



## 13<sup>th</sup> MEETING OF THE STANDING COMMITTEE

03 – 05 May 2018, The Hague, the Netherlands

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### PROPOSAL FOR THE REVISION OF RULE 17 OF THE RULES OF PROCEDURE OF THE STANDING COMMITTEE

#### Introduction

After the election of new representatives to the Standing Committee at the 6<sup>th</sup> sixth Session of the Meeting of the Parties to AEWA (MOP6), Parties remarked that there was a contradiction between Rule 17 of the Rules of Procedure for the Standing Committee and [Resolution 2.6](#) with regard to the reappointment of Standing Committee Members after expiration of their term of office. The issue was discussed at MOP6 and the subsequent 11<sup>th</sup> Meeting of the Standing Committee, which requested the Secretariat to undertake an analysis of the Rules of Procedure.

Document [AEWA/StC12.20](#) on the *Analysis of Resolution 2.6, 2. (f) and Rule 17 of the Rules of Procedure of the AEWA Standing Committee*, which was presented at the 12<sup>th</sup> Meeting of the Standing Committee (StC12) in January 2017, concluded that the term “term of office” was used differently in Resolution 2.6 (two MOP cycles) and Rule 17 of the Standing Committee Rules of Procedure (one MOP cycle). However, both texts lead to the conclusions that a regional representative’s membership is supposed to last two MOP cycles, i.e. six years. Whereas the Rules of Procedure explicitly exclude the possibility of reappointment after six years, Resolution 2.6 is not specific on this point.

Throughout the meeting history, the Standing Committee membership had been understood as lasting two MOP cycles until MOP6 where the re-appointment of Standing Committee members was controversially discussed and Standing Committee members were reappointed for their third term (i.e. nine years).

The analysis showed that the Modus Operandi of the AEWA Technical Committee, adopted by MOP4, foresaw a term of office longer than two MOP cycles, if the term was extended by agreement of the Meeting of the Parties. A similar regulation could be introduced with respect to the Standing Committee.

The different options were discussed at StC12 and it was decided that the Secretariat should work closely with UNEP towards aligning the Rules of Procedure to those of the CMS StC and other MEAs.

#### Actions Requested from the Standing Committee

1. Review the different proposals to amend the Rules of Procedure and approve one of the proposals for adoption at the 14<sup>th</sup> Meeting of the Standing Committee.
2. Approve the relevant proposed text to be added to the draft Resolution on *Institutional Arrangements: Standing Committee* for adoption at MOP7.

## I. BACKGROUND INFORMATION

### 1. Institutional context

The Modus Operandi of the Technical Committee (TC) provides for the MOP to extend a member's term of office beyond the ordinary two cycles:

#### TC Modus Operandi, adopted by Resolution 4.18:

##### *Rule 5*

*The term of office of the regional representatives and the thematic experts shall expire at the close of the second ordinary Meeting of the Parties following that at which they were elected, unless extended by agreement of the Meeting of the Parties. At each ordinary meeting of the Meeting of the Parties, elections shall be held only for those regional members whose term of office will have expired at the close of the meeting and for any regional member who indicates a desire to step down without completing a full term of office. The same provisions shall apply with respect to the alternate members approved in accordance with Rule 2.*

### 2. CMS family and wider MEA context

The UNEP/AEWA Secretariat has undertaken an extensive comparison of relevant rules of CMS Family instruments and other MEAs. The detailed findings are summarized in Annex 1, while the below table provides a brief overview:

<b>Regional representatives may serve a maximum of two terms</b>	<b>Re-election of regional representatives is not precluded or limited to a number of terms</b>
CMS, Standing Committee	Eurobats, Standing Committee
Accobams, Scientific Committee	
Ramsar Convention on Wetlands, Standing Committee	
CITES, Standing Committee	
CBD, Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)	
Basel Convention, Implementation and Compliance Committee	
Rotterdam Convention, Chemical Review Committee	
Stockholm Convention, Persistent Organic Pollutants Review Committee	
Montreal Protocol, Implementation Committee	

## II. PROPOSALS 1. – 3.

### 1. Institutional context proposal (six years with option for nine years)

- a) To open the possibility of re-appointment of Standing Committee regional representatives and alternates after expiration of their term of office, the Secretariat suggests amending **Rule 17 of the Rules of Procedure** in line with the existing AEWA TC Modus Operandi:

#### **Draft Rule 17**

*The term of office of regional members and alternates shall expire at the close of the second ordinary session of the Meeting of the Parties following the session at which they were originally elected. Regional members and alternates can be re-appointed for one additional term of office by agreement of the Meeting of the Parties. At each ordinary meeting of the Meeting of the Parties, elections shall be held only for those regional members whose term of office will have expired at the close of the meeting and for any regional member who indicates a desire to step down without completing a full term of office.*

- b) Moreover, to ensure the backing of the Meeting of the Parties, it is suggested to add the following paragraph in the relevant MOP7 draft Resolution:

#### **Draft Resolution 7.XX Institutional Arrangements: Standing Committee**

[...]

*Recalling* Resolution 6.16 through which the Parties elected two of the new representatives to the Standing Committee for a third consecutive MOP cycle;

*Also recalling* that the Parties, after a controversial discussion on the question whether such re-appointment after six years was in line with Resolution 2.6, decided not to reconsider Resolution 6.16, but to revisit the points raised to be considered intersessionally.

[...]

The Meeting of the Parties:

[...]

*Agrees that members nominated on a geographical basis may be re-appointed for one additional term of office by agreement of the Meeting of the Parties after expiration of their term of office.*

[...]

### 2. Alternative proposal (six years without limitation on re-appointment(s))

Alternatively, the AEWA Standing Committee could decide to either delete or to soften Rule 17 and to create a situation similar to the one of the Eurobats Standing Committee, i.e. no limit to the duration of the term of regional representatives at all:

#### **Draft Rule 17**

*The term of office of regional members and alternates shall expire at the close of the second ordinary session of the Meeting of the Parties following the session at which they were originally elected. Regional members are eligible for re-appointment.*

**Draft Resolution 7.XX Institutional Arrangements: Standing Committee**

[...]

*Recalling* Resolution 6.16 through which the Parties elected two of the new representatives to the Standing Committee for a third consecutive MOP cycle;

*Also recalling* that the Parties, after a controversial discussion on the question whether such re-appointment after six years was in line with Resolution 2.6, decided not to reconsider Resolution 6.16, but to revisit the points raised to be considered intersessionally.

[...]

The Meeting of the Parties:

[...]

Agrees that members nominated on a geographical basis may be re-appointed by agreement of the Meeting of the Parties after expiration of their term of office.

[...]

**3. Proposal in line with CMS and other MEAs (six years in total)**

To be in line with CMS Resolutions, the Rules of Procedure would need to be amended as follows:

**Draft Rule 17**

*The term of office of regional members and alternates shall expire at the close of the next ordinary session of the Meeting of the Parties following the session at which they were originally elected. Regional members may not serve more than two consecutive terms of office.*

**Draft Resolution 7.XX Institutional Arrangements: Standing Committee**

[...]

*Recalling* Resolution 6.16 through which the Parties elected two of the new representatives to the Standing Committee for a third consecutive MOP cycle;

*Also recalling* that the Parties, after a controversial discussion on the question whether such re-appointment after six years was in line with Resolution 2.6, decided not to reconsider Resolution 6.16, but to revisit the points raised to be considered intersessionally.

[...]

The Meeting of the Parties:

[...]

Agrees that members nominated on a geographical basis may not serve more than two consecutive terms of office, i.e. six years.

[...]

This text version would prevent Standing Committee members from being elected for a third term.

**ANNEX 1: ELECTION OF REGIONAL REPRESENTATIVES OF MEAs SUBSIDIARY BODIES**

MEA	Subsidiary body	Election Rules	Re-election
<p><b>Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)</b></p>	<p>Standing Committee</p>	<p><b>Rules of Procedure of the AEWA Standing Committee</b></p> <p align="center"><b>Rule 17</b></p> <p>The term of office of regional members and alternates shall expire at the close of the next ordinary session of the Meeting of the Parties following the session at which they were originally elected. Regional members are eligible for re-appointment but may not serve more than two consecutive terms of office.</p> <p><b>Resolution 2.6 (adopted by MOP2 in September 2002):</b></p> <p>(f) The membership of the Committee shall be reviewed at each ordinary session of the Meeting of the Parties, in accordance with the rules of procedure of the meeting. The term of office of the members nominated on a geographical basis <u>shall expire at the close of the second ordinary session of the Meeting of the Parties following that at which they have been nominated.</u>” [...]</p> <p>(j) The Committee shall draw up and adopt its own rules of procedure.</p>	<p>StC members can stay two MOP cycles (six years) and may not be re-elected, according to Rule 17.</p> <p>However, Resolution 2.6 does not specify whether a member of the Standing Committee may be reappointed for a second term of office.</p> <p><b><u>Need to clarify!</u></b></p>
	<p>Technical Committee</p>	<p><b>Modus Operandi of the Technical Committee</b></p> <p align="center"><b>Rule 5</b></p> <p>The term of office of the regional representatives and the thematic experts shall expire at the <u>close of the second ordinary Meeting of the Parties</u> following that at which they were elected, <u>unless extended by agreement of the Meeting of the Parties</u>. At each ordinary meeting of the Meeting of the Parties, elections shall be held only for those regional members whose term of office will have expired at the close of the meeting and for any regional member who indicates a desire to step down without completing a full term of office. The same provisions shall apply with respect to the alternate members approved in accordance with Rule 2.</p>	<p>TC members can stay longer than two MOP cycles (six years), if their term is extended by agreement of the Meeting of the Parties.</p>

<p><b>Convention on the Conservation of Migratory Species of Wild Animals (CMS)</b></p>	<p>Standing Committee</p>	<p><b>CMS Resolution 9.15 Composition and Organization of the Standing Committee</b></p> <p><b>Operative paragraph 2</b></p> <p>b) Each meeting of the Conference of the Parties (COP) also shall elect twelve regional representatives to serve as alternate members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are alternate member.</p> <p>c) The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the COP following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.</p> <p><b>[CMS Resolution 1.1 Establishment of the Standing Committee (repealed)</b></p> <p>The membership of the Committee shall be reviewed at each ordinary meeting of the Conference of the Parties, in accordance with the rules of procedure of the meeting. The term of office of the members nominated on a geographical basis shall expire at the close of the second ordinary meeting following that at which they have been nominated;]</p>	<p>Regional representatives may not serve more than two consecutive terms of office (six years).</p>
<p><b>Eurobats</b></p>	<p>Standing Committee</p>	<p><b>Resolution 5.8 Establishment of a Standing Committee of the Agreement</b></p> <p><b>Operative paragraph 2</b></p> <p>(a) The Committee shall consist of no more than seven Parties, and shall include a representative from the Depositary Government, the Host Government of the Secretariat and five elected members, who shall be nominated by each Meeting of the Parties, with due regard to geographical distribution.</p>	<p>No preclusion of re-election or limitation to number of terms of office mentioned in the Resolution 5.8 or Rules of Procedure for the Standing Committee</p>
<p><b>Accobams</b></p>	<p>Scientific Committee</p>	<p><b>Accobams Resolution 6.7</b></p> <p><b>Article 3</b></p> <p>1. The selection of the Scientific Committee members must take into consideration the following criteria, finalized by the Extended Bureau in accordance with the Work Programme proposed to the Parties:</p> <p>a) To be an expert in one or more fields relevant to cetacean conservation science;</p>	<p>Regional representatives may not serve more than two consecutive terms of office (six years).</p>

		<p>b) To possess an appropriate level of quality, relevance, productivity and originality in activities related to cetacean conservation, as demonstrated through scientific publications and reports, communications to conferences, participation in working groups or committees at national or international levels;</p> <p>c) To be available to participate in the work of the Scientific Committee, attend its meetings and contribute to the working groups, with the required continuity;</p> <p>d) To be proficient in one of the Agreement's two working languages (English and French) and preferably in both.</p> <p>2. The qualified experts designated by CIESM and IUCN are designated in close consultation with the Executive Secretary, who reports on the outcome of these consultations to the Meeting of the Parties.</p> <p>3. The priorities set in the Work Programme for each triennium, as well as the need to ensure a balanced geographical representation, shall be taken into account in selecting the members of the Scientific Committee by the Meeting of the Parties.</p> <p>4. At its first Meeting, four "task managers" are designated by the Scientific Committee among the experts referred to in Article 2.1. As far as necessary, these appointments can be modified during the triennium upon decision of the Chair of the Scientific Committee in consultation with the Vice-Chair and in concertation with the Executive Secretary.</p> <p><b>Article 4</b> The terms of office of the members shall expire at the closure of the ordinary Meeting of the Parties following the one at which they were appointed.</p>	
<p><b>Ramsar Convention on Wetlands</b></p>	<p>Standing Committee</p>	<p><b>Ramsar Resolution XII.4</b></p> <p><b>Annex 1 Roles and responsibilities of the Standing Committee</b></p> <p>7. The regional representatives and their alternate Party representatives will be elected by the Conference of the Contracting Parties on the basis of nominations received from the regional groups established in paragraph 2 above. Initial consideration of nominations by regional groups will be undertaken at any intersessional regional COP preparatory meetings which may take place, and finalization of nominations will be made by regional groups in their regional meetings at the COP venue immediately prior to the opening of the COP, so</p>	<p>Regional representatives may not serve more than two consecutive terms of office (six years).</p>

		<p>that appointments of the new members of the Standing Committee can be made as early as possible in the COP proceedings, thus permitting the members of the new Committee to participate in Conference Bureau meetings during the COP.</p> <p>8. The term of office of the regional representatives will commence at the close of the meeting of the COP at which they have been elected and will expire at the close of the next ordinary meeting of the COP, and each Contracting Party may serve on the Standing Committee for a maximum of two consecutive terms.</p>	
<p><b>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</b></p>	<p>Standing Committee</p>	<p><b>Conf. 11.1 Establishment of Committees</b> Regarding regional representation in the Standing Committee</p> <p>RECOMMENDS that the following guidelines be implemented:</p> <p><b>a) Selection of regional members and alternate regional members</b></p> <p>i. In the selection of regional members and alternate regional members, the following considerations should be taken into account:</p> <p>A. for regions with one member and one alternate member, a rotation in the selection is recommended; and</p> <p>B. for regions with more than one member and one alternate member, the selection should try to achieve a balanced representation (geopolitical, cultural, ecological);</p> <p>ii) The regional candidatures should be officially submitted by the interested Parties through a governmental channel, at least 120 days before a meeting of the Conference of the Parties. These candidatures should be communicated to all the Parties of the region through the Secretariat;</p> <p>iii) If more candidatures are submitted than there are positions available for any region, a vote should take place in a session of the Parties of that region to be held during the meeting of the Conference of the Parties. To be elected, a candidate should obtain an absolute majority (i.e. more than half the votes). Only the delegations duly accredited by the Conference should have the right to vote. The election should take place during the second week of the meeting; and</p> <p>iv) The election of a member and of the alternate should take place at the end of the term of office of their predecessors, in accordance with the above-mentioned procedure, through successive votes during a single process; and</p> <p><b>b) Timing of replacement of members and alternate members</b></p> <p>i) The terms of office of the regional members and their alternates shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter;</p>	



		<p>ii) For regions with one member and one alternate member, the selection should occur at every second meeting; and</p> <p>iii) For regions with more than one member and one alternate member, to guarantee some continuity, not all members and alternate members should be changed at the same meeting.</p>	
<b>Convention on Biological Diversity and its Cartagena and Nagoya Protocols</b>	Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)	<p><b>Consolidated Modus Operandi of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)</b></p> <p>9. In order to facilitate continuity in the work of the Subsidiary Body on Scientific, Technical and Technological Advice and taking into account the technical and scientific character of the input of the Subsidiary Body, the terms of office of members of its Bureau will be two meetings. At each meeting of the Subsidiary Body on Scientific, Technical and Technological Advice one of the two regional representatives shall be elected in order to achieve staggered terms of office. The members of the Bureau of the Subsidiary Body will take office at the end of the meeting at which they are elected.</p>	Two cycles
<b>Basel Convention</b>	Implementation and Compliance Committee	Terms of reference Para 6. <i>“Members shall not serve for more than two consecutive terms. For the purposes of the present terms of reference “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the next ordinary meeting of the Parties.”</i>	Can serve up to two consecutive terms.
<b>Rotterdam Convention</b>	Chemical Review Committee	Decision RC-1/6 para 5. <i>“Decides that each member shall serve for a term of four years from the date of appointment, and for no more than two consecutive terms”</i>	Can serve up to two consecutive terms.
<b>Stockholm Convention</b>	Persistent Organic Pollutants Review Committee (POPRC)	Decision SC-1/7 para 8. <i>“Subject to the provisions of paragraphs 6 and 7 above, each member shall serve for a term of four years from the date of appointment, and for no more than two consecutive terms.”</i>	Can serve up to two consecutive terms.
<b>Montreal Protocol</b>	Implementation Committee	Members of the Committee are elected by the meeting of the Parties for two years on the basis of equitable geographical distribution. Outgoing parties may be re-elected for one immediate consecutive term. The Committee elects its own President and Vice-President, each serving for one year at a time.	President can serve for one year