

Agenda Item 19, 22.2

Review of Formal Structures and Processes of
the Agreement

Consideration and Preparation of Draft
Resolutions for MOP 6

Structure of ASCOBANS Advisory Bodies

Document 11

**Draft Resolution on Future Structure of
ASCOBANS Advisory Bodies**

Action Requested

- Decide on any changes in the structure and processes of the Agreement to be recommended to the MOP
- Propose amendments of the draft resolution text
- Endorse the draft resolution

Submitted by

Secretariat



NOTE:
**IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN
COPIES OF DOCUMENTS TO THE MEETING**

Secretariat's Note

The Meeting of Parties instructed the Advisory Committee in Resolution 6 (2006) to “review, before MOP6, the formal structures and processes of the Agreement to determine whether other mechanisms would be more effective in achieving the conservation objectives of ASCOBANS”.

In order to facilitate the discussion, the Secretariat has drafted this resolution on the establishment of a Standing Committee. Having separate bodies for scientific advice and other guidance necessary between the sessions of the Meeting of Parties is the norm for virtually all other MEAs, as well as for CMS, AEWA and EUROBATS. The experience is that this arrangement works well and is more efficient than the current combined arrangement in ASCOBANS. It allows for more specialist participation in the then strictly scientific Advisory Committee and more productive meetings, which could furthermore be significantly shorter. A small Standing Committee can meet for one day each year and tend to other necessary business.

An amendment of the Agreement would not be necessary, as has been established before in similar cases. The Bonn Convention itself, for example, also has no provision for a Standing Committee in its treaty text. The arrangement was made by means of a Resolution to establish the Committee, which is hereby also proposed for ASCOBANS.

DRAFT RESOLUTION
Future Structure of ASCOBANS Advisory Bodies

Considering the usefulness of a small permanent committee for budgetary and other administrative matters relating to the continuous implementation of the Agreement,

Emphasising the need for transparency in the operation of such a body,

Noting that the operations of many MEAs, including the Convention on Migratory Species, and other CSM Agreements including AEWA and EUROBATS have been facilitated through the creation of inter-sessional Standing Committees;

The Meeting of the Parties:

1. *Decides* to establish a Standing Committee which, within the policy agreed by the Meeting of the Parties, shall:

- (a) Carry out, between one session of the Meeting of the Parties and the next, such interim activities as may be necessary to execute the decisions of the Meeting;
- (b) Monitor the execution of the Secretariat's budget;
- (c) Provide general policy guidance and advice to the Secretariat and the Advisory Committee on the implementation of the Agreement, on the preparation of meetings, and on any other matters brought to it by the Secretariat;
- (d) Provide general guidance and assistance to Parties concerning the implementation of the Agreement;
- (e) Represent, where appropriate, the interests of the Meeting of the Parties, vis à vis the Government of the host country of the Secretariat's headquarters, UNEP and other international organisations for consideration of matters relating to the Agreement and its Secretariat;
- (f) Submit through its Chair at each ordinary session of the Meeting of the Parties a report on its work since the previous ordinary meeting, including any recommendations concerning its role and effective operation;
- (g) Make recommendations, as appropriate, for consideration at the next session of the Meeting of the Parties;
- (h) Act as Bureau at meetings of the Parties until such time as the Meeting's officers are elected; and
- (i) Perform any other function as may be entrusted to it by the Meeting of the Parties.

2. *Determines* the following principles for the functioning of the Standing Committee;

- (a) The Committee shall consist of no more than [three][four][five] Parties, who shall be elected at each ordinary session of the Meeting of the Parties, with due regard to geographical distribution. If the next host country is not elected then they shall also be a full member of the Committee in addition to the elected members;

- (b) Parties who are not members of the Standing Committee may attend meetings, and may otherwise participate in discussions by whatever means conducted, but may not vote;
- (c) The Committee may invite any body or organisation it considers relevant to the discharge of its functions to attend meetings, in their entirety or for particular items, as observers;
- (d) The Committee shall by consensus establish its own rules of procedure;
- (e) The Secretary for the Committee shall be provided by the Secretariat of the Agreement;
- (f) The members of the Committee shall meet their own travel expenses.

3. *Directs* the Secretariat to inform all Parties of the date and venue of Standing Committee meetings and of other deliberations, and to ensure the circulation of all the working documents to all Parties at the same time as they are circulated to the Standing Committee for their consideration.