



CONVENTION ON MIGRATORY SPECIES

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Agenda Item 2.0

RULES OF PROCEDURE OF THE CMS SCIENTIFIC COUNCIL

*(Adopted by the Scientific Council on 8 April 1997 and approved
by the Conference of the Parties on 15 April 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 who shall have the right to participate in meetings of the 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

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

Councillor, authorised to participate in meetings of the Council when the regular Councillor cannot attend³. Except as provided for in Rule 7, attendance at meetings of the Scientific Council shall be limited to members of the Scientific Council or their alternates.

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.

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, and shall inform the Secretariat accordingly.

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.

financial reasons the number of experts has generally been restricted to fewer than eight. Report of the 13th Meeting of the Scientific Council (Nairobi, 16-18 November 2005).

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.

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 members of the Council. No decision shall be taken at a meeting in the absence of a quorum.

⁵ Ibid.

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 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 Party- and 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.

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

Rule 25

If any 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.