

Annex P

Revised suggestions for improved review of Special Permit proposals and results within the Scientific Committee

DOUG DEMASTER, DEBI PALKA, ARNE BJØRGE AND GREG DONOVAN

1. INTRODUCTION

The present process for reviewing special permits is less than satisfactory and the level of scientific discussion and review is often poor. One reason for this is because, as noted last year, there is considerable difficulty in separating out the scientific from the non-scientific issues that surround this subject; the Committee had agreed that it wished to limit its discussions to 'purely scientific aspects of the proposals' (JCRM 8 (suppl.): 52).

2. PREVIOUS PROBLEM AREAS

2.1 Nature of the proposal

There has been considerable variation in the types of proposals that have been submitted over the years, ranging from the catch of one animal for a museum specimen, to a one-year catch of a larger number of animals to answer a particular question, to long-term multi-year proposals for a large number of animals. This latter category has become much more common in recent years and provides the most difficulties to the Committee review process. The process below focuses on this latter category of proposals.

2.2 Objectives

Problems often arise immediately when the objectives of the research are discussed. While there are, of course, scientific aspects of the objectives, considerable time has been spent in long, inconclusive and essentially subjective arguments over whether one likes the proposed objectives and how high one ranks their importance. The present guidelines *inter alia* use ill-defined terms such as 'critically important research needs' which are in essence subjective.

One approach is to ensure that the objectives of any proposal are clearly stated by the proponents, and in particular proposals should state their prospective contribution to (paraphrased from the existing guidelines and Resolutions e.g. see summary in Donovan, 2001, JCRM 3 (suppl.): 371-2):

- (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/or;
- (3) test hypotheses not directly related to the management of living marine resources.

However, is not productive to have a long subjective debate over their relative value in the time allocated to reviewing these proposals. Rather, what is most important is an objective scientific view of the ability of the proposal to meet its own objectives.

2.3 Ability to review a proposal in the context of a Scientific Committee meeting

The review at a Scientific Committee meeting, albeit in a sub-group, still usually comprises a group of over 50 of varying expertise and specialities, irrespective of the subject matter of the proposal. This is not an efficient way to review any research proposal. However good the Chair, it is almost impossible to ensure a coherent and full review.

2.4 Format of the proposal

There is no real guidance provided to proponents of proposals as to the best way to structure their proposal so that it is easily understood and facilitates the review by the Committee.

3. SUGGESTED WAY FORWARD

3.1 Submission of proposals

Proposals should be submitted to the Chair of the Scientific Committee at least **six months** prior to the Annual Meeting at which they are to be discussed, following a *pro forma* supplied by the Secretariat. They may request that it remain confidential. The proposal shall be structured in the manner given below.

(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;
- (d) include a brief statement of the value of at least each primary 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 (i) and (ii) above, 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)
 - (v) recommendations of other intergovernmental organisations.

(2) Methods¹ 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;
- (d) Time frame with intermediary targets.

(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 species, including methods used and an assessment of uncertainty, with a note as to whether the estimates have previously been considered by the Scientific Committee;
- (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;
- (b) Analytical studies

(5) A list of the scientists they would like to send to the intersessional review workshop

3.2 The review process

Intersessional specialist workshop

The initial review of the proposal shall take place at a small specialist workshop with a limited but adequate number invited experts (who may or may not be present members of the Scientific Committee) along with a limited number of scientists associated with the proposal who will participate in a primarily advisory role. It is important that the composition of the specialist group is considered balanced and fair. The choice of experts shall be made by the Chair, Vice-Chair and Head of Science in conjunction with the convenors for that year, 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 selection process shall occur in the following manner:

- (1) The Chair shall circulate the proposal to the Vice-Chair, Head of Science and Convenors, normally within **1 week** of receipt;
- (2) The Convenors shall examine the proposal and in particular the field and analytical methods and, normally within **2 weeks**, suggest names for consideration for the specialist group – if these experts are not members of the Committee they shall include a rationale for their choice – the suggestions will be available to all Convenors;
- (3) The Chair, Vice-Chair and Head of Science will develop a proposed final list (with reserves) for consideration by the Convenors 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;
- (4) The Convenors will send final comments within **1 week**;
- (5) 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 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.

TERMS OF REFERENCE OF THE WORKSHOP

The primary objective of the specialist workshop will be to review the proposal in the light of the stated objectives. In particular, the Workshop shall:

¹ Where novel or non-standard methods are proposed, sufficient information must be given to allow these to be properly evaluated

- (1) comment briefly on the perceived importance of the stated primary objectives from a scientific and management perspective, noting particularly its relevance to the work of the Scientific Committee;
- (2) determine whether the proposed field and analytical methods are likely to achieve the stated quantified objectives within the proposed time-frame, where appropriate, commenting on sample size and time-frame considerations;
- (3) provide advice and suggestions on components of the programme that might be achieved using non-lethal methods, including, where appropriate power analyses and time-frames;
- (4) provide advice on the likely effects 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;
- (5) review of the proposed intermediary targets and suggest when an intermediate review² should take place.

REPORT OF THE WORKSHOP

The report of the specialist workshop 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. The Chair is responsible for the level and nature of participation of the scientists involved in the proposal. If the primary disagreement is between the invited experts and the proponents of the proposal, this should be clearly identified. If there are disagreements within the specialist group itself, the rationale for such disagreement shall be clearly stated. 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 if they wish to develop a revised proposal.

CIRCULATION TO THE SCIENTIFIC COMMITTEE

The original special permit proposal, the report of the specialist workshop, and any revised permit proposal (following the agreed protocol) from the Contracting Government shall be submitted to Scientific Committee members no later than **40 days** before the annual meeting. The revised proposal will also be submitted to the members of the specialist group and they will be invited to submit joint or individual comments on that revise to the Annual Meeting.

DISCUSSION AT THE SCIENTIFIC COMMITTEE

The report of the specialist workshop will be discussed in plenary, 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 specialist 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 at the opening of the IWC annual meeting.

² Where a major interim review is anticipated, the specialist workshop approach should also be followed.