

Review of Bureaux and Standing Committees, with potential recommendations for consideration by the IWC

Prepared by the Secretariat

1 INTRODUCTION

On 7 February 2012 the Secretariat, on behalf of the Chair of the Intersessional Group (Ms D. Petrachenko, Australia), circulated a draft checklist of actions¹ for moving the Commission's regular meetings from an annual to a biennial cycle.

Comments on this document were received from seven of the eleven members of the Intersessional Group and these comments were compiled in document IWC/2012/IG-BB 2. A key concern was the need to give greater consideration to the structure, tasks and terms of reference of the Bureau so as to ensure it is introduced in the most effective way. To assist this process, the Chair of the IG-BB requested the Secretariat to prepare this discussion paper on how a Bureau may work in the IWC context by drawing on a comparative analysis of Bureaux and administrative Standing Committees in other inter-governmental organisations.

2 METHOD FOR REVIEWING BUREAUX AND STANDING COMMITTEES IN OTHER INTER-GOVERNMENTAL ORGANISATIONS

Previous reviews (e.g. IWC/60/18², IWC/63/F&A3³ and IWC/2012/IG-Q 1⁴) have compared the IWC's rules and procedures with those of other Inter-Governmental Organisations (IGOs) including Regional Fisheries Management Organisations (RFMOs) and other non-fisheries IGOs. These organisations are listed in Table 1, along with the frequency of their Meetings of the Parties. In addition, the International Council for the Exploration of the Seas (ICES) has been included at the suggestion of the Small Working Group on Meeting Frequency⁵. Table 1 indicates for each IGO whether an administrative Standing Committee or Bureau meets during the intersessional period. Information in Table 1 was obtained through the respective organisation's websites, and Resolutions or Rules of Procedure relevant to the role and duties of the Bureau or Standing Committee (if the organisation has one) have been compiled at Appendix 1.

Table 1: List of IGOs with notes on existence of an administrative Standing Committee or Bureau

Organisation	Frequency of Conference of the Parties	Standing Committee	Bureau
Regional Fisheries Management Organisations			
CCAMLR	1 year	No	No
CCSBT	1 year	No	No
IATTC/IDCP	1 year	No	No
ICCAT	2 years	The Convention makes provision for a Council to meet at least once in the interim between regular meetings of the Commission ⁶	
NEAFC	1 year	No	No
NAFO	1 year	No	No
WCPFC	1 year	No	No
Other Inter-Governmental Organisations			
FAO	2 years	The FAO's Council acts as the Conference's executive organ between sessions.	
CBD	2 years ⁷	No	Yes
CITES	2-3 years	Yes ⁸	Yes ⁹
CMS	Approx 3 years	Yes ¹⁰	No
Ramsar	3 years	Yes ¹¹	Yes ¹²
ICES	1 year	No	Yes ¹³

¹ Document IWC/2012/IG-BB 1

² Document IWC/60/18 proposed improvements to procedural issues

³ Document IWC/63/F&A3 reviewed the IWC's rules and procedures

⁴ IWC/2012/IG-Q 1 reviewed quorum practices in other IGOs

⁵ See IWC/63/Rep 7

⁶ In practice, the Council has not met in recent years.

⁷ Biennial since a change to the Rules of Procedure in 2000.

⁸ The Cites Standing Committee was established through Resolution Conf. 11.1 (Rev. CoP15)

⁹ The Cites Bureau is established for each Conference of the Parties through adoption of the Rules of Procedure

¹⁰ The CMS Standing Committee was established through Resolution 2.5

¹¹ The Ramsar Standing Committee was established by Resolution 3.3, and its tasks are defined by Resolution VII.1 (1999)

¹² The Ramsar Bureau is established through Article 8 of The Convention on Wetlands of International Importance.

Table 1 shows that the majority of RFMOs have a Meeting of their Parties on an annual cycle and they do not generally have Bureaux or Standing Committees dealing with intersessional administrative issues. One exception is the International Convention for the Conservation of Atlantic Tuna (ICCAT) which has its Meeting of the Parties every two years. Because of this extended meeting cycle the ICCAT Convention makes provision for a Council to meet in the interim period, although Council meetings have not been taking place in recent years.

By contrast, all the other Inter-Governmental Organisations listed in Table One except ICES have Conference of the Parties at 2 or 3 yearly intervals and have a well-defined Bureau or Standing Committee structure.

The specific tasks allocated to the Bureaux and Standing Committees of other organisations are discussed in detail at Section 4 below. Proposals for an IWC Bureau or Standing Committee are given at Section 8.

3 GENERAL INTRODUCTION TO THE ROLE OF BUREAUX AND STANDING COMMITTEES

There is no single definition for the roles of Bureaux, administrative Standing Committees and Councils in Inter-governmental Organisations. Indeed, initial examination of the constitutions of the different Standing Committees given at Annex 1 indicates that the Committees are required to perform differing functions within different organisations.

Generally speaking the role of a Bureau is to assist the Chair in directing negotiations during the Conference of the Parties. It usually meets on a daily basis during negotiating sessions and manages issues such as scheduling, best use of negotiating time and issues relating to the agenda. The Bureau may also take decisions on issues that may arise during the negotiations, for example whether additional working groups need to be established.

The MEA negotiator's handbook¹⁴ describes the functions of the Bureau as being relevant both intersessionally and during the CoP itself. Thus it states that the Bureau is required to '*work closely with the Secretariat to provide administrative and operational direction with regard to the work that the CoP or subsidiary bodies have asked the Secretariat to accomplish. As the Bureau must also plan for the upcoming meetings, it will discuss agenda items and meeting structure with the Secretariat. For instance, the Bureau will consider how many working groups/contact groups will likely be necessary, how long the High-level segment of the meeting should be, what dates and venues should be selected for future CoPs and subsidiary groups, whether there are any pressing budget issues and so on. It will receive and examine reports that are prepared by the Secretariat in the interim, including reports of a budgetary nature. It can also be tasked with substantive tasks. For example the Expanded Bureau of the Basel Convention frequently examined draft interim guidelines for an Emergency Fund. These guidelines reserved an important role to the Bureau with regard to the fund.*

During [the CoP] meeting, the Bureau normally meets daily to discuss how the meeting is proceeding and what to anticipate for the next day. The Bureau also has the responsibility, at the beginning of the meeting, to examine and report to the CoP on the credentials submitted by representatives'.

These descriptions suggest that the role of a Bureau is often given over to planning for the CoP and ensuring its successful outcome, although it may also play a more substantive role.

Standing Committees generally have a more substantial role. For example the Standing Committee of the Ramsar Convention is the intersessional executive body which represents the CoP between its triennial meetings, within the framework of the decisions made by the CoP. Similarly the Standing Committee of the Convention on Migratory Species provides policy and administrative guidance between regular meetings of the CoP, particularly on general policy as well as on operational and financial issues. The Council of the Food and Agriculture Organisation acts as the Conference's executive organ between sessions within the limits of the powers delegated to it by the Conference. In particular, it exercises functions dealing with world food and agriculture situation and related matters, current and prospective activities of the Organisation including its programme of work and budget, administrative matters, financial management of the organisation and constitutional matters.

¹³ The ICES Bureau is established through Article 11 of the Convention for the International Council for the Exploration of the Sea

¹⁴ Multilateral Environmental Agreement Negotiator's Handbook. Second Edition: 2007. Publisher University of Joensuu, Department of Law.

4 SPECIFIC TASKS ALLOCATED TO BUREAUX AND STANDING COMMITTEES

Table 2 provides a summarised list of the range of specific tasks which are allocated to administrative Bureaux and Standing Committees in the IGOs identified in Table 1. These tasks have been compiled by examination of the documents which constitute the Bureaux and Standing Committees as reproduced at Annex 1.

Table 2: Specific Tasks allocated to the Standing Committees and Bureaux of the organisations shown in Table 1

Task:	Relevant text from constitutions of Bureaux and Standing Committees listed at Annex 1
General statement of duties:	<p>ICCAT: The Council shall perform such functions as are assigned to it by this Convention</p> <p>FAO: The Council...shall...between sessions of the Conference, act on behalf of the Conference as its executive organ and make decisions on matters that need not be submitted to the Conference...¹⁵</p> <p>CITES: The Standing Committee shall provide general policy and general operational direction to the Secretariat concerning the implementation of the Convention. Also: The Standing Committee shall carry out...such interim activities on behalf of the Conference as may be necessary.</p> <p>CMS: The Standing Committee shall provide general policy, operational and financial direction to the Secretariat concerning the implementation and expansion of the Convention ... and ... shall carry out such interim activities on behalf of the Conference as may be necessary.</p> <p>Ramsar: The Standing Committee shall carry out...such interim activity on behalf of the Conference as may be necessary, such activity being limited to matters on which the Conference has previously recorded its approval. Also to supervise and provide guidance to the Bureau.</p> <p>ICES: The Bureau shall be the Executive Committee of the Council and shall carry out the decisions of the Council...</p>
Strategic Outlook:	FAO: The Council shall consider and make recommendations to the Conference on the Strategic Framework...
Operational Plan and Programme of Work:	FAO: The Council shall...consider and make recommendations to the Conference on the ... Medium Term Plan and the Programme of Work...
Co-ordination of Sub-committee programme:	CITES: The Standing Committee shall provide co-ordination and advice to other Committees and provide direction and co-ordination of working groups established either by itself or the Conference of the Parties
Preparation for the Conference of Parties:	<p>FAO: The Council shall draw up a provisional agenda for review by the Conference of the state of food and agriculture, drawing attention to specific policy issues which would require Conference consideration....</p> <p>FAO: The Council shall recommend...items for insertion in the agenda of any session of the Conference. The Council shall ... supervise and coordinate all preparatory work for Conference sessions...</p> <p>CITES: The Standing Committee shall provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings</p> <p>CMS: The Standing Committee shall provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings...</p> <p>Ramsar: The Standing Committee shall make recommendations for consideration at the next meeting of the Conference of the Parties</p> <p>Ramsar: The continuing Bureau shall assist in the convening and organising of Conferences</p> <p>ICES: The Bureau...shall draw up [the Council's] agenda and convene its meetings.</p>

¹⁵ Article V of the FAO's constitution reserves certain functions that may not be delegated to the Council
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Support for the Conference of Parties:	<p>CITES: The Standing Committee shall act as the Bureau at meetings of the Conference of the Parties, until such time as the Rules of Procedure are adopted. CITES Rules of Procedure at the 15th Conference of the Parties stated 'The Bureau of the Conference ... [shall have the] general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.</p> <p>Ramsar: The Standing Committee shall act as a conference steering committee at Meetings of the Conference of Contracting Parties with the general duty of forwarding the business of the meeting.</p>
Drafting Resolutions:	<p>CITES: The Standing Committee shall draft Resolutions for consideration by the Conference of the Parties</p> <p>CMS: The Standing Committee shall make recommendations, or draft resolutions, as appropriate, for consideration by the Conference of the Parties</p>
Financial – Budget:	<p>ICCAT: The Council shall review the second half of the biennial budget</p> <p>FAO: The Council shall make a recommendation to the Conference regarding the level of the budget.</p> <p>CITES: The Standing Committee shall oversee, on behalf of the Parties, the development and execution of the Secretariat's budget.</p> <p>CMS: The Standing Committee shall oversee, on behalf of the Parties, the development and execution of the budget...and also all aspects of fundraising...</p> <p>ICES: [The Council] shall also prepare the budget. It shall invest the reserve funds....</p>
Financial - Audit:	<p>ICCAT: The audit shall be reviewed and approved by the Council in the years when the Commission does not meet</p> <p>FAO: The Council shall report to the Conference on the financial position and the final audited accounts of the Organisation</p>
Constitutional Matters:	<p>FAO: The Council may establish Commissions, Committees or Working Parties, consider and approve supplementary agreements and conventions for submission to Member Nations, enter into agreements with other IGOs, and consider and make recommendations on amendments to the organisation's rules.</p> <p>FAO: The Council shall propose candidates for the office of Chairperson of the Conference....</p>
Progress Reporting:	<p>FAO: The Council shall report to the Conference on its work, emphasizing policy issues for consideration by the Conference</p> <p>CITES: The Standing Committee shall report to the Conference of the Parties on the activities it has carried out between meetings of the Conference.</p> <p>CMS: The Standing Committee shall submit at each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting.</p> <p>Ramsar: The Standing Committee shall report to the Conference of the Contracting Parties on the activities it has carried out between the ordinary meetings of the Conference</p> <p>ICES: [The Bureau] shall account to the Council for its activities</p>

Table 2 shows that functions including strategic planning; preparation and support for the Conference of the Parties; financial responsibilities; constitutional responsibilities and progress reporting are all variously assigned to Standing Committees and Bureaux of Inter-governmental organisations. These responsibilities may be listed individually in the documents which constitute the Standing Committees (e.g. the Council to the FAO), or they may simply be covered by one over-arching instruction, e.g. 'The Council shall perform such functions as are assigned to it by this Convention' (ICCAT).

Section 5 considers the range of responsibilities which have been considered for allocation to a Bureau or Standing Committee in previous IWC discussions.

5 PREVIOUS DISCUSSIONS WITHIN THE IWC ON THE ROLE OF A BUREAU OR STANDING COMMITTEE

5.1 Relationship to current Advisory Committee

The small working group on meeting frequency convened at the IWC's 63rd Annual Meeting in 2011 recommended that a Standing Committee be established to guide the implementation and delivery of the Commission's work during the extended intersessional period. The group also agreed that the Standing Committee, if established, would take the place of the current Advisory Committee¹⁶.

The role of the Advisory Committee is specified in Rule M.9 of the Rules of Procedure as is to '*assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission. The Committee is not a decision making forum and shall not deal with policy matters or administrative matters that are within the scope of the F&A Committee other than making recommendations to this Committee*'

The Small Working Group has agreed and recommended that the function of assisting and advising the Secretariat on administrative matters should be transferred to the Standing Committee, should one be established.

An additional function sometimes assigned to Bureaus of other IGOs is to review credentials at Biennial Meetings. Thus it may be appropriate for a Sub-committee of the Bureau to replace the current IWC Credentials Committee.

5.2 Report by Professor Calestous Juma¹⁷

Professor Juma was engaged by the Commission in March 2008 to assist with the development of a process orientated approach to improving the negotiating environment within the IWC. His report 'The Future of the International Whaling Commission – Strengthening Ocean Diplomacy' is reproduced in the Commission's 2008 Annual Report at page 79.

In Section 3 of his report Professor Juma identifies a range of issues for consideration, one of which considers the possibility of establishing a Bureau for the Commission. The report notes '*The Commission could benefit from a standing Bureau elected by the Commission to assist the Chair in planning and running meetings of the Commission. In addition to helping plan the meetings, such a Bureau would also serve as a communication link between the Chair and the rest of the Commissioners*'.

5.3 Previous Commission discussions regarding a Bureau

IWC/62/7rev considered the establishment of a Bureau in order to support the Chair of the Commission. It suggested the following functions for allocation to a Bureau:

- Support the Chair of the Commission;
- Propose to the Commission four-year strategic plans based on contributions from the Committees and monitor implementation of the plans once approved by the Commission;
- Assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
- Help co-ordinate the business of the Commission;
- Review the progress of the work of the Committees;
- Assist the implementation of the IWC Cooperation Programme; and
- Undertake other tasks entrusted to it by the Commission.

¹⁶ IWC/63/ Rep 7 Report of the Small Working Group on Meeting Frequency

¹⁷ See Annual Report of the IWC 2008 p79

6 MEMBERSHIP OF A BUREAU OR STANDING COMMITTEE

A possible structure for membership of a Bureau or Standing Committee was explored in documents IWC/2012/IG-BB 1 and 2. Document IWC/2012/IG-BB 2 noted that ‘The issue [of membership] is likely to be considered further as part of the review of Bureaux and Standing Committees in other inter-governmental organisations’. In particular, it may be appropriate to further modify the proposals for membership once the key duties and role of a Bureau or Standing Committee have been confirmed.

In order to support continued discussion, the most recent proposal for membership of a Bureau or Standing Committee as modified by the comments received on document IWC/2012/IG-BB 1 is as follows:

- The Chair of the Commission
- The Vice-Chair of the Commission
- The Chair of the Finance and Administration Committee
- The Chair of the Conservation Committee
- The Chair of the ASW Sub-committee
- The Chair of the Budgetary Sub-committee
- The host Government of the forthcoming Commission meeting
- Between two and four additional members
- The Chair of the Scientific Committee (in a non-voting advisory capacity)
- The Secretariat (in a non-voting advisory capacity)

This composition would give a Bureau composition of between 9 and 11 members, plus the Chair of the Scientific Committee and Secretariat in advisory roles.

Section 9 below suggests that proposals for the Bureau or Standing Committee membership may be re-visited once its specific tasks have been confirmed.

7 CONCLUSIONS

7.1 Possible Functions for an IWC Bureau or Standing Committee

This review has identified a range of functions often given over to Bureaux or Standing Committees in intergovernmental organisations (Table 2), and also recognised the functions previously proposed for allocation to an IWC Bureau or Standing Committee (Section 5). The functions identified in Table 2 and Section 5 are collated in Table 3 below, with additional comments on relevance of each function in the context of the IWC.

The central theme in the general statement of duties of other bureaux and administrative Standing Committees is that they operate within the framework of decisions made by the Conference of the Parties.

Table 3: Functions given to Bureaux and Standing Committees and relevance to IWC

Function	Comment
Strategic Outlook	In general the IWC does not benefit from formal strategic or operational planning. However previous Commission discussions have led to a suggestion ¹⁸ that a bureau should propose four year strategic plans to the Commission based on contributions from the Committees and monitor implementation of the plans once approved by the Commission. Thus the Commission may wish to consider tasking a Bureau or Standing Committee with developing a strategic plan for Commission approval.
Operational Plan and Programme of Work	An operational plan describes the methods of achieving pre-identified strategic objectives (see above). If a remit for strategic planning is given to an IWC Standing Committee or Bureau then responsibilities for overseeing an operational plan or programme of work would also be appropriate.
Co-ordination of Sub-committee programme	Within the IWC increasing co-ordination is taking place between sub-groups (e.g. between the Scientific and Conservation Committees on whalewatching and ship strikes, and between the Scientific and ASW Sub-committees on aboriginal whaling quotas). However under the scenario where strategic and operational planning is formally adopted it may be appropriate to ensure even greater co-ordination between sub-group working, particularly in efforts to raise external financial support. Co-ordination of Commission business and reviewing the progress of the work undertaken by the Committees was a role envisaged for the Bureau in document IWC/62/7rev.
Preparation for Meeting/Conference of the Parties	Preparing for, and ensuring the success of the plenary Conference of the Parties is an explicit role of the Bureau / Standing Committees of many of the organisations listed in Table 2. It was also proposed by Professor Juma in his review of IWC procedures. Preparations include setting of agendas (which is currently undertaken within the IWC by the Chair in consultation with the Secretary), reviewing other meeting requirements and making recommendations for consideration by the Plenary. At present the Chair consults as he/she sees fit, including with the Advisory Committee.
Support during Meetings/Conference of the Parties	For CITES and Ramsar the Standing Committee acts as Bureau (until rules of procedure are adopted) or Conference Steering Committee respectively. For Ramsar the Steering Committee has the general duty of forwarding the business of the meeting. In an IWC context the Standing Committee may be able to advise the Chair on resolving issues, the timing of sessions and general approach to the meeting. At present the Chair consults as he/she sees fit, including at full private Commissioners' meetings.
Drafting Resolutions	For CITES and CMS the Standing Committee is able to draft Resolutions for consideration by the Conference of the Parties. This may result in consultations where there are different views before the matter is brought to plenary.
Financial – Budget	In responding to IWC/2012/IG-BB 2 members of the intersessional group were supportive of the Commission setting a two year budget. Within this, an opportunity may exist for the Bureau / Standing Committee to authorise re-apportionment of certain pre-agreed amounts, within the overall total agreed by the Commission, in order to deal with issues arising unexpectedly or as a result of strategic or operational planning.
Financial – Audit	In the years when the Commission does not meet, the Bureau should receive and discuss the report from the Commission's auditors. However, as acknowledged in document IWC/2012/IG-BB 2 the audit report shall also be sent to all Commissioners including those who are not members of the Bureau before the beginning of the Bureau meeting in the years when the Commission does not meet.
Credentials	Current practice within the IWC is for credentials to be checked by a Credentials Committee comprising the Secretary and a representative from the USA and New Zealand Governments. It may be appropriate for a sub-group of the Bureau / Standing Committee to take on this role.
Constitutional Matters	Table 2 indicates that the FAO's Council may undertake various functions including establishing Commissions, Committees or Working Parties, approving supplementary agreements and entering into agreements with other IGOs. Comments received on document IWC/2012/IG-BB1 suggest that in the IWC context such responsibilities should be retained by the Commission.

¹⁸ See document IWC/62/7

Assisting and advising the Secretariat on administrative matters	Within the IWC context these functions are given over to the Advisory Committee. If a Bureau or Standing Committee is to be established it may be appropriate to incorporate these functions and disband the Advisory Committee.
Progress reporting	The Standing Committees of several of the IGOs listed in Table 2 report their progress to the Meeting / Conference of the Parties. The report of any IWC Bureau or Standing Committee should be made public and submitted to the following Commission Meeting for discussion and endorsement.

7.2 Bureau or Standing Committee?

Commissioners may wish to consider establishing either a Bureau or a Standing Committee depending on the specific tasks to be allocated to the new body. If the tasks are to be limited to planning for and ensuring the success of the forthcoming plenary then it may be appropriate to refer to the new body as a Bureau. On the other hand, if the tasks are to include drawing together strategic and operational plans on the basis of work being undertaken by existing sub-groups then it may be more appropriate refer to the new body as a Standing Committee.

8 NEXT STEPS

Three key aspects are important in the process for establishing a Bureau or Standing Committee. These are (1) clarification of the Bureau or Standing Committee's principle functions (i.e. its terms of reference); (2) agreement on its membership; and (3) agreement on its Rules of Procedure.

It may be appropriate to confirm the Bureau / Standing Committee's membership once its terms of reference are agreed. This is because, for example, if the Bureau / Standing Committee is to have a budgetary function then it may be appropriate to include the Chair of the Budgetary Sub-committee in the Bureau's membership.

Drafting of the Bureau / Standing Committee Rules of Procedure may be best accomplished by the Bureau/Standing Committee itself during its inaugural meeting (which would take place only once the Commission has agreed terms of reference and initial membership). As a starting point the Bureau / Standing Committee may wish to convene its first meeting using the Commission's Rules of Procedure applied *mutatis mutandis* (i.e. with the necessary changes having been made).

In the event that the Commission does wish to establish a Bureau or Standing Committee this could be achieved by adoption of a Resolution specifying the Bureau / Standing Committee's terms of reference and membership. This approach would allow the Commission to request the Bureau / Standing Committee to develop its own procedures and other rules as appropriate, and to report back to the Commission. Alternatively the Commission may wish to adopt changes to the Rules of Procedure to establish a Bureau or Standing Committee, though this approach limits the flexibility afforded to any new body to establish its own procedures.

At the series of options for moving forward with the transition to a biennial meeting cycle are presented in document IWC/2012/IG-BB 4.

Annex A

The Constitutions of the Bureaux, Standing Committees and Councils identified in Table One

1 International Commission for the Conservation of Atlantic Tuna

ICCAT's Council is constituted through Article V of the International Convention for the Conservation of Atlantic Tunas¹⁹:

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article X

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise reappropriation of amounts in the Commission budget for the second year within the total budget approved by the Commission.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission or by the Council in years when there is no regular Commission meeting.

2 Food and Agriculture Organisation

The functions of the FAO's Council are given at Rule 24 of the FAO's Rules of Procedure:

Rule XXIV Functions of the Council

The Council, subject to the provisions of paragraph 3 of Article V of the Constitution, shall, between sessions of the Conference, act on behalf of the Conference as its executive organ and make decisions on matters that need not be submitted to the Conference. In particular, the Council shall exercise the functions described below:

1. World food and agriculture situation and related matters

The Council shall:

(a) draw up a provisional agenda for the review by the Conference of the state of food and agriculture, drawing attention to specific policy issues which would require Conference consideration or could be the subject of a

¹⁹ Note that ICCAT's Council has not met in recent years.

formal recommendation by the Conference under paragraph 3 of Article IV of the Constitution, and aid the Director- General to prepare the report and agenda for the review by the Conference of the programmes of Member Nations and Associate Members;

(b) examine and advise on any issues pertaining to or arising out of the world food and agriculture situation and related matters, specially any such issues of an urgent nature, which would call for action by the Conference, the Regional Conferences, the Committees referred to in Article V, paragraph 6 of the Constitution or the Director-General;

(c) examine and advise on any other issues pertaining to or arising out of the world food and agriculture situation and related matters which may have been referred to the Council in accordance with decisions of the Conference or any applicable arrangements

2. Current and prospective activities of the Organization, including its Strategic Framework, Medium Term Plan and Programme of Work and Budget

The Council shall:

(a) consider and make recommendations to the Conference on the Strategic Framework, the Medium Term Plan and the Programme of Work and Budget;

(b) make a recommendation to the Conference regarding the level of the budget;

(c) take any necessary action, within the approved Programme of Work and Budget, with respect to the technical activities of the Organization and report to the Conference on such policy aspects thereof as may require decisions by the Conference;

(d) decide on such adjustments to the Programme of Work and Budget as may be required in the light of the decisions of the Conference on the budget level;

(e) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on programme and budget matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security;

(f) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports on programme and budget matters of the Regional Conferences.

3. Administrative matters and financial management of the Organization

The Council shall:

(a) exercise control over the financial administration of the Organization;

(b) report to the Conference on the financial position and the final audited accounts of the Organization;

(c) advise the Director-General on matters of policy affecting administration;

(d) approve between-chapter transfers other than those for which the Finance Committee has authority;

(e) authorize withdrawals from the Working Capital Fund for making reimbursable loans or for emergency expenditure on the basis of proposals from the Director-General;

(f) consider and make recommendations to the Conference on the level of the Working Capital Fund;

(g) consider the establishment of reserve funds and make recommendations thereon to the Conference;

(h) consider and make recommendations to the Conference on any proposal from the Director-General to accept voluntary contributions and to establish Trust and Special Funds involving additional financial obligations for Member Nations and Associate Members;

(i) consider the scale of contributions and recommend any modifications thereof to the Conference;

(j) consider and approve recommendations of the Finance Committee or the International Civil Service Commission regarding the scale of salaries and the conditions of employment of the staff and recommendations of the Finance Committee on the general structure of the administrative and technical services of the Organization;

(k) consider any observations of the Finance Committee on decisions taken by the International Civil Service Commission in accordance with its Statute, including the funding of post adjustments applied to salary rates;

(l) review action by the Director-General in regard to new posts established in the professional category of staff for which prior authority did not exist;

(m) appoint the external auditor;

(n) delegate to the Finance Committee specific functions relating to financial or administrative matters of the Organization in addition to the functions listed in Rule XXVII, paragraph 7 of these Rules.

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4. Constitutional matters

The Council may:

(a) establish commissions, committees and working parties, and convene general, regional, technical or other conferences, working parties or consultations, or authorize the Director-General to establish committees and working parties and convene general, regional, technical or other conferences, working parties or consultations, pursuant to Article VI of the Constitution;

(b) consider, and approve for submission to Member Nations, agreements and supplementary conventions or agreements, as provided in paragraph 2 of Article XIV of the Constitution;

(c) subject to confirmation by the Conference, enter into agreements with other international organizations, pursuant to paragraph 1 of Article XIII of the Constitution;

(d) make recommendations concerning the relationship between the Organization and international non-governmental organizations, in accordance with procedures determined by the Conference;

(e) consider, and make recommendations to the Conference on amendments to the General Rules and the Financial Regulations of the Organization.

5. General

The Council shall:

(a) elect the Chairpersons and Members of the Programme Committee, the Finance Committee, and the Committee on Constitutional and Legal Matters;

(b) propose candidates for the office of Chairperson of the Conference, the chairpersons of the commissions of the Conference, the three vice-chairpersons of the Conference, the Members of the Credentials Committee and the elected Members of the General Committee;

(c) recommend, after consultation with the Director-General, items for insertion in the agenda of any session of the Conference which require consideration by the Conference, supervise and coordinate all preparatory work for Conference sessions, keeping in mind the desirability of confining, as far as possible, the provisional agenda of these sessions to major policy issues;

(d) advise the Director-General on matters of policy and exercise the general supervision provided for in Rule XXXVIII, paragraph 1;

(e) perform such other functions as are necessary to assist in the effective functioning of the Organization;

(f) report to the Conference on its work, emphasizing policy issues for consideration by the Conference.

3 Convention on International Trade in Endangered Species

The Cites Standing Committee was established through Resolution Conf. 11.1 (Rev Cop15). Annex 1 of this Resolution states:

Annex 1

Establishment of the Standing Committee of the Conference of the Parties

CONSIDERING the important role that the Standing Committee plays in steering the work and performance of the Convention in the periods between the meetings of the Conference of the Parties;

CONSIDERING the number of wildlife trade problems that occur between the South and the North, and the significant influence of the Standing Committee in deciding the status of the affected species listed in the Appendices;

CONSIDERING that skewed representation on the Standing Committee could cause unfair assessment in deciding issues of great concern to producer States;

CONSIDERING the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES to re-establish the Standing Committee of the Conference of the Parties, with the following terms of reference:

within the policy agreed to by the Conference of the Parties, the Standing Committee shall:

- a) provide general policy and general operational direction to the Secretariat concerning the implementation of the Convention;
- b) provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings, and on any other matters brought to it by the Secretariat in the exercise of its function;
- c) oversee, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties, and to oversee expenditures of such fund-raising activities;
- d) provide coordination and advice as required to other committees and provide direction and coordination of working groups established by either itself or the Conference of the Parties;
- e) carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary;
- f) draft resolutions for consideration by the Conference of the Parties;
- g) report to the Conference of the Parties on the activities it has carried out between meetings of the Conference;
- h) act as the Bureau at meetings of the Conference of the Parties, until such time as the Rules of Procedure are adopted; and
- i) perform any other functions as may be entrusted to it by the Conference of the Parties;

DETERMINES:

- a) the following principles for the composition of the Standing Committee:
 - i) the membership of the Standing Committee shall consist of:
 - A. a Party or Parties elected from each of the six major geographic regions consisting of Africa, Asia, Central and South America and the Caribbean, Europe, North America and Oceania, according to the following criteria:
 - 1. one representative for regions with up to 15 Parties;
 - 2. two representatives for regions with 16 to 30 Parties;
 - 3. three representatives for regions with 31 to 45 Parties; or
 - 4. four representatives for regions with more than 45 Parties;
 - B. the Depositary Government; and
 - C. the previous host Party and the next host Party;
 - ii) each Party elected as an alternate member for a member described in subparagraph A, to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate; and
 - iii) the membership of the Committee shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the regional members 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
- b) that the Standing Committee shall adhere to the following procedures:
 - i) all Committee members may participate in Committee business but only the regional members or alternate regional members shall have the right to vote except in the case of a tie vote, when the Depositary Government shall have the right to vote to break the tie;
 - ii) the Chair, Vice-Chair and any other necessary executive officers shall be elected by and from the regional members;
 - iii) if an extraordinary meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting;
 - iv) the Chairs of the technical committees shall be invited on a regular basis to the meetings of the Standing Committee;
 - v) Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote;
 - vi) the Chair may invite any person or a representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote; and
 - vii) the Secretariat shall inform all Parties of the time and venue of Standing Committee meetings; and
- c) the following principles for the payment of travel expenses to members of the Standing Committee:
 - i) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend each regular meeting of the Standing Committee (excluding those associated with a meeting of the Conference of the Parties) other than for representatives of developed countries;
 - ii) members should make every effort to pay their own travel expenses;
 - iii) the Chair of the Standing Committee may be refunded for all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties, the Standing Committee, or the Secretariat; and

- iv) travel arrangements for sponsored regional members will be made by the Secretariat in accordance with the Rules and Regulations of the United Nations and, where applicable, claims for refunds must be supported by receipts, and be submitted to the Secretariat within 30 days from the completion of the travel; and

RESOLVES that the duties of the regional representatives in the Standing Committee are as follows:

- a) regional representatives should maintain a fluid and permanent communication with the Parties of their region and the Secretariat;
- b) before the meetings of the Standing Committee, the representatives should communicate to the Parties of their region the items on the agenda, to request their opinions, preferably on matters specifically relevant to the countries or the region. They should also inform them of the results of the meeting. At least two regional meetings should take place between meetings of the Conference of the Parties, one of which should be specifically to deal with proposals to be submitted to the Conference at its next meeting. The regional representatives should convene these meetings; and
- c) the regional representatives should report in detail on their activities, initiatives and achievements at the regional sessions that are taking place during meetings of the Conference of the Parties. The Parties may make comments on these reports, which should be included in the proceedings.

The Cites Bureau is established through adoption of the Rules of Procedure. For the 15th Conference of the Parties the Rules of Procedure stated:

Rule 15 Bureau

1. The Chairman, the Alternate Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of the Credentials Committee, the Chairman and the other members of the Standing Committee and the Secretariat shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.
2. The Chairman of the Conference shall preside over the Bureau.
3. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Alternate Chairman shall deputize for him/her. If the Chairman and Alternate Chairman are both unavailable, the Bureau shall nominate one of the Vice-Chairmen to preside.

4 The Convention on Migratory Species

The CMS Standing Committee was established under Resolution 2.5:

Resolution 2.5

THE STANDING COMMITTEE OF THE CONFERENCE OF THE PARTIES

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, Considering the experience of the present Standing Committee in matters of advice to the Secretariat and representation of the Parties between meetings of the Conference of the Parties, Considering also that the Executive Director of the United Nations Environment Programme is responsible for the administration of the Secretariat,

Considering further the need for the Standing Committee to provide general direction to the Secretariat between meetings of the Conference of the Parties within the policy established by the Conference of the Parties,

1. Resolves to re-establish the Standing Committee of the Conference of the Parties and establish terms of reference as follows:

Within the policy agreed to by the Conference of the Parties, the Standing Committee shall:

(a) Provide general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Convention;

(b) Carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary;

(c) Provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the Secretariat in the exercise of its function;

(d) Oversee, on behalf of the Parties, the development and execution of the budget of the Secretariat as derived from the Trust fund and other sources and also all aspects of fund-raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties, and oversee expenditures of such fund-raising activities;

(e) Represent the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, the United Nations Environment Programme and other international organizations for consideration of matters relating to the Convention and its Secretariat;

(f) Submit at each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting;

(g) Make recommendations or draft resolutions, as appropriate, for consideration by the Conference of the Parties;

2. Determines the following principles for the composition of and voting procedures to be followed by the Standing Committee;

(a) The Committee shall consist of no more than seven Parties, who shall be nominated by the Conference of the Parties with due regard to geographical distribution. In nominating the members of the Committee, the Conference of the Parties shall ensure that the Committee includes a representative from the depositary Government and the next host Party;

(b) If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting;

(c) 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;

(d) Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote;

(e) The Chairman may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote;

(f) The Secretariat shall inform all Parties of the date and venue of Standing Committee meetings;

(g) The Committee shall, by consensus, establish its own rules of procedure;

(h) The Secretary for the Committee shall be provided by the Secretariat of the Convention;

3. Requests the Secretariat to make provision in budgets for the payment, upon request, of reasonable and justifiable travel expenses of nominated representatives from the group of the developing countries and from the next host Party. Within the policy agreed by the Conference of the Parties, the Secretariat;

(a) Shall make provisions for payment of travel costs for any representatives from the group of the developing countries to attend a maximum of one Standing Committee per calendar year;

(b) Shall refund travel expenses, upon request, to no more than one representative of a Party at any one meeting of the Standing Committee;

(c) May refund to the Chairman of the Standing Committee all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties or on behalf of the Secretariat;

(d) May pay refunds in United States dollars;

(e) Shall receive claims for refunds, supported by receipts, which must be submitted to the Secretariat within thirty calendar days of the completion of the travel; and

(f) Shall endeavour, to the extent possible, to obtain external funding for travel expenses;

4. Decides that the resolution 1.1 is repealed.

5 Ramsar Convention on Wetlands

The Standing Committee of the Ramsar Convention was established by Resolution 3.3 of the 1987 Conference of the Contracting Parties, and its tasks are defined by Resolution VII.1 (1999). The Ramsar Convention's continuing Bureau is established through Article 8 of the Convention on Wetlands of International Importance.

The 3rd Meeting of the Conference of the Contracting Parties

Resolution 3.3

CONSIDERING the usefulness of a small permanent advisory committee for matters relating to the organization of meetings and for the continuous implementation of the Convention,

THE CONFERENCE OF THE CONTRACTING PARTIES

1. DECIDES to establish a Standing Committee of the Conference of the Contracting Parties, which, within the policy agreed by the Conference of the Contracting Parties, shall:

a) Carry out, between one ordinary meeting of the Conference of the Contracting Parties and the next, such interim activity on behalf of the Conference as may be necessary, such activity being limited to matters on which the Conference has previously recorded its approval;

b) Make recommendations for consideration at the next meeting of the Conference of the Contracting Parties;

c) Supervise, as a representative of the Conference of the Contracting Parties, the implementation of policy by the Bureau, the execution of the Bureau's budget, and conduct of the Bureau's programmes;

- d) Provide guidance and advice to the Bureau on the implementation of the Convention, on the preparation of meetings, and on any other matters relating to the exercise of its functions brought to it by the Bureau;
- e) Act as Conference steering committee at meetings of the Conference of the Contracting Parties with the general duty of forwarding the business of the meeting;
- f) Report to the Conference of the Contracting Parties on the activities it has carried out between ordinary meetings of the Conference;
- g) Perform any other functions that may be entrusted to it by the Conference of the Contracting Parties.

2. DETERMINES the following principles for the composition of and procedures to be followed by the Standing Committee:

- a) The Committee shall consist of not more than nine Contracting Parties, who shall be nominated by the Conference of the Contracting Parties. For at least seven of these members, nomination shall be based upon the principle of proper geographical distribution with due regard for a proper representation of developing countries. The remaining two members shall be comprised of the host country of the present meeting of the Conference of the Contracting Parties and the host country for the next meeting of the Conference of the Contracting Parties. The Contracting Parties which are host countries for the two sections of the Bureau shall be invited to participate as observers in the work of the Committee;
- b) If an extraordinary meeting of the Conference of the Contracting Parties is held between two ordinary meetings, the host Party of that meeting shall participate as an observer in the work of the Committee on matters related to the organization of the meeting;
- c) Contracting Parties which are not members of the Standing Committee may upon their request participate as observers in meetings of the Standing Committee. The Director General of IUCN or his or her representative and the Executive Director of IWRB or his or her representative shall be invited to participate in an advisory capacity in meetings of the Standing Committee. In addition, the Committee may invite observers to attend meetings or attend particular meetings or attend meetings for particular agenda items;
- d) The Committee should at a minimum meet on an annual basis, normally at the Seat of the Convention Bureau;
- e) The membership of the Committee shall be reviewed at each ordinary meeting of the Conference of the Contracting Parties, in accordance with the rules of procedure of the meeting. Members may serve on the Committee for a maximum of two consecutive terms;
- f) The Committee shall, by consensus, establish its own rules of procedure;
- g) The Secretary for the Committee shall be provided by the Convention Bureau.

Resolution VII.1 (1999) provides the tasks for the Standing Committee:

The Contracting Parties that have accepted to be elected as Regional Representatives on the Standing Committee shall have the following tasks:

- To designate their delegates to the Standing Committee taking into account their significant responsibilities as Regional Representatives, according to paragraph 10 of this resolution, and to make every effort that their delegates or their substitutes attend all meetings of the Committee.
- When there is more than one Regional Representative in a regional group, to maintain regular contacts and consultations with the other regional representative(s).
- To maintain regular contacts and consultations with the Contracting Parties in their regional group, and to use the opportunities of travel within their regions and of attending regional or international meetings to consult about issues related to the Convention and to promote its objectives.

- To canvass the opinions of the Contracting Parties in their regional group before meetings of the Standing Committee.
 - To advise the Secretariat in setting the agenda of regional meetings.
 - To assume additional responsibilities by serving as members of the subgroups established by the Standing Committee.
 - To provide advice as requested by the Chairperson and/or the chairs of subgroups and/or the Secretariat of the Convention.
 - In the regions concerned, to make deliberate efforts to encourage other countries to join the Convention.
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Article 8 of the Convention on Wetlands of International Importance establishes the Convention's Continuing Bureau:

Article 8

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.
2. The continuing bureau duties shall be, inter alia:
 - a) to assist in the convening and organizing of Conferences specified in Article 6;
 - b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
 - c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
 - d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;
 - e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

6 International Council for the Exploration of the Sea (ICES)

The ICES Bureau is constituted through Article 11 of the Convention for the International Council for the Exploration of the Sea:

ARTICLE 11

- (1) The President and Vice-Presidents shall together constitute the Bureau of the Council.
- (2) The Bureau shall be the Executive Committee of the Council and shall carry out the decisions of the Council, draw up its agenda and convene its meetings. It shall also prepare the budget. It shall invest the reserve funds and carry out the tasks entrusted to it by the Council. It shall account to the Council for its activities.

Additionally, Section 5 of ICES' Rules of Procedure describe the Bureau functions in more detail:

5 BUREAU

Rule 13

It shall be the duty of the Bureau:

- i) to convene meetings of the Council in accordance with Article 7 of the Convention, to prepare the agenda for each meeting (after considering any proposals made by Delegates), and to circulate it to Contracting Parties and to Delegates one month before the date of the meeting;
- ii) to prepare for consideration by the Finance Committee at each annual meeting:
 - (a) the audited accounts for the preceding financial year;
 - (b) a preliminary account for the current financial year; and
 - (c) the Budget for the ensuing financial year and a Forecast Budget for the following year, and, after considering the report of the Finance Committee on these documents, to present them with such alterations as it may deem desirable to the Council;
- iii) to be responsible for the investment of funds of the Council and to give an account of such investments at the end of each ordinary annual meeting;
- iv) to advise the Council on the appointment of a General Secretary, a Chair of the Advisory Committee, and a Chair of the Science Committee (SciCOM);
- v) subject to any general directions of the Council, to appoint such other staff as may be required for the purpose of the Council and to determine their duties and terms of appointment;
- vi) to consult the Science Committee on all matters affecting the scientific work of the Council and take into account advice tendered by that Committee.
- vii) to present to the Council for approval with such observations and amendments as it may deem appropriate, recommendations of all Committees including the Science Committee and the Advisory Committee, and to advise the Council as to the financial obligations involved in the approval of such recommendations;
- viii) to be responsible for the execution of resolutions of the Council and for all duties incidental to the Council's affairs and to report thereon to the Council at each ordinary annual meeting.

Rule 14

- i) Meetings of the Bureau shall take place as, when and where the President may decide.
- ii) The Bureau shall keep minutes of its meetings.
- iii) The Bureau shall arrive at its decisions by simple majority of the votes cast for or against. The President shall have a deliberative vote and, in the case of an even division of votes, a casting vote. Resolutions may be taken either at meetings of the Bureau or by correspondence.
- iv) Subject to this Rule the Bureau shall settle its own procedure.