



## MEETING OF COMMITTEE ON HUNTING METHODS

18 October 2016

**DOCUMENT**                                    **TERMS OF CONFIDENTIALITY OF REPORTS EMANATING FROM MEETING OF NAMMCO'S SUBSIDIARY BODIES, AS WELL AS OF MEETING DOCUMENTS**

**Submitted by:**                            **Secretariat on behalf of FAC**

**Action requested:**

- **Advise on** the terms of confidentiality of the reports emanating from all subsidiary bodies
  - For committee meeting reports,
    - Confidential until the report adopted by the participants has been circulated to Council – as it is presently for the report of SC;
    - OR
    - Confidential until the report is dealt with by Council
  - For WG/EG/PG meeting reports,
    - Confidential until the report adopted by the meeting participants has been circulated to the parent committee and Council;
    - OR
    - Confidential until the report is dealt with by the parent committee;
    - OR
    - Confidential until the report is dealt with by Council.
- **Advise on** the confidentiality of meeting documents, both for committees and WG/EG/PG

**Background:**

At present, there is no mention on report confidentiality in the RoPs of NAMMCO committees, except for the SC. There are also no rules about the confidentiality of meeting documents, although the praxis has been that these are only internal documents. Many organisations (e.g. IWC, ASCOBANS...) make the meeting documents accessible on their website prior to meetings, together with the agenda and the list of participants and documents.

In the SC RoP, confidentiality is only formally mentioned for the SC meeting reports, leaving open to interpretation whether the WG reports should remain confidential until the SC report is released, or if they can be released as soon as the WG report has been adopted.

*SC RoP, IV. Organisation*

*4. The Working Groups report their findings in writing to the Scientific Committee according to their terms of reference...*

*5. The Scientific Committee reports its findings in writing to the Council within two weeks after the conclusion of its deliberations. The contents of the report shall be considered strictly confidential prior to that. ...*

The Secretariat has requested the FAC for clarification on the subject. The problem is common to all committee and WG/EG/PG reports, and it is suggested that a uniform policy be adopted.

**For informing its decision, FAC therefore seeks the advice of the Scientific Committee and the Committee on Hunting Methods on the matter.**

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## A) CONFIDENTIALITY OF MEETING REPORTS OF SUBSIDIARY BODIES

### 1. Status of reports emanating from SC working groups.

Text from the present SC RoP, in blue addendum adopted by NAMMCO 24.

In red new addendum proposed by the Secretariat.

*IV. 4. The Working Groups report their findings in writing to the Scientific Committee according to their terms of reference and within two weeks after the conclusion of their deliberations. Working Group reports are also sent to the Council for information. The contents of the reports shall be considered strictly confidential prior to [and until one week after] **being circulated** to the Scientific Committee and the Council.*

According to this amendment, the WG reports are only confidential until they have been sent to the SC and Council, not dealt with. A week after reports are sent to the SC and Council, they can be released e.g. on the NAMMCO website. This was proposed in the light of

- a) An active and lively NAMMCO communication outreach, where the release of new findings can be announced/reported as news as soon as a WG report has agreed on them, i.e., the report of the meeting is adopted by the WG.
- b) The fact that conclusion of the WGs are what they are and cannot be changed by the Scientific Committee, which often will have less scientific competence/expertise than the WG to deal with the topics at hand.
- c) In some cases, WG reports remaining confidential until they have been dealt with by the SC (usually at a SC meeting which can be a year later) can create problems. For example, the Survey Planning WG (SPWG) met in April 2015 to make final NASS2015 preparations, which made the report contents obsolete by the time of the SC meeting in November 2015 (i.e., the survey had occurred). However, the SPWG conclusions were used to prepare the summer surveys and used in IWC document, without quoting NAMMCO as the NAMMCO report was confidential.

The argument for the release of WG reports and findings without waiting for the SC review is that this ensures that their conclusions can be used in management, in planning activities (like NASS), and in NAMMCO communications before they are reviewed by the SC.

The counter argument is that releasing the reports **before being reviewed** by the SC means that the report will go out before any comments from the SC – positive, negative or nuancing – can be given. That is, while the SC cannot change the contents of the WG report, they can comment where they agree or do not agree with the findings of the WG. One possible solution is that WG reports could be released before being reviewed by the SC, but with standard text such as “This report contains the views of the WG, and not necessarily of the full NAMMCO Scientific Committee.”

### 2. Report confidentiality for other NAMMCO’s subsidiary bodies.

At present, there is no mention on report confidentiality in the RoPs of NAMMCO committees, but the SC.

**The Secretariat proposes to amend the RoPs of all committees to include a text similar to the one adopted for the SC and clarifying the confidentiality of the reports of the committees, but also the reports of any WG, EG, PG etc...**

**3. One possible way of proceeding**

- **All reports are ready for being released as soon as they are adopted by the meeting participants.**
- **They include a standard text at the beginning of the report stating ““This report contains the views of the WG/EG/PG, and do not necessarily represent the view of the NAMMCO xxxxx Committee and/or the Council, which will review the report as its next meeting in xxxx”.**
- Similar text should also be used if the report or some of its results are used in any forms of outreach (PR, website, FB...);
- **Any NAMMCO “persons” (Committee members, FAC, Secretariat) has one week for vetoing the immediate release of a report and require that the report is first dealt with by the parent body and/or Council before being released (in case for example of sensitive results/topics, disagreement over the conclusions...).**

**B) CONFIDENTIALITY OF MEETING DOCUMENTS OF SUBSIDIARY BODIES**

The question is whether NAMMCO wants to align with organisation such as the IWC and ASCOBANS and render all meeting documents available to the wider public on its website prior to and after the meetings of the committees and the subsidiary bodies.

This would significantly increase the transparency of the organisation.

An added-advantage could be that the documents presented to a meeting would be in a more finalised version.

It would still be possible to allow for working documents, i.e., documents prepared during the course of the meeting.

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