



[MOP9/D7] NEW TERMS OF REFERENCE AND RULES OF PROCEDURE OF THE EAAFP TECHNICAL COMMITTEE (AUSTRALIA)

DRAFT RESOLUTION

Establishment of the Technical Committee of the East Asian – Australasian Flyway Partnership

(Prepared by the Australian Government)

Recognising the important role science and technical advice plays in the implementation of the Partnership objectives;

Noting with appreciation the EAAFP Science Officer's role in advancing the Partnership's objectives and on the communication, development and implementation of the Partnership's work program;

Further noting with appreciation all past and present expert advisors to the Meeting of the Partners, the Secretariat and all other bodies established under the East Asian – Australasian Flyway Partnership;

Recognising that the 'Independent Review of the East Asian – Australasian Flyway Partnership' identified a number of challenges exist with the organisational structure to achieve the delivery of the Partnership's goal and objectives,

Specifically:

"The current EAAFP organisation model works with the Meeting of Partners providing the main mechanism for reporting, interaction and decision making. The bulk of the scientific and technical work is devolved to the Task Forces and Working Groups which are voluntary in nature, largely self-funded, and report only to the MoP. The Secretariat provides communication and administrative services, overseen by the Secretariat Management Committee, which meets infrequently.

The current structure has several limitations:

- 1. It is too simplistic and leaves too much to be inferred especially in terms of processes, responsibilities, and liability.*
- 2. It lacks advisory and oversight mechanisms to monitor, assess (including assessing risk) and respond to issues related to"*
 - The planning, management and implementation of actions during the intersessional period between MoPs, including the implementation of decisions taken at the MoP and the delivery of the Implementation Strategy*
 - The work of the Working Groups and Task Forces (that only report to the MoP).*

- Emerging technical and other issues, beyond the mandate of working Groups and Task Forces and that may need action.” (page 18)

Further recognising the recommendation of establishing a ‘Technical Advisory Sub-Committee’ in the independent review to:

“provide scientific and technical oversight for the Working Groups and Task Forces and the Conservation and Policy/Advocacy Unit within the Secretariat”; and

“to identify emerging technical and other issues, beyond the mandate of the Working Groups and Task Forces, and that may need action, and work with the Conservation and Policy/Advocacy Unit to address these issues”.

Recalling, in accordance to Paragraph 9(9) of the Partnership document, that Partners may establish advisory groups and permanent and/or ad hoc working groups/task forces as needed;

Noting that to address the deficiencies of the organisational structure identified in the independent review, a new EAAFP Technical Committee should be established as soon as practicable and to ensure its appropriate operation, new Terms of Reference and Rules of Procedure for the EAAFP Technical Committee have been drafted at **Attachment A** and **B** respectively;

The 9th Meeting of the Partners

of the East Asian – Australasian Flyway Partnership:

1. *Agrees* to establish a EAAFP Technical Committee;
2. *Adopts* the ‘Terms of Reference for the EAAFP Technical Committee’;
3. *Adopts* the ‘Rules of Procedure of the EAAFP Technical Committee’;
4. *Instructs* the Secretariat and Management Committee, in consultation with Partners, to develop a selection process, seek nominations of qualified experts and appoint, on an interim basis, a Technical Committee as soon as practicable following the 9th Meeting of the Partners; and

Further instructs the Secretariat and Management Committee to present their recommendations regarding the selection process and membership of the Technical Committee to the 10th Meeting of the Partners for agreement.

[MOP9/D7.1] Terms of Reference for the EAAFP Technical Committee

Scope of the Terms of Reference

The Terms of Reference apply to the East Asian – Australasian Flyway Partnership Technical Committee, unless stated otherwise in the Terms of Reference.

General Functions of the Technical Committee

The Technical Committee, established in accordance with paragraph 9(9) of the Partnership document, provides scientific and technical advice to, *inter alia*, the Meeting of the Partners, the Secretariat, any other body set up under the Partnership or any Partner.

Operating Principles

The Technical Committee, in carrying out its functions, should support the implementation of the Partnership in a manner consistent with other nationally and internationally agreed goals relevant to the objectives of the Partnership document.

The Technical Committee should endeavour constantly to improve the quality of its scientific and technical advice by improving scientific input into debate at and work of its meetings and meetings of the Partnership working groups and task forces.

The Technical Committee may formulate its advice or recommendations in the form of options or alternatives, where appropriate.

Functions

The Technical Committee should fulfill the functions assigned to it by the Meeting of the Partners. These functions include:

- a. advising, between Meetings of the Partners, on the development and implementation of the Partnership's work programme from a scientific and technical standpoint;
- b. advising, identifying, assessing and recommending proposals to be considered for inclusion in the Flyway Site Network;
- c. making recommendations to the Meeting of the Partners as to the migratory waterbird species to be included in Appendix III;
- d. assessing proposals for the amendment of Appendix III from a scientific and technical standpoint, and providing advice to the Meeting of the Partners regarding proposed amendments;
- e. identifying and making recommendations to the Meeting of the Partners on flyway research needs on migratory species and their habitats, especially those that are listed in Appendix III or candidates for such listing.

- f. advising on specific conservation and management measures for the conservation of Appendix III species and their priorities, or other mechanisms for the conservation of migratory species and their habitats undertaken within the framework of the Partnership;
- g. bringing to the attention of the Meeting of the Partners any new and emerging issues relating to the conservation and management of migratory waterbird species and their habitats;
- h. advising on the priorities for conservation activities relating to migratory waterbird species and their habitats, and on selecting, monitoring and evaluating projects which will promote the implementation of the Partnership objectives;
- i. recommending to the Meeting of the Partners solutions to problems relating to the scientific and technical aspects of the implementation of the Partnership objectives;
- j. providing information, channelled through the Secretariat, to all Range States of particular species and relevant organizations, with a view to encouraging non-partner Range States and relevant organizations to become Partners of the Partnership and to participate in its implementation.
- k. Liaising with working groups and task forces, to identify issues of common concern among these bodies and distil lessons for wider dissemination;
- l. Providing upon request, advice on scientific and technical proposals from working groups and task forces;
- m. making proposals for more effective and streamlined scientific and technical outputs of working groups and task forces to respond to Partnership objectives.

Appointment of Members

The Technical Committee is composed of members appointed by the Meeting of the Partners.

Any Partner may nominate a qualified expert as a member of the Technical Committee.

Technical Committee members do not represent the Partner that nominate them, but contribute to the workings of the Technical Committee in their expert capacity.

The composition of the Technical Committee is as follows:

- a. Ten members with expertise in regional, and thematic issues; and

Responsibilities of the Technical Committee Members

Technical Committee members 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.

Technical Committee members should maintain regular communication with the chairs of the Partnership working groups and task forces.

Technical Committee members should maintain regular communication with the other Partners in the Partnership.

Cooperation of Other Relevant Bodies or organizations

The Technical Committee should cooperate with other advisory bodies set up by other Conventions, Agreements and MOUs, *inter alia*, inviting them to participate as observers in the meetings of the Technical Committee.

The Technical Committee should liaise, through its Chair or his/her nominated representative, with comparable bodies established under other relevant frameworks. This would include, where appropriate and resource permitting, attendance of the Chair of the Technical Committee, or his/her nominated representative, at meetings of these bodies.

The scientific contribution of non-governmental organizations to the fulfilment of the role of the Technical Committee is strongly encouraged. This includes inviting them to participate as observers in the meetings of the Technical Committee, and establishing and maintaining working cooperation on matters of common interest with organizations.

Rules of Procedure

The Technical Committee will establish its own Rules of Procedure which will be subject to the approval of the Meeting of the Partners.

[MOP9/D7.2] Rules of Procedure of the EAAFP Technical Committee

General Functions

Rule 1

The Technical Committee, established in accordance with paragraph 9(9) of the Partnership, provides scientific and technical advice to, *inter alia*, the Meeting of the Partners, the Secretariat, and to any Partner to the Partnership. Its functions are defined in Terms of Reference, supplemented from time to time by instructions included in resolutions or recommendations adopted by the Meeting of the Partners.

Rule 2

In particular, it advises, between the meetings of the Meeting of the Partners, on the development and implementation of the Partnership's work programme from a scientific and technical standpoint, and advises on the priorities for sponsorship of conservation activities.

Rule 3

The Technical Committee shall liaise, through its Chair or a member or members nominated for this purpose, with working groups and task forces established under the Partnership.

Representation and Attendance

Rule 4

Any Partner may nominate a qualified expert as a member of the Technical Committee. The Technical Committee shall include as members no more than ten qualified experts selected and appointed by the Meeting of the Partners. In addition, the Partnership Science Officer will be a member of the Committee *ex officio*.

Rule 5

Membership of the Committee shall be reviewed at each ordinary meeting of the Meeting of the Partners.

Rule 6

The Chair of the Management Committee shall have the right to participate in meetings of the Technical Committee as an observer without the right to vote.

Rule 7

The Chair may invite any person or representative of any Partner, non-Partner or organization to participate in meetings of the Committee as an observer without the right to vote, and shall inform the Secretariat accordingly.

Officers

Rule 8

The members of the Committee shall elect from among the Committee members, a Chair and Vice-Chair. This election will normally take place before the meeting of the Meeting of the Partners, and the newly elected officers shall assume their functions at the conclusion of the corresponding meeting of the Meeting of the Partners.

Rule 9

The Chair shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat, and liaise with working groups, task forces and with the Management Committee between meetings of the Committee. The Chair may represent the Committee as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.

Rule 10

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

Elections

Rule 11

If in an election of an officer no clear candidate emerges, a ballot will be taken. If in the ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.

Meetings

Rule 14

Meetings of the Committee shall be convened at the request of the Chair or, in exceptional cases, of at least one-third of the members, in both cases in consultation with the Secretariat. Meetings of the Technical Committee and any working groups or task forces established thereunder shall be serviced by the Secretariat of the Partnership.

Rule 15

The Committee should meet at least once between ordinary meetings of the Meeting of the Partners. The time, method (face-to-face or electronic) or venue of meetings shall be determined by the Chair, in consultation with the Secretariat.

Rule 16

Notice of meetings, including the date and venue, shall be sent to all Partners by the Secretariat at least 60 days in advance and, in the case of extraordinary meetings, at least 30 days in advance.

Rule 17

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 18

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

Rule 19

Decisions of the Committee by voting (pursuant to Rule 18) shall be taken by a simple majority of the members present. In the case of a tie, the motion shall be considered as rejected.

Rule 20

A summary record of each meeting shall be prepared by the Secretariat within four (4) weeks and shall be communicated to all Partners.

Rule 21

The Committee shall work in the official language of the Partnership.

Working Groups

Rule 22

Working groups of the Technical Committee may be established in order to further the Committee's work programme intersessionally, taking into account the provisions of any relevant recommendations or resolutions of the Meeting of the Partners.

Communication Procedure

Rule 23

Any member or the Secretariat may make a proposal to the Chair for a decision by email procedure. 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 so communicated.

Rule 24

If, by the date on which comments on a proposal were due to be communicated, the Secretariat has not received any objection from a Partner, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

Rule 25

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

Other Functions

Rule 26

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

Rule 27

The Committee shall receive reports from other committees established under the Partnership, as necessary.

Final Provisions

Rule 28

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Meeting of the Partners shall be applied *mutatis mutandis*.

Rule 29

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