



**MEMORANDUM OF UNDERSTANDING  
ON THE CONSERVATION AND  
MANAGEMENT OF MARINE TURTLES  
AND THEIR HABITATS OF THE INDIAN  
OCEAN AND SOUTH-EAST ASIA**

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7 March 2024

10<sup>TH</sup> MEETING OF THE ADVISORY COMMITTEE  
Pattaya, Thailand, 31 March-3 April 2024  
Agenda Item 7.1

**REVISED DRAFT TERMS OF REFERENCE FOR THE ADVISORY COMMITTEE**

*(Prepared by the Secretariat)*

1. Activity #96 of the [Work Programme 2020-2024](#) adopted by the 8<sup>th</sup> Meeting of Signatory States in 2019 asked the Secretariat to “develop revised draft terms of reference for the AC, giving the different feasible options with regard to terms and composition of the AC, attendance of observers, and timing and frequency of the meetings.” This draft should be ready for the 9<sup>th</sup> Meeting of Signatory States (MOS9) and be prepared in consultation with the AC.
2. To implement this mandate, the Secretariat first reviewed the different options employed by the CMS Family (CMS itself and its legally binding Agreements and other MOUs) as well as by the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC). Lessons learned by these related instruments helped develop this draft for feedback from the AC.
3. In particular, the Secretariat was interested in common practices regarding member nominations and appointments, the length of their regular terms, re-election after their terms end, and limits to the number of terms a member can serve as Chair or Vice-Chair.
4. Annex 1 contains the draft of the revised Terms of Reference developed by the Secretariat for comments by the AC. In some cases, different options are presented for consideration in square brackets.
5. Much of the content of the previous Terms of Reference was retained, with some reordering. The Secretariat has proposed the following key substantive changes:
  - a) Terms of the AC members should generally be limited to two consecutive terms (each term consisting of two regular meetings of Signatory States), with a third term possible as an exception.
  - b) Nominations can come from Signatory States, the Marine Turtle Specialist Group and the Advisory Committee. Existing members can self-nominate for their second term. The AC will review all nominations and make recommendations to the MOS.
  - c) The AC should select both a Chair and a Vice-Chair. Their terms in office are limited to two consecutive terms.

- d) Two intersessional AC meetings should be held, as well as quarterly conference calls.
  - e) Sub-regional Focal Points, Chairs of the Marine Turtle Task Forces and experts identified by the AC in consultation with the Secretariat should be invited as observers to AC meetings; additional observers require approval by the Secretariat in consultation with the Chair and Vice-Chair.
6. Given the long timespans between meetings of the Signatory States, the Secretariat proposes that the revised Terms of Reference take effect immediately upon adoption by MOS9, even though this would potentially affect the eligibility of AC members for re-election.

**Action requested of AC10:**

- Review the draft of the revised Terms of Reference (ToR) presented in Annex 1
- Advise on the draft of the revised ToR to be forwarded to MOS9

## REVISED DRAFT TERMS OF REFERENCE FOR THE ADVISORY COMMITTEE

### Mandate and Tasks

1. As set forth in the Memorandum of Understanding, the mandate of the Advisory Committee is to "provide scientific, technical and legal advice to the Signatory States, individually and collectively, on the conservation and management of marine turtles and their habitats in the Region." Accordingly, the purpose of the Advisory Committee is to serve and assist the Signatory States in the implementation of the Memorandum of Understanding.
2. Members of the Advisory Committee (AC) serve in their individual capacities, rather than as representatives of Governments or organizations with which they may be affiliated.
3. The Signatory States may request the AC to undertake certain activities and tasks, which may include, but are not limited to, actions to:
  - evaluate and provide advice, at the request of any Signatory State, on any conservation and management programme proposed or implemented within the State;
  - provide advice to the meetings of Signatory States on the adoption of additional conservation and management actions to be included in the Work Programme for the MOU and on revisions to the Conservation and Management Plan;
  - review activities, priorities and responsible entities for implementation of the Work Programme;
  - evaluate, at the request of any Signatory State, the efficiency of different measures proposed or implemented to reduce the capture and incidental mortality of marine turtles in fishing operations;
  - promote the use of standardized marine turtle research techniques, monitoring programme data collection, and data storage and reporting;
  - review scientific reports, annual reports of the Signatory States, and other appropriate documents to assist the Secretariat in assessing progress in the implementation of the Conservation and Management Plan;
  - bring to the attention of the Signatory States significant new information relating to the conservation and management of marine turtles;
  - respond to requests for advice from Signatory States in the fields of socio-economics and law related to the implementation of the Memorandum of Understanding;
  - seek input from other individuals and bodies, as appropriate, in responding to requests for advice, e.g., from the IUCN Species Survival Commission Marine Turtle Specialist Group;
  - assist Signatory States and Marine Turtle Task Forces in the development of projects and initiatives so that regional, subregional and local concerns and interests are taken into account;
  - provide such other scientific, technical and legal advice relating to the implementation of the Memorandum of Understanding as the Signatory States may request, individually or collectively;
  - undertake further tasks as identified in the Work Programme adopted by Signatory States;
  - make recommendations regarding other fields of expertise needed within the AC to assist with its work; and

- provide a report on its activities to each meeting of the Signatory States.
4. The Secretariat should serve as a clearinghouse of requests from the Signatory States for advice from the AC.

### **Size and Composition**

5. The AC should have up to ten members.
6. In appointing the AC, Signatory States should strive to achieve a balance among the areas of expertise set forth in the Memorandum of Understanding:
  - marine turtle biology
  - marine resource management
  - coastal development
  - socio-economics
  - law
  - fisheries technology
  - other relevant disciplinesas well as an equitable representation of sub-regions and gender, to the extent possible.
7. The AC may establish Working Groups to support the implementation of their mandates and tasks and invite additional experts to participate in the work of these groups.
8. The AC may invite specialists to attend its meetings in order to provide additional expertise.
9. Former AC Members willing to continue supporting the AC and Secretariat may become emeritus members. They will be invited to contribute on a case-by-case basis.

### **Nomination and Appointment**

10. AC members should serve for a period of two regular meetings of the Signatory States, and are eligible for re-nomination and re-appointment for a second term. If deemed necessary by the Signatory States, exceptional appointment for a third consecutive term is possible.
11. The Secretariat should inform the Signatory States of any vacancies arising from the end of a term or other reasons, such as somebody voluntarily stepping down.
12. A list of potential expert members for the AC will be determined through a “call for expressions of interest” process organized by the Secretariat in collaboration with the IUCN Marine Turtle Specialist Group (MTSG) [Regional Chairs] and the AC members. The MTSG will be invited to select up to [two][three] of their most qualified members who expressed their interest and have experience in the IOSEA region and will forward their candidature to the Secretariat.
13. Current members wishing to serve for a consecutive second (but not a third) term may also self-nominate.
14. Signatory States, the MTSG and AC members may nominate experts, regardless of their nationality and in accordance with paragraph 6.

15. Nominations for any vacancies should be provided in writing to the Secretariat at least 60 days in advance of the meeting of Signatory States, and should include detailed and complete curriculum vitae (CV) and justification for the nomination.
16. Nominations for a third term can only be made by Signatory States and should outline the specific need and expected benefits to justify the potential exceptional reappointment.
17. The AC will review all nominations, and make recommendations to the MOS, bearing in mind the criteria outlined in paragraph 6. The Secretariat will assist the AC in this, and ensure re-nominated AC members will not be involved in discussions of their own nomination.
18. The Secretariat will circulate all eligible nominations to Signatory States. At their meetings, the Signatory States will appoint the members of the AC from among the individuals nominated, taking into consideration the recommendations made by the AC.
19. If there are more nominees than vacancies, the Signatory States will make every effort to appoint members by consensus following close consultation. If necessary, Signatory States may decide on appointments by means of a vote. Renewal of members of the AC should take into account consideration of the continuity of the committee. As such, where possible, no more than [three][four] members should be replaced simultaneously.
20. Should a vacancy arise intersessionally, the AC may propose a replacement for consideration by the Signatory States. The Secretariat should communicate the proposal to Signatory States, and accompany it with the same supporting documents that would be required for a regular nomination. In the absence of an objection of any Signatory State, received within 30 days of the communication from the Secretariat, the interim appointment will be considered as having been accepted, and will become effective immediately. If an objection is raised by a Signatory State, appointment will be deferred until the next meeting of Signatory States. The term of appointment of the provisional nominee will expire at the end of the next meeting of Signatory States. The provisional nominee will be eligible for nomination and appointment to the AC, as a full member, at that meeting, which will count as the start of their first term, unless their appointment took place less than 12 months after the previous meeting of Signatory States.

## **Officers**

21. The AC will select a Chair and a Vice-Chair by means of secret ballots coordinated by the Secretariat.
22. Both the Chair and the Vice-Chair will be the principal points of contact between the AC and the Secretariat. If the Chair is unavailable, the Vice-Chair is entitled to make necessary decisions.
23. Both Chair and Vice-Chair can be re-elected at the end of a term of office. They shall not normally hold [one] office for more than two consecutive terms.
24. The Chair and/or Vice-Chair should participate in the meetings of the Signatory States and may also participate, if funding permits, in the meetings of related and associated agreements and organizations that the Signatories deem relevant to the work of the MOU. All members of the AC are welcome to participate as observers in the meetings of Signatory States.

25. The Chair should provide a report of the committee's work to each session of the meetings of Signatory States.
26. The Vice-Chair should assist in the execution of the Chair's functions and should preside over conference calls and meetings in the absence of the Chair.

### **Meetings and Modus Operandi**

27. In order to minimize costs, the AC should conduct its work through electronic means (e.g., email, MS Teams, video conferencing) whenever possible.
28. The AC should aim to hold quarterly conference calls to discuss and facilitate progress in the implementation of the Work Programme, with additional calls of the full or a subset of the AC to be scheduled upon request and as the need arises. External experts may be invited to these calls in agreement with the AC members.
29. Two regular meetings of the AC should be arranged by the Secretariat in each intersessional period, the first one within the first 12 months after a meeting of Signatory States; the second one [three to four months][immediately] prior to the next meeting of Signatory States. At the direction or approval of the Signatory States, the Advisory Committee may hold additional meetings.
30. Meetings of the AC should be held in hybrid format (allowing both in-person and online participation) whenever possible. AC members should strive to attend in-person.
31. Subject to the availability of resources, the following observers will be invited to meetings of the AC:
  - Sub-regional Focal Points
  - Chairs of the Marine Turtle Task Forces (MTTF)
  - Invited experts (to be determined by the Secretariat in consultation with the AC based on the agenda of the meeting)
32. Observers may provide input, views and comments to the Committee as appropriate and at the invitation of the Chair. Sub-regional Focal Points and MTTF Chairs may bring issues of concern of the sub-region they represent to the attention of the AC, and report back to the Signatory States of their sub-region or Task Force members.
33. As a courtesy, the National Focal Point of the host country of an AC meeting may attend the meeting as an observer at their own cost.
34. Additional persons qualified in fields relating to the conservation and management of marine turtles, including other National Focal Points, who wish to attend meetings of the AC as observers at their own cost should notify the Secretariat. A decision on their exceptional admittance will be made by the Secretariat in consultation with the Chair and Vice-Chair of the AC six weeks in advance of the meeting, bearing in mind the priorities and needs of the AC to accomplish their agenda and tasks, logistical constraints, and numbers in relation to the AC members attending.