

Report of the Congress Preparatory Committee acting as Appeals body to IUCN Members 16 March 2020

The motions process is a fundamental element of IUCN's governance and constitutes a means through which IUCN Members set IUCN's general policy, influence conservation priorities and find support for moving commitments into action, as set out in the first Motions Working Group [update](#), published in November 2019.

In accordance with IUCN Statutes and the Rules of Procedure of the World Conservation Congress (*Rule 62ter and Rule 62quarto*), the Congress Preparatory Committee (CPC) established by Council decides any appeal from a proponent and cosponsors against the classifications, exclusion or amendment of their motion by the Motions Working Group (MWG). Following the MWG communication of the accepted and rejected motions, the appeals process was launched on the 6th of November. By the deadline of 20th November 2019, the CPC acting as appeals body had received 43 appeals.

After careful consideration of each of the appeals, the CPC acting as appeals body communicated its decisions, by 10 December 2019, to all proponents and co-sponsors of motions under appeal. The CPC acting as appeals body decided to accept 8 appeals and those 8 motions were posted online in the Congress website alongside the 120 motions initially accepted by the MWG. The CPC acting as appeals body has put together this short report with some explanations and reflections on the process.

The CPC acting as an appeals body would like to assure all IUCN Members that we appreciate the effort they put into proposing, consulting, preparing and submitting motions. Some Members have expressed disappointment because their motions or appeals were rejected. We wish to reassure Members that we have developed a fair and equitable process. We encourage these Members to continue engaging enthusiastically with IUCN and the motions process as the success of the motions process can only be ensured if we all commit to support it. As we aspire to make our processes more efficient and transparent, we would like to explain the various steps followed to ensure the quality of the motions and to ensure that Members' concerns are well addressed.

The rationale of the Congress Preparatory Committee acting as Appeals body when accepting or rejecting appeals

At the outset of the process, all CPC members declared conflicts of interest and recused themselves from taking part in the discussion and decision of motions in the development of which they had been personally involved. Three members of the CPC who were also members of the Motions Working Group recused themselves from taking part in the CPC acting as appeals body. The representative of France, host country of the Congress, voted "abstention" on all appeals.

As mentioned above, the Congress Preparatory Committee acting as appeals body, carefully reviewed each of the submitted 43 appeals, of which **8 appeals were accepted** and **35 appeals were rejected**.

In general, for the 8 motions that were reinstated, the appeals body concluded that the Motions Working Group had been too restrictive in the application of Rule 54. The CPC acting as appeals body was of the opinion that these 8 motions had sufficient elements to comply with Rule 54 and that the online discussion would allow to improve their quality. It ensured that all the requirements for the admissibility of motions were fulfilled.

Regarding the **rejected appeals**, these fell in one or both of the following two groups:

In the first group, motions were rejected if it was determined that they were not proposing or modifying IUCN's policy (*Rule 54(a)i*), they did not contain technically sound and coherent arguments (*Rule 54(a)iii*), they were not precise in what they aimed to achieve (*Rule 54(a)iv*) or, as it appeared in many cases, they were repeating the content of already adopted - and still active - Resolutions and Recommendations (*Rule 54(a)vi*) (listed in the Resolutions and Recommendations database searchable [here](#)).

By way of example, we have identified the following cases that would fit under this group.

Case 1: *A motion that would be calling on IUCN to reiterate its adherence to international environmental law and standards which are already embedded in IUCN's policy; or that would be asking IUCN to reconfirm its commitment the protection of species and further advance work already in the IUCN mandate. Such motions were considered as not meeting the requirements defined in Rule 54, in particular Rule 54(a)i.*

Case 2: *Motions which did not propose new policies but were rather, either repeating the content of existing Resolutions and Recommendations or that were asking for implementation of existing policies of IUCN, clearly did not comply with Articles 54(a)i and vi.*

Case 3: *When the technical and scientific information provided in the motion submission forms are factually incorrect and / or insufficient; or when a motion asks IUCN constituencies to endorse or support elements of global policy processes that are still under negotiation. These were deemed as not fulfilling the criteria in Articles 54(a) iii and iv.*

In the second group, motions were rejected if they did not sufficiently specify which of the Members and/or components of IUCN or third parties called upon to undertake action had been consulted or had collaborated in the motion (*Rule 54(b) x a*), or which of these had been consulted to identify solutions in accordance with *Rule 54(b) x b*).

Cases that fit under this group include:

Case 4: *When the actions called for in the operative paragraphs of the motion are not addressed to the right actors to carry out such activities or where consultation did not take place (54(b)x a)), both the MWG and the CPC acting as appeals body agreed these were sufficient reasons for rejecting such motions.*

Case 5: *In accordance to Rule 54 (b) xi, motions which concern issues outside the State or region of the proponent must be cosponsored by at least one Member from that region. When this does not happen, motions clearly fail to comply with a basic requirement in terms of format.*

Some preliminary reflections following the appeals process

The CPC acting as appeals body was faithful to the new Rules adopted by an overwhelming majority of IUCN Members in 2015. These reforms concerned in the first place the introduction of the online discussion and vote on motions prior to the Congress, with the purpose of providing more space during Congress for discussion of strategically important issues. The Rules were also revised in order to achieve a manageable number of motions of the best possible quality and with the best possible chances of being implemented.

There is always room for improvement and both the CPC and the MWG welcome constructive comments and suggestions by all IUCN constituencies on how to improve the process further. The following reflections from the CPC acting as appeals body are intended to contribute to this effort.

1. More detailed guidance should be provided before the motions process starts. Case studies of both accepted and rejected motions (with reasons why), as well as a list of do's *and don'ts* could prove a very useful addition to the guidance. Guidance should clearly outline the appropriate criteria and language to use in drafting motions for submission in order to ensure coherence, avoid duplicating content of previously adopted Resolutions.
2. The experience in the Regional Conservation Fora this year was extremely positive and we encourage efforts to continue to use these and other opportunities to provide such guidance.
3. Improved implementation of current IUCN Resolutions and Recommendations is critical. IUCN constituencies are encouraged to find ways to increase implementation of active Resolutions and Recommendations and not resort to proposing new motion(s) that cover the same or similar issues at each Congress. We also encourage Members to consult the Resolutions and Recommendations database (not only at the time of submission of new motions) in order to be better acquainted with IUCN's general policy and importantly, to contribute to the regular reporting on implementation of Resolutions and Recommendations.

4. It is important to strengthen communication and collaboration among IUCN constituencies on proposed motions. We believe the IUCN policy cycle could be significantly improved by active interaction and consultation among Members, Commissions and Secretariat to provide opportunities beyond the motions process to increase implementation of active Resolutions or Recommendations. A renewed Membership Strategy approved by Council may provide an opportunity to strengthen this aspect of our work.
5. Members should be given more detailed information on the reasons for rejection of their motions rather than very general statements about fit with IUCN policy. The high number of motions submitted (221 compared to 135 in 2016) and the comparatively higher number of rejections (77 compared to 21 in 2016) and appeals (43 compared to 12 in 2016) have been a challenge to the MWG and CPC, and the Secretariat, all of whom worked hard to consider all motions and appeals within a very short time. Council should take this into account when approving the timeline for the 2024 Congress.
6. Finally, the CPC would like to stress that there are other ways in addition to the motions process whereby Members and IUCN constituencies at large can participate in IUCN governance processes and influence IUCN's general policy. For instance, for some issues it may be more effective to provide inputs to the IUCN Programme rather than propose new motions. Members are also reminded that they can use the online discussion of motions to align their positions on similar issues and approaches. Members can also have an impact on the work of the IUCN Commissions when adopting the mandates of the Commissions or commenting on their work during Congress. Members may also contribute to additional policy guidance developed from time to time by the IUCN Council.

Congress Opportunity for Members to address any additional issues

During the Members' Assembly in Congress, the Chair of the Congress Resolutions Committee will present a report on the lessons learned and other reflections about the motions process as a whole. This will also be an opportunity for all IUCN Members to provide any feedback and concrete proposals for improvements to the process - including proposals for further amendments to the Rules of Procedure of the World Conservation Congress.