

**AUSTRALIAN COMMENT ON THE INTERSESSIONAL CORRESPONDENCE GROUP ON ISSUES
RELATING TO THE SCIENTIFIC COMMITTEE**

Submitted to the IWC61 Discussions on the Future of the IWC
by the Government of Australia

The provision of sound scientific advice is essential to the functioning of the International Whaling Commission (IWC). Indeed one of the most positive features of the organisation is the excellent work undertaken by the Scientific Committee, which is internationally recognised as providing the best available knowledge on conservation and management for cetaceans.

It is recognised that the role of the Scientific Committee is critical to the effective functioning of the IWC and, as outlined in IWC/M09/5¹ a number of important issues need to be addressed:

1. The separation of meetings of the Scientific Committee from those of the Commission so as to allow more time to consider its report;
2. The better facilitation of participation of scientists from developing countries to better reflect the membership of the Commission; and
3. The improvement, coordination and cooperation with other relevant scientific organisations in addition to those with which extensive cooperation exists.

However, a meaningful discussion on the future of the IWC must broaden the issues addressed in IWC/M09/5, take stock of the current status of science within the IWC, and examine how it should be enhanced to meet future demands. The manner in which the IWC Scientific Committee identifies and reviews its priorities, and conducts, implements and communicates science, is central to achieving defensible and effective outcomes and ensuring the highest scientific standards.

Furthermore, Australia believes the Commission can reach agreement on a number of key principles that would provide a modern, best-practice, transparent basis for how IWC science should be undertaken, as outlined below.

Principles for a reformed approach to science in the IWC:

- the key scientific priorities that require resolution should be determined and agreed collaboratively by the Commission
- these priorities should be directed to ensuring the effective conservation management of whales
- scientific activities should respond to these agreed priorities
- scientific activities should adopt a precautionary approach and should use non-lethal techniques wherever possible
- in all cases the potential impact on whale populations should be assessed and minimised and where invasive techniques are proposed, research design should employ internationally recognised humane animal experimentation techniques (reduction, replacement and refinement)
- the proposed methods, scope and objectives of a research program should be subject to the approval of the Commission
- research programs should be inclusive and collaborative; and encourage and enhance engagement from scientists from developing countries
- the results of the research should be public and the data made available to promote additional research and analysis
- processes to ensure the communication of complicated technical issues to a non-science audience should be developed and maintained
- scientific activities should be subject to a formalised process of periodic review and performance appraisal
- approval and the review of research should not be conducted by the proponents of the research.

¹ IWC/M09/5 Report of the Intersessional Correspondence Group on Scientific Committee Issues.

This paper proposes a comprehensive review of Scientific Committee work, taking into account:

1. the manner in which the IWC Scientific Committee conducts and communicates its work;
2. the mechanisms by which the IWC Scientific Committee prioritises and implements this work into decision-making processes;
3. the degree to which the scientific process is inclusive and understandable; and
4. the mechanisms for broader science communication.

Examples of some key challenges facing the IWC Scientific Committee that could be addressed by a review process.

Review and feedback processes between the Commission and Scientific Committee

The work of the Scientific Committee should be prioritised around the needs of the Commission and for science to underpin conservation and management decisions. While mechanisms exist for some dialogue between the Committees, primarily through the Scientific Committee Chair or the Secretariat, such conversations tend to be *ad hoc* in nature and are generally a reaction to an urgent short-term need. A formalised framework for the periodic review of the Scientific Committee's Terms of Reference, scientific priorities and workplans and progress against agreed milestones is required. With such a framework in place the focus and direction of the Scientific Committee can be improved to ensure the work of the Scientific Committee is responsive to the Commission's needs and operates efficiently.

Transition and accessibility of science from the Scientific Committee to the Commission

The difficulties of transferring a vast body of complex scientific and technical discussions and recommendations to a multi-lingual, policy-focused Commission meeting are well known and have been discussed in IWC/60/22² and IWC/60/18³. Suggestions of a greater time separation between the Scientific Committee and Commission meetings are being discussed and this would go some way to facilitating an improved delivery of the science. However, equally important are measures to improve comprehension and accessibility of the information to the Commission and to the wider scientific community. An ability to track the scientific discussions and developments over time, and a vehicle to present the range and relative priority of information and recommendations from each Scientific Committee meeting deserve important consideration.

Understanding the RMP, AWMP and other complex models

Historically, efforts to develop an acceptable Management Procedure to set catch limits failed, leading to massive over-depletion of whale populations and eventually to the moratorium. The Commission has since developed the Revised Management Procedure (RMP), which was accepted in principle over a decade ago. This complex procedure continues to evolve, and substantial components of it remain under review and are subject to change. It may not be realistic to expect non-specialists to understand all the technical details of the RMP or the Aboriginal Whaling Management Procedures (AWMPs). However, these procedures and the fundamentally important processes in their continued development could be made less difficult for Commissioners and Committee members to understand, to ensure that decisions (such as acceptance of recommendations or guidance in desired directions for the Procedures) are made with full confidence and accountability. Given the central role of the RMP in any discussions on the moratorium and whaling, this situation requires attention.

Scientific Committee representativeness

Relatively few Parties attend or are active within the Scientific Committee compared to the Commission. Some Parties therefore may not have the benefit of appropriate scientific background and support when making key decisions. A mechanism to resolve this imbalance and the production of timely and understandable Scientific Committee outcomes are necessary to encourage broader Scientific Committee participation (particularly among developing countries). Other considerations that would improve Scientific Committee function include mechanisms to encourage broader participation in key roles such as sub-committee convenors (consider relatively short, fixed terms) and clearer articulation of the role and selection of Invited Participants.

² IWC/60/22 Summary document of available facts and figures on key subjects discussed by the Scientific Committee.

³ IWC/60/18 Possible improvements to procedural issues identified at the March 2008 Intersessional Meeting on the Future of IWC.

A Proposal for a Comprehensive Review of Scientific Committee work

Australia proposes that the next step in the discussions of the role of science and the functioning of the Scientific Committee could be a small working group to undertake a full review of Science undertaken under the auspices of the IWC and provide a series of recommendations to the Commission. The Terms of Reference and scope for this Working Group should be determined by the Commission, but should at least include the following elements:

Development of a Review Process for Scientific Committee Priorities, Workplans and Performance Measures

Establishment of a small standing committee in the Commission to:

- Review the existing Scientific Committee work program, sub-committee structure and budget with a view to assessing it against IWC priorities, identify gaps and make recommendations.
- Work with the Chair of the Scientific Committee and the IWC Head of Science to facilitate efficient and prioritised communications mechanism between the Commission and the Scientific Committee.
- Develop a framework for a full periodic review of the priorities and workplan (including sub-committee structure) and performance measures of the Scientific Committee (possibly every five years), to ensure Scientific Committee work responds to the priority needs of the Commission, to ensure timely delivery of priority science to the Commission, and to provide an efficient, prioritised and predictable workplan for the Scientific Committee.

A review of Scientific Committee processes and the communication of science

Develop procedures to increase efficiencies and participation in the Scientific Committee, including consideration of:

- Establish a mechanism that ensures the outcomes of the Scientific Committee are delivered to the Commission in a form that is understandable and accessible to all Parties.
- Generate web-accessible 'living documents' that describe in lay terms Scientific Committee processes, and technical matters such as the RMP, AWMP and other complex models employed by the Scientific Committee.
- Ensure each Scientific Committee subcommittee's report includes a preamble summarising its direction and progress (referencing key IWC documents) in relation to their own Terms of Reference and to the Commission's requests and resolutions.
- Encourage the representation at the Scientific Committee by delegates from Parties represented at the Commission.
- Review the process by which Invited Participants are selected and a clearer articulation of their more limited role in the Scientific Committee compared to delegates.
- Set limited terms for sub-committee convenors to encourage broader representation in these key roles.
- Develop a papers submission protocol such that delegates have sufficient time to review priority work, (perhaps a two week pre-meeting deadline) and that papers, in combination with the subcommittee's preamble, provide sufficient information to make the content and background clear to the Scientific Committee audience.
- Encourage the Secretariat to ensure all Scientific Committee papers (perhaps also including the past five years) and all background documents are available on a well structured and easily navigated web site.
- Assist the Secretariat in advancing a transition to a near-paperless meeting.
- Encourage the Secretariat to provide a web-accessible summary of the scientific datasets held by the IWC and used in some key procedures.