



Convention on the Conservation of Migratory Species of Wild Animals

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ORGANIZATIONAL CHANGES TO THE SCIENTIFIC COUNCIL

(Prepared by the UNEP/CMS Secretariat)

Background

1. This paper discusses new developments and options for making the CMS Scientific Council more efficient and adapted to the evolving needs of the Convention. It follows on from the Future Shape process, which identified the restructuring of the Scientific Council to maximize expertise and knowledge capacity as one of the sixteen target activities for CMS (UNEP/CMS/Res.10.09; UNEP/CMS/Res.10.01). Specifically, the Future Shape process has recommended Activity 7 to be undertaken in the short, medium and long term, including:

- a) Planning process, assessment and gap analysis (by COP 11 in 2014);
- b) Implementing the review of CMS membership of Scientific Council based on species groupings or thematic issues if appropriate (by COP 12 in 2017);
- c) To expand advice and knowledge sharing across the CMS Family (by COP 13 in 2020).

Planning process, assessment and gap analysis (PAGA)

2. COP10 requested that a PAGA into the effectiveness of the Scientific Council be undertaken in the short-term and that results be reported to COP11 (UNEP/CMS/Res.10.09). A total of €50,000 has accordingly been allocated by COP10 for this PAGA.

3. A four-step process is envisaged to undertake this activity:

- a) Terms of reference for the PAGA will be produced by the Secretariat in cooperation with the Scientific Council;
- b) A call for tenders is to be launched to hire a consultant to undertake the gap analysis (Activity 7.1; UNEP/CMS/Res.10.09);
- c) This analysis is to be reviewed by a special restricted meeting of the Scientific Council (tentatively foreseen for September 2013, Italy). Based on the outcomes of the gap analysis, this meeting is envisaged to consider the major gaps in terms of representation of expertise concerning groups of species within the current composition of the Scientific Council. Proposals will be made on how to fill these gaps in time for the meeting of the Council in 2014.
- d) A final report will be submitted to the full meeting of the Scientific Council in 2014 and a draft Resolution on organizational changes to the Scientific Council will be submitted by the Council to COP 11 for its adoption.

Progress to date: new online workspace

4. Since COP10 several new developments have already improved the work of the Scientific Council. Based also on a proposal put forward by the Council's Chair, the CMS Secretariat has, for example, together with an external consultant and the Secretariats of a number of regional CMS agreements, developed an online workspace to make the work of the Scientific Council more effective and easier during the intersessional period. This development has been possible thanks to the generous funding provided by Switzerland. The format is based on the popular online workspace of the Technical Committee of the African-Eurasian Migratory Waterbird Agreement which has been in use since 2009 (see AEWA/MOP 5.7). The workspace is a web-based, password-protected communication space and working area, which has been specifically designed for the needs of the Scientific Council and its working groups.

5. Following the positive experience of AEWA, the workspace will be administered by the CMS Secretariat. It will be launched in late 2012. Training for the Secretariat and the Chair of the Scientific Council took place in September 2012. The Chair and Vice-Chair of the Scientific Council, as well as the Chairs of individual working groups, will have particular responsibility for facilitating the work using this facility. Fundamentally the effectiveness of the new online workspace will depend on the input of all Scientific Council members. External experts can be invited to participate in individual working groups. Communication will be transparent, so that each member of a particular working group, as well as the Chair, Vice-Chair and the Secretariat, can see the contributions made by other members. The activity level of each member can therefore easily be monitored and the site as a whole will act as an archive of the work of the Scientific Council. The workspace will allow the Scientific Council to perform its review function in the intersessional period, without actual physical meetings. This is an important pre-condition for decoupling the Scientific Council and COP meetings as proposed below. Depending on financial resources, online workspaces of a similar format can now be set up relatively quickly for other CMS instruments, including those under development.

Proposed changes to the modus operandi and composition of the Scientific Council:

1) Decoupling Scientific Council and COP meetings

6. There are other areas in need of improvement. Since CMS came into force there have typically been two meetings of the Scientific Council per triennium: one in the middle of the triennium (hereafter: 1stintersessional meeting) and one at the very end, immediately prior to COP (hereafter: 2ndintersessional meeting). The current budget of CMS includes funding for only one meeting of the Scientific Council and if another meeting is organized this would have to be funded by voluntary contributions.

7. The possibility of the critical review provided by the Scientific Council feeding into draft Resolutions, species proposals and other COP decisions could be improved if the 2ndintersessional meeting did not take place immediately prior to meetings of the COP. Currently there is only limited scope for technical improvement of draft decisions due to the lack of time and capacity. Furthermore, there is insufficient time for decisions to be referred back to the national level for comment, which may in turn limit Party buy-in.

8. It would therefore be beneficial to hold the 2ndintersessional meeting of the Scientific Council earlier (by three or four months). This would not only allow the Scientific Council to thoroughly review proposals submitted by Parties for amendments to the Appendices (submission deadline is 150 days before the meeting of the COP). More importantly, there would be time for draft Resolutions, guidelines and other policy documents for COP to be carefully reviewed, refined

and polished. If the need arose, the Scientific Council could also still prepare new Resolutions in time for the COP. All of this is now technically feasible thanks to the above-mentioned online workspace, which permits the Scientific Council to function independently of physical meetings.

9. It is worth noting that decoupling the 2nd intersessional meeting of the Scientific Council from the COP as outlined above would not conflict with the various decisions related to the structure of the Scientific Council (Article VIII of the Convention, Rules of Procedure of the Scientific Council, UNEP/CMS/ScC17/Inf.2; UNEP/CMS/Res.1.4).

10. Other instruments within the CMS Family and other biodiversity-related Multilateral Environmental Agreements have had a positive experience in separating their technical and decision-making processes in this way. In fact, almost all except for CMS have separate meetings (Table 1).

Instrument	De-coupled technical and decision-making meeting (Yes/No)	Approximate time between each	Deadline for submission of decisions
CBD	Yes	6 months	4 months
CITES	Yes	12 months	150 days (330 days if proposal is outside the party's jurisdiction)
Ramsar Convention	Yes	17 months	3 months
World Heritage Convention	Yes	4 months between the committee sessions and General Assemblies	2-3 months
International Treaty on Plant Genetic Resources For Food and Agriculture	Yes	7 months	3 months
AEWA	Yes	6-8 months	150 days (Comments on these must be submitted 50 days before meeting)
Wadden Sea Seals	No		
Gorillas	Yes	8 months	150 days (Comments on these must be submitted 50 days before meeting)
ACAP	Yes	7 months	150 (Comments on these must be submitted 60 days before meeting)
EUROBATS	Yes	4 months	90 days
ACCOBAMS	Yes	12 months	150 days
ASCOBANS	Yes	6-7 months	95 days

Table 1: Overview of the approximate timing of recent technical and decision-making meetings of the regional agreements negotiated under CMS and the biodiversity-related Multilateral Environmental Agreements.

11. In the past the back-to-back arrangement of the 2nd intersessional meeting and COP had been envisaged as a measure to reduce overall meeting travel costs. This is only partially valid today with less than half of the Scientific Councillors participating at the 17th Meeting of the Scientific Council staying on for COP10, for example. Overall these travel-related savings have declined since the early 2000s as fewer and fewer Scientific Councillors also act as National Focal Points.

2) Regional representation

12. During the intersessional period the Convention benefits from regional representation of Parties in the form of the Standing Committee for interim decision making. This has proven to be both a practical and cost-effective mechanism for Parties and the Secretariat alike. Thanks to the online workspace mentioned above, the Scientific Council will now be able to work much more without physically meeting, which will also have a positive impact on the carbon footprint of the Convention.

13. For reasons of economy and efficiency the Scientific Council is envisaged to work in small agenda-driven groups and meetings of the full Council are only mandated for the 2nd intersessional meeting (UNEP/CMS/Res.1.4). The Scientific Council is currently larger than it ever was in the past reflecting the growth of the Convention itself. The number of Scientific Councillors has risen to more than a hundred, including nine COP-Appointed Councillors, 90 national Scientific Councillors, as well as observers (as of September 2012). Such large numbers make it impractical, costly and relatively slow to work on a technical matter within the entire group. In the past Scientific Council meetings have already split into working groups for part of the schedule; however, most of the issues were discussed in plenary at recent Scientific Council meetings.

14. If funds can be found for the 1st intersessional restricted meeting of the Scientific Council, it is therefore proposed to copy the system of regional representation which the Standing Committee has successfully applied. The need for a more streamlined Scientific Council structure arises not least from the limited budget of €95,000 to service Scientific Council meetings for the triennium 2012-2014 (UNEP/CMS/Res.10.01). Meetings of the full Council are very costly; average travel and subsistence costs for eligible delegates alone exceed €120,000 for a meeting of only two days' duration. Calls by the Scientific Council for meetings exceeding this duration can only be met through measures such as regional representation.

15. Other MEAs such as CITES and Ramsar are already applying regional representation to their scientific bodies.

16. Given the above mentioned budget limitations for the ScC, the Chair in cooperation with the Secretariat is exploring the possibility of organizing a 1st intersessional meeting of the Scientific Council for the 2012-2014 period as a special restricted meeting (tentatively September 2013, Italy; see document UNEP/CMS/StC40/7). This 1st intersessional meeting of the Scientific Council would be composed of the Chair, Vice Chair, COP-appointed Councillors, possible regional representatives, agenda-driven experts, the Secretariat and observers. To date, funding and exact timing are yet to be confirmed.

3) Participation of other experts

17. A further proposed measure to improve the effectiveness of the Scientific Council is a greater emphasis on inviting external experts to contribute on a *pro bono* basis to specific items of technical work. Resolution 1.4 already envisaged the invitation of additional experts to strengthen the Council's work. The scope of technical work of the Scientific Council is so broad and the required input at times so specific that the contributions of external experts is essential to ensure high quality outputs. The expertise of the Scientific Council was reviewed in 2011 highlighting that there were shortages in expertise for specific taxa such as marine mammals, for certain regions (e.g. Asia, North and Central Africa) and for specific threats such as ship collisions, oil and acoustic pollution (UNEP/CMS/ScC17/Doc.6/Rev/1).

18. The new online workspace permits external experts to actively participate in individual working groups, as appropriate. Depending on the agenda of the Scientific Council, such agenda-driven participation of experts is likely to strengthen the review process. Partners with suitable expertise could also be invited to increasingly contribute, in line with Activity 2 of the Future Shape process (UNEP/CMS/Res.10.09), which *inter alia* calls for sharing of best practices, knowledge and expertise with partner organizations, as well as the utilization of common resources.

Other matters

19. The Rules of Procedure of the CMS Scientific Council currently state that there are only eight COP-Appointed Scientific Councillors (UNEP/CMS/Res.1.4; UNEP/CMS/ScC17/Inf.2). It has already become necessary to adjust the Rules following the decision of COP10 to appoint a new Scientific Councillor for climate change, thereby bringing the total number of such Scientific Councillors to nine. If any of the changes outlined above were recommended by the Standing Committee, the Scientific Council would also need to consider integrating these in their Rules of Procedure (Article VIII of the Convention).

Action requested:

The Standing Committee is invited to:

- a. Take note of the new online workspace;
- b. Endorse the procedure and timeline proposed to produce the Planning, Assessment and Gap Analysis;
- c. Support the organization of a special restricted 1st intersessional meeting of the Scientific Council (tentatively foreseen for September 2013);
- d. Consider the possibility of making use of regional representation at this meeting as a cost-effective strategy and as a test for future Council meetings;
- e. Consider de-coupling Scientific Council meetings from COP, so that the Scientific Council would meet between three to four months prior to COP;
- f. Request the Scientific Council to assess the options for improving the effectiveness of the Scientific Council as highlighted in this paper.