

4th Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC4)

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COP-APPOINTED COUNCILLOR SUBJECT AREAS – ANALYSIS, REVIEW AND RECOMMENDATIONS

(Prepared by the Review of COP-Appointed Councillor Subject Areas Working Group)

Summary:

The Third Meeting of the Sessional Committee of the Scientific Council (Bonn, 29 May – 1 June 2018) decided to undertake a review of the areas of expertise of COP-Appointed Councillors, with a view to: (i) assess their suitability to support provision of relevant expert advice to the Convention; (ii) identify appropriate COP-Appointed Councillor subject areas to serve the Convention following the 13th Meeting of the Conference of the Parties (COP13); (iii) determine a process whereby these subject areas will be subject to regular review; (iv) present recommendations to COP13 on these issues, including suggestions for experts for newly identified subject areas if required. To progress these tasks, a Working Group expected to work remotely in the intersessional period was established.

This document includes the outcome of the Working Group in relation to the tasks above-mentioned. Earlier drafts of the paper underwent a series of consultations, summarized below:

- July 2018 – working group members developed and agreed a first draft of the paper for consultation.
- September 2018 – draft paper circulated to COP-Appointed Councillors for input.
- February 2019 – revised paper circulated to members and observers (including CoP-Appointed Councillors) of Sessional Committee for comment.
- April 2019 – further revised paper circulated to working group members for finalisation.
- May 2019 – paper finalised and submitted to Secretariat.

The document is submitted to the Fourth Meeting of the Sessional Committee for its review on behalf of the Scientific Council and formulation of relevant recommendations to COP13 for its consideration and decision.

COP-APPOINTED COUNCILLOR SUBJECT AREAS - ANALYSIS, REVIEW AND RECOMMENDATIONS

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 (COP1) in 1985 when eight experts were appointed.

3. Table 1 outlines the appointment of COP-Appointed Councillors since CoP1. It is evident that COP-Appointed Councillor subject areas significantly changed at each COP, up until COP6 in 1999 when subject areas began to remain fairly static, with only minor recasting of some subject areas each COP. Only three new subject areas have been identified since COP6: fish and by-catch at COP8; and climate change at COP10.

COP1	1985	Aquatic reptiles Reptiles, birds, marine mammals Bird migration Bird migration, waterfowl management Migration of mammals in Africa Ornithology Birds, marine mammals
COP2	1988	Marine species Waterfowl Environmental law Toxicology related to wild animals
COP3	1991	Sahelo-Saharan mammals Waterfowl Small cetaceans Neotropical fauna
COP4	1994	COP3 experts reappointed Addition of: Marine turtles
COP5	1997	Marine turtles Waterbirds Cetaceans Large mammals Neotropical fauna
COP6	1999	COP5 experts reappointed, with recasting: a. Waterbirds = Waterbirds/wetlands b. Cetaceans = Cetaceans and fishes c. Large mammals = Large terrestrial mammals Addition of: Asiatic fauna

COP7	2002	COP6 experts reappointed
COP8	2005	COP7 experts reappointed, with recasting: d. Waterbirds/wetlands = birds e. Cetaceans and fishes = marine mammals and large fishes f. Large terrestrial mammals = African fauna Addition of: Fish By-catch
COP9	2008	COP8 experts reappointed, with recasting: g. Marine mammals and large fishes = aquatic mammals
COP10	2011	COP9 experts reappointed Addition of: Climate change

4. Currently, there are nine COP-appointed Councillor subject areas, either species based or 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. It was agreed at the 3rd Sessional Committee meeting that a formal review of current COP-Appointed Councillor subject areas should be undertaken to determine the ongoing relevance of existing subject areas and propose new subject areas if required, with the aim of submitting any resultant recommendations to COP13 for consideration. A working group with representation from each CMS region was established to progress the review.

6. Terms of Reference for the working group is at [Attachment 1](#).

COP focus areas and workloads

7. To understand areas where expert advice has been valuable to the effective functioning of the Convention, the working group agreed to examine issues discussed at the last three COPs (COP10 – COP12) to identify high interest areas and potential pressure points.

8. Both agreed resolutions and listing proposals were examined and grouped into relevant categories. Note that those resolutions relating to institutional arrangements, such as finance, strategic plan, etc, were not included in the analysis. It should also be recognised that COP12 was unusual in that it considered the consolidation and repeal of all resolutions adopted by COPs. To avoid unduly affecting the analysis with historical subject areas, only new resolutions submitted to COP12 were considered in the analysis.

9. Table 2 highlights the areas of interest considered at COP10 – COP12.

COP10								
Resolutions					Listing Proposals			
Birds	Aquatic Mammals	Terres. Mammals	Fish	Cross-cutting *	Birds	Aquatic Mammals	Terrestrial Mammals	Fish
6	2	0	1 (fresh)	6	5	0	1	1 (marine)
COP11								
Resolutions					Listing Proposals			
Birds	Aquatic Mammals	Terres. Mammals	Fish	Cross-cutting *	Birds	Aquatic Mammals	Terrestrial Mammals	Fish
6	3	2	3 (marine)	6	5	1	4	8 1 - fresh 7 - marine
COP12								
Resolutions					Listing Proposals			
Birds	Aquatic Mammals	Terres. Mammals	Fish	Cross-cutting *	Birds	Aquatic Mammals	Terrestrial Mammals	Fish
4	4	2	0	9	9	1	9	6 (marine)

Table 2. Resolutions and listing proposals considered at COP10 – COP12. *Cross-cutting issues include: Connectivity and networks; climate change; marine debris; by-catch; wildlife disease; conservation emergencies; invasive alien species; renewable energy; wildlife crime; sustainable tourism; and protected areas.

10. It is clear from the breakdown outlined in Table 2 that birds remain of great interest to Parties, through both a variety of resolutions and listing proposals at each COP. The range of resolutions considered at each COP in relation to birds include matters such as single and multi-species action plans, infrastructure effects, illegal harvesting and trade, flyways, and poisoning.
11. Aquatic mammals are also a continuing issue across COPs, particularly in relation to resolutions. While minimal listing proposals have been considered for aquatic mammals at the last three COPs, it could be argued that the majority of migratory aquatic mammals that would benefit from CMS have now been listed. As such, it is natural that the focus has moved from listing species to considering threats that require attention to enhance the conservation benefit of these listed species. Resolutions of interest to aquatic mammals have covered areas such as underwater noise, wild capture, culture, recreational interactions, by-catch, marine debris and protected areas.
12. Terrestrial mammals are also a consistent topic at COPs, with an increasing number of listing proposals over the last three COPs. While a number of iconic species, such as lion, giraffe and leopard have been a focus recently, other terrestrial mammals such as ungulates continue to be of concern. Past resolutions associated with terrestrial mammals have focused on action plans and broader multi-species initiatives.
13. Parties have also witnessed an increasing number of listing proposals for fish over the last three COPs. Listing proposals have been significantly focussed on sharks and rays.
14. Cross-cutting issues are prominent in CMS discussions. These issues are thematic in nature and affect more than one migratory species or species grouping. It is notable that out of the range of cross-cutting issues considered at COP10 – COP12, three issues occurred at all three COPs: connectivity and networks; climate change; and marine debris. Both by-catch and wildlife disease were raised at two out of the three COPs. The remainder of the cross-cutting issues only occurred at one of the last three COPs, with aquatic wild meat, sustainable tourism and protected areas being the most recent areas of interest.

15. It is recognised that COP-Appointed Councillors may have input into resolutions that are not primarily focussed on their area of expertise. This is particularly the case with resolutions associated with cross-cutting issues due to the number of species or species groupings affected by various issues.
16. Based on the above analysis, recent attention at the Convention level has been both species based and thematic. Clear areas of continuing concern are:

Species based

- birds
- aquatic mammals
- terrestrial mammals
- marine fish

Thematic

- connectivity/networks
- marine debris
- climate change
- by-catch
- wildlife disease

Future issues requiring expert advice

17. The review is also required to consider the future needs of the Convention with regard to independent expert advice.
18. A variety of sources have been examined to identify potential future areas of interest for the Convention, including: National Reports submitted by Parties for COP12; the Convention's Strategic Plan; relevant documentation from other biodiversity-related Conventions including the Aichi Targets; Sustainable Development Goals; and horizon scanning literature, among others.
19. It appears that potential major future conservation issues revolve around climate change (which brings with it many other threats such as increasing extreme weather events, habitat alteration, etc); microplastics; and invasive species (including diseases, fungi and parasites, feral animals, insects, marine pests and weeds).
20. It is notable that these issues have already featured consistently during the past three COPs, with resolutions for both climate change and marine debris (incorporating references to microplastics) occurring at each COP.
21. While it is difficult to predict exactly the nature of issues requiring attention in the future and the relevant expert advice needed, those three issues are sufficiently broad to cover a variety of threats that may emerge within the next three years as each one encapsulates a number of other related threats. The advantage that the Convention also possesses is that Parties are able to reassess the situation, both present and emerging, as often as every three years when considering the appointment of independent experts.
22. However, to take advantage of these opportunities, a formal review process needs to be developed to ensure that these considerations are taken into account periodically.

Process to ensure ongoing currency

23. With an ever-increasing number of issues and priorities being considered within CMS and its subsidiary bodies, it is easy to overlook some ongoing processes to determine whether any modifications may be required to enhance the effectiveness of the Convention. COP-Appointed Councillor subject areas is one such area that has not been explicitly considered at any length for many years.
24. The working group established to investigate the ongoing currency of existing COP-Appointed Councillor subject areas was also tasked with determining a process whereby these subject areas will be the focus of a regular review to ensure ongoing applicability.

25. While it may be ideal to consider the ongoing relevance of all COP-Appointed Councillor subject areas at every COP (i.e. every three years), there are also advantages attached to independent experts building a certain level of continuity with both the issues of interest to CMS and its processes. As such, it is proposed that COP-Appointed Councillor subject areas be explicitly reviewed every six years (two COP cycles). This would not restrict the ability of Parties to make recommendations regarding the construct of COP-Appointed Councillor subject areas at each COP if necessary.
26. The Sessional Committee should be charged with including the review as a standing agenda item at applicable meetings within every two COP cycles. Based on past practices, the Sessional Committee is likely to hold at least four meetings every two COP periods. If this practice continues, it is proposed that the consideration of subject areas commence at its third meeting held within two COP cycles (which will be the first meeting in each second triennium period – see Figure 1).
27. A standardised process for the regular review of COP-Appointed Councillor subject areas is outlined below and illustrated at Figure 1. It is recommended that this procedure be implemented following the conclusion of COP13.
 - Sessional Committee to include an agenda item to review the applicability of COP-Appointed Councillor subject areas at its first meeting following COP14.
 - Sessional Committee to determine whether there are any new COP-Appointed Councillor subject areas required for the period COP15 – COP17, or any existing subject areas that are no longer required or should be recast.
 - Secretariat to seek nominations for new and/or vacant subject areas, if required, prior to the final Sessional Committee meeting before COP15.
 - Parties to provide written nominations for COP-Appointed Councillor subject area experts to Secretariat.
 - Sessional Committee to formulate recommendations to COP15 at its final meeting, based on the candidates submitted.
28. This process would then be repeated following COP17, COP19, COP21, etc.
29. Due to the timeframes involved regarding submission of COP documents and the timing of Sessional Committee meetings, it is considered prudent to commence the discussions at the first meeting following COP14 to allow adequate time for consultation and seeking suitable nominations. While it is not anticipated that a review would require substantial time once it is regularly undertaken, postponing commencement of the discussion until the final meeting prior to the relevant COP would potentially restrict the field of suitable candidates due to time pressures. As such, commencing the discussion mid-term is ideal logistically.

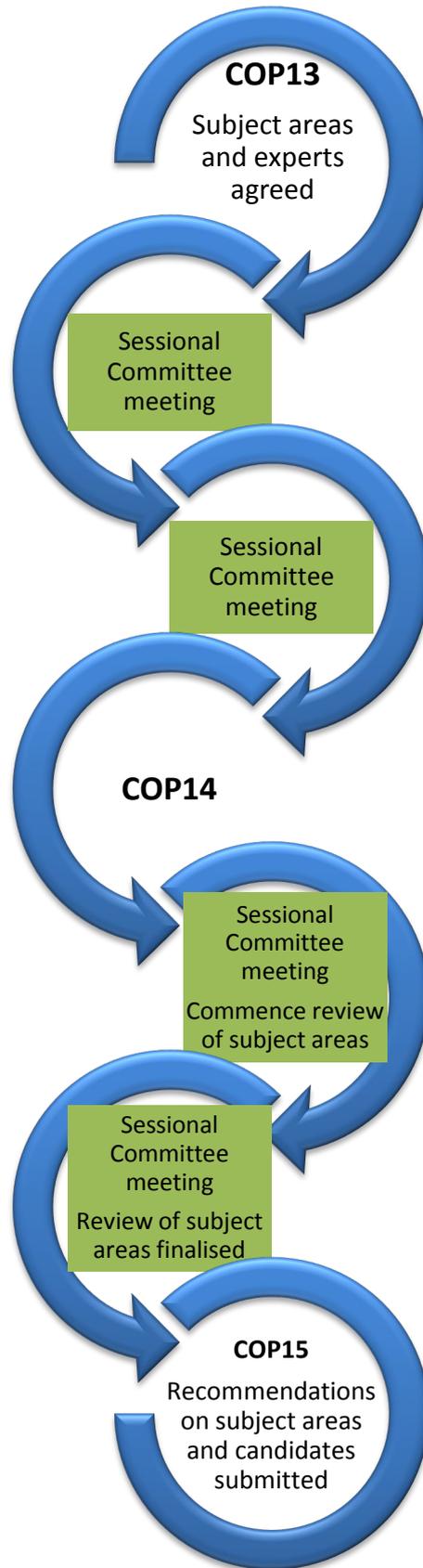


Figure 1. Proposed review process following COP13.

Number of COP-Appointed Councillors

30. *Resolution 12.4 – Scientific Council* confirms the arrangements in place for the composition and operation of the Sessional Committee. Paragraph 4 states that the Sessional Committee will be composed of **nine** COP-appointed members with expertise in taxonomic and thematic issues. Currently COP-Appointed Councillors are provided with travel and accommodation support to attend relevant CMS meetings. Any intersessional work undertaken by COP-Appointed Councillors outside of meetings is done in their own time, which is of great benefit to the Convention. It should be noted that currently the bird COP-Appointed Councillor subject area is shared by two independent experts who either rotate attendance at meetings, or are paid half the travel support if both attend the same meeting.
31. While Resolution 12.4 limits membership and attendance at Sessional Committee meetings to nine COP-Appointed Councillors, it does not rule out the appointment of more than nine COP-Appointed Councillors. If Parties thought it would be beneficial, more than nine COP-Appointed Councillor subject areas could be identified, with up to a maximum of nine relevant experts invited to each Sessional Committee meeting, depending on the proposed agenda and areas of interest under consideration. This would not have any additional financial ramifications for the Convention, as COP-Appointed Councillors are only provided with support for attendance at meetings, and currently the attendance of nine COP-Appointed Councillors is included in the budget approved for Sessional Committee meetings.
32. Therefore, this review has not been confined to identifying only nine COP-Appointed Councillor subject areas. However, it is recognised that to avoid increases in the overall Convention budget, if more than nine subject areas are agreed, a maximum of nine experts will be invited to attend Sessional Committee meetings at any one time. The Secretariat will issue invitations following discussions with the Chair and Vice-Chair of the Scientific Council regarding the alignment of subject area expertise and the proposed agenda. It should also be noted that if more than nine independent experts are appointed, an amendment to the Terms of Reference for the Sessional Committee (paragraph 11) will be required.

Proposed COP-Appointed Councillor subject areas

33. Based on the analysis of items considered at COP10 – COP12, and having regard to the issues that may need to be included in future CMS considerations, the working group proposes that COP-Appointed Councillor subject areas should be a combination of both species groupings and thematic issues to cover the majority of present and emerging issues.
34. A focus on cross-cutting issues is also a sensible approach for many species that are already listed on the Appendices of the Convention. The credibility of the Convention is impacted if species are continually listed on its Appendices with little or no follow up action. Parties need to ensure that once species are listed, support is available to address the threats that affect a substantial number of migratory species, and facilitating expert advice on relevant thematic areas is one way to achieve this.
35. It is proposed that the following subject areas will be valid from COP13 – COP15:

Species	Thematic
Birds	Climate Change
Terrestrial Mammals	Connectivity/Networks (including protected areas, migration corridors, impediments to migration such as infrastructure)
Aquatic Mammals	Marine Pollution (including debris, microplastics, noise, light effects on marine species)
Marine Fish (including expertise on harvesting)	By-catch
	Invasive Species (including disease, feral animals, insects, marine pests and weeds)

36. It is recognised that the proposed groupings do not cover every species group, or threat, that may be considered by the Convention. It has never been the intention that COP-Appointed Councillor subject areas should be identified to cover every possible combination of species and issues that are of concern to the Convention. The Convention already has an extensive pool of expertise to draw upon in the form of Party-Appointed Scientific Councillors, and Parties expect to provide some level of advice and regional expertise on areas of interest to them.
37. It is also important to note that if a cross-cutting issue or particular species group, such as invertebrates or freshwater fish, becomes a major focus for many Parties, the established review process for COP-Appointed Councillor subject areas will be able to respond to those emerging interests.
38. Given the broad nature of some of the thematic issues, and the number of threats encompassed by each, it may also be necessary to appoint more than one COP-Appointed Councillor per subject area. However, this will be dependent on the candidates nominated for these areas. If this situation arises, consideration will be given to the requirement to invite a maximum of nine COP-Appointed Councillors to any one meeting of the Sessional Committee, and determine appropriate invitations based on the proposed agenda.

Next Steps

39. Recognising that a number of proposed subject areas are currently in effect, it is envisaged that relevant COP-Appointed Councillors would be eligible to remain in that position for the period COP13 – COP15. While this would be subject to confirmation of expert availability, it would also be beneficial to the operation of the Convention as it retains some continuity during this period of review.
40. Subject areas where current COP-Appointed Councillors would remain, if available, are Birds; Climate Change; Aquatic Mammals; and By-catch.
41. Nominations from appropriate experts will be sought for the newly proposed areas of Terrestrial Mammals; Connectivity/Networks; Marine Pollution; Marine Fish; and Invasive Species.

42. The Secretariat will be charged with seeking nominations from Parties for suitable candidates at the 4th Sessional Committee meeting. As this will be the only meeting prior to COP13, if there are multiple candidates for posts where one expert is ideal (such as marine fish), the Secretariat will prepare a comparison table and circulate to Sessional Committee members for decision electronically. This is to allow for the submission of COP-Appointed Councillor recommendations to COP13 for approval.
43. It should be noted that COP-Appointed Councillors currently occupying posts that will be terminated at COP13 would be eligible for nomination for any new subject area, if their area of expertise is appropriate. For example, the newly broadened subject area for terrestrial mammals may be of interest to, and applicable to the expertise of, current mammal COP-Appointed experts.

Recommended Actions

44. The Sessional Committee is recommended to:
 - a) Confirm that the COP-Appointed Councillor subject areas proposed at paragraph 35 for the period COP13 – COP15 are suitable for the Convention's needs;
 - b) Instruct the Secretariat to seek confirmation from current COP-Appointed Councillors for Birds, Climate Change, Aquatic Mammals and By-catch regarding their availability to remain in their appointed position following COP13;
 - c) Instruct the Secretariat to seek nominations from Parties for suitable candidates for the newly proposed COP-Appointed Councillor subject areas of Terrestrial Mammals; Connectivity/Networks; Marine Pollution; Marine Fish; and Invasive Species;
 - d) Agree to the ongoing review process outlined at paragraph 27 and Figure 1, which will be implemented following COP13;
 - e) Submit the identified COP-Appointed Councillor subject areas, with recommendations for suitable candidates, to COP13 for approval; and.
 - f) Request the Chair of the Scientific Council to brief the 49th Session of the Standing Committee, on 19 November, 2019, on the outcomes of the deliberations undertaken during this session.

ATTACHMENT 1

TERMS OF REFERENCE FOR THE REVIEW OF COP-APPOINTED COUNCILLOR SUBJECT AREAS WORKING GROUP

(as agreed at the 3rd meeting of the Sessional Committee of the Scientific Council)

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). Ensure consultation with COP-Appointed Councillors and relevant observers throughout the review process, as appropriate;
 - c). Identify appropriate COP-Appointed Councillor subject areas to serve the Convention following COP13;
 - d). Determine a process whereby these subject areas will be subject to regular review to ensure ongoing currency;
 - e). 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, the Chair of the Scientific Council and the Chair of the Standing Committee 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.