

NOTE REGARDING THE COMPOSITION OF THE SCIENTIFIC COMMITTEE



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Note of the Secretariat:

During MOP8 (Malta, 29 November – 2 December 2022), Parties adopted Resolution 8.3, amending the Rules of Procedure of the ACCOBAMS Scientific Committee and increasing the number of Regional Representatives up to twelve. The new composition of the Scientific Committee was adopted on a trial basis with a view to being reconsidered at MOP9 (Cyprus, 18-21 November 2025). Italy offered to cover the additional participation costs generated by the increased number of Scientific Committee members for 2023-2025.

During the 15th Meeting of the ACCOBAMS Bureau (Monaco, Hybrid, 22 – 23 November 2023), Members decided to assess the effectiveness of the new composition of the Scientific Committee, as established by Resolution 8.3. They requested an analysis, taking into account the functionality of the Scientific Committee and the budgetary implications linked with the increased number of Scientific Committee members.

Moreover, during their 16th Meeting (Barcelona, Spain, December 2024), the Scientific Committee agreed that it was important to meet the Bureau's expectations and provide input into the process. They suggested some amendments on the existing Rules of Procedure, recognizing that it is the responsibility of the Meeting of Parties to determine the Rules of Procedure.

To facilitate this process, Dr. Giuseppe Notarbartolo di Sciara was contracted to develop a proposal on the matter.

During the 17th Meeting of the ACCOBAMS Bureau (Monaco, 14 – 15 February 2025), Bureau members took note of and commended the work of the consultant and invited him to provide recommendations based on his conclusions regarding the effectiveness of the current composition of the Scientific Committee. The Bureau also requested the Secretariat to submit a legal analysis about the option of electing the Chair and Vice-Chair from among all Scientific Committee Members.

The recommendations along with the legal analysis were then presented during the Sixth Meeting of the ACCOBAMS Extended Bureau (Nice, 23-24 April 2025). Bureau Members formulated the following conclusions regarding the composition of the Scientific Committee, stating that:

- The new composition of the Scientific Committee as established by Resolution 8.3 has been effective during the trial period; however, it involved an increase in the necessary funds.
- The increased number of experts from regions is financially feasible only if supported by voluntary contributions or an increase in the budget available for the Scientific Committee.
- The process of electing the Chairperson and Vice-Chairperson from among members designated by an existing organisation in the Agreement Area ensures compliance with Article VII, paragraph 1, of the ACCOBAMS, and guarantees the independence of the Scientific Committee. **A decision needs to be made regarding whether by 'existing organisation' it is meant a selection from either CIESM or IUCN (and not CMS or IWC).**
- CIESM expressed concerns regarding Article 2.3, Article 3.2, and Article 3.3 of the amended Scientific Committee Rules of Procedure annexed to Resolution 8.3 (2022).
- IUCN-Med will carry out an annual assessment of its capacity to fund the proposed experts.

To present a comprehensive account of the developments, discussions, and assessments related to the composition of the Scientific Committee, the present note is divided into three main sections:

- The [first part](#) contains Dr. Giuseppe Notarbartolo di Sciara's recommendations regarding the composition of the Scientific Committee.
- The [second part](#) presents the financial analysis of the Scientific Committee meetings, prepared by the Secretariat, based on the costs of the meetings held since SC13 (Monaco, 26-28 February 2020).
- The [third part](#) provides the legal analysis by ACCOBAMS Legal Expert, Professor Tullio Scovazzi, regarding the option of electing the Chair and Vice-Chair from among all Scientific Committee members, as mandated by BU17.

The relevant Draft Resolution 9.4 with the revised Rules of Procedure for the Scientific Committee takes into consideration all recommendations and conclusions issued by the Sixth Meeting of the ACCOBAMS Extended Bureau.

PART I - RECOMMENDATIONS REGARDING THE COMPOSITION OF THE SCIENTIFIC COMMITTEE

Rules of Procedure SC 2019	Rules of Procedure SC 2022	Notes
GENERAL FUNCTIONS	GENERAL FUNCTIONS	
Article 1	Article 1	
1. The Scientific Committee, established in accordance with Article VII of the Agreement, provides scientific advice and information to the Meeting of the Parties or to the Parties through the Permanent Secretariat	1. The Scientific Committee, established in accordance with Article VII of the Agreement, provides scientific advice and information to the Meeting of the Parties or to the Parties through the Secretariat	
2. The functions of the Scientific Committee are defined in Article VII, paragraph 3, of the Agreement	2. The functions of the Scientific Committee are defined in Article VII, paragraph 3, of the Agreement	
3. The Scientific Committee is alternatively entrusted, on a triennial basis, to one of the Expert Organisations (CIESM, IUCN) which will take turns in ensuring the function of Chair and Vice-Chair of the Committee		Article VII, paragraph 1 of the Agreement states: <i>The Meeting of the Parties will entrust the functions of the Scientific Committee to an existing organization in the Agreement area that assures geographically-balanced representation.</i>
	COMPOSITION	
Article 2	Article 2	
1. The Scientific Committee shall consist in principle of the following members, namely: <ul style="list-style-type: none"> - Three experts, including the Chair, appointed by the Organisation to which the Scientific Committee has been entrusted under Article 1.3; - Three experts, including the Vice-Chair, appointed by the Organisation other than the one to which the Scientific Committee was entrusted under Article 1.3; - Four representatives of the Regions defined in the Appendix, appointed by the Meeting of the Parties from a list of experts submitted by the Parties together with their <i>curriculum vitae</i>; 	1. The Scientific Committee shall consist in principle of the following members, namely: <ul style="list-style-type: none"> - Three experts proposed by CIESM; - Three experts proposed by IUCN; - Up to three representatives for each Region defined in the Appendix, appointed by the Meeting of the Parties; - One representative from the Scientific Committee of the International Whaling Commission (IWC) and one representative the Scientific Council of the Convention on the Conservation of Migratory Species of Wild Animals (CMS). 	<p>SC16: agreed during its last meeting that the extended membership trial described in the 2022 RoP worked well.</p> <p>Consultant: the combination of expertise from the four expert organisations and the insights gathered from various subregions offers significant value, and confirmation of this arrangement should be encouraged if finances permit.</p> <p>BU17: the new composition has worked well, but did the previous one worked as well? What are the pros and cons of previous and current structure of the SC, including practical, legal and financial implications?</p>

Rules of Procedure SC 2019	Rules of Procedure SC 2022	Notes
<ul style="list-style-type: none"> - One representative from the European Cetacean Society (ECS), one representative of the Scientific Committee of the International Whaling Commission (IWC) and one representative of the Scientific Council of the Convention on the Conservation of Migratory Species of Wild Animals (CMS); 		<p>Consultant: Practical implications: I interpret the SC opinion as implying that the new composition has worked better because of a greater diversity of expertise: a greater number of experts from each single subregion has shown to increase the probability that contributions from all the different subregions are provided, and are substantive.</p> <p>Financial implications: based on information received from the Secretariat about the mean expenditure per regional representative (RR) during the past five years, the cost estimate of the “12 RRs” option would amount to approximately 50% of the budget for the SC adopted by Parties during the past two MoPs. This consideration reinforces my recommendation that the “12 RRs” be considered favourably by the Bureau.</p> <p>No opinion is provided here about legal implications.</p> <p>BU17: A suggestion was made to limit regional representative numbers to 10, but it was noted that 10 would be problematic since there are four subregions.</p> <p>Consultant: suggested keeping the number of regional representatives to a multiple of 4, which is the number of existing subregions.</p> <p style="text-align: center;">***</p> <p>SC16: suggested that the Parties consider reinstating a member from the European Cetacean Society.</p> <p>Consultant: the ECS is a scientific society (with an NGO status) in good standing, with more than 500 members from >40 countries, and as such, it is a good reservoir of relevant expertise and justifies the suggestion from the SC. However, it is very likely that members described in Article 2.1 have already been involved, in one way or another during their</p>

Rules of Procedure SC 2019	Rules of Procedure SC 2022	Notes
		<p>professional lives, in ECS meetings or activities. Therefore, the Bureau should consider whether to propose including an ECS member in 2.1, mostly on financial considerations.</p> <p>BU17: a decision to be taken by the MoP and explanation given is relevant to be given to MoP.</p> <p style="text-align: center;">***</p> <p>SC16: suggested that the Parties consider adding a single member representing the Partners. Note that if this is agreed by the Parties a mechanism for the Partners to decide a single representative would be required. Representatives of Partners would still be able to participate at SC meetings but, as at present, would not be considered full members of the SC.</p> <p>Consultant: the formal inclusion of a representative of the Partners in the SC is commendable in recognition of the valuable contribution that the Partners, as a whole, provide to the Committee's work. However: a) this proposal adds to the complication of the process, as noted by the SC; b) Partners, invited in such quality at the SC meetings as Observers, contribute already to the Committee's discussions, and the addition of a Partner representative as a committee member will therefore have mainly a formal significance; c) many (most?) SC members are also members of a Partner organisation.</p> <p>BU17: understands the principle but this will be a matter that, if agreed by MoP9, should be addressed by MoP10. There are also delicate practical matters concerning the nomination process. Also, the issue exists that a Partner representative should not act on behalf of their organisation, but on behalf of the majority of the Partners.</p>

Rules of Procedure SC 2019	Rules of Procedure SC 2022	Notes
	2. The above organisations may propose to support more than three experts. In this case, such offer will be examined by the Bureau, which will notify it to the Parties 120 days before the Meeting of the Parties, with its recommendation. If no objections to the Bureau recommendation arise in the following 30 days, the offer will be considered accepted, pending the final designation of all experts by the Meeting of the Parties.	Consultant: with the new configuration of the SC (20 members), this addition increases the complexity of the process without providing a clear advantage. BU17: This is very much linked to the previous item; relevant to assess the pros and cons of change and a basis for discussion.
	3. The Chair and the Vice-Chair of the Scientific Committee are elected by the members of the Scientific Committee, at the first Meeting of the triennium, among all designated experts.	Consultant: the election of officers from within the Committee ensures independence and effectiveness functioning. Note that Chair and Vice-Chair are now elected among “all designated experts”, i.e., not solely from one of the Expert Organisations (CIESM, IUCN) as stated in Article 1.3 of the 2019 RoP. BU17: the Agreement states that the MoP will entrust the function of the SC to existing organisation(s) in the Agreement area; we need to check the bases of this. If the MoP wishes to go this way, this will probably lead to an amendment of the Agreement, which might take a very long time.
	4. The Chair and Vice-Chair of the Scientific Committee shall not be experts nominated by the same Organization. Gender, geographical balance, and alternation in all roles of the Scientific Committee should be considered.	Consultant: if Chair and Vice-Chair are nominated from amongst RRs (but see legal implications mentioned above), they should probably not be nominated from the same subregion.
2. Additional members of the Scientific Committee may be designated by the Parties on a voluntary basis. The cost of their participation to the meetings of the Scientific Committee shall not be covered by the Agreement’s funds	5. Additional members of the Scientific Committee may be designated by the Parties on a voluntary basis. The cost of their participation to the meetings of the Scientific Committee shall not be covered by the Agreement’s funds.	BU17: there should be an upper limit to the number of these additional members.

SELECTION OF THE MEMBERS AND TERMS OF OFFICE	SELECTION OF THE MEMBERS AND TERMS OF OFFICE	
Article 3	Article 3	
<p>1. The selection of the Scientific Committee members must take into consideration the following criteria, finalized by the Extended Bureau in accordance with the Work Programme proposed to the Parties:</p> <ul style="list-style-type: none"> a) To be an expert in one or more fields relevant to cetacean conservation science b) To possess an appropriate level of quality, relevance, productivity and originality in activities related to cetacean conservation, as demonstrated through scientific publications and reports, communications to conferences, participation in working groups or committees at national or international levels c) To be available to participate in the work of the Scientific Committee, attend its meetings and contribute to the working groups, with the required continuity d) To be proficient in one of the Agreement's two working languages (English and French) and preferably in both 	<p>1. The selection of the Scientific Committee members must take into consideration the following criteria, finalized by the Extended Bureau in accordance with the Work Programme proposed to the Parties:</p> <ul style="list-style-type: none"> a) To be experts in one or more fields relevant to cetacean conservation science b) To possess an appropriate level of quality, relevance, productivity and originality in activities related to cetacean conservation and research, as demonstrated through scientific publications and technical reports, communications to conferences, participation in working groups or committees at national or international levels c) To be available to participate in the work of the Scientific Committee, attend its meetings and contribute to the working groups, with the required continuity d) To be proficient in one of the Agreement's two working languages (English and French) and have a sufficient knowledge of the other 	<p>Consultant: These required criteria are clearly defined, yet there are still not many experts in the ACCOBAMS region who will meet them all. Cetacean conservation is a specialised discipline, and the scarcity of expertise in the region limits the options available. Existing experts are likely already affiliated with IUCN, CIESM, IWC, CMS, and ECS (often all of the above) and are actively collaborating with one or more partner organisations. Consequently, the nomination of SC members by one organisation or another has limited practical significance implications. Also, we cannot have the ambition to create an expert group that will contain all relevant types of expertise. Specific needs can be addressed in other ways (e.g., a CMS/ACCOBAMS/ASCOBANS joint working group on noise was created to supply specialised consultations).</p> <p>BU17 – concerning 1d: it was discussed whether French should be kept or not, and it was noted that proficiency concerns not only talking but also reading. One suggestion was to add “ideally” as a compromise (“...and <u>ideally</u> have a sufficient knowledge of the other.”), and another suggestion was to delete “and have a sufficient knowledge of the other”.</p>
	<p>2. All criteria above will be ascertained through the evaluation of their <i>curricula vitae</i>. An evaluation by the Scientific Committee Chair and Vice-Chair will also be submitted to the Meeting of the Parties</p>	
<p>2. The qualified experts designated by CIESM and IUCN are designated in close consultation with the Executive Secretary, who reports on the outcome of these consultations to the Meeting of the Parties</p>	<p>3. The qualified experts proposed by the CIESM and IUCN are nominated in close consultation with the Bureau, who reports on the outcome of these consultations to the Meeting of the Parties</p>	<p>Consultant: a) CIESM and IUCN nominations are carried out in close consultation with the Bureau, meaning that the nominations from the respective organisations must be with the Secretariat well in advance of the Extended Bureau meeting. This rule does not apply to the IWC and CMS. b) There is no indication regarding how to proceed with the nominations and verification of qualifications for the</p>

		<p>Regional Representatives (RRs). Verifying the qualifications of these individuals appears to be just as important, if not more so, than in the cases of IUCN and CIESM, considering that the qualifications for the latter are vetted by well-known scientific bodies. Nominations of RRs are made by the Parties from each subregion. Relevant national focal points should submit names along with their CVs to the Secretariat, but a process for this to occur smoothly has not been established. A clear calendar of nominations, depending on who nominates whom, should be defined in anticipation of each MoP to assist the Secretariat in the complex process of providing the Parties with all the resources required for nominating the SC.</p> <p>BU17: This has to do with practical implications. The MoP should see the CVs of all experts; if the Parties nominate the experts before the MoP, no new experts can be nominated by the Parties between one MoP and another. If a country wants to designate a SC member between MoPs it is not possible to do so unless the MoP mandates the bureau to review the CVs.</p>
3. The priorities set in the Work Programme for each triennium, as well as the need to ensure a balanced geographical representation, shall be taken into account in selecting the members of the Scientific Committee by the Meeting of the Parties	4. The priorities set up in the Work Programme for each triennium, as well as the need to ensure a balanced geographical representation, shall be taken into account in selecting the members of the Scientific Committee by the Meeting of the Parties	
4. At its first Meeting, four "task managers" are designated by the Scientific Committee among the experts referred to in Article 2.1. As far as necessary, these appointments can be modified during the triennium upon decision of the Chair of the Scientific Committee in consultation with the Vice-Chair and in concertation with the Executive Secretary	5. At its first Meeting, four "Task Managers" are designated by the Scientific Committee among its members. As far as necessary, these appointments can be modified during the triennium upon decision of the Chair of the Scientific Committee in consultation with the Vice-Chair and the Bureau	

Article 4	Article 4	
The terms of office of the members shall expire at the closure of the ordinary Meeting of the Parties following the one at which they were appointed	1. The terms of office of the members shall expire at the closure of the ordinary Meeting of the Parties following the one at which they were appointed	
	2. Starting from 2025, all leading roles (i.e.: Chair, Vice-Chair and Task Managers) will have a maximum of two consecutive terms	
MEETINGS	MEETINGS	
Article 5	Article 5	
1. The quorum for an ordinary meeting shall consist of the two thirds of the members of the Committee, without considering the additional members referred to in Article 2, paragraph 3. The quorum shall be reduced to half of the members in extraordinary meetings		
2. The Chair shall preside over the meetings of the Scientific Committee, prepare the provisional agenda in consultation with the Permanent Secretariat, and liaise with members between meetings of the Committee. The Chair may represent the Committee as required and carry out other functions as may be delegated to him/her by the Committee, within the limits of the Committee functions	1. The Chair shall preside over the meetings of the Scientific Committee, prepare the provisional agenda in consultation with the Secretariat, and liaise with members between meetings of the Committee. The Chair may represent the Committee as required and carry out other functions as may be delegated to him/her by the Committee, within the limits of the Committee functions	
3. The Vice-Chair, shall assist the Chair	2. The Vice-Chair shall assist the Chair. He/she shall preside at meetings of the Scientific Committee in the absence of, or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair	
4. At its first meeting after the Meeting of Parties, the Scientific Committee shall assign specific topics for each task manager taking into account the priorities set in the Work Programme for the triennium	3. At its first meeting after the Meeting of Parties, the Scientific Committee shall assign specific topics for each Task Manager taking into account the priorities set up in the Work Programme for the triennium. Each Task Manager, in addition to his/her role as member of the Scientific Committee, shall coordinate the works of the Scientific Committee concerning the topics that he/she has been assigned by the Scientific Committee. Each Task Manager shall provide a report to the	

	meetings of the Scientific Committee on the topics he/she is in charge of	
5. Each task manager, in addition to his/her role as member of the Scientific Committee, shall coordinate the works of the Scientific Committee concerning the topics that he/she has been assigned by the Scientific Committee		
6. Each task manager shall provide a report to the meetings of the Scientific Committee on the topics he/she is in charge of		
7. Each regional representative shall provide a report to the meetings of the Scientific Committee on the conservation status of cetaceans and relevant activities in the region he/she has the responsibility of	4. Regional representatives of each region shall work together to provide a report to the meetings of the Scientific Committee on the conservation status of cetaceans and relevant activities in the region he/she has the responsibility of	
Article 6	Article 6	
1. The Scientific Committee may establish <i>ad hoc</i> working groups as needed to deal with specific tasks. It shall define the terms of reference and composition of each working group	1. The Scientific Committee may establish <i>ad hoc</i> working groups as needed to deal with specific tasks. It shall define the terms of reference and composition of each working group	
2. The meetings of the working groups shall be held, where possible, in conjunction with other events	2. The meetings of the working groups shall be held, where possible, in conjunction with other events or intersessionally via remote tools	
3. The Scientific Committee may consider reports from other relevant meetings and working groups established under the Agreement, when necessary	3. The Scientific Committee may consider reports from other relevant meetings and working groups established under the Agreement, when necessary	
4. These Rules shall apply, <i>mutatis mutandis</i> , to the meetings of working groups	4. These Rules shall apply, <i>mutatis mutandis</i> , to the meetings of working groups	
Article 7	Article 7	
1. The Chair, in consultation with the Executive Secretary, may decide to invite, as observers, other experts as deemed necessary	1. The Chair may decide to invite other experts, including experts in legal and socio-economic matters, to attend meetings (in person or remotely) as observers, with no additional cost for the Trust Fund, as deemed necessary. If their participation requires funding from ACCOBAMS, the Bureau will decide on their attendance, in consultation with the Secretariat	

2. The Chair, in consultation with the Executive Secretary, may decide to invite, as observers, experts in disciplines that are not covered by the members of the Scientific Committee, including legal and socio-economic matters		
3. ACCOBAMS Partners may participate as observers to the Meeting of the Scientific Committee	2. ACCOBAMS Partners may participate as observers to the Meeting of the Scientific Committee	
Article 8	Article 8	
1. Notices of meetings, including date and venue, shall be sent to all Parties, to the members of the Scientific Committee and to the ACCOBAMS Partners, by the Permanent Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance	1. Notices of meetings, including date and venue, shall be sent to all Parties, to the members of the Scientific Committee and to ACCOBAMS Partners, by the Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance	
2. The Permanent Secretariat of the Agreement, with the support of the Sub-Regional Coordination Units, shall undertake secretarial tasks during the meetings of the Scientific Committee and of its working groups and shall provide administrative and logistical support	2. The Secretariat of the Agreement, with the support of the Sub-Regional Coordination Units, shall undertake secretarial tasks during the meetings of the Scientific Committee and of its working groups and shall provide administrative and logistical support	
3. A report of each Meeting shall be prepared by the Permanent Secretariat as soon as possible and shall be communicated to all members and observers of the Scientific Committee, to all Parties and ACCOBAMS Partners	3. A report of each Meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all members and observers of the Scientific Committee, to all Parties and ACCOBAMS Partners	
4. The report shall be posted on the ACCOBAMS website	4. The report shall be posted on the ACCOBAMS website	
Article 9	Article 9	
1. Decisions of the Scientific Committee shall be taken by consensus	1. Recommendations by the Scientific Committee shall be adopted by consensus	
2. If consensus cannot be reached regarding an issue, all the positions expressed about it during the meeting shall be included in the meeting report	2. If consensus cannot be reached regarding an issue, all positions expressed about it during the meeting shall be included in the meeting report	
Article 10	Article 10	
1. The Meeting of the Scientific Committee shall be convened once a year during the first two years of the	1. The Meeting of the Scientific Committee shall be convened once a year during the first two years of the	Consultant: Accepting remote participants in hybrid meetings can save money, but it may compromise the meeting's functionality. The option of holding both

triennium by the Permanent Secretariat of the Agreement in consultation with the Chair	triennium by the Secretariat of the Agreement in consultation with the Chair	meetings in person is the most desirable. However, if funding is a concern, consideration should be given to an SC with a larger composition compensated by holding the first of the two inter-triennium SC meetings in a hybrid format. The second meeting, during which recommendations are discussed and drafted, should ideally be in person. During SC16, the rule was that online participation was permitted only for a) external experts needing to present relevant documents; and b) representatives of other IGOs (such as ASCOBANS, IWC, GFCM). A similar set of rules could be proposed to further regulate the management of hybrid meetings. BU17: a suggestion was made by the SC Chair to leave as it is: allowing remote participation if possible only for specific theme interventions, but the in-person option by far the most preferable.
2. Extraordinary meetings may be convened if the Bureau agrees	2. Extraordinary meetings may be convened if the Bureau so agrees	
COMMUNICATION PROCEDURE	COMMUNICATION PROCEDURE	
Article 11	Article 11	
1. In application of Article II, paragraph 2, of the Agreement, when a Party asks for advice on exceptions to the prohibition on deliberate taking of cetaceans, the Permanent Secretariat shall immediately communicate the request to the Chair and to the members of the Scientific Committee for advice	1. In application of Article II, paragraph 2, of the Agreement, when a Party asks for advice on exceptions to the prohibition on deliberate taking of cetaceans, the Secretariat shall immediately communicate the request to the Chair and to the members of the Scientific Committee for advice	
2. Within 30 days, the Chair takes a decision on the request also on the basis of the advices received from the other members of the Scientific Committee and communicates it to the Permanent Secretariat for immediate communication to the requesting Party	2. Within 30 days, the Chair takes a decision on the request also on the basis of the advice received from the other members of the Scientific Committee and communicates it to the Secretariat for immediate communication to the requesting Party	
Article 12	Article 12	

1. Between sessions, any member of the Scientific Committee or the Sub-Regional Coordination Units, through the Permanent Secretariat, or the Permanent Secretariat directly may submit a written proposal to the Chair for a decision within the limits of the functions of the Scientific Committee	1. Between sessions, any member of the Scientific Committee or the Sub-Regional Coordination Units, through the Secretariat, or the Secretariat directly, may submit a written proposal to the Chair for a decision within the limits of the functions of the Scientific Committee	
2. The Chair shall communicate the proposal to members of the Scientific Committee for comments within 60 days from the date of that communication	2. The Chair shall forward the proposal to the Scientific Committee members. Comments shall be submitted within 30 days from the date of that communication to all members of the Scientific Committee and to the Secretariat	
3. Any comments received within the 60-day period shall be communicated to members of the Scientific Committee and to the Permanent Secretariat		
4. If, by the date on which comments on a proposal were due to be communicated, the Permanent Secretariat has not received any objection from a member of the Scientific Committee, the proposal shall be considered as adopted. Its adoption shall be notified to all members and to those who have made the proposal	3. If no comments nor objections on a proposal are received from a member of the Scientific Committee, the proposal shall be considered as adopted. Its adoption shall be notified to those who have made the proposal. If any member of the Scientific Committee objects to a proposal within the deadline, the proposal shall be referred to the next meeting of the Scientific Committee	
5. If any member of the Scientific Committee objects to a proposal within the 60_day time limit, the proposal shall be referred to the next meeting of the Scientific Committee		
Article 13	Article 13	
When in the opinion of the Scientific Committee an emergency arises, requiring the adoption of immediate measures to avoid deterioration of the conservation status of one or more cetacean species, the Chair may ask the Permanent Secretariat to contact the relevant Parties urgently	When, in the opinion of the Scientific Committee, an emergency arises, requiring the adoption of immediate measures to avoid deterioration of the conservation status of one or more cetacean species, the Chair may ask the Secretariat to contact the relevant Parties urgently	

WORKING LANGUAGES	WORKING LANGUAGES	
Article 14	Article 14	
1. The working languages of the Scientific Committee shall be English and French	1. The working languages of the Scientific Committee shall be English and French	
2. Simultaneous translation in English and French may be provided for the plenary sessions of the meetings of the Scientific Committee if funding is available	2. Simultaneous translation in English and French may be provided for the plenary sessions of the meetings of the Scientific Committee if funding is available	
3. Working documents shall be made available in English or in French and may be translated if funding is available	3. Working documents shall be made available in English or in French and may be translated if funding is available	
REPORT	REPORT	
Article 15	Article 15	
The Chair of the Scientific Committee shall submit to each ordinary Meeting of the Parties and to each meeting of the Bureau a written report on the Scientific Committee's work since the previous ordinary Meeting of the Parties	The Chair of the Scientific Committee shall submit to each ordinary Meeting of the Parties and to each meeting of the Bureau a written report on the Scientific Committee's work since the previous ordinary Meeting of the Parties	
FINAL PROVISIONS	FINAL PROVISIONS	
Article 16	Article 16	
These Rules shall apply immediately upon their adoption by the Parties	These Rules shall apply immediately upon their adoption by the Parties	
Article 17	Article 17	
These Rules may be amended as required by a decision of the Meeting of the Parties	These Rules may be amended as required by a decision of the Meeting of the Parties	

Appendix

Rules of Procedure SC 2019		Rules of Procedure SC 2022		Notes
Article 1		Article 1		
In order to ensure balanced geographical representation in the Scientific Committee, the geographical scope of the Agreement is divided into four regions.		In order to ensure a balanced geographical representation in the Scientific Committee, the geographical scope of the Agreement is divided into four regions.		
Article 2		Article 2		
For the purpose of facilitating Scientific Committee members' nomination, the regional distribution of Parties is as follows:		For the purpose of facilitating Scientific Committee members' nomination, the regional distribution of Parties is as follows:		
Region	Parties	Region	Parties	BU17: Discussion on how to improve regional representation and pros and cons of different proposals. It was noted that the current configuration strives to satisfy a political balance, not a scientific balance. Some argued that the current table might not be perfect but it is a good compromise that has worked well in the past, and should be maintained. It was concluded that it is not up to the BU to change the table, but to bring up the pros and cons of different options and look how the matter was addressed by similar organisations, e.g., the Barcelona Convention.
Western Mediterranean and contiguous Atlantic area	Algeria, France, (Italy), Monaco, Morocco, Portugal, Spain, (Tunisia)	Western Mediterranean and contiguous Atlantic area	Algeria, France, Italy, Monaco, Morocco, Portugal, Spain, Tunisia	
Central Mediterranean	Albania, Croatia, (Greece), (Italy), Libya, Malta, Montenegro, Slovenia, (Tunisia)	Central Mediterranean	Albania, Croatia, Greece, Italy, Libya, Malta, Montenegro, Slovenia, Tunisia	
Eastern Mediterranean	Cyprus, Egypt, (Greece), Lebanon, Syria, (Turkey)	Eastern Mediterranean	Cyprus, Egypt, Greece, Lebanon, Syria, Türkiye	
Black Sea	Bulgaria, Georgia, Romania, (Turkey), Ukraine	Black Sea	Bulgaria, Georgia, Romania, Türkiye, Ukraine	
Article 3				
At the moment of the designation of representatives of the Regions, because of their geographical situation, Greece, Italy, Tunisia and Turkey can select their attachment to a region:				
<ul style="list-style-type: none"> - 'Western Mediterranean' or 'Central Mediterranean' for Italy and Tunisia; 				

<ul style="list-style-type: none"> - 'Central Mediterranean' or 'Eastern Mediterranean' for Greece; - 'Black Sea' or 'Eastern Mediterranean' for Turkey 		
Article 4		
Article 3 applies to any other Party that wishes to be associated with another region, unless one Party in that region disagrees.		

PART II - FINANCIAL ANALYSIS OF THE SCIENTIFIC COMMITTEE MEETINGS

	SC13 (Monaco) in 2020	SC14 (Monaco) in 2021	Total for the triennium 2020 - 2022	SC15 (Tunis & hybrid) in 2023	SC16 (Barcelona) in 2024	Total for the triennium 2023 – 2025*
Support participation of Regional Representatives	3 180 €	4 511 €	7 691 €	7 807 €	15 184 €	22 991 €**
Meeting Room rental + online system	12 242 €	17 079 €	29 321 €	5 000 €	12 800 €	17 800 €
Participation of the Chair to Bureau Meetings	1 000 €		1 000 €	1000 €		1000 €
Participation of the Secretariat	200 €	400 €	600 €	3 000 €	7 000 €	10 000 €
Participation of experts (in consultation with the Chair)	1 000 €	4 000 €	5 000 €	600 €	4 000 €	4 600 €
Total	16 622 €	26 990 €	43 612 €	16 407 €	38 984 €	56 391 €

* as per the 30th of September 2025

** including 12 593€ provided by a voluntary contribution of Italy in accordance with its offer during MOP8 to provide for the triennium 2023-2025, and on an experimental basis, a voluntary contribution to cover the expenses of participation to the Scientific Committee meetings of up to 8 regional representatives from eligible Countries.

PART III - LEGAL ANALYSIS ON THE QUESTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE SCIENTIFIC COMMITTEE

Legal analysis by Tullio Scovazzi¹

1. Terms of Reference

The legal consultant is asked by the Bureau whether

- a) the option of electing the Chairperson and the Vice-Chairperson of the Scientific Committee of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (Monaco, 1996; ACCOBAMS) from among all Committee members, and not only among members designated by the International Commission for the Scientific Exploration of the Mediterranean (CIESM) and the International Union for Conservation of Nature (IUCN), would be contrary to the ACCOBAMS, particularly Article VII, paragraph 1, and
- b) an amendment to the ACCOBAMS would be required if this option, used on a trial basis during the current triennium, will be definitively confirmed at the next Meeting of the Parties.

2. The Composition of the Scientific Committee

From the logical point of view, the answer to the questions above requires a preliminary analysis on the way in which the ACCOBAMS Parties have so far addressed the more general question of the composition of the Scientific Committee.

Art. VII, para. 1, of the ACCOBAMS provides as follows:

“A Scientific Committee, comprising persons qualified as experts in cetacean conservation science, shall be established as an advisory body to the Meeting of the Parties. The Meeting of the Parties will entrust the functions of the Scientific Committee to an existing organization in the Agreement Area that assures geographically-balanced representation”².

As regards the composition of the Scientific Committee, Art. VII, para. 1, is clear enough in specifying that it must be composed of “persons”, that is individuals who do not represent States Parties, and that they must qualify as experts in cetacean conservation science. It also states that the functions – not specifically the presidency – of the Scientific Committee must be entrusted by the Meeting of the Parties to an existing organization – which is not specified in the ACCOBAMS –, assuring a geographically balanced representation of the ACCOBAMS Area. It is to be inferred from the provision that the Scientific Committee is an organ qualified not only for its technical expertise, but also for its independence, impartiality and balanced representation.

The Final Act of the negotiation meeting to adopt the ACCOBAMS points out that the meeting

“examined favourably the proposal of the International Commission for the Scientific Exploration of the Mediterranean to offer its expert group on marine mammals to perform the functions of the Scientific Committee provided for under Article VII of the Agreement and requested the interim secretariat to take the necessary steps to elaborate this offer, subject to formal adoption by the Meeting of the Parties at its first session”.

¹ Former professor of international law in the Universities of Parma, Genoa, Milan and Milan-Bicocca, Italy.

² “Un Comité scientifique composé d’experts qualifiés dans la science de la conservation des Cétacés est établi en tant qu’organe consultatif de la Réunion des Parties. La Réunion des Parties confie les fonctions du Comité scientifique à une organisation déjà existante dans la zone de l’Accord assurant une représentation géographique équilibrée”, in the French official text.

Nothing is said in Art. VII, para. 1, about the number of the Scientific Committee members or its Chairperson and Vice-Chairperson. It follows that regulation on these matters is left to the Meeting of the Parties. This body is entitled, *inter alia*, to “establish a Scientific Committee, as provided for in Article VII” (Art. III, para. 7, lett.e, ACCOAMS) and to “review the arrangements for ... the Scientific Committee” (Art. III, para. 8, lett. f). It appears that the ACCOBAMS grants to the Meeting of the Parties a broad margin of discretion in regulating these matters.

In fact, this is what occurred in ACCOBAMS practice. The first Meeting of the Parties, held in 2002, adopted Resolution 1.3, which established the ACCOBAMS Scientific Committee, recalling in the preamble the need for a balanced geographical representation, as well as the need for a close link between the Scientific Committee and the network of cetacean experts in each Party, so that the Agreement may benefit from the existing knowledge and experience. According to Resolution 1.3, the Scientific Committee consisted of twelve members, of which five were appointed by CIESM, one by IUCN, one by the European Cetacean Society (ECS), one by the Scientific Committee of the International Whaling Commission (IWC) and four were chosen from among the representatives from each of the four geographical regions, as defined in the annex to the Resolution (Western Mediterranean and near Atlantic; Central Mediterranean; Eastern Mediterranean; Black Sea)³. The Resolution also urged the Scientific Committee to adopt its Rules Procedure at its first meeting.

Resolutions adopted in subsequent Meetings of the Parties modified the composition of the Scientific Committee. The third Meeting of the Parties, held in 2007, decided that the Scientific Committee consisted of no more than thirteen members, of which five were appointed by CIESM, one by IUCN, one by ECS, one by the Scientific Committee of the IWC, and four or five were chosen from among the representatives from each of the four geographical regions (Resolution 3.3). The fifth Meeting of the Parties, held in 2013, adopted Resolution 5.3, to which the Rules on the Scientific Committee are annexed. They provided that the Scientific Committee was entrusted in turn, per triennium, to one of the two expert organizations CIESM and IUCN (Art. 1, para. 3) and that it was composed of thirteen members, three appointed by each of the two expert organizations, one by ECS, one by the Scientific Committee of the IWC, one by the Scientific Council of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), and four representatives of the regions appointed by the Meeting of the Parties (Art. 2)⁴.

The eighth Meeting of the Parties (2022) adopted further amendments to the Rules on the Scientific Committee by Resolution 8.3. This regime, which is applicable today, provides that the Scientific Committee consists in principle of three experts proposed by CIESM, three by IUCN, one by the Scientific Committee of the IWC, one by the Scientific Council of the CMS and up to three representatives for each Region appointed by the Meeting of the Parties (Art. 2, para. 1)⁵. The above organisations may propose to support more than three experts (Art. 2, para. 2)⁶. Furthermore, additional members of the Scientific Committee may be designated by the Parties on a voluntary basis (Art. 2, para.5)⁷.

³ See *Proceedings of the First Session of the Meeting of the Parties of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area*, 2002, p. 8.

⁴ The Rules on the Scientific Committee were amended, for aspects not related to its composition, also by Resolution 6.7, adopted by the sixth Meeting of the Parties (2016) and by Resolution 7.7, adopted by the seventh Meeting of the Parties (2019).

⁵ The Meeting of the Parties appreciated “the offer by Italy to provide for the triennium 2023-2025, and on an experimental basis, a voluntary contribution to cover the expenses of participation to the Scientific Committee meetings of up to 8 regional representatives from eligible Countries” (para. 7 of Resolution 8.3).

⁶ According to Art. 2, para. 2, “in this case, such offer will be examined by the Bureau, which will notify it to the Parties 120 days before the Meeting of the Parties, with its recommendation. If no objections to the Bureau recommendation arise in the following 30 days, the offer will be considered accepted, pending the final designation of all experts by the Meeting of the Parties”.

⁷ According to Art. 2, para. 5, “the cost of their participation to the meetings of the Scientific Committee shall not be covered by the Agreement’s funds”.

As regard their purpose, the amendments were adopted

“Stressing the need for establishing a closer link between the Scientific Committee of ACCOBAMS and the rest of the scientific community working on cetaceans in the Agreement Area,

Stressing the need for strengthening the representation of the Parties’ scientific community in the Scientific Committee of ACCOBAMS, by increasing the number of Regional Representatives,

Stressing the need to ensure the diversity of experiences and competences and the equitable geographical distribution and gender balance of membership within the Scientific Committee”⁸.

It results from the ACCOBAMS practice that the ACCOBAMS Parties have so far understood in a rather broad meaning the obligation “to entrust the functions of the Scientific Committee to an existing organization in the Agreement area that assures geographically-balanced representation” (Art. VII, para. 1, of the ACCOBAMS). In fact, it appears that:

- more than one organization is involved (in fact, four);
- Scientific Committee members, besides being proposed by these organizations, are appointed by the Meeting of the Parties as representatives of the four ACCOBAMS Regions;
- other members may be designated by ACCOBAMS Parties.

Such a broad understanding is explained in the preamble of Resolution 8.3⁹, retains the participation in the Scientific Committee of existing organizations that ensure a geographically balanced representation, does not affect the requirement that members of the Scientific Committee must be “experts in cetacean conservation science” (Art. VII, para. 1, of the ACCOBAMS)¹⁰ and is supported by the adoption by the Meeting of the Parties of the relevant resolutions by *consensus* (in international practice, *consensus* means the adoption of a decision without a formal voting and in the absence of any request for voting).

For these reasons, the trend manifested in the resolutions relating to the composition of the Scientific Committee, although not fully consistent with the literal wording of Art. VII, para. 1, of the ACCOBAMS, could be considered as an instance of “subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation” (Art. 31, para. 3, lett. b, of the 1969 Vienna Convention on the Law of Treaties), in particular the interpretation of Art. VI, para. 1, of the ACCOBAMS¹¹.

It thus appears that the Meeting of the Parties has been granted a certain margin of discretion in determining the composition of the Scientific Committee and that, in the subsequent practice of application of the ACCOBAMS, it has exercised its responsibilities, accordingly, including in the Scientific Committee also representatives of the four Regions and additional members designated by Parties.

However, it may be open to discussion how far this interpretative trend should go, moving from the assumption that no subsequent practice in the application of a treaty can go as far as to deny the very object and purpose of one of its

⁸ Preamble of Resolution 8.3.

⁹ See the preambular paragraphs of Resolution 8.3 reproduced above. The purposes of Resolution 8.3 are in line with the general purpose of the ACCOBAMS to achieve and maintain a favourable conservation status for cetaceans.

¹⁰ Under Art. 3, para. 1, of the Rules of Procedure of the Scientific Committee, “the selection of the Scientific Committee members must take into consideration the following criteria, finalized by the Extended Bureau in accordance with the Work Programme proposed to the Parties: a) To be experts in one or more fields relevant to cetacean conservation science; b) To possess an appropriate level of quality, relevance, productivity and originality in activities related to cetacean conservation and research, as demonstrated through scientific publications and technical reports, communications to conferences, participation in working groups or committees at national or international levels; c) To be available to participate in the work of the Scientific Committee, attend its meetings and contribute to the working groups, with the required continuity; d) To be proficient in one of the Agreement’s two working languages (English and French) and have a sufficient knowledge of the other”. Under Art. 3, para. 2, “all criteria above will be ascertained through the evaluation of their curricula vitae. An evaluation by the Scientific Committee Chair and Vice-Chair will also be submitted to the Meeting of the Parties”.

¹¹ In any case, the question of the composition of the Scientific Committee is not the direct subject-matter of this legal analysis.

provisions. In the specific case, the purpose of Art. VII, para. 1, as already pointed out, is to ensure the technical expertise, the independence and the balanced representation of the Scientific Committee.

3. The Chairperson and Vice-Chairperson of the Scientific Committee

Once clarified the question of the composition of the Scientific Committee, the related question of its presidency can be addressed.

As provided for in the Rules of procedure of the Scientific Committee, annexed to Resolution 8.3,

“The Chair shall preside over the meetings of the Scientific Committee, prepare the provisional agenda in consultation with the Secretariat, and liaise with members between meetings of the Committee. The Chair may represent the Committee as required and carry out other functions as may be delegated to him/her, within the limits of the Committee functions”¹².

The exercise of these tasks implies impartiality, independence and a balanced position and orientation by the person who holds the function of chairperson of Scientific Committee.

Nowhere in the ACCOBAMS it is said that the existing organizations in the Agreement Area that assure geographically-balanced representation are entitled to hold the chair and vice-chair of the Scientific Committee. To “entrust the functions”, as provided for in Art. VII, para. 1, has a more generic meaning, relating more to the composition than to chair of the body¹³. However, the chair is not a question in fact, as long as the composition of the Scientific Committee is limited to existing organizations in the Agreement Area that assure a geographically balanced representation. It becomes a question when experts designated by those organizations are joined by representatives of the regions and experts designated by ACCOBAMS Parties.

In particular, as regards the chairperson and vice-chairperson of the Scientific Committee, in previous ACCOBAMS practice, the Rules on the Scientific Committee annexed to Resolution 5.3 provided as follows:

“The Scientific Committee is entrusted in turn, per triennium, to one of the two expert organizations (CIESM and IUCN) which will perform in turn the functions of Chair and Vice-Chair of this Committee”¹⁴.

This provision granted the chair of the Scientific Committee to a member designated by an organization that assured independence and a geographically balanced representation in the Agreement Area rather than to a member representing one of the four regions.

However, the provision has been substantively modified in the Rules of procedure of the Scientific Committee annexed to Resolution 8.3, stating as follows:

“The Chair and Vice-Chair of the Scientific Committee are elected by the members of the Scientific Committee, at the first meeting of the triennium, among all designated experts”¹⁵.

¹² Art. 5, para. 1. The Vice-chairperson exercises the powers and duties of the Chairperson in the absence of the latter (see Art. 5, para. 2).

¹³ The ordinary meaning of the expression to “entrust the functions of the Scientific Committee to an existing organization” is to charge an existing organization with the task of holding the service of Scientific Committee.

¹⁴ Art. 1, para. 3.

¹⁵ Art. 2, para. 3. Under the second sentence of Art. 3, para. 2, “an evaluation by the Scientific Committee Chair and Vice-Chair will also be submitted to the Meeting of the Parties”. This provision is not clear (what should the Scientific Committee Chair and Vice-Chair evaluate?). The French official text is clearer (“Une évaluation du Président et du Vice-Président du Comité Scientifique sera également soumise à la Réunion des Parties”).

The provision above should be read in connection with two already mentioned¹⁶ rules of procedure of the Scientific Committee introduced by Resolution 8.3, namely the rules according to which the representatives of the regions can be up to twelve (Art. 2, para. 1) and additional members may be designated by the Parties on voluntary basis (Art. 2, para. 5). The result is that the composition of the Scientific Committee is now undetermined as regards the number of its members. This could lead, although in unlikely cases, to a situation that undermines the role granted by Art. VII, para. 1, of the ACCOBAMS to organizations assuring a balanced representation of the Agreement Area. For both the “regional” and the “national” members it could be asked whether they are in a position to ensure independence and a balanced representation of the Agreement Area, considering also that nowhere in the Rules of procedure of the Scientific Committee it is stated that its members must exercise their functions in their personal capacity and without representing any single ACCOBAMS Party¹⁷.

This is the reason why Art. 2, para. 3, of the present Rules of procedure of the Scientific Committee, providing that the chairperson and the vice-chairperson are elected among all designated experts, does not seem consistent with the object and purpose of Art. VII, para. 1, of the ACCOBAMS, which is to assure the independence of the Scientific Committee and the geographically balanced representation of the ACCOBAMS Area within it. To have a chairperson or a vice-chairperson (or both of them) elected among members representing one region or designated by the Parties seems to be a situation that departs in a substantive way from the above-mentioned original object and purpose of Art. VII, para. 1, of the ACCOBAMS.

In conclusion, to avoid questions about compliance with Art. VII, para. 1, of the ACCOBAMS, it would be preferable to provide in the Rules of Procedure of the Scientific Committee that the chairperson and the vice-chairperson of the Scientific Committee are to be elected among the members designated by the expert organizations.

4. The Answers to the Questions

Before answering the questions asked to the legal consultant, it is necessary to point out:

- as regards question a), that, under present ACCOBAMS practice, the expression “existing organization in the Agreement Area that assures geographically-balanced representation” is to be referred not to one single organization, but to four organizations (or bodies of organizations), namely CIESM, IUCN, the Scientific Committee of the IWC and the Scientific Council of the CMS;
- as regards question b), that it does not seem from the very text of Resolution 8.3 that Art. 2, para. 3, of the present Rules of Procedure of the Scientific Committee has been adopted on a trial basis during the current triennium¹⁸;
- as regards question b) as well, that the next Meeting of the Parties is not entitled to “definitively confirm” by one of its resolutions a rule of procedure of the Scientific Committee that is deemed to be conflict with one of the provisions of the ACCOBAMS. To reach this objective it is necessary to adopt a formal amendment to the ACCOBAMS text under the procedure set forth in Art. X of it and that such an amendment enters into force.

All above being considered, the answers to the questions are the following:

¹⁶ *Supra*, para. 2.

¹⁷ On the contrary, this obligation is set forth in the Rules of procedure for the Bureau, annexed to Resolution 6.4, adopted in 2016: “All members and alternate members of the Bureau shall exercise their functions in their personal capacity and shall not represent any single ACCOBAMS Party” (Art. 1, para. 3).

¹⁸ What takes place for the triennium 2023-2025 on an experimental basis is the offer by Italy to cover the expenses of participation to the Scientific Committee of up to eight regional representatives from eligible countries (see para. 7 of Resolution 8.3).

- a) The option of electing the Chairperson and the Vice-Chairperson of the Scientific Committee of the ACCOBAMS from among all Committee members, and not only among members designated by the existing organizations in the Agreement Area that assure geographically balanced representation, would be contrary to the object and purpose of Art. VII, para. 1, of the ACCOBAMS;
- b) To put in effect the above-mentioned option an amendment to the ACCOBAMS, according to Art. X of it, would be required.