



**CONVENTION ON
MIGRATORY
SPECIES**

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Agenda Item 15

**EVALUATION OF THE RESULTS OF
THE RESTRUCTURING OF THE SCIENTIFIC COUNCIL**

(Prepared by the Secretariat)

Summary:

This document contains the evaluation of the results of the restructuring of the Scientific Council and proposes next steps to implement the relevant recommendations of the 6th meeting of the Sessional Committee of the Scientific Council (ScC-SC6). It also provides an analysis, requested by ScC-SC6, of the financial implications of the potential increase in the number of Party-appointed Councillors from each region from three to four.

The document proposes draft amendments to Resolution 12.4 *Scientific Council*, the *Terms of Reference for the CMS Scientific Council*, and the *Rules of Procedure of the CMS Scientific Council and its Sessional Committee*.

EVALUATION OF THE RESULTS OF THE RESTRUCTURING OF THE SCIENTIFIC COUNCIL

Background

1. The establishment of the Scientific Council to provide advice on scientific matters to other CMS bodies and CMS Parties was set out in Article VIII of the Convention. The Scientific Council was established by the 1st meeting of the Conference of the Parties (COP1) in 1985.
2. Each Party is entitled to appoint a qualified expert as a member of the Scientific Council (Party-appointed Councillors). In addition, the Conference of the Parties can appoint other experts to cover fields of particular interest to the Convention (COP-appointed Councillors). With the increase in the number of Parties to the Convention, the number of members of the Scientific Council has grown accordingly.
3. The 'Future Shape' process, undertaken during the triennium 2009-2011, identified the restructuring of the Scientific Council as one of 16 target activities for CMS. COP11 (2014), through Resolution 11.4, agreed to implement institutional and organizational changes to the Scientific Council. While reaffirming that the Scientific Council will continue to be composed of Party- and COP-appointed members, COP11 decided that, for each intersessional period between two consecutive meetings of the Conference of the Parties, a representative selection of the membership of the Scientific Council, to be named the Sessional Committee of the Scientific Council (ScC-SC), should be identified. The representative selection is to be appointed at each ordinary meeting of the COP. The ScC-SC is composed of:
 - (a) nine COP-appointed Councillors with expertise in taxonomic and thematic issues; and
 - (b) fifteen Party-appointed Councillors, three from each of the Standing Committee's five geographic regions: Africa, Asia, Europe, Oceania, and South and Central America and the Caribbean.
4. The ScC-SC is primarily responsible for the implementation of the mandates assigned to the Scientific Council by the COP for each intersessional period. All outputs of the ScC-SC are considered outputs of the Scientific Council. Since its establishment in 2016, the ScC-SC has met six times in place of the full Scientific Council. This restructuring significantly reduced the number of Party-appointed Councillors required to attend Scientific Council meetings – from potentially 133 (equivalent to the total number of Parties) down to 15.
5. When COP11 agreed to the changes, it also decided to evaluate the results of the restructuring during COP14, with a view to reviewing it or confirming it ([Resolution 12.4](#) paragraph 12).

Online survey on the effectiveness of the restructuring

6. To support such an evaluation, an online survey was conducted on the effectiveness of the restructuring among all members of the Scientific Council and the members of the Standing Committee. The survey was conducted between December 2022 and February 2023. A total of 16 replies were received. All replies were anonymous. The questionnaire used to conduct the survey, as well as the summary of responses, were presented to ScC-SC6 in document [UNEP/CMS/ScC-SC6/Doc.3.1](#).

7. Overall, the responses were positive with respect to the restructuring. A variety of recommendations were offered to further improve the effectiveness of current arrangements. These include:
- Enhancing the engagement and consultation of Scientific Councillors who are not members of the Sessional Committee.
 - Conducting regular reviews (i.e., each COP cycle) of the working groups and task forces established under the Sessional Committee, to determine progress and ongoing needs.
 - Increasing the number of virtual intersessional meetings on specific topics. This could be facilitated by timetabling items requiring further focus from each workstream across the period between each face-to-face Sessional Committee meeting.
 - Providing additional Secretariat support to assist Scientific Councillors and working groups/task forces to successfully implement work programmes.
 - Increasing communication between Sessional Committee members, Scientific Councillors and the Secretariat between meetings to highlight ongoing work and opportunities for engagement.

Sixth meeting of the Sessional Committee of the Scientific Council (ScC-SC6, 2023)

8. A document was submitted on this matter, including an analysis of the survey, for the consideration of the Sessional Committee at its 6th meeting (ScC-SC6, 2023) ([UNEP/CMS/ScC-SC6/Doc.3.1](#)). The Sessional Committee then requested the Secretariat to prepare a document for consideration by COP14, including the following elements:
- i. affirming the arrangement and effectiveness of the Sessional Committee of the Scientific Council;
 - ii. exploring the potential to increase the number of Party-appointed Councillors on the Sessional Committee from each region from three to four, to ensure engagement of Councillors from each region in the meetings of the Sessional Committee, and facilitate continuity of the Sessional Committee members from each region;
 - iii. providing an analysis of the financial and other implications associated with such an increase;
 - iv. encouraging the Sessional Committee members and the Secretariat to enhance communication with members of the Scientific Council who are not members of the Sessional Committee, to facilitate greater engagement in contributing to meetings and the programme of work of the Scientific Council;
 - v. recommending regular reviews of the working groups and task forces established under the Scientific Council to determine progress and ongoing needs; and
 - vi. considering increasing the number of virtual intersessional meetings on priority topics.

Discussion and analysis

9. The Secretariat has reflected the recommendations from the ScC-SC6 meeting in the proposed amendments to the Resolution, as contained in Annex 1 of this document.

Exploring the potential for increasing the number of Party-appointed Councillors from each region from three to four and analysing the financial implications

10. The Secretariat has analysed the financial implications associated with increasing the total number of Party-appointed Councillors by five members, which would result in twenty Party-appointed Councillors instead of fifteen. The financial implications for the ScC-SC budget were based on the estimated costs of two intersessional in-person meetings of the ScC-SC, with the assumption that the additional Party-appointed Councillors would be eligible for funding.
11. The analysis by the Secretariat concluded that an increase in the number of Party-appointed Councillors per region from three to four would imply a cost increase for the CMS core budget of around 40 000 EUR per intersessional period. These additional costs include travel and per diems for the additional five Party-appointed Councillors, as well as other relevant costs associated with the meetings.
12. Given the financial implications, the Secretariat proposes that an increase in the number of Party-appointed Councillors should also be considered as part of the Decision on the budget, contained in COP14 document [UNEP/CMS/COP14/Doc.13.2](#). If such an increase is agreed and included in the budget at COP14, the provisions of paragraph 5.b) of Resolution 12.4, of paragraph 11.b) of the Terms of Reference (contained in the Annex to the Resolution), and of Rule 2.b of the *Rules of Procedure of the Scientific Council and its Sessional Committee* would need to be amended accordingly, to include reference to twenty Party-appointed Councillors instead of fifteen.

Review process on the applicability of the COP-appointed Councillor subject areas

13. At its 13th meeting, the Conference of the Parties agreed on the COP-appointed Councillor subject areas for the period between COP13 and COP15, as well as on a review process that should occur every two COP cycles to ensure the ongoing applicability of the subject areas (see document [UNEP/CMS/COP13/Doc.15.1](#) for details). The draft Decision, contained in Annex 3 of this document, reflects the agreement by COP13 to review the applicability of the COP-appointed Councillor subject areas at COP15.

Procedure for filling vacancies for alternate members and COP-appointed Councillor positions in the intersessional period

14. The Secretariat notes that the *Terms of Reference of the CMS Scientific Council and Rules of Procedure of the CMS Scientific Council and its Sessional Committee* do not provide a clear procedure in case an alternate member resigns or there are less than three alternates per region, or a COP-appointed Councillor is no longer in a position to serve on the Sessional Committee during the intersessional period. Therefore, the Secretariat proposes to add new paragraphs 12 and 13 to the *Terms of Reference of the CMS Scientific Council*, and amend Rule 2.j and add Rule 2.i to the *Rules of Procedure of the CMS Scientific Council and its Sessional Committee*.

Recommended actions

15. The Conference of the Parties is recommended to:
 - a) take note of the analysis of the financial implications of an increase in the number of Party-appointed Councillors per region from three to four, as outlined in this document, and consider this matter together with document UNEP/CMS/COP14/Doc.13.2 on the budget;

- b) adopt the draft amendments to Resolution 12.4 and the *Terms of Reference for the CMS Scientific Council*, as contained in Annex 1 of this document;
- c) adopt the draft amendments to the *Rules of Procedure of the CMS Scientific Council and its Sessional Committee*, as contained in Annex 2 of this document;
- d) adopt the draft Decision, as contained in Annex 3 of this document.

PROPOSED AMENDMENTS TO RESOLUTION 12.4

SCIENTIFIC COUNCIL

NB: Proposed new text is underlined. Text to be deleted is ~~crossed out~~.

Aware of the provisions of Article VIII of the Convention and *recalling* the establishment by Resolution 1.4¹ of the Scientific Council, made up of members appointed by the Conference of the Parties and members appointed by individual Contracting Parties,

Also, recalling the provisions of Resolutions 3.4, 4.5, 6.7, 7.12, 8.21 and 11.4², dealing with various aspects of the composition, functions and operation of the Scientific Council,

Acknowledging the fundamental contribution to the implementation of the Convention made by the Scientific Council since its establishment,

Aware that the Scientific Council, as a consequence of the ever-growing number of Parties to CMS, has seen a corresponding growth in its membership, and that a review of its working practice was desirable to optimize its productivity and capability to deal with the scientific and technical aspects of numerous issues relevant to the conservation and sustainable use of migratory species,

Recalling that the Future Shape process undertaken during the triennium 2009- 2011 identified the restructuring of the Scientific Council as one of the sixteen target activities for CMS, as outlined in Resolution 10.9 on Future Structure and Strategies for CMS and the CMS Family, and Resolution 10.1 on Financial and Administrative Matters, ~~and~~

Welcoming the document prepared by the Secretariat on options for a revision of the operational organization of the Scientific Council (UNEP/CMS/COP11/Doc.17.1), and

Taking note of the evaluation of the results of the restructuring of the Scientific Council (UNEP/CMS/SPScC-SC6/Doc.3.1), and also taking note that the 6th meeting of the Sessional Committee of the Scientific Council affirmed the arrangement and effectiveness of the Sessional Committee of the Scientific Council,

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

Composition

1. *Reaffirms* that the Scientific Council will continue to be composed of members appointed by individual Parties (Party-appointed Councillors) and members appointed by the Conference of the Parties (COP-appointed Councillors);
2. *Further reaffirms* that Parties will continue to appoint qualified experts as members of the Scientific Council and that Party-appointed Councillors will continue to contribute to the work of the Council in their expert capacity and not as representatives of the Parties that appointed them;

¹ Now consolidated as Resolution 12.4

² All now consolidated as Resolution 12.4

3. *Recommends* that the Parties interpret the first sentence of article VIII, paragraph 2, to mean that their nominees should have scientific expertise relevant to the aims and objectives of the Convention;
4. *Decides* that, for each intersessional period between two consecutive meetings of the Conference of the Parties, a representative selection of the membership of the Scientific Council, to be named the Sessional Committee of the Scientific Council, should be identified, composed of COP-appointed Councillors, and Party-appointed Councillors selected regionally, to be appointed at each ordinary meeting of the Conference of the Parties on the basis of a recommendation from the Secretariat in consultation with the Standing Committee;
5. *Further decides* that, for future triennia, unless otherwise decided by the Conference of the Parties, the Sessional Committee of the Scientific Council will be composed of:
 - a) Nine COP-appointed members with expertise in taxonomic and thematic issues; and
 - b) Fifteen Party-appointed members selected within the Standing Committee geographic regions, as follows: three from Africa; three from Asia; three from Europe; three from Oceania; three from South and Central America and the Caribbean;³
6. *Decides* that Party-appointed members of the Sessional Committee shall normally be nominated for a minimum term of two triennia; half of the first appointees shall be nominated for a single triennium. Each ordinary meeting of the Conference of the Parties, starting from the 12th Meeting (COP12), will decide upon the renewal of half of the Party-appointed membership of the Sessional Committee, in order to balance continuity and renewal;
7. *Recommends* that the Conference of the Parties identify from the pool of Party-appointed Councillors up to three alternate members for each region, who could replace permanently or temporarily a regular member from the region not in a position to continue to serve on the Sessional Committee in the intersessional period;
8. *Decides* that, in appointing members to the Sessional Committee of the Scientific Council from the pool of Party- and COP-appointed Councillors, the Conference of the Parties shall aim to achieve all of the following goals:
 - a) a balanced scientific representation of expertise in taxonomic and cross-cutting thematic areas;
 - b) a selection of individuals with a broad understanding of key scientific issues and concrete experience in translating science into policy in their regions; and
 - c) coverage of the predicted scientific expertise needed by the Convention for the next triennium;
9. *Requests* the Secretariat to provide for a consultative process, including Party, scientific and expert advice, in order to elaborate its recommendation in consultation with the Standing Committee to the Conference of the Parties on the composition of the Sessional Committee, observing the goals stated in the previous paragraph;
10. *Encourages the Secretariat to enhance communication with the Party- and COP-appointed Councillors not included in the Sessional Committee, and encourages* Party- and COP-appointed Councillors not included in the Sessional Committee to contribute to the work of the Scientific Council, coordinate with Sessional Committee members and participate in working groups and task forces, including through meetings and the

³ Sub-paragraph subject to update from fifteen to twenty Party-appointed Councillors (four per region) if the increase in the number of Party-appointed Councillors is approved and included in the budget for the intersessional period 2024-2026.

interactive tools available to the Scientific Council, as well as to pursue activities at the national level;

11. *Decides* that, for all the effects and purposes outlined in Article VIII of the Convention and relevant resolutions, the advice, recommendations, and all other outputs of the Sessional Committee shall be considered by the Conference of the Parties and all relevant governing bodies as products of the Scientific Council itself;
12. ~~*Decides to evaluate the results of the present restructuring of the Scientific Council with a view to confirm or review it during COP14;*~~
13. *Requests the Secretariat to provide, for each meeting of the Conference of Parties, an overview of the working groups and task forces established under the CMS Scientific Council and its Sessional Committee;*
14. *Determines* that continuity between the groups and during the intervals between meetings of the Conference should be provided by a scientific member of the Secretariat;

Participation in Meetings

15. *Decides* to formalize the involvement of the advisory bodies to CMS Agreements in the deliberations of the Scientific Council, by inviting them to participate as observers in the meetings of the Scientific Council;
16. *Agrees* that Scientific Councillors appointed by the Conference of the Parties shall be entitled to be observers at meetings of the Conference of the Parties;
17. *Recalls* Rule 7 of the rules of procedure approved by the Conference of the Parties at its fifth meeting (Geneva, 1997) which states that the Chair may invite any person or representative of any Party, non-Party State or organization (including from the advisory bodies to Convention-related Agreements), to participate in meetings of the Council as an observer without the right to vote;
18. *Emphasizes* the need to establish close links between the Scientific Council and the network of scientists and experts in equivalent bodies of those conventions with which a memorandum of understanding is in place, namely, the Convention on Biological Diversity and the Convention on Wetlands of International Importance;
19. *Recognizes* and thanks a number of key organizations for their continued involvement in and technical support of the work of the Convention;
20. *Invites* the following bodies and organizations to participate as observers in the meetings of the Scientific Council and to consider establishing close working cooperative arrangements on matters of common interest:
 - a) Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity;
 - b) Scientific and Technical Review Panel of the Convention on Wetlands of International Importance;
 - c) Wetlands International;
 - d) BirdLife International;
 - e) International Whaling Commission;
 - f) Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - g) World Conservation Monitoring Centre;
 - h) IUCN - International Union for Conservation of Nature;

- i) World Wide Fund for Nature; and
- j) Commission on the Conservation of Antarctic Marine Living Resources;

Tasks

21. *Adopt* the Terms of Reference for the Scientific Council contained in the Annex to this Resolution;

Expenses

22. *Determines* the following guidelines for the funding of the Council:
- a) the expenses of the members appointed by the Conference of the Parties in relation to attendance at meetings of the Council and its working groups and task forces must be met from the Convention budget as a high priority;
 - b) Parties are expected to finance the expenses of their own nominees, except in case of
 - i) the Chair, in relation to expenses for travel undertaken as requested by the Conference of the Parties, the Scientific Council, or the Secretariat; and
 - ii) members from developing countries, in relation to expenses for travel to meetings of the Scientific Council and, in particular, relevant working groups and task forces

when, on request, such expenses must be met as far as possible from the Convention budget;

Final Provisions

23. *Repeals*
- a) Resolution 1.4, *Composition and Functions of the Scientific Council*;
 - b) Resolution 3.4, *Funding and Role of the Scientific Council*;
 - c) Resolution 4.5, *Arrangements for the Scientific Council*;
 - d) Resolution 6.7, *Institutional Arrangements: Scientific Council*;
 - e) Resolution 7.12, *Institutional Arrangements: Scientific Council*;
 - f) Resolution 11.4, *Restructuring of the Scientific Council*.

[Revised] Annex to the Resolution 12.4

TERMS OF REFERENCE FOR THE CMS SCIENTIFIC COUNCIL

Scope of the Terms of Reference

1. The Terms of Reference apply to the Scientific Council of CMS and, *mutatis mutandis*, the Sessional Committee of the Scientific Council, unless stated otherwise in the Terms of Reference.

General Functions of the Scientific Council

2. 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, any other body set up under the Convention or any Party.

General Functions of the Sessional Committee

3. Between consecutive ordinary meetings of the Conference of the Parties, a representative selection of the Scientific Council, called the Sessional Committee of the Scientific Council, should be identified, in accordance with Resolution 11.4⁴ of the Conference of the Parties. The Sessional Committee is primarily responsible for the implementation of the mandate assigned to the Scientific Council by the Conference of the Parties for the intersessional period. All outputs of the Sessional Committee are considered outputs of the Scientific Council.

Operating Principles

4. The Scientific Council should endeavour constantly to improve the quality of its scientific advice by improving scientific input into debate at and work of its meetings and meetings of the Sessional Committee.
5. The Scientific Council may formulate its advice or recommendations in the form of options or alternatives, where appropriate.

Functions

6. The Scientific Council should fulfill the functions assigned to it in Article VIII of the Convention and subsequently assigned to it by the Conference of the Parties. These functions include:
 - a) advising, between meetings of the Conference of the Parties, on the development and implementation of the Convention's work programme from a scientific and technical standpoint;
 - b) making recommendations to the Conference of the Parties as to the migratory species to be included in Appendices I and II, together with an indication of range of such migratory species, and keeping under review the composition of these Appendices;
 - c) assessing proposals for the amendment of Appendices I and II from a scientific and technical standpoint, and providing advice to the Conference of the Parties regarding proposed amendments;
 - d) identifying, recommending and coordinating research on migratory species, evaluating the results of such research in order to ascertain the conservation status

⁴ Now consolidated as Resolution 12.4

- of migratory species, especially those that are listed in the Appendices or candidates for such listing, and reporting to the Conference of the Parties on such status and measures for its improvement;
- e) making recommendations to the Conference of the Parties as to the migratory species to be included in the list of species designated for Concerted Actions, and keeping this list under review;
 - f) advising on specific conservation and management measures for the conservation of Appendices I and II species and their priorities, to be included in Concerted Actions or other mechanisms for the conservation of migratory species undertaken within the framework of the Convention;
 - g) bringing to the attention of the Conference of the Parties any new and emerging issues relating to the conservation and management of migratory species;
 - h) advising on priorities for the development of new Agreements by evaluating proposals for new Agreements against the criteria set by the Conference of the Parties, including those detailed in Resolution 11.12;
 - i) making recommendations as to specific conservation and management measures to be included in Agreements on migratory species being negotiated within the framework of the Convention;
 - j) advising on the priorities for sponsorship of conservation activities relating to migratory species, and on selecting, monitoring and evaluating small-scale pilot projects which will promote the implementation of the Convention;
 - k) recommending to the Conference of the Parties solutions to problems relating to the scientific aspects of the implementation of the Convention, in particular with regard to the habitats of migratory species;
 - l) providing information, channelled through the Secretariat, to all Range States of particular species, with a view to encouraging non-Party Range States to become Parties of the Convention and to participate in its implementation.

Appointment of Members

7. The Scientific Council is composed of members appointed by individual Parties (Party-appointed Councillors) and members appointed by the Conference of the Parties (COP-appointed Councillors).
8. Any Party may appoint a qualified expert as a member of the Scientific Council. Party-appointed Councillors remain in office until such time as they resign or are replaced by the Party that appointed them.
9. Party-appointed Councillors do not represent the Party that appointed them, but contribute to the workings of the Scientific Council in their expert capacity.
10. COP-appointed Councillors are designated by each ordinary meeting of the Conference of the Parties for the subsequent intersessional period.
11. Members of the Sessional Committee are selected by the Conference of Parties from COP- and Party-appointed Councillors. The composition of the Sessional Committee is as follows:
 - a) Nine COP-appointed Councillors with expertise in taxonomic and thematic issues; and
 - b) Fifteen Party-appointed Councillors selected within the Standing Committee geographic regions, as follows: three from Africa, three from Asia, three from Europe,

three from Oceania, three from South & Central America & the Caribbean.⁵

12. Up to three alternate members can be identified for each region from the pool of Party-appointed Councillors. These alternates could replace permanently or temporarily a regular member from the region who would not be in a position to continue to serve as members in the intersessional period. In case an alternate member resigns or there are less than three alternates per region, further alternate members should be selected by the region following the procedure set forth in the *Rules of Procedure of the CMS Scientific Council and its Sessional Committee*.
13. In the event a COP-appointed Councillor is not in a position to continue to serve on the Sessional Committee during the intersessional period, they will be replaced following the procedure set forth in the *Rules of Procedure of the CMS Scientific Council and its Sessional Committee*.

Responsibilities of the Scientific Council Members

14. Scientific Councillors should, to the best of their abilities, act as impartially as possible and endeavour to base their judgements and opinions upon an objective, scientific assessment of the best available evidence.
15. Sessional Committee members, that are Party-appointed Councillors, should maintain regular communication with the other members in their region.
16. Scientific Councillors that are not Sessional Committee members are encouraged to contribute to the work of the Scientific Council, coordinate with the Sessional Committee members and participate in working groups and task forces, including attending as observers at meetings of the Sessional Committee or other meetings and using the interactive tools available to the Scientific Council, as well as to pursue activities at the national level.

Cooperation of Other Relevant Inter-Governmental Bodies

17. The Scientific Council should cooperate with other advisory bodies set up by Agreements and Memoranda of Understanding under the Convention by, inter alia, inviting them to participate as observers in the meetings of the Scientific Council and of the Sessional Committee.
18. The Scientific Council should liaise, through its Chair or his/her nominated representative, with comparable bodies established under other relevant frameworks, such as, inter alia, those listed in Resolution 6.7⁶. This would include, where appropriate and resource permitting, attendance of the Chair of the Scientific Council, or his/her nominated representative, at meetings of these bodies.

Contribution of Non-Governmental Organizations

19. The scientific contribution of non-governmental organizations to the fulfilment of the role of the Scientific Council is strongly encouraged in accordance with the relevant provisions of the Convention, decisions of the Conference of the Parties and Rules of Procedures of the Scientific Council. This includes inviting them non-governmental organizations to participate as observers in the meetings of the Scientific Council and Sessional Committee, and establishing and maintaining working cooperation on matters

⁵ Sub-paragraph subject to update from fifteen to twenty Party-appointed Councillors (four per region) if the increase in the number of Party-appointed Councillors is approved and included in the budget for the intersessional period 2024-2026.

⁶ Now consolidated as Resolution 12.4

of common interest with relevant organizations.

Rules of Procedure

20. The Scientific Council will establish its own Rules of Procedure, which will be subject to the approval of the Conference of the Parties.

PROPOSED AMENDMENTS TO
**RULES OF PROCEDURE
 OF THE CMS SCIENTIFIC COUNCIL AND ITS SESSIONAL COMMITTEE**

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Purpose

Rule 1

These rules of procedure shall apply to any meeting of the Scientific Council or of its Sessional Committee, convened in accordance with Article 8 of the Convention and Resolution 12.4, and any future revision adopted by the Standing Committee or Conference of the Parties.

Representation and Attendance

Rule 2

- a. Any Party may appoint a qualified expert as a member of the Scientific Council who will have the right to participate in meetings of the Council.
- b. The membership of the Sessional Committee of the Scientific Council shall consist of the 15 regional representatives (three from each CMS region) elected by the Conference of the Parties from members of the Scientific Council, together with 9 COP-appointed Councillors.⁷
- c. Regional representative Sessional Committee members will be elected for a minimum term of two triennia. Each ordinary meeting of the Conference of the Parties will decide on the renewal of half of these members of the Sessional Committee.
- d. Regional representatives will be expected to represent their regions at meetings of the Committee.
- e. Up to three regional alternates may be appointed by the Conference of the Parties for each CMS region. All alternates must be a member of the Scientific Council, be from the same CMS region as the representative, but will not be from the same country. It will be for each CMS region to determine how alternates will replace regional representatives.
- f. It is expected that both regional representatives and alternates will attend the meetings of the Sessional Committee where possible, noting that financial support for those delegates eligible to receive such support will be prioritized to the Sessional Committee members first, so it may not be possible to also support alternates from countries that would otherwise be eligible for financial support if the appointed regional representatives are attending.
- g. The terms of office of the regional representatives and their alternates will commence at the close of the ordinary meeting at which they are elected. The term of regional representatives shall expire at the close of the second ordinary meeting thereafter. If a regional alternate is subsequently elected to the Sessional Committee, they will be eligible to serve for two triennia in their new capacity in addition to any term they may have already served as an alternate.
- h. If a regional representative is not able to attend a meeting or session, a regional alternate will be entitled to act in their place.

⁷ Rule subject to update from fifteen to twenty Party-appointed Councillors (four per region) if the increase in the number of Party-appointed Councillors is approved and included in the budget for the intersessional period 2024-2026.

- i. If a regional representative resigns or is otherwise unable to complete the assigned term or the functions of a member, a regional alternate should serve as a substitute for the remaining term of office of that member, and a further alternate member should be selected by the region through the representatives of the region in the Standing Committee. If an alternate member resigns or there are less than three alternates per region, further alternate members should be selected by the region through the representatives of the region in the Standing Committee.
- j. In the event a COP-appointed Councillor is not in a position to continue to serve on the Sessional Committee during the intersessional period, the following procedure shall apply:
1. the Secretariat shall notify the Chair of the Sessional Committee, the Chair of the Standing Committee and the members of the Standing Committee of the vacancy;
 2. the Secretariat shall immediately issue a Notification to the Parties calling for nominations to fill the vacant COP-appointed Councillor position on an interim basis;
 3. the Secretariat shall provide the names and curricula vitae of the candidates to the Standing Committee and to the Sessional Committee. The Sessional Committee, through its Chair, will provide its recommendations to the Standing Committee;
 4. the Standing Committee will decide on the person to fill the vacancy on an interim basis until the next meeting of the Conference of the Parties;
 5. at the next meeting of the Conference of the Parties, the vacancy shall be filled in accordance with paragraph 11 of the Terms of Reference. Nothing shall prevent the person appointed on an interim basis from being later proposed to fill the position.

Rule 3

The Chair of the Standing Committee will have the right to participate in meetings of the Scientific Council or the Sessional Committee as an observer, but without the right to vote.

Rule 4

- a. Members of the Scientific Council who do not serve in the Sessional Committee, and alternates to the regional representatives of the Sessional Committee, have the right to attend meetings of the Sessional Committee as observers. Party or non-Party representatives also have the right to attend meetings of the Scientific Council or of the Sessional Committee as observers.
- b. Representatives of instruments within the 'CMS family' or of multilateral environmental agreements within the 'biodiversity cluster', have the right to attend meetings of the Scientific Council or of the Sessional Committee as observers.
- c. Any agency or body, whether national or international, inter-governmental or non-governmental, qualified in fields relating to the conservation and management of migratory species (including but not limited to those referred to within Resolution 12.4 and subsequent revisions), which has informed the Secretariat not less than 45 days before the meeting of the Scientific Council or the Sessional Committee, or both, of its wish to be represented at the meeting by observers, may do so upon the invitation of the Secretariat, unless at least one third of the members present at the meeting object. Bodies or agencies desiring to be represented at the meeting by observers should submit

- the names of these observers to the Convention Secretariat at least 15 days prior to the opening of the meeting.
- d. All observers may participate in meetings of the Scientific Council or of the Sessional Committee, but without the right to vote.
 - e. The Secretariat may, in advance of the meeting, and for practical reasons such as space, limit the number of individuals, such as to a given number per observer entity.

Officers

Rule 5

- a. Following each regular meeting of the Conference of the Parties, the members of the Sessional Committee will elect its Chair and Vice-Chair from among themselves. The Chair and Vice-Chair of the Sessional Committee are also Chair and Vice-Chair of the Scientific Council.
- b. The members of the Sessional Committee will each have one vote for each of the Chair and Vice-Chair.
- c. The election of the Chair and Vice-Chair will be conducted by correspondence immediately following the conclusion of a Conference of the Parties.
- d. Any member of the Sessional Committee may propose another member as a candidate for the election within a time frame announced by the Secretariat. The Secretariat is required to send all proposals to the members of the Sessional Committee, who will be entitled to comment within 30 days of the communication of the proposal; any comments received by the Secretariat within this time limit must also be so communicated to the members.
- e. The election of the Chair and Vice-Chair will be carried out in accordance with Rules 8 – 10 (Elections). The first round of voting will be open for 15 working days starting from the date set by the Secretariat.
- f. The voting period for any subsequent round of voting as may be required will be specified by the Secretariat and will be no less than 10 working days.
- g. The Vice-Chair and Chair should be from different CMS regions.
- h. If the Chair resigns, the Vice-Chair will become Chair for the rest of the triennium and a new Vice-Chair should be elected using the procedures in clauses 'c – g' above.
- i. Subject to the rules on rotation of Sessional Committee Members, a Chair or Vice Chair may be re-elected for a second triennium.
- j. The next Chair should not be from the same CMS Region as the previous chair.

Rule 6

- a. The Chair will preside at meetings of the Scientific Council or of the Sessional Committee, 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 or of the Sessional Committee.
- b. The Chair may represent the Council and Sessional Committee as required within the limits of the Council's mandate and should carry out such other functions as may be entrusted by the Council or the Sessional Committee.

Rule 7

The Vice-Chair is expected to assist in the execution of the Chair's functions, and to preside at meetings in the absence of the Chair.

Elections

Rule 8

- a. The Presiding Officer for elections of the Chair and Vice-Chair will be either the Executive Secretary of the Convention, or, in their absence, the senior serving official of the Secretariat.
- b. If, in an election to fill either position 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.
- c. If, in the second ballot the votes are equally divided, the Presiding Officer will decide between the candidates by drawing lots.

Rule 9

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

Rule 10

- a. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a ballot shall be held amongst them for reducing the number of candidates to two.
- b. If a tie then results amongst two or more candidates, the Presiding Officer will reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 8.

Meetings

Rule 11

- a. The Scientific Council or the Sessional Committee should meet at the request of the Secretariat.
- b. Meetings of the Scientific Council or Sessional Committee, shall be serviced by the Secretariat.

Rule 12

- a. The Sessional Committee of the Scientific Council shall meet at least once per triennium, and subject to available resources, should aim to meet more frequently.
- b. The time and venue of meetings shall be determined by the Secretariat, in consultation with the Chair and Vice-Chair.

Rule 13

- a. Notice of meetings, including the date and venue, shall be sent to all Parties, Members of the Scientific Council, COP-Appointed Councillors, and Partner organisations by the Secretariat at least 120 days in advance, or, in the case of extraordinary meetings, at least 60 days in advance.
- b. Documents for a meeting shall be submitted to the Secretariat at least 60 days in advance of the meeting. The Secretariat shall post documents for the meeting on its website, which shall be translated into the three working languages of the Convention, at least 40 days before each meeting, with the exception of a Sessional Committee meeting immediately preceding the meeting of the Conference of the Parties. For such a meeting of the Sessional Committee, the Secretariat shall post documents following the Rules of Procedure of the Conference of the Parties.

- c. Information documents shall be submitted at least 15 days in advance of the meeting and shall be posted on the CMS website 10 days in advance of the meeting; such information documents may be posted in their original language only.
- d. If documents are not submitted and posted according to the deadlines set in clauses b and c they shall not be considered by the meeting except in exceptional circumstances (such as those covered by Resolution 10.02 on conservation emergencies). Late submission of documents, whether by the Secretariat, Parties, or others will not be considered exceptional circumstances.

Rule 14

- a. A quorum for a Scientific Council or Sessional Committee meeting shall consist of half of the members of the Council or Sessional Committee.
- b. Sessional Committee Members may be present either in-person or through telecommunication means to count toward the quorum.
- c. If neither the Chair nor the Vice-Chair are present at the meeting the members of the Sessional Committee may choose a Chair and Vice Chair amongst their members who are present in person.
- d. No decision shall be taken at a meeting in the absence of a quorum.
- e. The means of participating through telecommunication shall be announced by the Secretariat.

Rule 15

Decisions of the Council or the Sessional Committee will, whenever possible, be taken by consensus unless a vote is requested by the Chair or by three members. If these members are Party-appointed Councillors (in the case of the Scientific Council), or regional representatives (in the case of the Sessional Committee), they should be from at least two CMS Regions.

Rule 16

Decisions of the Council or Sessional Committee by voting (pursuant to Rule 15) shall be taken by a simple majority of the members present {either in person or by electronic means}. In the case of a tie, the motion shall be considered as rejected.

Rule 17

- a. A draft report of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Party- and COP-appointed Councillors, and all attendees of the meeting.
- b. The Secretariat shall set a deadline for comments on the draft report, and will endeavour to finalise the report, with input of the Chair and Vice-Chair if necessary, as soon as possible after the deadline for the comments.

Rule 18

- a. The Council or the Sessional Committee will decide on the working languages of its meetings from within the official languages of the Convention.
- b. Simultaneous interpretation will be provided for Plenary Sessions whenever possible, but normally not for working groups and task forces.

Working Groups

Rule 19

- a. Working groups of the Scientific Council or the Sessional Committee may be established in order to further the Council's work programme, taking into account the provisions of any relevant resolutions of the Conference of the Parties.
- b. The Secretariat should be a member of all working groups.
- c. Meetings of in-session working groups should be serviced by the Secretariat of the Convention. Servicing of intersessional working groups will depend on resources available to the Secretariat.
- d. All working groups (in-session or intersessional) should, where possible, be chaired by a member of the Sessional Committee. A Vice-Chair may also be appointed by the working group if it is considered necessary by that working group.
- e. The results of any working group must be reviewed, and if necessary amended, by a meeting of the Sessional Committee.
- f. Sessional Committee members, Scientific Council Members, or Party representatives, should constitute at least half of the membership of in-session working groups.

Communication Procedure

Rule 20

The Secretariat, or any three members of the Scientific Council or of the Sessional Committee, from at least two different CMS regions, may make a proposal to the Chair 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 21

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

Rule 22

If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Council or the Sessional Committee.

Other Functions

Rule 23

The Chair should submit to each ordinary meeting of the Conference of the Parties a written report on the Council's / Sessional Committee's work since the previous ordinary meeting.

Rule 24

The Council or the Sessional Committee will receive reports from other committees established under the Convention, as necessary.

Final Provisions

Rule 25

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 26

These Rules shall be applied at the first meeting of the Council or the Sessional Committee following their approval by the Standing Committee or Conference of the Parties. The rules may only be amended by decisions of the Standing Committee or of the Conference of the Parties.

ANNEX 3

DRAFT DECISION

SUBJECT AREAS OF COP-APPOINTED COUNCILLORS

Directed to the Scientific Council

- 14.AA The Scientific Council is requested, with support from the Secretariat, to review the existing COP-Appointed Councillor subject areas and propose to COP15 any changes for the subsequent period between COP15 and COP17, as appropriate.