



**MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION AND
MANAGEMENT OF MARINE TURTLES
AND THEIR HABITATS OF THE INDIAN
OCEAN AND SOUTH-EAST ASIA**

CMS/IOSEA/MOS8/Doc.14.1.a

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8TH MEETING OF THE SIGNATORY STATES

Da Nang, Viet Nam, 21-25 October 2019

Agenda Item 14.1

PROPOSAL: TERMS OF REFERENCE FOR THE IOSEA ADVISORY COMMITTEE

(Prepared by Australia)

Action Requested:

It is recommended that:

- a maximum of two term limits for Advisory Committee members be agreed, with the potential for a one term extension to meet operational requirements;
- the Terms of Reference for the Advisory Committee be revised to incorporate the proposed changes to paragraph 3; and
- the renewal of at least one-half of the Advisory Committee members will be considered at the 9th Meeting of the Signatory States.

PROPOSAL: TERMS OF REFERENCE FOR THE IOSEA ADVISORY COMMITTEE

Background

1. The Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA) came into effect on 1 September 2001, and the Signatory States held their first meeting in Bangkok in January 2003.
2. At this time, an Advisory Committee was established to provide scientific, technical and legal advice to the Signatory States. Signatories may nominate individuals for membership on the Committee with expertise in the fields of marine turtle biology, marine resource management, coastal development, socio-economics, law, fisheries technology, and other relevant disciplines.
3. The individuals appointed to the Committee serve voluntarily in their personal capacity and need not be affiliated with a government agency of a Signatory State.
4. Terms of Reference (ToR) for the Advisory Committee were developed and agreed at the 1st Meeting of Signatories in 2003. Since then, minor ad hoc revisions took place at the 4th Meeting in 2006 and the 6th Meeting in 2012.

Issues

5. The current ToR for the Advisory Committee (Inf.14.1) allow for members to serve for a period of two regular Meetings of the Signatory States, which is a standard approach for many such committees in various international fora.
6. However, the current ToR also allow for renomination and reappointment for all Advisory Committee members, regardless of how long they have served. This has led to a situation where a number of current Advisory Committee members have served on the Committee for multiple, continuous terms.
7. It is recognised that allowing Advisory Committee members to serve continuously enabled IOSEA to firmly establish its areas of focus and created and maintained important momentum that is critical for the successful establishment and implementation of instruments such as the IOSEA in its early phase. The expertise and continuity that long-serving members provided is integral to the current success of the IOSEA.
8. Now that the IOSEA is well established, there may be some benefits associated with introducing maximum term limits for the Advisory Committee.
9. In other fora, the inclusion of maximum terms helps to foster knowledge and collaboration, and aids in the sharing of experience throughout the region. Specifying maximum terms can also bring a fresh perspective to the Committee. New Committee members bring their skills, talents and abilities to the table. New perspectives may also stem from instituting best practices that encourage diversity within the Committee.

10. Term limits also offer the benefit of adjusting membership to adapt quickly to changing needs. Where maximum terms have been introduced, it is usually preferred to have staggered terms so that the Committee doesn't refresh all at once. The general rule of thumb for best practices suggests that Committees should turn over no more than one-half of the Committee members at any one time. Staggered terms assist in balancing continuity and renewal.

Revision to the Terms of Reference

11. Based on the benefits associated with specifying maximum term limits, it is proposed to introduce maximum terms in the ToR for the Advisory Committee. A maximum term limit of two terms would be optimal, with provisions provided for a one term extension if operational requirements were critical.
12. Paragraph 3 of the current Terms of Reference would need to be revised to incorporate maximum terms limits.
13. The current paragraph 3 states:

3. Advisory Committee members should serve for a period of two regular Meetings of the Signatory States, and should be eligible for re-nomination and reappointment at subsequent Meetings of Signatory States, after being proposed for nomination by a Signatory State, seconded by another and agreed by consensus of the Meeting. The requirement of 60-day notice and other documentation may be waived in such instances, as the nominee will have served as a member of the Advisory Committee.
14. The revised paragraph 3 should be as follows (suggested additional text in **bold**):

3. Advisory Committee members should serve for a **maximum** of two regular Meetings of the Signatory States, and should be eligible for re-nomination and reappointment at subsequent Meetings of Signatory States, after being proposed for nomination by a Signatory State, seconded by another and agreed by consensus of the Meeting. **Each Meeting of the Signatory States will decide on the renewal of half of the Advisory Committee members in order to balance continuity and renewal. In the event of pressing operational requirements, the Meeting of the Signatory States can extend the term of an Advisory Committee member for one additional term, to ensure retention of critical expertise and completion of essential activities.** The requirement of 60-day notice and other documentation may be waived in such instances, as the nominee will have served as a member of the Advisory Committee.
15. All other paragraphs contained in the current Advisory Committee ToR remain unchanged.

Recommendations

16. It is recommended that:

- a maximum of two term limits for Advisory Committee members be agreed, with the potential for a one term extension to meet operational requirements;
- the Terms of Reference for the Advisory Committee be revised to incorporate the proposed changes to paragraph 3; and
- the renewal of at least one-half of the Advisory Committee members will be considered at the 9th Meeting of the Signatory States.