmes with multiple objectives this should include:

- (a) **specification of the appropriate study areas to address each objective;**
- (b) **specification of the quantities of interest that need to be determined to achieve each objective;**
- (c) **specification of the sources of uncertainty in the estimation for each quantity of interest and which of these were functions of sample size;**
- (d) **explanation of the calculations used to determine the optimal sampling design and sample size for each objective (including consideration of methods e.g. lethal and non-lethal techniques) and then how this was integrated into the final sampling design and sample size;**
- (e) **an overview of how the achieved sampling followed the proposed design and numbers (and an explanation as to why if it did not); and**
- (f) **An analysis of the effect of sample size changes (if they occurred during the programme) on the ability to meet objectives and sub-objectives.**

Details should be provided as an Annex or Annexes as described in a later section.

**4. A CHAPTER FOR EACH OBJECTIVE CONTAINING:**

<sup>20</sup>This appendix is based on Annex G of the Report of the Expert Panel of the final review on the western North Pacific Japanese Special Permit programme (JARPN II) (SC/66b/Rep06 (2016)).



These chapters should be self-contained to the extent possible and contain sufficient levels of detail (first with sections by sub-objective if appropriate and then integrated over the main objective) to allow a review of:

- (a) the field methods (and difficulties encountered - any uncertainty arising from this should be covered under (c) below);
- (b) the laboratory methods (and difficulties encountered any uncertainty arising from this should be covered under (c) below);
- (c) use of data from other projects or programmes (and any uncertainty arising from this - which should also be covered under (c) below);
- (d) the analytical methods (including an explanation of assumptions, key parameters, how uncertainty was accounted for);
- (e) the results;
- (f) a discussion of the importance of the results (including caveats about conclusions that can be drawn) and how these add to and/or compare with related research from other regions; and
- (g) an evaluation (for the overall objective) of the results in light of the topics covered by Chapter 3.

Self-contained chapters contain a sufficient level of detail that the reader does not have to frequently consult other material to evaluate the work – similar to the level of detail provided in a published paper. If a programme has already published papers in peer-reviewed journals comprising all or most of its results these chapters can be made by the sum of these papers with a short introduction and an overall conclusion.

## **5. ADDITIONAL RESEARCH**

This chapter should contain a summary of any results and studies that were completed that used data from the programme but was not addressing the objectives of the programme itself.

## **6. CONCLUSIONS**

This should include at least an evaluation for the programme as a whole in the light of the topics covered by Chapter 3 plus consideration of any other scientific issues that arose from the programme.

## **ANNEXES**

The Final Report should include a number of Annexes including the following.

- (1) Field protocols (and if relevant how these compare with IWC guidelines).
- (2) Laboratory protocols (and if relevant how these compare with IWC guidelines).
- (3) A list of samples and data collected, and samples analysed by technique.
- (4) Analytical details for new approaches or models (including formulae for estimating parameters of interest and how uncertainty was dealt with).
- (5) For each year (and season if appropriate):
  - (a) the predetermined tracklines for sampling and sightings surveys and the rationale for those lines;
  - (b) the actual coverage of those tracklines and the rationale for any decisions taken to deviate from the predetermined lines including the rationale for any new lines developed; and
  - (c) an evaluation of how representative the realised samples may be of the study area and the biological populations involved.
- (6) A list (by objective) of collaborating institutes, expert, projects or external data sources.
- (7) A list (by objective, or for other research, topic) of published papers that use data from the programme (copies should be archived with the IWC Secretariat).
- (8) A list (by objective, or for other research, topic) of working papers that use data from the programme that have been presented at international meetings, including the IWC Scientific Committee (copies should be archived with the IWC Secretariat).

It is assumed that the report will be in electronic format so (a) links can be given and (b) that much of this information will have been developed by the proponents at the start of the programme anyway (e.g. protocols).

APPENDIX 4 [NEW APPENDIX]

Table #.4

Example timetable for the review of a new Special Permit proposal where the proposal is received at least six months before the Scientific Committee meeting held in the **same** year as a Commission meeting where the Scientific Committee starts on 1 June 2022 (a). If the proposal is received over 18 months prior to Annual Meeting held in the same year as a Commission meeting (e.g. by 30 November 2020), either timetable (b) or (c) would be followed. If the timetable (c) was followed (i.e. a workshop held on 22 February 2021), this would allow an extra year for proponents to refine their responses to any recommendations from the Expert Panel or the Committee, if necessary, before the Committee’s evaluation is presented to the Commission in 2022.

The column with example dates (a) assumes proposal submitted 6 months ahead, that with example dates (a<sub>1</sub>) assumes proposal submitted 9 months ahead and that the Workshop is held 100 days prior to the annual meeting and that with example dates (a<sub>2</sub>) assumes proposal submitted 9 months ahead and that the Workshop is held 140 days prior to the annual meeting.

Action	Schedule of events	Example dates (a)	Example dates (a <sub>1</sub> )	Example dates (a <sub>2</sub> )	Example dates (b)	Example dates (c)
(1) Chair receives Special Permit proposal from proponents (proponents can request that it is confidential)	At least 6 months but ideally at least 9 months prior to Annual Meeting	30 November 2021	30 August 2021	30 August 2021	30 November 2020	30 November 2020
(2) Proponents submit document summarising the data (and format/resolution) used to justify the proposal’s design and impact on stocks – Procedure B of the Data Availability Agreement applies	At least 6 months but ideally at least 9 months prior to Annual Meeting	30 November 2021	30 August 2021	30 August 2021	30 November 2020	30 November 2020
(3) Chair distributes proposal to Vice-Chair, Head of Science, SSG and Scientific Committee	within 1 week of receipt	7 December 2021	7 September 2021	7 September 2021	7 December 2020	7 December 2020
(4) SSG suggest names for the Expert Workshop to the Chair	within 2 weeks	21 December 2021	21 September 2021	21 September 2021	21 December 2020	21 December 2020
(5) Chair, Vice-Chair and Head of Science develop proposed list of experts and reserves and send to SSG	within 2 weeks	4 January 2022	4 October 2021	4 October 2021	4 January 2021	4 January 2021
(6) Final comments from SSG to Chair	within 1 week of sending list to SSG	11 January 2022	11 October 2021	11 October 2021	11 January 2021	11 January 2021
(7) Final Panel selected and invitation and documents sent to them by Chair	within 2 weeks of sending list to SSG	18 January 2022	18 October 2021	18 October 2021	18 January 2021	18 January 2021
(8) Scientific Committee observers indicate interest to the Chair in participating in the Workshop	At least 50 days before Workshop	4 January 2022	4 January 2022	24 November 2021	4 January 2021	4 January 2021
(9) Committee member’s reviews/analyses due at the Secretariat	At least 30 days before Workshop	25 January 2022	25 January 2022	14 December 2021	25 January 2021	25 January 2021
(11) Committee member’s reviews/analyses sent to Specialists and Proponents by Secretariat	Within 1 week	1 February 2022	1 February 2022	21 December 2021	1 February 2021	1 February 2021

(13) Hold Workshop	>100 days prior to Annual Meeting (Column (c) >140 days)	22 February 2022	22 February 2022	12 January 2022	22 February 2021	22 February 2021 or 2022
(14) Final Workshop report made available to Proponents by Chair	20 days after the workshop	13 March 2022	13 March 2022	1 February 2022	13 March 2021	13 March 2021 or 2022
(15) Proponents comments on report sent to Chair	40 days after the workshop (Column (c) 70 days after workshop)	1 April 2022	1 April 2022	19 March 2022	1 April 2021	1 April 2021 or 2022
(16) Distribution of the Proposal, Workshop report and comments from Proponents to the Committee by the Secretariat	>40 days prior to Annual Meeting (Column (c) 55 days prior)	22 April 2022	22 April 2022	8 April 2022	22 April 2021	22 April 2021 or 2022
(17) Any further Committee member's reviews/analyses due at the Secretariat	Committee document deadline	25 May 2022	25 May 2022	25 May 2022	25 May 2021	25 May 2021 and 2022
(18) Any additional analyses by Proponents in response to Expert Panel recommendations	Committee document deadline	25 May 2022	25 May 2022	25 May 2022	25 May 2021	25 May 2021 and 2022
(19) Discussion within the Committee	Annual Meeting	From 1 June 2022	From 1 June 2022	From 1 June 2022	From 1 June 2021	From 1 June 2021 and 2022
(20) Submit evaluation to the Commission meeting via Annual report	About two weeks after meeting	28 June 2022	28 June 2022	28 June 2022	28 June 2021	28 June 2022

**Table #.2**

Example timetable for the periodic and final review of Special Permit programs where review documents are received at least six months before the Scientific Committee meeting held in the **same** year as a Commission meeting where the Scientific Committee starts on 1 June 2022 (a). If the review documents are received over 18 months prior to a Commission meeting (e.g. by 30 November 2020), either timetable (b) or (c) would be followed. If the timetable (c) was followed (i.e. a workshop held on 22 February 2021), this would allow an extra year for proponents to refine their responses to any recommendations from the Expert Panel or the Committee, if necessary, before the Committee's evaluation is presented to the Commission in 2022..

Action	Schedule of events ( <i>max time lapsed after the previous event in the list</i> )	Example dates (a)	Example dates (b)	Example dates (c)
Announce intention to conduct periodic and final reviews	<b>24 months prior to discussion of Expert Panel report and Proponent proposal at an Annual Meeting</b>	1 June 2020	1 June 2019	1 June 2019
Proponents submit a preliminary data description document explaining the data to be available for the Expert Workshop	2 months before the Annual Meeting prior to the Workshop	1 April 2021	1 April 2020	1 April 2020
Requests for use of data submitted as papers	4 weeks prior to meeting	4 May 2021	4 May 2020	4 May 2020
Final data description documents and data themselves available in electronic form	1 month after end of Annual Meeting	14 July 2021	14 July 2020	14 July 2020
Information on likely analytical methods to be submitted to the Workshop sent to the Secretariat	9 months prior to Annual Meeting	31 August 2021	31 August 2020	31 August 2020
Distribute documents to Vice-Chair, Head of Science and SSG	(1 week)	7 September 2021	7 September 2020	7 September 2020
SSG suggest names for the specialist Workshop	(2 weeks)	21 September 2021	21 September 2020	21 September 2020
Announcement of review to IWC and call for observers		12 October 2021	12 October 2020	12 October 2020
Chair, Vice-Chair and Head of Science develop list of specialists and reserves	(2 weeks)	12 October 2021	12 October 2020	12 October 2020
Final comments from SSG	(1 week)	19 October 2021	19 October 2020	19 October 2020
Invitation and documents to specialists	(1 week)	26 October 2021	26 October 2020	26 October 2020
Indications of interest by Scientific Committee observers		2 November 2021	2 November 2020	2 November 2020
Receipt and circulation of results/review documents from Special Permit research (including to IWC Scientific Committee members)	>6 months prior to Annual Meeting	30 November 2021	30 November 2020	30 November 2020
Observers confirm wish to attend		3 December 2021	3 December 2020	3 December 2020
Committee member's reviews/analyses due at the Secretariat	(1 month)	4 January 2022	4 January 2021	4 January 2021
Committee member's reviews/analyses sent to Specialists and Proponents		11 January 2022	11 January 2021	11 January 2021
Hold Workshop	>100 days prior to Annual Meeting	22 February 2022	22 February 2021	22 February 2021 or 2022

Final Workshop report made available to Proponents	>80 days prior to Annual Meeting	13 2022	March	13 2021	March	13 2021	March or 2022
Distribution of result documents, Workshop report and comments from Proponents to the <i>Committee by the Secretariat</i>	<i>60 days after the workshop and &gt;40 days prior to Annual Meeting</i>	22 2022	April	22 2021	April	22 2021	April or 2022
<i>Any further Committee member's reviews/analyses due at the Secretariat's submission</i>	<i>Committee deadline for document submission</i>	25 2022	May	25 2021	May	25 2021	May and 2022
<i>Additional analyses by Proponents in response to Expert Panel recommendations<sup>‡</sup></i>	<i>Committee deadline for document submission</i>	25 2022	May	25 2021	May	25 2021	May and 2022
Discussion within the Committee	Annual Meeting	From June 2022	1 2022	From June 2021	1 2021	From June 2021	1 2021 and 2022
<i>Submit evaluation to the Commission via Annual report</i>	As soon as SC report available	28 2022	June	28 2021	June	28 2022	June

\*Normally to the nearest Friday.

†*Such analyses and discussions may arise at following Committee meetings*

‡*Proponents may also respond to recommendations arising from the Committee's and Panel's reviews in following meetings*

## Appendix 5

### JAPAN'S STATEMENT CONCERNING THE PROPOSED REVISIONS OF ANNEX P, ESPECIALLY ON ITS OPPOSITION TO REFLECT RESOLUTION 2016-02

Japan did not block the consensus of the modification of Annex P for the following reasons. First, the timing of submission of proposal and its review process (commencement through completion) is not limited to the same year as a Commission meeting, as is confirmed in *Option 3 and 4* of Table #.1 of Annex P. Second, Japan's concern on the unrestricted and continuing access to all data collected under special permit programs has been resolved in a reasonable manner.

However, Japan reiterates its position that Resolution 2016-2 should not be given effect, because there is no scientific reason to add the engagement of the Commission to the review process, and making such modification with a resolution would be inconsistent with Paragraph 30 of the Schedule and the Convention. It must also be noted that the said resolution was adopted with significant number of objections and abstentions.

For these reasons, Japan maintains the position that no reference to Resolution 2016-2 should be made in Annex P. However, Japan did not oppose the proposed text as a compromised solution, with the spirit of cooperation.

Japan has always cooperated in good faith with the process of review by the Scientific Committee. Japan appreciates the engagements of scientists who have been offering constructive opinions to ensure scientific integrity and soundness of special permit programs. On the other hand, Japan cannot but note that scientific discussions have too often been frustrated by political interventions at Commission meetings during the history of the IWC. Therefore, while Japan always respects and welcomes revisions of Annex P to make the process more scientifically constructive both for the proponents and reviewers, Japan cannot agree to a proposal that invites political interventions to the review process.

When the draft of the Resolution 2016-2 was discussed at the IWC/66, Japan expressed its objection thereto as it was aimed, together with Resolution 2014-5, at unduly limiting the implementation of Special Permit scientific research programs regardless of scientific value and in a manner inconsistent with the Convention. Japan emphasized that it is Paragraph 30 of the Schedule that sets out the binding procedure for review of Special Permit proposals.

Resolution 2016-2 also requests unrestricted and continuing access to all data collected under special permit programs. However, such request for data access, particularly for those used for the development of the new program, is overly stringent compared to the ordinary process of scientific peer review where access to raw data is not requested taking due account of the property rights.

Resolution 2016-2 was nonetheless adopted by vote at the IWC/66, despite the opposition of a significant number of Member States (17 votes against) and with a significant number of abstentions (10). Japan's view remains unchanged and is that Resolution 2016-2 is an attempt to add further conditions, not envisaged under the Convention and its Schedule, for granting special permits. Implementation of Resolution 2016-2 would in effect modify the current review process, by granting the Commission a power it does not have under the Convention and its Schedule.

Japan reiterates its full commitment to cooperating with the Scientific Committee in accordance with the Convention and its Schedule. Japan will thus continue to share information and to discuss the scientific aspects of its Special Permit researches, as it has always done, in a manner consistent with the Convention.