

## 48<sup>th</sup> Meeting of the Standing Committee

*Bonn, Germany, 23 – 24 October 2018*

UNEP/CMS/StC48/Doc.13

### **REVISION OF THE RULES OF PROCEDURE OF THE CMS SCIENTIFIC COUNCIL AND ITS SESSIONAL COMMITTEE**

*(Prepared by the Secretariat)*

**Summary:**

Decision 12.2 requests the Scientific Council, in consultation with the Secretariat, to revise its Rules of Procedure in accordance with Resolution 12.4. Decision 12.3 mandates the Standing Committee to approve the revision.

The present document includes as Annex a revision of the Rules of Procedure finalized by the 3<sup>rd</sup> Meeting of the Sessional Committee of the Scientific Council for submission to the 48<sup>th</sup> Meeting of the Standing Committee for approval.

## **REVISION OF THE RULES OF PROCEDURE OF THE CMS SCIENTIFIC COUNCIL AND ITS SESSIONAL COMMITTEE**

### Background

1. At the 11<sup>th</sup> Meeting of the Conference of the Parties to CMS, held in Quito, in November 2014, a revision was agreed to the operational organization of the Scientific Council, which was documented in Resolution 11.4: *Restructuring of the Scientific Council*. In particular, Resolution 11.4 stipulates that, for each intersessional period between two consecutive meetings of the Conference of the Parties, a representative selection of the membership of the Scientific Council, to be named the Sessional Committee of the Scientific Council, should be identified. At the 12<sup>th</sup> Meeting of the Conference of the Parties, held in Manila, in October 2017, Resolution 11.4 was revised and consolidated with previous resolutions concerning the Scientific Council to become Resolution 12.4.
2. Resolution 12.4 requests the Scientific Council, in consultation with the Secretariat, to revise its Rules of Procedure (ROP) in accordance with the resolution and mandates the Standing Committee to approve the revision.

### Progress

3. The 3<sup>rd</sup> meeting of the Sessional Committee of the Scientific Council (ScC-SC3, Bonn, 29 May – 1 June 2018) considered proposals for the amendment of the ROP of the CMS Scientific Council submitted by the Working Group on Institutional and Legal Matters of the Sessional Committee (document UNEP/CMS/ScC-SC3/Doc.3.1). On the basis of those proposals, the meeting undertook a complete revision of the ROP and finalized a revised version to be submitted to the 48<sup>th</sup> meeting of the Standing Committee for approval (details in ScC-SC3 report, made available to this meeting as document UNEP/CMS/StC48/Inf.5). The revised version is annexed to this document.
4. Upon approval of the ROP by the Standing Committee, the Secretariat recommends their submission to COP13 as a new annex to a revised version of Resolution 12.4.

### Recommended actions

5. The Standing Committee is recommended to:
  - a) Approve the revision of the ROP annexed to this paper;
  - b) Advice on the Secretariat's proposal to include the revised ROP into a revised version of Resolution 12.4 to be submitted to COP13 for consideration.

**RULES OF PROCEDURE  
OF THE CMS SCIENTIFIC COUNCIL AND ITS SESSIONAL COMMITTEE**  
*(as finalized by ScC-SC3)*

**Purpose**Rule 1

These rules of procedure shall apply to any meeting of the Scientific Council or of its Sessional Committee, convened in accordance with Article 8 of the Convention and Resolution 12.4, and any future revision adopted by the Standing Committee or Conference of the Parties.

**Representation and Attendance**Rule 2

- a. Any Party may appoint a qualified expert as a member of the Scientific Council who will have the right to participate in meetings of the Council.
- b. The membership of the Sessional Committee of the Scientific Council shall consist of the 15 regional representatives (three from each CMS region) elected by the Conference of the Parties from members of the Scientific Council, together with COP-appointed Councillors.
- c. Regional representative Sessional Committee members will be elected for a term of two triennia. Each ordinary meeting of the Conference of the Parties will decide on the renewal of half of these members of the Sessional Committee.
- d. Regional representatives will be expected to represent their regions at meetings of the Committee.
- e. Up to three regional alternates may be appointed by the Conference of the Parties for each CMS region. All alternates must be a member of the Scientific Council, be from the same CMS region as the representative, but will not be from the same country. It will be for each CMS region to determine how alternates will replace regional representatives.
- f. It is expected that both regional representatives and alternates will attend the meetings of the Sessional Committee where possible, noting that financial support for those delegates eligible to receive such support will be prioritized to the Sessional Committee members first, so it may not be possible to also support alternates from countries that would otherwise be eligible for financial support if the appointed regional representatives are attending.
- g. The terms of office of the regional representatives and their alternates will commence at the close of the ordinary meeting at which they are elected. The term of regional representatives shall expire at the close of the second ordinary meeting thereafter. If a regional alternate is subsequently elected to the Sessional Committee, they will be eligible to serve for two triennia in their new capacity in addition to any term they may have already served as an alternate.
- h. If a regional representative is not able to attend a meeting or session, a regional alternate will be entitled to act in their place.
- i. If a regional representative resigns or is otherwise unable to complete the assigned term or the functions of a member, a regional alternate should serve as a substitute for the remaining term of office of that member, and a further alternate member should be selected by the region through the representatives of the region in the Standing Committee.

### Rule 3

The Chair of the Standing Committee will have the right to participate in meetings of the Scientific Council or the Sessional Committee as an observer, but without the right to vote.

### Rule 4

- a. Members of the Scientific Council who do not serve in the Sessional Committee, and alternates to the regional representatives of the Sessional Committee, have the right to attend meetings of the Sessional Committee as observers. Party or non-Party representatives also have the right to attend meetings of the Scientific Council or of the Sessional Committee as observers.
- b. Representatives of instruments within the 'CMS family' or of multilateral environmental agreements within the 'biodiversity cluster', have the right to attend meetings of the Scientific Council or of the Sessional Committee as observers.
- c. Any agency or body, whether national or international, inter-governmental or non-governmental, qualified in fields relating to the conservation and management of migratory species (including but not limited to those referred to within Resolution 12.4 and subsequent revisions), which has informed the Secretariat not less than 45 days before the meeting of the Scientific Council or the Sessional Committee, or both, of its wish to be represented at the meeting by observers, may do so upon the invitation of the Secretariat, unless at least one third of the members present at the meeting object. Bodies or agencies desiring to be represented at the meeting by observers should submit the names of these observers to the Convention Secretariat at least 15 days prior to the opening of the meeting.
- d. All observers may participate, but without the right to vote.
- e. The Secretariat may, in advance of the meeting, and for practical reasons such as space, limit the number of individuals, such as to a given number per observer entity.

## **Officers**

### Rule 5

- a. Following each regular meeting of the Conference of the Parties, the members of the Sessional Committee will elect its Chair and Vice-Chair from among themselves. The Chair and Vice-Chair of the Sessional Committee are also Chair and Vice-Chair of the Scientific Council.
- b. The members of the Sessional Committee will each have one vote for each of the Chair and Vice-Chair.
- c. The election of the Chair and Vice-Chair will be conducted by correspondence immediately following the conclusion of a Conference of the Parties.
- d. Any member of the Sessional Committee may propose another member as a candidate for the election within a time frame announced by the Secretariat. The Secretariat is required to send all proposals to the members of the Sessional Committee, who will be entitled to comment within 30 days of the communication of the proposal; any comments received by the Secretariat within this time limit must also be so communicated to the members.
- e. The election of the Chair and Vice-Chair will be carried out in accordance with Rules 8 – 10 (Elections). The first round of voting will be open for 15 working days starting from the date set by the Secretariat.
- f. The voting period for any subsequent round of voting as may be required will be specified by the Secretariat and will be no less than 10 working days.
- g. The Vice-Chair and Chair should be from different CMS regions.
- h. If the Chair resigns the Vice-Chair will become Chair for the rest of the triennium and a new Vice-Chair should be elected using the procedures in clauses 'c – g' above.
- i. Subject to the rules on rotation of Sessional Committee Members, a Chair or Vice Chair may be re-elected for a second triennium.

- j. The next Chair should not be from the same CMS Region as the previous chair.

#### Rule 6

- a. The Chair will preside at meetings of the Scientific Council or of the Sessional Committee, approve for circulation the provisional agenda prepared by the Secretariat, and liaise with other committees and with the Standing Committee between meetings of the Council or of the Sessional Committee.
- b. The Chair may represent the Council and Sessional Committee as required within the limits of the Council's mandate and should carry out such other functions as may be entrusted by the Council or the Sessional Committee.

#### Rule 7

The Vice-Chair is expected to assist in the execution of the Chair's functions, and to preside at meetings in the absence of the Chair.

### **Elections**

#### Rule 8

- a. The Presiding Officer for elections of the Chair and Vice-Chair will be either the Executive Secretary of the Convention, or, in their absence, the senior serving official of the Secretariat.
- b. If, in an election to fill either position no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes.
- c. If, in the second ballot the votes are equally divided, the Presiding Officer will decide between the candidates by drawing lots.

#### Rule 9

If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a ballot shall be held amongst them for reducing the number of candidates to two.

#### Rule 10

- a. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a ballot shall be held amongst them for reducing the number of candidates to two.
- b. If a tie then results amongst two or more candidates, the Presiding Officer will reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 8.

### **Meetings**

#### Rule 11

- a. The Scientific Council or the Sessional Committee should meet at the request of the Secretariat.
- b. Meetings of the Scientific Council or Sessional Committee, shall be serviced by the Secretariat.

#### Rule 12

- a. The Sessional Committee of the Scientific Council shall meet at least once per triennium, and subject to available resources, should aim to meet more frequently.
- b. The time and venue of meetings shall be determined by the Secretariat, in consultation with the Chair and Vice-Chair.

### Rule 13

- a. Notice of meetings, including the date and venue, shall be sent to all Parties, Members of the Scientific Council, COP-Appointed Councillors, and Partner organisations by the Secretariat at least 120 days in advance, or, in the case of extraordinary meetings, at least 60 days in advance.
- b. Documents for a meeting shall be submitted to the Secretariat at least 60 days in advance of the meeting. The Secretariat shall post documents for the meeting on its website, which shall be translated into the three working languages of the Convention, at least 40 days before each meeting, with the exception of a Sessional Committee meeting immediately preceding the meeting of the Conference of the Parties. For such a meeting of the Sessional Committee, the Secretariat shall post documents following the Rules of Procedure of the Conference of the Parties.
- c. Information documents shall be submitted at least 15 days in advance of the meeting and shall be posted on the CMS website 10 days in advance of the meeting; such information documents may be posted in their original language only.
- d. If documents are not submitted and posted according to the deadlines set in clauses b and c they shall not be considered by the meeting except in exceptional circumstances (such as those covered by Resolution 10.02 on conservation emergencies). Late submission of documents, whether by the Secretariat, Parties, or others will not be considered exceptional circumstances.

### Rule 14

- a. A quorum for a Scientific Council or Sessional Committee meeting shall consist of half of the members of the Council or Sessional Committee.
- b. Sessional Committee Members may be present either in-person or through telecommunication means to count toward the quorum.
- c. If neither the Chair nor the Vice-Chair are present at the meeting the members of the Sessional Committee may choose a Chair and Vice Chair amongst their members who are present in person.
- d. No decision shall be taken at a meeting in the absence of a quorum.
- e. The means of participating through telecommunication shall be announced by the Secretariat.

### Rule 15

Decisions of the Council or the Sessional Committee will, whenever possible, be taken by consensus unless a vote is requested by the Chair or by three members. If these members are Party-appointed Councillors (in the case of the Scientific Council), or regional representatives (in the case of the Sessional Committee), they should be from at least two CMS Regions.

### Rule 16

Decisions of the Council or Sessional Committee by voting (pursuant to Rule 15) shall be taken by a simple majority of the members present {either in person or by electronic means}. In the case of a tie, the motion shall be considered as rejected.

### Rule 17

- a. A draft report of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Party- and COP-appointed Councillors, and all attendees of the meeting.

- b. The Secretariat shall set a deadline for comments on the draft report, and will endeavour to finalise the report, with input of the Chair and Vice-Chair if necessary, as soon as possible after the deadline for the comments.

#### Rule 18

- a. The Council or the Sessional Committee will decide on the working languages of its meetings from within the official languages of the Convention.
- b. Simultaneous interpretation will be provided for Plenary Sessions whenever possible, but normally not for working groups.

### **Working Groups**

#### Rule 19

- a. Working groups of the Scientific Council or the Sessional Committee may be established in order to further the Council's work programme, taking into account the provisions of any relevant resolutions of the Conference of the Parties.
- b. The Secretariat should be a member of all working groups.
- c. Meetings of in-session working groups should be serviced by the Secretariat of the Convention. Servicing of intersessional working groups will depend on resources available to the Secretariat.
- d. All working groups (in-session or intersessional) should, where possible, be chaired by a member of the Sessional Committee. A Vice-Chair may also be appointed by the working group if it is considered necessary by that working group.
- e. The results of any working group must be reviewed, and if necessary amended, by a meeting of the Sessional Committee.
- f. Sessional Committee members, Scientific Council Members, or Party representatives, should constitute at least half of the membership of in-session working groups.

### **Communication Procedure**

#### Rule 20

The Secretariat, or any three members of the Scientific Council or of the Sessional Committee, from at least two different CMS regions, may make a proposal to the Chair for a decision by postal procedure. The Secretariat shall communicate the proposal to the members for comments within 60 days of the date of communication; any comments received within these limits shall also be so communicated.

#### Rule 21

If, by the date on which comments on a proposal were due to be communicated, the Secretariat has not received any objection from a member, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

#### Rule 22

If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Council or the Sessional Committee.

### **Other Functions**

#### Rule 23

The Chair should submit to each ordinary meeting of the Conference of the Parties a written report on the Council's / Sessional Committee's work since the previous ordinary meeting.

Rule 24

The Council or the Sessional Committee will receive reports from other committees established under the Convention, as necessary.

**Final Provisions**

Rule 25

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

Rule 26

These Rules shall be applied at the first meeting of the Council or the Sessional Committee following their approval by the Standing Committee or Conference of the Parties. The rules may only be amended by decisions of the Standing Committee or of the Conference of the Parties.