



MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS CMS/Sharks/MOS2/Doc.13.1

11 January 2016

Original: English

Second Meeting of the Signatories
San José, Costa Rica, 15-19 February 2016
Agenda Item 13

ADVISORY COMMITTEE

(Prepared by the Secretariat)

First Meeting of the Signatories (AC1)

1. As agreed by the Signatories at MOS1, and as laid down in the Committee's Terms of Reference, the First Meeting of the Advisory Committee (AC1) will be held shortly before Sharks MOS2 on 12-13 February 2016 in San José, Costa Rica. During their meeting, the Committee will discuss several agenda items related to MOS2 and will provide recommendations and scientific advice to the Signatories as part of their advisory function. A summary report of the meeting as well as recommendations will be made available to the Signatories soon after the closure of AC1. The agenda and meeting documents of AC1 can be accessed on the following meeting website: <http://www.cms.int/sharks/en/ac1>.
2. In particular, recommendations may refer to the following MOS2 agenda items:
 - a. Agenda item 8: Proposals to Amend the MOU including its Annexes
 - b. Agenda item 9: Programme of Work
 - c. Agenda item 12: National Reporting

Terms of Reference of the Advisory Committee

3. Further to the aforementioned, the Committee will review their work during the past triennium and their Terms of Reference, in particular their modus operandi and frequency of meetings. In this context, the Secretariat draws the Signatories' attention to documents CMS/Sharks/MOS2/Doc.9.1, Doc.10.1 and Doc.11.2 in which the Secretariat makes suggestions regarding implementation of activities, the establishment of Working Groups under the AC as well as the frequency and timing of meetings. It should be pointed out, that these matters will be discussed by AC1 and that the outcome of this meeting will be incorporated in the recommendations of the First Meeting of the Advisory Committee, presented as CMS/Sharks/MOS2/Doc.13.2.
4. In addition, as outlined in CMS/Sharks/MOS2/Doc.8.1.1/Rev.1/Annex 2, the European Union proposes an amendment to the MOU text, aiming to task the MOS to "define the main tasks of the body in support of the implementation of the MOU" and to allow each Signatory "to appoint its own representatives in the Advisory [Committee] [...] to ensure sufficient expertise and effective operation of this body, while ensuring appropriate geographic representation."

5. Depending on the outcome of such considerations, the current Terms of Reference (TOR) of the AC, provided as Annex 1, may have to be amended by this meeting. Signatories should be aware that possible changes to paragraph 24 of the MOU and the TOR of the AC should also be taken into account during discussion under agenda items 9 and 10.

Appointment of new Advisory Committee Members

6. In accordance with the current version of paragraph 24 of the MOU, members of the AC should be appointed by the Signatories from each region. As set out in Annex 2 to the MOU, regional groupings and the number of representatives of each region are as follows:

- Africa: 2
- Asia: 2
- North America: 1
- Europe: 2
- Oceania: 1
- South, Central America and the Caribbean: 2

7. At the first Meeting of Signatories (MOS1), all positions were filled except the two for the Asian region, for which no nominations were received.

8. As noted in paragraph 12 of the current TOR of the AC, the Signatories of each region should appoint their regional representatives by consensus at their meetings.

9. The Secretariat requested Signatories in the Asia region to submit their nominations and has circulated such nominations to all Signatories in the region for their consideration. As only one nomination has been received by the Secretariat, Signatories of the region were invited to bring details, including CV of their nominees to this meeting. During the course of MOS2, the member of the region should be ready to appoint their regional representatives by consensus, subject to decisions taken under agenda item 8.1.1.

Action requested:

The Meeting of the Signatories is invited to:

- a) Take note, that the Terms of Reference may have to be changed subject to the outcome of the discussions under agenda items 8.1.1, 9 and 10 as well as based on future recommendations by AC1 (CMS/Sharks/MOS2/Doc.13.2).

The Signatories from the Asia region are invited to:

- a) Appoint their regional representatives by consensus, subject to decisions taken under agenda item 8.1.1.

TERMS OF REFERENCES OF THE ADVISORY COMMITTEE

Adopted by the Meeting of Parties at its First Meeting (Bonn, 24-27 September 2012)

Mandate and Tasks

1. The purpose of the Advisory Committee is to serve and assist the Signatories in the implementation of the Memorandum of Understanding including the Conservation Plan.
2. Members of the Advisory Committee serve in their individual capacity rather than as representatives of Governments or organizations with which they also may be affiliated.
3. The Secretariat should serve as clearinghouse of requests from the Signatories for advice from the Advisory Committee.
4. The main tasks of the Advisory Committee are set forth in paragraph 24 of the MOU. The Signatory States may request the Advisory Committee to give priority to certain activities and tasks, which may include, but are not limited to:
 - a. Provide expert advice, information and making recommendations including suggestions on new initiatives and on the implementation of this Memorandum of Understanding, to the Secretariat and the Signatories, as necessary and when appropriate;
 - b. Analyze, as necessary, scientific assessments and making recommendations on the conservation status of shark populations listed in Annex 1 and others which may be contemplated for inclusion;
 - c. Prepare a report on its activities for each advisory session of the Meeting of the Signatories to be submitted to the Secretariat in ample time before the session of the Meeting of the Signatories;
 - d. Recommend to the Secretariat the convening of an urgent session of the Meeting of the Signatories in view of emergencies which may arise; and
 - e. Carry out any other task referred to it by the Meeting of the Signatories.
5. The following additional tasks were added by the Signatories at their First Meeting:
 - a) Develop a reporting format for national reports;
 - b) Review the need for, and develop if necessary, additional criteria for the inclusion of further species in Annex 1;
 - c) Review proposals for the inclusion of species in Annex 1 of the MOU submitted by Signatories;
 - d) Undertake further tasks as identified in the Conservation Plan (Annex 3 of the MOU); and
 - e) Review priorities and timeframes and responsible entities for implementation of the Conservation Plan.

Size and Composition

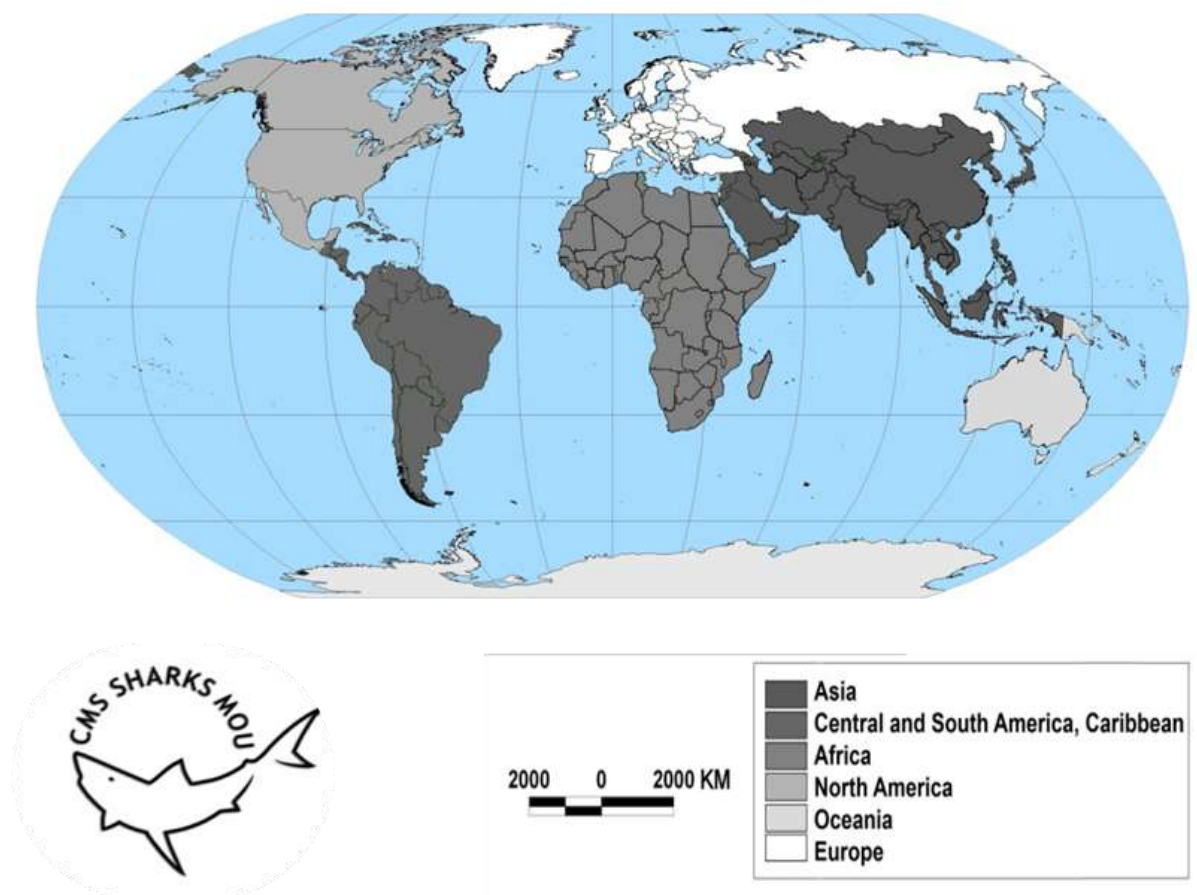
6. The Advisory Committee should comprise 10 persons qualified as experts in migratory shark conservation, science and management. In appointing the Advisory Committee, Signatories should strive to achieve a balance among the areas of expertise.

7. The members of the Committee should be appointed as representatives of the regions by the Signatories from each region as set out in Annex 2 to the MOU and reiterated below.

Region	Number of representatives
Africa	2
Asia	2
Europe	2
North America	1
Oceania	1
South, Central America and the Caribbean	2

8. The boundaries of the above regions are as follows:

UNEP/CMS Sharks MOU Regions



9. The Advisory Committee may invite specialists to attend its meetings in order to provide additional expertise.

Nomination and Appointment

10. Each Signatory may nominate one or more individual, regardless of their nationality and in accordance with paragraph 7, to serve as member of the Advisory Committee.

11. The Secretariat should inform the Signatories of any vacancies arising from the expiry of a term or other reason, such as voluntary resignation. Nominations for any vacancies should be provided in writing to the Secretariat at least 60 days in advance of the Meeting of the Signatories and should include detailed information on the professional background of the nominee (e.g. curriculum vitae). The Secretariat should circulate such nominations to all Signatories of the respective region.

12. At their meetings, the Signatories of each region should appoint their regional representatives by consensus, from among the individuals nominated, taking into account their technical expertise relating to sharks.

13. Advisory Committee members should serve for a period of two regular Meetings of the Signatories and in exceptional cases may be nominated for a third term.

14. Should a vacancy arise intersessionally, the Advisory Committee may propose a replacement for consideration by the Signatories. The proposal should be communicated to the Signatories of the region concerned via the Secretariat and should be accompanied by the same information on the professional background of the nominee as would be required for a regular nomination. In the absence of any objections from the Signatories of the region concerned, within 30 days of the communication from the Secretariat, the interim appointment may be considered as having been accepted, and may become effective immediately. If an objection is raised by a Signatory, the procedure may be repeated, as appropriate, until an acceptable nominee is identified. The term of appointment of the provisional nominee shall expire at the end of the next Meeting of the Signatories.

Officers

15. The Advisory Committee should select a Chair and a Vice-Chair, both of whom should be the principal points of contact between the Advisory Committee and the Secretariat.

16. The Chair of the Advisory should participate in the Meetings of the Signatories, and may also participate, if funding permits, in the meetings of related and associated agreements and organizations that the Signatories deem relevant to the work of the MoU. The other members of the Advisory Committee may participate as observers in the Meetings of the Signatories.

17. The Chair of the Committee should provide a report of the Committee's work to each session of the Meeting of the Signatories.

18. The Vice-Chair should assist in the execution of the Chair's functions, and should preside over meetings in the absence of the Chair.

Meetings and Modus Operandi

19. In accordance with paragraph 26 of the MoU and in order to minimize costs, the Advisory Committee should conduct its work through electronic means whenever possible. The web-based communication space and working area, such as is in use by other CMS family agreements, may facilitate this.

20. Where the need arises, meetings of the Advisory Committee should be convened by the Chair of the Committee in consultation with the Secretariat, and where possible such meetings should be held in conjunction with the sessions of the Meeting of the Signatories.

21. Notice of meetings, including the date and venue, should be sent to all members of the Committee by the Secretariat at least 45 days in advance.