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**3<sup>rd</sup> SESSION OF THE MEETING OF THE PARTIES TO THE AGREEMENT ON THE  
CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)**  
*23 – 27 October 2005, Dakar, Senegal*

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INSTITUTIONAL ARRANGEMENTS: TECHNICAL COMMITTEE

**Introduction**

Since the second session of the Meeting of the Parties to AEWA (MOP2), various developments have taken place that will influence the functioning and composition of the Technical Committee (TC). In brief, these are:

- The establishment of the AEWA Standing Committee
- The enlargement of the European Union.

In addition, the Technical Committee noted that more than 50 percent of its members will have to step down at the third session of the Meeting of the Parties because their terms of office are about to expire. Together with the developments mentioned above, this prompted the TC to review the Rules of Procedure for its meetings as well as the definition of the nine geographical regions of the Agreement Area.

In addition to these institutional issues, the TC has also reviewed its activities over the last few years. With the establishment of the Standing Committee, the role of the TC has changed in the sense that all governance, policy, administrative and financial matters have been handed over to the Standing Committee. This means that the TC is able to concentrate on technical and scientific issues. In the light of this development, a discussion took place at the last two meetings of the TC about the role of the TC and, linked to this, on a work programme for the TC. The latter will function as an internal document for the TC.

At the last meeting of the TC agreement was reached on amendments to the Rules of Procedure, on revision of the definition of the nine regions of the Agreement Area, and on the work programme.

**ACTION REQUESTED FROM THE MEETING OF THE PARTIES**

The Meeting of the Parties is requested to review and adopt: the definition of the different regions of the Agreement Area, the amended Rules of Procedure for meetings of the TC and the draft Resolution 3.13.

## **REDEFINITION OF THE NINE REGIONS OF THE AGREEMENT AREA**

At its first session in 1999, the Meeting of the Parties agreed to divide the Agreement Area into the following nine geographical regions: 1) North and South Western Europe, 2) Central Europe, 3) Eastern Europe, 4) Southwestern Asia, 5) North Africa, 6) Western Africa, 7) Central Africa, 8) Eastern Africa and 9) Southern Africa.

So far, the main development affecting the definition of the nine regions of the Agreement Area is the enlargement of the EU. With the accession of Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Cyprus and Malta, the EU has grown to 25 Member States. Taking into account that the EU members have regular meetings on e.g. the implementation of the Bird or Habitat Directive, it makes sense to group these 25 countries together in one region.

A second development affecting the definition of the nine regions of the Agreement Area is linked to the progress made regarding the Central Asian Flyway (CAF) initiative. From 10-12 June 2005 the meeting 'To conclude and endorse the proposed Central Asian Flyway Action Plan to conserve Migratory Waterbirds and their Habitats' took place in New Delhi, India. At this meeting it became clear that the representatives from the 30 countries identified as part of the CAF region were in favour of creating a mechanism to implement the CAF Action Plan as soon as this had been approved by the Range States. Of these 30 countries, 16 are covered by AEWA. These 16 countries are located in the Caucasus, Central Asia and on the Arabic Peninsula. Until now, for the purposes of the TC, Central Asia was grouped in one region together with the Middle East, while the Caucasus was included in the Eastern Europe region. The new developments on CAF would justify grouping the Caucasus together with Central Asia, where the common language is Russian. Within this region are countries that were part of the former Soviet Union, many of which continue to cooperate closely. Within the proposed region "Middle East", several Arabic-speaking countries already cooperate closely, justifying this grouping.

In accordance with Article VII, paragraph 1a of the Agreement, the Technical Committee shall comprise ... *'nine experts representing different regions of the Agreement Area in accordance with a balanced geographical distribution'*. The creation of new regions is thus limited because only nine experts are permitted. Therefore a review of all regions was undertaken, the outcome of which is attached as Appendix 1. As stated above, the enlargement of the EU required the division of Europe into EU and non-EU countries, thus reducing the number of regions in Europe from three to two. As already indicated, the developments regarding CAF justify the creation of both a Caucasus & Central Asian region and a Middle East region.

## **AMENDMENTS TO THE RULES OF PROCEDURE**

One of the developments affecting the Rules of Procedure for the meeting of the TC is the establishment of the AEWA Standing Committee, agreed by MOP2 and implemented as of 1 January 2003. Now that there are two Committees servicing the Meeting of the Parties, there is clearly a need to clarify the role and responsibility of each. The TC decided at its fifth meeting to modify Rule 1 of its Rules of Procedure by inserting, after the words *'The Technical Committee, established in accordance with Article VII of the Agreement ...'*, the addition *'in coordination with the Standing Committee'*. Also, Rule 8 now contains a provision that the Chair of the AEWA Standing Committee may attend the meetings of the TC as an observer.

The TC has noted that, according to the Rules of Procedure, eight of its 15 members must step down when their terms of office expire at the end of the third session of the Meeting

of the Parties. This high turnover might impede the ongoing work of the Technical Committee. The situation would be further exacerbated if the current regional divisions are revised, as proposed above. Establishing new regions or merging regions creates vacancies, while in other cases there may be more than one representative per region (see Appendix 2). The TC does not propose to change the Rules of Procedure regarding the term of office, but requests the Meeting of the Parties to agree, on an ad hoc basis, to the extension of the terms of office of the following TC members:

**Region**

**Representative**

Central Africa

Mr Ikonga Jerome Mokoko (Congo-Brazzaville)

**Experts**

Rural Economics

Mr Elijah Danso (Ghana)

Environmental Law

Ms Rachelle Adam (Israel)

## Appendix 1: DIVISION OF THE AGREEMENT AREA INTO NINE REGIONS

According to Article VII, paragraph 1a of the Agreement, the Technical Committee shall comprise nine experts representing different regions of the Agreement Area, in accordance with a balanced geographical distribution. With the extension of the European Union, the existing geographical distribution has been reviewed and revised as follows:

Region	Name of Range State/ Regional Economic Organisation
EUROPEAN UNION (25)	Austria, <u>Belgium</u> <sup>1</sup> , Cyprus, Czech Republic, <b>DENMARK</b> <sup>2</sup> (including Greenland <sup>3</sup> ) Estonia, <b>FINLAND, FRANCE, GERMANY, Greece, HUNGARY, IRELAND</b> , Italy, Latvia, <b>LITHUANIA, LUXEMBOURG</b> , Malta, Poland, <b>PORTUGAL, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, THE NETHERLANDS, UNITED KINGDOM AND NORTHERN IRELAND, EUROPEAN UNION</b>
NON-EU COUNTRIES	<b>ALBANIA</b> , Andorra, Belarus, Bosnia-Herzegovina, <b>BULGARIA</b> , Canada, <b>CROATIA</b> , Iceland, <b>ISRAEL</b> , Liechtenstein, <b>MONACO</b> , Norway, <b>REPUBLIC OF MOLDOVA, ROMANIA</b> , Russian Federation (European part), San Marino, Serbia and Montenegro, <b>SWITZERLAND, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA</b> , Turkey, <b>UKRAINE</b>
CAUCASUS AND CENTRAL ASIA	Armenia, Azerbaijan, <b>GEORGIA</b> , Iran (Islamic Republic of), Kazakhstan, Turkmenistan, <b>UZBEKISTAN</b>
MIDDLE EAST	Bahrain, Iraq, <b>JORDAN</b> , Kuwait, <b>LEBANON</b> , Oman, Qatar, Saudi Arabia, <b>SYRIAN ARAB REPUBLIC</b> , Yemen, United Arab Emirates.
NORTHERN AFRICA	Algeria, <b>EGYPT, LIBYAN ARAB JAMAHIRIYA, Morocco</b> , Tunisia.
WESTERN AFRICA	<b>BENIN</b> , Burkina Faso, Cape Verde, Chad, Côte d'Ivoire, <b>GAMBIA, GHANA, GUINEA</b> , Guinea Bissau, Liberia, <b>MALI</b> , Mauritania, <b>NIGER, NIGERIA, SENEGAL</b> , Sierra

1 Underlined Range States have signed but not yet ratified the Agreement

2 Range States in capitals and bold are Contracting Parties to the Agreement

3 Greenland is not a Contracting Party to AEWA

	Leone, <b>TOGO</b>
CENTRAL AFRICA	Burundi, Cameroon, Central African Republic, <b>CONGO</b> , Democratic Republic of Congo, <b>EQUATORIAL GUINEA</b> , Gabon, Rwanda, Sao Tome & Principe
EASTERN AFRICA	<b>DJIBOUTI</b> , Eritrea, Ethiopia, <b>KENYA</b> , Somalia, <b>SUDAN</b> , <b>UGANDA</b> , <b>TANZANIA (United Republic of)</b>
SOUTHERN AFRICA	Angola, Botswana, Comoros Lesotho, Madagascar, Malawi, <b>MAURITIUS</b> , Mozambique, Namibia, Seychelles, <b>SOUTH AFRICA</b> , Swaziland, Zambia, Zimbabwe, <b>ST. HELENA (UK)</b> , <b>ASCENSION ISLAND (UK)</b> , Reunion (France) and Mayotte (France)

## Appendix 2: REGIONAL REPRESENTATIVES/ALTERNATES

### EUROPEAN UNION

#### REPRESENTATIVE

Vacant (2)<sup>4</sup>

#### ALTERNATE

Petri Nummi PhD, Docent (1)<sup>5</sup>/ Finland

### NON-EUROPEAN UNION COUNTRIES

#### REPRESENTATIVE

Dr. Olivier Biber (1)/ Switzerland

Prof. Dr. Dan Munteanu (0)<sup>6</sup>

Dr. Valentin Serebryakov (0)

#### ALTERNATE

### CAUCASUS AND CENTRAL ASIA

#### REPRESENTATIVE

Vacant (2)

#### ALTERNATE

Dr. Elena Kreuzberg-Mukhina (1)

### MIDDLE EAST

#### REPRESENTATIVE

Mr. Eng. Khalaf Aoloklah (0) /Jordan

#### ALTERNATE

vacant

### NORTHERN AFRICA

#### REPRESENTATIVE

Mr. Sherif Baha El Din (0)/ Egypt

#### ALTERNATE

Mr. Mohammed Haffane (1)/ Morocco

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4 Term of office expiring at end of MOP5

5 Term of Office expiring at end of MOP4

6 Term of Office expiring at end of MOP3

## **WESTERN AFRICA**

### **REPRESENTATIVE**

Mr. Momodou Lamin Kassama (1)/ Gambia

### **ALTERNATE**

Mr. Mohamed Abdoulaye (1) Benin

## **CENTRAL AFRICA**

### **REPRESENTATIVE**

Mr. Ikonga Jerome Mokoko (0)/ Congo

### **ALTERNATE**

Mr. Kasulu Seya Makonga (0)/ DRC

## **EASTERN AFRICA**

### **REPRESENTATIVE**

Dr. Charles Mlingwa (0)/ Tanzania

### **ALTERNATE**

Mr. Olivier Nasirwa (0)/ Kenya

## **SOUTHERN AFRICA**

### **REPRESENTATIVE**

Mr. Yousoof Mungroo (1)/ Mauritius

### **ALTERNATE**

Prof. Les Underhil (1)/ South Africa

## **REPRESENTATIVES OF ORGANISATIONS (3)<sup>7</sup>**

### **IUCN**

#### **REPRESENTATIVE**

Dr. Mariano Giminez-Dixon

#### **ALTERNATE**

Dr. Susan A. Mainka

### **WETLANDS INTERNATIONAL**

#### **REPRESENTATIVE**

Mr. Ward Hagemeyer

#### **ALTERNATE**

Mr. Simon Delany

### **CIC**

#### **REPRESENTATIVE**

Prof. Dr. Heribert Kalchreuter

#### **ALTERNATE**

Dr. Christian Krogell

## **EXPERTS**

### **RURAL ECONOMICS**

Mr. Elijah Danso (0)/ Ghana

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<sup>7</sup> Term of office to be decided by the Organisation

## **ENVIROMENTAL LAW**

Ms. Rachelle Adam (0)/ Israel

## **GAME MANAGEMENT**

Dr. Preben Clausen (1)/ Denmark



### **Appendix 3:**

## **REVISED RULES OF PROCEDURE FOR MEETINGS OF THE TECHNICAL COMMITTEE OF THE AGREEMENT ON THE CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)**

### **General functions**

#### **Rule 1**

The Technical Committee, established in accordance with Article VII of the Agreement provides scientific and technical advice and information, to the Meeting of the Parties and, through the Agreement Secretariat, to the Parties. Its functions are defined in Article VII paragraph 3. The Technical Committee works closely with the Standing Committee to ensure consistency across the Agreement's work.

#### **Rule 2**

In particular the Technical Committee makes recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out.

### **Representation and attendance**

#### **Rule 3**

1. In accordance with Article VII paragraph 1, the Committee membership shall comprise:

(a) nine experts representing the different regions of the Agreement Area (north & south west Europe, central Europe, eastern Europe, south-western Asia, north Africa, central Africa, west Africa, East Africa and southern Africa) elected among all the Parties on the recommendation of the Parties of the region in question;

(b) one representative appointed by each of the following organisations: the International Union for Conservation of Nature and Natural Resources (IUCN), Wetlands International, the International Council for Game and Wildlife Conservation (CIC); and

(c) one expert from each of the following fields: rural economics, game management, and environmental law; elected by the Parties.

2. Any Party has the right to recommend an expert in the fields of rural economics, game management and environmental law for nomination by the Meeting of the Parties.

3. With the exception of the experts in the field of rural economics, game management and environmental law, all the above-mentioned representatives shall name an Alternate Member for each position to be approved by the Meeting of the Parties.

#### **Rule 4**

Except as provided for in Rule 8, attendance at meetings of the Technical Committee shall be limited to members of the Technical Committee or their Alternates and observers of the Parties.

#### **Rule 5**

Only Members shall exercise the voting rights. In his/her absence, the Alternate shall act in his or her place.

#### **Rule 6**

1. The term of office of the members shall expire at the close of the second ordinary Meeting following that at which they were elected. 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 nominated in accordance with Rule 4.

2. In the instance of a Member and his/her Alternate standing down simultaneously without completing a full term of office, the Chair of the Technical Committee, in close cooperation with the region/organisation involved and in consultation with the Agreement Secretariat, is permitted to nominate an expert of the region or organisation involved to replace the Member and Alternate intersessionally with full voting rights. The term of office of the replacement member/alternate shall expire at the close of the next ordinary Meeting of the Parties with the possibility that the Meeting appoints him/ her as a representative or Alternate.

#### **Rule 7**

1. The Chairperson may invite observers of non-contracting Parties and the Chair of the AEWA Standing Committee.

2. Furthermore he may invite or admit a maximum of four observers from specialized international inter-governmental and non-governmental organizations.

3. In addition, at each meeting of the Technical Committee, the Chairperson may invite guests to contribute to specific agenda items.

#### **Officers**

#### **Rule 8**

The members of the Committee shall elect a Chairperson and Vice-Chairperson from their regional representatives of the Parties, for terms corresponding to those of the Meetings of the Parties. This election will normally take place immediately before the Meeting of the Parties, and the newly elected officers shall assume their functions at the conclusion of the same Meeting of the Parties.

#### **Rule 9**

The Chairperson shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat for circulation, and liaise with the members between

meetings of the Committee. The Chairperson may represent the Committee as required within the limits of the Committee mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee.

#### **Rule 10**

The Vice-Chairperson shall assist in the execution of the Chairperson's duties, and shall preside at meetings in the absence of the Chairperson.

#### **Rule 11**

The Agreement Secretariat shall serve the meetings of the Committee.

#### **Elections**

#### **Rule 12**

If in an election to fill one place no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If the votes are equally divided in the second ballot, the presiding officer shall decide between the candidates by drawing lots.

#### **Rule 13**

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

#### **Rule 14**

In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the presiding officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 13.

#### **Meetings**

#### **Rule 15**

Meetings of the Committee shall be convened by the Agreement Secretariat in conjunction with each ordinary session of the Meeting of the Parties and at least once between ordinary sessions of the Meeting of the Parties.

#### **Rule 16**

Where in the opinion of the Committee an emergency has arisen that requires the adoption of immediate measures to avoid deterioration of the conservation status of one or more migratory waterbird species, the Chairperson may request the Agreement Secretariat to urgently convene a meeting of the Parties concerned.

### **Rule 17**

Notice of meetings, including date and venue, shall be sent to all Parties by the Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance.

### **Rule 18**

A quorum for a meeting shall consist of half of the members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.

### **Rule 19**

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members.

### **Rule 20**

Decisions of the Committee by voting (pursuant to Rule 19) shall be passed by a simple majority vote of the members present and voting. In the case of a tie, the motion shall be considered rejected.

### **Rule 21**

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all members of the Technical Committee.

### **Working groups**

#### **Rule 22**

The Committee may establish such ad hoc working groups as may be necessary to deal with specific tasks. It shall define the terms of reference and composition of each working group.

#### **Rule 23**

In so far as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

#### **Rule 24**

The Committee shall receive reports from other committees and working groups established under the Agreement as necessary.

### **Communication procedure**

#### **Rule 25**

Any member of the Technical Committee, or the Secretariat, may submit a proposal to the Chairperson of the Technical Committee for a decision by correspondence. Upon request by the Chairperson, 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 thus communicated.

#### **Rule 26**

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 adopted, and notice of the adoption shall be given to all members.

#### **Rule 27**

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

#### **Rule 28**

The Secretariat shall inform the Contracting Parties on the date and venue of the next Meeting of the Technical Committee. For each Meeting of the Technical Committee the Contracting Parties will receive at least the provisional agenda and draft minutes of the previous meeting. All other documents to be discussed will be made available through the Agreement's website.

#### **Rule 29**

The regional representative shall endeavour to ensure a flow of information between the Technical Committee and the Contracting Parties in their region.

#### **Other functions**

#### **Rule 30**

The Chairperson shall submit a written report on the Committee's work since the previous ordinary meeting to each ordinary Meeting of the Parties.

#### **Final provisions**

#### **Rule 31**

These Rules shall be applied at the first meeting of the Committee following their approval by the Meeting of the Parties, and may be amended by the Committee as required, in accordance with the provisions of the Agreement and decisions.