



CONVENTION ON MIGRATORY SPECIES

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SCIENTIFIC COUNCIL

Adopted by the Conference of the Parties at its 12th Meeting (Manila, October 2017)

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),

*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;
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;

¹ Now consolidated as Resolution 12.4

² All now consolidated as Resolution 12.4

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;
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* 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, including through meetings and the 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. *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

14. *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;
15. *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;
16. *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;
17. *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;
18. *Recognizes* and thanks a number of key organizations for their continued involvement in and technical support of the work of the Convention;
19. *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

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

Expenses

21. *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 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

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

Final Provisions

22. 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*.

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 11.4³ 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 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;

³ Now consolidated as Resolution 12.4

- 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 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.
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.

Responsibilities of the Scientific Council Members

13. 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.
14. Sessional Committee members, that are Party-appointed Councillors, should maintain regular communication with the other members in their region.
15. 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, 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

16. 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.
17. 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 6.7⁴. 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

18. 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 to participate as observers in the meetings of the Scientific Council and Sessional Committee, and establishing and maintaining working cooperation on matters of common interest with relevant organizations.

Rules of Procedure

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

⁴ Now consolidated as Resolution 12.4