

3^d Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC3)

Bonn, Germany, 29 May – 1 June 2018

UNEP/CMS/ScC-SC3/Doc.3.2

REVIEW OF COP-APPOINTED COUNCILLOR SUBJECT AREAS

(Prepared by Australia)

Summary:

COP-appointed Councillor subject areas were first identified at COP1 in 1985. Currently, nine specialist subject areas have been identified.

Reviewing the ongoing applicability of practices and procedures is considered part of good governance, allowing organisations to learn from past experience and align with current and future requirements.

COP-appointed Councillor subject areas have not been formally reviewed since their establishment more than 30 years ago. To ensure that the Convention is supported with access to appropriate specialist advice, it is recommended that the ongoing applicability of identified COP-appointed Councillor subject areas is reviewed.

It is anticipated that this review will be completed for consideration at COP13.

REVIEW OF COP-APPOINTED COUNCILLOR SUBJECT AREAS

Background

1. Article VIII, paragraph 2 of the Convention states that:

In addition, the Scientific Council shall include as members qualified experts selected and appointed by the Conference of the Parties; the number of these experts, the criteria for their selection and the terms of their appointments shall be as determined by the Conference of the Parties.

2. These experts are termed COP-appointed Councillors. The first COP-appointed Councillors were appointed at the 1st meeting of the Conference of Parties in 1985 when eight experts were appointed.
3. COP10 in 2011 established the most recent COP-appointed Councillor subject area: climate change.
4. Currently, COP-appointed Councillors cover nine areas, both species based and thematic:
 - a. Birds;
 - b. Marine turtles;
 - c. Asiatic fauna;
 - d. Neotropical fauna;
 - e. Aquatic mammals;
 - f. African fauna;
 - g. Fish;
 - h. By-catch; and
 - i. Climate change.
5. Currently, 10 independent experts cover the nine COP-appointed Councillor subject areas (the bird subject area is shared by two experts). COP-appointed Councillors undertake their role in an unpaid capacity, with meeting attendance (travel and subsistence) supported by the Convention.
6. Historically, the Scientific Council has been composed of Party representatives in addition to the COP-appointed Councillors, with over 100 Party representatives providing a comprehensive and varied pool of expertise.
7. The Scientific Council was restructured at COP11, resulting in the establishment of the Sessional Committee comprised of 15 regional representatives, in addition to the current COP-appointed Councillors.

Issue

8. The Convention has evolved since its inception and the focus on particular migratory species groups and themes shifts in response to emerging issues.
9. Before the Scientific Council was restructured, the Convention had access to over 100 scientific Party representatives that provided a sound base to address varied issues. Restructuring of the Scientific Council into the Sessional Committee has reduced that pool of expertise to 15 scientific regional representatives.

10. It is important to note that Party-appointed Scientific Councillors who are not members of the Sessional Committee are still able to attend Sessional Committee meetings, at their own cost. Party-appointed Councillors can also contribute to the work of various Sessional Committee working groups electronically throughout the intersessional period.
11. However, in practice, the number of Party-appointed Councillors attending scientific meetings has reduced significantly since the restructure due to a variety of factors, including costs associated with attendance, reliance on regional representatives, and competing priorities.
12. Other organisations attending Sessional Committee meetings as observers also contribute valuable expertise to various issues under consideration. However, observer attendance cannot be relied upon as this fluctuates over time.
13. With the reduction of Party individuals participating in Sessional Committee meetings, and fluctuating observer attendance, it is critical that discussions of the Sessional Committee are informed by relevant experts to ensure that a comprehensive scientific evaluation of the issues and any resulting recommendations is undertaken prior to consideration by all Parties.
14. While the shifting focus of the Convention has been addressed to some extent through the appointment of additional experts to various COP-appointed Councillor subject areas, there has never been a formal review of the ongoing applicability of the current subject areas since these areas first started being identified in 1985.

Discussion and analysis

15. Generally, it is regarded as good practice and part of overall good governance to incorporate formal reviews into various procedures and practices to ensure ongoing efficiency and effectiveness. Reviews allow organisations to learn from experience, reduce risk, increase operational excellence and ensure consistency. Reviewing the current COP-appointed Councillor subject areas will ensure alignment with areas of active consideration under the Convention.
16. It is proposed that the Sessional Committee establish a working group to progress the review intersessionally. It is recommended that only Party-appointed Scientific Councillors are eligible to participate in the working group. Restricting participation to Party-appointed Councillors should reduce the risk of any perceived conflicts of interest should the working group be open to other participants. As experts in their respective areas, COP-appointed Councillors could provide valuable insights into various workloads and potential future areas of concern. While not eligible to participate in the working group, opportunities will be provided to ensure input is sought from COP-appointed Councillors throughout the review process.
17. It is recommended that each CMS region be represented on the working group by at least one Party-appointed Councillor to facilitate adequate consideration of relevant subject areas.
18. The working group will report on its progress at Sessional Committee meetings, with the intention to complete the review and submit any resultant recommendations to COP13 for consideration.
19. Draft Terms of Reference for the working group, outlining proposed tasks and responsibilities, are provided at Annex 1 for consideration.

Recommended actions

20. It is recommended that the Sessional Committee:

- a) Agree to review the applicability and suitability of the current COP-appointed Councillor subject areas and consider the future needs of the Convention for such input to the overall work programme;
- b) Agree to establish a working group comprised of Party-appointed Councillors to undertake the review intersessionally;
- c) Agree to the draft Terms of Reference for the Working Group at Annex 1; and
- d) Note that the review and any resultant recommendations will be completed and submitted to COP13 for consideration.

Annex 1**TERMS OF REFERENCE FOR THE REVIEW OF COP-APPOINTED COUNCILLOR
SUBJECT AREAS WORKING GROUP****Objective**

1. The objective of the Working Group will be to undertake a review into the current COP-appointed Councillor subject areas and consider the future needs of the Convention.
2. The Working Group is tasked with undertaking the following activities:
 - a. Review the current applicability and ongoing suitability of COP-appointed Councillor subject areas to support provision of relevant expert advice to the Convention;
 - b. Identify appropriate COP-appointed Councillor subject areas to serve the Convention following COP13;
 - c. Determine a process whereby these subject areas will be subject to regular review to ensure ongoing currency;
 - d. Through the Scientific Council, present recommendations, including suggestions for experts for newly identified COP-appointed Councillor subject areas if required, to COP13 for consideration.
3. The Working Group will report on its progress, and present its recommendations, to Sessional Committee meetings.

Composition of the Working Group

1. The Working Group will be composed of Party-appointed Scientific Councillors only.
2. Each CMS region should be represented by at least one representative.
3. Each member of the Working Group will be responsible for consulting with Party-appointed Scientific Councillors in their region to ensure comprehensive regional input is facilitated. COP-appointed Councillors will also be provided with opportunities to provide input throughout the review process.
4. The Chair and Vice-Chair shall be chosen among the members of the Working Group at its first meeting.
5. The activities of the Working Group will be facilitated by the CMS Secretariat.