

Citation of Scientific Committee Documents

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Although the guidelines on use for data under the IWC Data Availability Agreement (DAA) are clear (IWC 2004), there has been some disagreement in the past about use and citation of information reported in Scientific Committee (SC) documents. The DAA clearly prohibits publication of data provided under the agreement without the permission of the data providers, but no such restriction applies to the citation of SC papers.

We note that the policy of the IWC and the *Journal of Cetacean Research Management* clearly states that SC papers are in the public domain (IWC 2003):

22.3.2 Citation and restrictions on citation of documents and working papers

The review (including further analysis if required) of scientific papers is critical to the work of the Scientific Committee and the transparency of its management advice to the Commission. Some concern arose at the meeting that this may be compromised by either authored working papers or documents being submitted to the Committee with the heading along the lines of 'Not to be cited (or used) without the permission of the author(s)'. The general policy of the Scientific Committee is relevant to this issue.

SCIENTIFIC COMMITTEE PAPERS

Authored documents submitted to the Committee reside in the Secretariat, are publicly available on request and are considered part of the public domain. The policy of the *Journal of Cetacean Research and Management* on citation of authored documents is consistent with the Committee's policy: authored documents are publicly available and can be cited as such – the citation style makes clear that these are unpublished manuscripts.

The policy of the *Journal* is that if authors specify on the title page that the paper should not be cited without the permission of the author, that must be respected. Although not all authors make such a specification, it is in any case good practice (as well as courteous) to inform authors of unpublished papers that one intends to cite them and make use of the data therein. This is important as, for example, by the time of citation the document may have been submitted/accepted for publication (or already published), in which case it is more appropriate to cite the (to be) published version. It was noted that in the case of *JCRM*, the *Journal* could consider undertaking notification of authors in this regard.

In general, it does not seem unreasonable to include such a citation provision on a paper that has perhaps been written at the last minute in order to stimulate discussion or present the results of a preliminary analysis which subsequently the author feels (or is told) is flawed. However, if a paper is to form the major basis for a recommendation by the Committee, it is not acceptable for such a strong restriction on citation to be placed. The Committee agreed that it is appropriate for the Chair of the Committee or relevant sub-committee to ask that such a restriction either: (1) be removed; or (2) be replaced by one that makes it clear that the restriction excludes citation in the context of Scientific Committee meetings and documents. This latter option gives protection to the authors of inter alia first publication rights.

Though this policy appears clear, we note there is a distinction between the policy of the *Journal* (stating a restriction must be respected) versus the policy of the deliberations of the Scientific Committee (stating that if a paper is to form a major basis for a recommendation by the Committee, it is not acceptable to place such a strong restriction on citation). We also note the apparent contradiction between stating that SC papers are in the public domain, but also leaving open the possibility for authors to restrict citation unless it is within the context of Scientific Committee meetings. This leaves an ambiguity that we believe should be removed.

As the open exchange of information and the proper citation of such information are critical to the transparency and verifiability of scientific discourse (Costello 2009), we suggest the following policy to facilitate the future working of the Scientific Committee:

- (1) We believe it is important that people who use information or ideas from SC documents should properly cite the source. In regards to the recommendation that it is good practice to inform authors of the intent to cite an SC document, we recommend that reporting to Scientific Committee in the form of an authored document (by the citation user) satisfies this expectation for SC papers. For a paper not presented to the Scientific Committee it would be good practice to directly inform the lead author of the intent to cite an SC paper for the purpose of giving the authors the opportunity to correct any errors in the SC paper or to provide an updated version of the paper (if available).
- (2) Authors who present documents specifying, “*Do not cite without the permission of authors*” must be aware that information and interpretations are often extracted into the annual reports of the meeting, either in the body of the reports or into appendices, and the policy states that such restrictions should be removed. This published information can no longer be subject to access prohibitions, especially when it is used to guide management advice, and as stated is in the public domain and therefore citable. In this regard, outside the IWC our experience is that most journals allow the citation of SC documents as primary references in the same manner in which they treat other “grey literature” such as government documents. The labelling of a paper as not citable without permission seems awkward in this context; we suggest this label should be replaced by the label “*Please inform authors when citing outside of an IWC meeting*”. This would speak to the important points (above) that the authors may have submitted the document for publication and have an updated citation or subsequent publication to provide, or might be able to inform the information user if substantial errors have been subsequently discovered in the document which should preclude its citation. Additionally, we do not believe that the citation of an SC document precludes the author’s first publication rights; we are not aware of a paper that could not be published because it had previously been cited as an SC paper. Authors would, of course, retain first publication rights of the data contained in papers, but SC papers are in the public domain so there cannot be a restriction placed on their citation.
- (3) We also note that the qualifier “major basis for a recommendation” leaves much to the interpretation of different parties, with no clear guidance as to what constitutes a major versus a minor basis for a recommendation. In the interest of preventing misunderstanding in the future, our view is that if authors want the information in their papers to be considered by the SC, they should understand the information is then in the public domain. Therefore, we feel the statement “if a paper is to form the major basis for a recommendation by the Committee” should be replaced by “if a paper is to be considered by the Committee”.
- (4) For the reasons discussed above, we recommend that in future meetings the Scientific Committee should not consider papers that are (still) submitted with the restriction “Do not cite without the permission of authors”.

Finally, we note that some members of the Scientific Committee may have further concerns about citation of past scientific documents in the public domain, either because of some errors or because of concern over misinterpretation. We ask that these documents be listed as an appendix to this year’s report along with an explanation for the basis of their concerns, so that no misunderstanding occurs in the future. In the interest of transparency and verifiability, we suggest that such an explanation would be good practice for any SC paper which the authors believe should be qualified or retracted.

Citations

Costello, M.J. 2009. Motivating Online Publication of Data. *BioScience* 59:418-427.

IWC. 2003. Report of the Scientific Committee. *Journal of Cetacean Research and Management (Suppl.)*: 87.

IWC. 2004. Annex T: Report of the data availability working group. *Journal of Cetacean Research and Management (Suppl.)*:406-408