



Convention on the Conservation of Migratory Species of Wild Animals

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FIFTH MEETING OF THE CONFERENCE OF THE PARTIES

Geneva, 10-16 April 1997
Item 15c of the provisional agenda

INSTITUTIONAL ARRANGEMENTS: SCIENTIFIC COUNCIL

1. In accordance with Article VIII, paragraph 2, of the Convention, any Party may appoint a qualified expert as a member of the Scientific Council. The current list of Scientific Councillors is given in document UNEP/CMS/Inf. 3. At the time of writing, Benin, Guinea-Bissau, Somalia and Togo had not yet appointed a member to the Council; and the Secretariat was awaiting official confirmation of a new appointment by France. As stipulated in Resolution 4.5 (Nairobi, 1994), Parties are invited to nominate a permanent alternate Scientific Councillor authorized to participate in meetings of the Scientific Council if the regular Scientific Councillor cannot attend. A small number of Parties have already done so.

2. Also in accordance with Article VIII, paragraph 2, of the Convention, the Scientific Council shall include as members qualified experts selected and appointed by the Conference of the Parties. The following Councillors were appointed to the Council for the 1994-1997 triennium, with a view to providing expertise in specific areas:

Dr. Colin Limpus (Australia) - marine turtles
Dr. Michael Moser (United Kingdom) - waterbirds/wetlands
Dr. William Perrin (United States) - cetaceans
Dr. Pierre Pfeffer (France) - large mammals
Dr. Roberto Schlatter (Chile) - neotropical fauna

At its seventh meeting, on 7-8 April 1997, the Scientific Council will formulate recommendations with regard to the areas of expertise which it expects to have need to call upon during the forthcoming triennium. At that meeting, the experts currently appointed to the Council will be invited to indicate whether or not they would be prepared to serve another term, if required by the Scientific Council and if requested to do so by the Conference of the Parties.

3. Also at its meeting on 7-8 April, the Scientific Council will elect a Chair and Vice-Chair. A short communication from Party-appointed Scientific Councillors who may be interested in standing for election to either post, as well as an indication from the incumbents as to whether they wish to stand for re-election, should reach the Secretariat before the meeting, preferably by 1 April 1997.

4. Finally, the Secretariat wishes to draw attention to Article VIII, paragraph 4, of the Convention, which states that "Subject to the approval of the Conference of the Parties, the Scientific Council shall establish its own rules of procedure." The Secretariat has prepared, in consultation with the Chairman of the Scientific Council, draft rules of procedure attached hereto which will be considered, and in all probability revised, by the Scientific Council at its seventh meeting. The final version of the rules of procedure will be presented to the Conference of the Parties for approval, with a view to having them take effect at the eighth meeting of the Council.

RULES OF PROCEDURE OF THE CMS SCIENTIFIC COUNCIL

Draft of 21 March 1997

General Functions

Rule 1

The Scientific Council, established in accordance with Article VIII of the Convention, provides scientific and technical advice to, *inter alia*, the Conference of the Parties, the Secretariat, and to any Party to the Convention. Its functions are defined in Article VIII, paragraph 5 of the Convention, supplemented from time to time by instructions included in resolutions or recommendations adopted by the Conference of the Parties.

Rule 2

In particular, it advises, between the meetings of the Conference of the Parties, on the development and implementation of the Convention's work programme from a scientific and technical standpoint, and advises on the priorities for sponsorship of conservation activities.

Rule 3

The Scientific Council shall liaise, through its Chairperson or a member or members nominated for this purpose, with other comparable bodies established under other Conventions¹.

Representation and Attendance

Rule 4

Any Party may appoint a qualified expert as a member of the Scientific Council. In addition, the Scientific Council shall include as members no more than eight qualified experts selected and appointed by the Conference of the Parties². Parties are invited to nominate a permanent alternate Scientific Councillor, authorised to participate in meetings of the Council when the regular Councillor cannot attend³.

Rule 5

Other than those experts appointed directly by the Parties, membership of the specialists appointed to the Council shall be reviewed at each ordinary meeting of the Conference of the Parties.

Rule 6

The Chairperson of the Standing Committee shall have the right to participate in meetings of the Council as an observer without the right to vote⁴.

¹ Such as the Scientific and Technical Review Panel of the Ramsar Convention on Wetlands, and the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity.

² Resolution 1.4 of the first meeting of the Conference of the Parties (Bonn, October 1985), p.45 of meeting report. As indicated in the report of the third meeting of the Conference of the Parties (Geneva, September 1991), paragraph 21, for financial reasons the number of experts has generally been restricted to fewer than eight.

³ Resolution 4.5 of the fourth meeting of the Conference of the Parties (Nairobi, June 1994), p.76 ff. of the proceedings.

⁴ Ibid.

Rule 7

The Chairperson may invite any person or representative of any Party, non-Party State or organization to participate in meetings of the Council as an observer without the right to vote.

Officers

Rule 8

The members of the Council shall elect from among the Party-appointed Councillors, for intervals corresponding to those of the meetings of the Conference of the Parties, a Chairperson and Vice-Chairperson. This election will normally take place immediately before the meeting of the Conference of the Parties, and the newly elected officers shall assume their functions at the conclusion of the corresponding meeting of the Conference of the Parties.

Rule 9

The Chairperson shall preside at meetings of the Council, 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. The Chairperson may represent the Council as required within the limits of the Council's mandate, and shall carry out such other functions as may be entrusted by the Council.

Rule 10

The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson.

Elections

Rule 11

If in an election to fill one place 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. If in the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.

Rule 12

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

Rule 13

In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the presiding officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 11.

Meetings

Rule 14

Meetings of the Council shall be convened at the request of the Chairperson or, in exceptional cases, of at least one-third of the members, in both cases in consultation with the Secretariat. Meetings of the Scientific Council and any working groups established thereunder shall be serviced by the Secretariat of the Convention.

Rule 15

The Council should meet at least once between ordinary meetings of the Conference of the Parties⁵. The time and venue of meetings shall be determined by the Chairperson, in consultation with the Secretariat.

Rule 16

Notice of meetings, including the date and venue, shall be sent to all Parties by the Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance.

Rule 17

A quorum for a meeting shall consist of half of the Party-appointed members of the Council. No decision shall be taken at a meeting in the absence of a quorum.

Rule 18

Decisions of the Council shall be taken by consensus unless a vote is requested by the Chairperson or by three members.

Rule 19

Decisions of the Council by voting (pursuant to Rule 18) shall be taken by a simple majority of the Party-appointed members present. In the case of a tie, the motion shall be considered as rejected.

Rule 20

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties and to the Conference-appointed Councillors.

Rule 21

The Council shall decide on the working languages of its meetings. Simultaneous interpretation will be provided whenever possible.

Working Groups

Rule 22

Working groups of the Scientific Council may be established in order to further the Council's work programme intersessionally, taking into account the provisions of any relevant resolutions of the Conference of the Parties⁶.

Communication Procedure

Rule 23

Any member or the Secretariat may make a proposal to the Chairperson 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 24

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

⁵ Ibid.

⁶ Notably, Resolution 1.5 (Bonn, 1985), paragraphs 4(b), 5(b) and 5(c).

Rule 25

If any Party-appointed member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Council.

Other Functions

Rule 26

The Chairperson shall submit to each ordinary meeting of the Conference of the Parties a written report on the Council's work since the previous ordinary meeting.

Rule 27

The Council shall receive reports from other committees established under the Convention, as necessary.

Final Provisions

Rule 28

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 29

These Rules shall be applied at the first meeting of the Council following their approval by the Conference of the Parties, and may be amended by the Council as required, in accordance with the provisions of the Convention and decisions of the Conference of the Parties.