

IUCN WORLD CONSERVATION CONGRESS 3-10 September 2021, Marseille, France

Proposed amendments to the IUCN Statutes, Rules of Procedure of the IUCN World Conservation Congress and the IUCN Regulations:

Including subnational governments in IUCN's membership

ADOPTED MOTION

The IUCN World Conservation Congress,

Adopts the following amendments to: (cf. Table attached hereafter as Annex 1)

[...]

EXPLANATORY MEMORANDUM

Background

- 1. In 2008, the World Conservation Congress <u>Resolution 4.008</u> requested Council to seek legal and technical advice on how local and regional authorities might be included in the structure of the Union and to make recommendations to the IUCN World Conservation Congress 2012 for reform of the IUCN Statutes, as appropriate.
- 2. After a period of consultations (2009–2010) and given the diversity of views represented, Council undertook an additional round of consultation with the IUCN membership during the Regional Conservation Forums (May to October 2011) where all IUCN Members were invited to discuss three options for including local government membership. After this consultation and further deliberation, Council decided to submit two options for the consideration of the 2012 World Conservation Congress in Jeju. Both options failed to obtain the required two-thirds majority¹. The World Conservation Congress rejected both the clarification of the status quo (option 2) and the proposed change (option 1). The IUCN Council 2012–2016 subsequently considered it justified to continue to study this issue including possible recommendations to the next Congress.
- 3. In 2015, Council, upon recommendation of its Governance and Constituency Committee (GCC), agreed to consult the IUCN membership online and during all the Regional Conservation Forums held in 2015 on the two options for including local and regional government authorities in the structure of IUCN which had failed to achieve the required two-thirds majority during the 2012 Congress. In 2016, a motion to amend the Statutes to include local and regional government authorities in the structure of the Union submitted by five Government Agency Members to the 2016 Congress led to the cessation of any further consideration of this topic by Council.

¹ Voting result for option 1: 65.81% for versus 34.19% against in Cat. A and 68.29% for versus 31.71% against in Cat. B. Option 2: 65.66% for versus 34.34% against in Cat. A and 74.16% for versus 25.84% against in Cat. B.

4. The motion in its original version, which proposed to amend the Statutes thereby creating a new sub-Category in Category A called "local or regional governmental authorities" exercising collectively one vote, was amended by the contact group to apply only to regional governments which, together with Government Agency Members of the State concerned, would constitute a sub-Category in Category A and would together exercise one vote. This motion was voted down by both Categories A and B and by a greater number of Members than at the previous Congress². Instead, Congress approved WCC-2016-Res-003³:

WCC-2016-Res-003: Including regional governments in the structure of the Union

The World Conservation Congress, at its session in Hawai'i, United States of America, 1–10 September 2016: REQUESTS the IUCN Council to establish a working group composed of Councillors and Members on the role and Membership of local and regional governments in IUCN, including wider engagement among IUCN Members and other Parties in order to analyse the need and effects, develop a clear definition of regional government, and formulate a comprehensive and well considered new recommendation for the next Congress.

- 5. In 2018, the IUCN Council established the Working Group requested by WCC-2016-Res-003 with the membership and Terms of Reference presented hereafter as <u>Annex 2</u>.
- 6. In March 2019, the Working Group proposed to create a new (third) sub-category for Subnational Governments within the "Government House" (Category A), in addition to the State Members and the Government Agency Members. By way of a definition, the Working Group considered Subnational Governments as "all levels of government with mandate and authority below the national level in any given country that is, or can be, a State Member of IUCN".
- 7. In the proposal, State Members maintain three votes as per (current) Article 34 (a) of the IUCN Statutes. However, instead of maintaining a single collective vote for all Government Agency Members within a State, the Working Group proposed that each Government Agency Member also has one vote, whether or not they are from a State that is a State Member of IUCN. Further, the proposal grants each Subnational Government Member one vote.
- 8. According to the Working Group's proposal, the total number of votes expressed in each of the three sub-categories of membership Category A (Government House) continue to be added together when counting the votes so that one voting result for Category A is shown. However, in order to prevent State Members being outvoted by either one of the other two sub-categories in the Government House (the Government Agency Members and the Subnational Government Members), a ratio of 3:1:1 will be maintained by using a mathematical formula. No matter how many votes are cast in each of the three subcategories of membership Category A, the mathematical formula will be applied to ensure that the voting weight of each sub-category respects the ratio 3:1:1. The ratio is based on the understanding that "3" represents the weight of the State Members, and "1" represents the weight of each of the two other sub-categories (Government Agency Members and Subnational Government Members).
- 9. The voting rights within membership Categories B and C remain unchanged.

² Voting result: 34.56% for versus 65.44% against in Cat. A and 38.73% for versus 61.27% against in Cat. B.

³ Voting result: 83.47% for versus 16.53% against in Cat. A and 84.53% for versus 15.47% against in Cat. B.

10. At its 96th meeting in March 2019, the IUCN Council approved the Working Group's proposal⁴ for the purpose of consulting IUCN Members online and during the Regional Conservation Forums held between May and November 2019.

The IUCN Council's proposal to the Congress

- 11. At its 98th meeting in February 2020, the IUCN Council approved the proposed amendments presented hereafter in <u>Annex 1</u> based on the Working Group's proposal as refined by the Working Group taking into account the comments resulting from the consultations with the IUCN membership.
- 12. The Working Group and Council have slightly adjusted the <u>definition</u> of "Subnational Governments" opting for a definition that is simple in order to be widely acceptable, yet broad enough to include a wide variety of subnational governments:

Subnational governments are all levels of government, elected or designated by other mechanisms, with mandate, authority and legitimacy, below the national level in any given State. These governments could be at the regional or local level.

- 13. It opens up IUCN membership to subnational governments as opposed to agencies or departments of these governments. The already existing sub-category "Government Agencies" in membership Category A will continue to encompass "organisations, institutions and, when applicable, government departments, which form part of the machinery of government in a State, including those agencies of the components of federal States or of States having an analogous structure;" (Article 5(b) of the IUCN Statutes).
- 14. The Working Group and Council maintain the proposed <u>voting structure</u> in which each State maintains three votes, and each Government Agency and each Subnational Government henceforth have one vote. The relative weight of each sub-category of membership Category A will be 3:1:1. In other words, no matter what Members are called upon to vote, each time a mathematical formula will adjust the total number of votes of States in order to ensure that the States will always represent 60% of the voting power in membership Category A, the Government Agencies 20% and the Subnational Governments also 20%.
- 15. The Working Group and Council wish to highlight that this voting structure in Category A strikes a balance. On the one hand, it ensures that State Members as a group are not "outvoted" by the number of Subnational Governments whose votes might otherwise exceed the votes of States. On the other hand, it allows IUCN to include Subnational Governments whose experience will be useful to its programmes and nature conservation, and Subnational Governments to influence IUCN's Programme and policy through the motions process and to showcase their work.
- 16. The IUCN Council wishes to emphasise that this proposal does not in any way change the overall balance of the separate voting structure of IUCN based on a Government House (Category A) and a Non-Governmental House (Categories B and C combined). Decisions in IUCN continue to be taken by a majority of votes cast in Category A and in Categories B and C combined. In other words, a majority in both "Houses" is required to adopt motions and other decisions. Both "Houses" vote independently of each other and one cannot influence the outcome of the other.
- 17. With regard to the <u>membership dues</u>, the Working Group and the IUCN Council propose that the dues for Subnational Governments be those of the Government Agencies

⁴ See Council decision C96/15 Annex 8

Group A (Government Agencies of a State where the State is a Member of IUCN) proposed for 2021–2024.

Entry into effect

18. If adopted during the Congress, the amendments to the Statutes, Rules and Regulations will become effective at the close of the Congress, unless the Congress decides otherwise.

Proposed amendments to the IUCN Statutes, the Rules of Procedure of the IUCN World Conservation Congress and the IUCN Regulations regarding the inclusion of subnational governments in IUCN's membership

(Follow-up to WCC-2016-Res-003)

Amend- ment #	Existing provisions of the IUCN Statutes	Amendments (with track changes)	New version of the IUCN Statutes as amended (all track changes 'accepted')
1.	Part III – Members	Part III – Members	Part III – Members
	Article 4 of the IUCN Statutes	Article 4 of the IUCN Statutes	Article 4 of the IUCN Statutes
	Categories	Categories	Categories
	The Members of IUCN shall be:	The Members of IUCN shall be:	The Members of IUCN shall be:
	Category A: (a) States and government agencies;	Category A: (a) States, and government agencies and subnational governments;	Category A: (a) States, government agencies and subnational governments;
	(b) political and/or economic integration organisations;	(b) political and/or economic integration organisations;	(b) political and/or economic integration organisations;
	Category B: (c) national non- governmental organisations;	Category B: (c) national non-governmental organisations;	Category B: (c) national non-governmental organisations;
	(d) international non- governmental	(d) international non-governmental organisations;	(d) international non- governmental organisations;
	organisations; Category C: (e) indigenous peoples'	Category C: (e) indigenous peoples' organisations; and	Category C: (e) indigenous peoples' organisations; and
	organisations; and Category D: (f) affiliates.	Category D: (f) affiliates.	Category D: (f) affiliates.
2.	Article 5 of the IUCN Statutes	Article 5 of the IUCN Statutes	Article 5 of the IUCN Statutes
	In these Statutes:	In these Statutes:	In these Statutes:
	(a) States shall be those which are	(a) States shall be those which are Members	(a) States shall be those which are

- Members of the United Nations or any of its Specialized Agencies, or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice;
- (b) government agencies shall be organisations, institutions and, when applicable, government departments, which form part of the machinery of government in a State, including those agencies of the components of federal States or of States having an analogous structure;
- (c) political and/or economic integration organisations shall be organisations constituted solely by States to which those States have conferred legal competence in respect of matters within the objectives of IUCN;
- (d) national non-governmental organisations shall be institutions and associations incorporated within a State;
- (e) international non-governmental organisations shall be institutions and associations organized in two or more States;
- indigenous peoples' organisations shall be institutions and associations established by indigenous peoples for the advancement of indigenous communities; and
- (g) Affiliate Members shall be

- of the United Nations or any of its Specialized Agencies, or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice:
- (b) government agencies shall be organisations, institutions and, when applicable, government departments, which form part of the machinery of government in a State, including those agencies of the components of federal States or of States having an analogous structure;
- (c) subnational governments are governmental entities at the state, provincial, local, territories or regional level that have been elected and have:
 - (i) competences to adhere to the Statutes of IUCN;
 - (ii) effective decision-making authority in the field of conservation of nature; and/or
 - (iii) competences to provide for the equitable and ecologically sustainable use of natural resources;
- (e)(d) political and/or economic integration organisations shall be organisations constituted solely by States to which those States have conferred legal competence in respect of matters within the objectives of IUCN;

- Members of the United Nations or any of its Specialized Agencies, or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice;
- (b) government agencies shall be organisations, institutions and, when applicable, government departments, which form part of the machinery of government in a State, including those agencies of the components of federal States or of States having an analogous structure;
- (c) subnational governments are governmental entities at the state, provincial, local, territories or regional level that have been elected and have:
 - (i) competences to adhere to the Statutes of IUCN;
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 - (iii) competences to provide for the equitable and ecologically sustainable use of natural resources;
- (d) political and/or economic integration organisations shall be organisations constituted solely by States to which those States have conferred legal competence in respect of matters within the objectives of IUCN;

government agencies, national a	and
international non-governmental	
organisations, which are not in	
Categories A, B or C.	
•	

- (d)(e) national non-governmental organisations shall be institutions and associations incorporated within a State;
- (e)(f) international non-governmental organisations shall be institutions and associations organized in two or more States;
- (f)(g) indigenous peoples' organisations shall be institutions and associations established by indigenous peoples for the advancement of indigenous communities; and
- (g)(h) Affiliate Members shall be government agencies, national and international nongovernmental organisations, which are not in Categories A, B or C.

(e) national non-governmental organisations shall be institutions and associations incorporated within a State;

- (f) international non-governmental organisations shall be institutions and associations organized in two or more States;
- (g) indigenous peoples' organisations shall be institutions and associations established by indigenous peoples for the advancement of indigenous communities; and
- (h) Affiliate Members shall be government agencies, national and international nongovernmental organisations, which are not in Categories A, B or C.

3. Article 7 of the IUCN Statutes

Government agencies, national and international non-governmental organisations, indigenous peoples' organisations and affiliates shall become Members of IUCN when the Council has determined that:

- (a) the applicant shares and supports the objectives of IUCN;
- (b) the applicant has as one of its central purposes the achievement of IUCN's objectives and a substantial record of activity in the conservation of nature and natural resources;

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- (a) the applicant shares and supports the objectives of IUCN;
- (b) the applicant has as one of its central purposes the achievement of IUCN's objectives and a substantial record of activity in the conservation of nature and natural resources;

	 (c) the objectives and track record of the applicant embody to a substantial extent: (i) the conservation of the integrity and diversity of nature; and, either or both: (ii) the aim to ensure that any use of natural resources is equitable and ecologically sustainable; (iii) dedication to influencing, encouraging and assisting societies to meet the objectives of IUCN; (d) the applicant does not pursue objectives or carry out activities that conflict with the objectives or activities of IUCN; and (e) the applicant meets the other qualifications for membership as prescribed in the Regulations. 	 (c) the objectives and track record of the applicant embody to a substantial extent: (i) the conservation of the integrity and diversity of nature; and, either or both: (ii) the aim to ensure that any use of natural resources is equitable and ecologically sustainable; (iii) dedication to influencing, encouraging and assisting societies to meet the objectives of IUCN; (d) the applicant does not pursue objectives or carry out activities that conflict with the objectives or activities of IUCN; and (e) the applicant meets the other qualifications for membership as prescribed in the Regulations. 	 (c) the objectives and track record of the applicant embody to a substantial extent: (i) the conservation of the integrity and diversity of nature; and, either or both: (ii) the aim to ensure that any use of natural resources is equitable and ecologically sustainable; (iii) dedication to influencing, encouraging and assisting societies to meet the objectives of IUCN; (d) the applicant does not pursue objectives or carry out activities that conflict with the objectives or activities of IUCN; and (e) the applicant meets the other qualifications for membership as prescribed in the Regulations.
4.	Part V – The World Conservation Congress	Part V – The World Conservation Congress	Part V – The World Conservation Congress
		Voting	Voting
	Voting Article 34 of the IUCN Statutes	Article 34 of the IUCN Statutes	Article 34 of the IUCN Statutes
		Governmental Members shall have voting	Governmental Members shall have voting
	Governmental Members shall have voting rights as follows:	rights as follows:	rights as follows:
	(a) Each State Member shall have three votes, one of which shall be exercised collectively by the	(a) Each State Member shall have three votes, one of which shall be exercised collectively by the Government Agency Members, if any, of that State;	 (a) Each State Member shall have three votes, one of which shall be exercised collectively by the Government Agency Members, if any, of that State;

- Government Agency Members, if any, of that State;
- (b) Government Agency Members of IUCN within a State which is not a State Member of IUCN shall collectively have one vote;
- (c) Where one or more member States of a political and/or economic integration organisation, and that organisation itself are Members of IUCN, the organisation and its member States shall decide on the mode of exercising their voting rights which shall not in total exceed those of the State Members of IUCN belonging to that organisation.
- (b) Government Agency Members of IUCN within a State which is not a State Member of IUCN shall collectively have one vote;
- (c) Subnational Government Members within a State shall collectively have one vote, regardless of whether or not they are from a State which is a State Member.
- (e)(d) Where one or more member States of a political and/or economic integration organisation, and that organisation itself are Members of IUCN, the organisation and its member States shall decide on the mode of exercising their voting rights which shall not in total exceed those of the State Members of IUCN belonging to that organisation.

- (b) Government Agency Members of IUCN within a State which is not a State Member of IUCN shall collectively have one vote;
- (c) Subnational Government Members within a State shall collectively have one vote, regardless of whether or not they are from a State which is a State Member.
- (d) Where one or more member States of a political and/or economic integration organisation, and that organisation itself are Members of IUCN, the organisation and its member States shall decide on the mode of exercising their voting rights which shall not in total exceed those of the State Members of IUCN belonging to that organisation.

Amend- ment #	Existing provisions of the Rules of Procedure of the IUCN World Conservation Congress	Amendments (with track changes)	New version of the Rules of Procedure as amended (all track changes 'accepted')
1.	Part VIII – Methods of Voting	Part VIII – Methods of Voting	Part VIII – Methods of Voting
	Methods of Voting on Motions	Methods of Voting on Motions	Methods of Voting on Motions
	Rule 66bis of the Rules of Procedure	Rule 66bis of the Rules of Procedure	
	A Government Agency Member holding the collective vote for the Government Agency Members in a country shall obtain the agreement of the other Government Agencies before giving proxy to another IUCN Member except that during Congress the agreement of only those other Government Agencies of the country concerned present at the Congress shall be obtained.	A Government Agency Member holding the collective vote for the Government Agency Members in a country shall obtain the agreement of the other Government Agencies before giving proxy to another IUCN Member except that during Congress the agreement of only those other Government Agencies of the country concerned present at the Congress shall be obtained.	

Amend- ment #	Existing provisions of the IUCN Regulations	Amendments (with track changes)	New version of the Regulations as amended (all track changes 'accepted')
1.	Part III - Members	Part III - Members	Part III - Members
	Admission	Admission	Admission
	Article 4 of the Regulations - Government Agencies	Article 4 of the Regulations - Government Agencies and Subnational Governments	Article 4 of the Regulations - Government Agencies and Subnational Governments
	A government agency seeking membership of IUCN shall submit an application for admission to the Director General supported by a statement by the	A government agency or subnational government seeking membership of IUCN shall submit an application for admission to the Director General supported by a statement by the head of the agency or subnational government, setting forth its competence to adhere to the Statutes.	A government agency or subnational government seeking membership of IUCN shall submit an application for admission to the Director General supported by a statement by the head of the agency or subnational government, setting forth its competence to adhere to the Statutes.

	head of the agency, setting forth its competence to adhere to the Statutes.		
2.	Admission Process	Admission Process	Admission Process
	Article 7 of the Regulations	Article 7 of the Regulations	Article 7 of the Regulations
	Government agencies, national and international non-governmental organisations, indigenous peoples' organisations and affiliates shall submit an application to the Director General using the application form provided by the Secretariat and stating the Category of membership sought. The application shall be signed by the duly authorized head of the agency or organisation.	Government agencies, subnational governments, national and international non-governmental organisations, indigenous peoples' organisations and affiliates shall submit an application to the Director General using the application form provided by the Secretariat and stating the Category of membership sought. The application shall be signed by the duly authorized head of the agency or organisation.	Government agencies, subnational governments, national and international non-governmental organisations, indigenous peoples' organisations and affiliates shall submit an application to the Director General using the application form provided by the Secretariat and stating the Category of membership sought. The application shall be signed by the duly authorized head of the agency or organisation.
3.	Part X – Electronic Ballot	Part X – Electronic Ballot	Part X – Electronic Ballot
	Article 94 of the Regulations	Article 94 of the Regulations	Article 94 of the Regulations
	Where a mail ballot is required under the Statutes, an electronic ballot shall be carried out in accordance with the following procedure:	Where a mail ballot is required under the Statutes, an electronic ballot shall be carried out in accordance with the following procedure:	Where a mail ballot is required under the Statutes, an electronic ballot shall be carried out in accordance with the following procedure:
	[]	[]	[]
	(e) The Government Agency Member that cast the Government Agencies' collective vote at the previous IUCN Congress shall cast the vote for	(e) The Government Agency Member that cast the Government Agencies' collective vote at the previous IUCN Congress shall cast the vote for the electronic ballot, unless the	(e) The IUCN Legal Adviser shall monitor and ensure the accuracy of the electronic voting process; and
	the electronic ballot, unless the Government Agency Members duly notify the Secretariat in writing, at the latest one week before the date/time of the opening of the electronic ballot, of	Government Agency Members duly notify the Secretariat in writing, at the latest one week before the date/time of the opening of the electronic ballot, of their agreement to designate a different Member to cast	(f) Consistent with the requirement under Rule of Procedure 71bis, the complete voting record of each IUCN Member shall be made available to all IUCN Members within two weeks following the close of

their agreement to designate a different Member to cast their collective vote. The Agency casting the collective vote during an electronic ballot will cast the collective vote at every subsequent electronic vote unless the Secretariat receives a notification of a different agreement among the Members concerned;

- (f) The IUCN Legal Adviser shall monitor and ensure the accuracy of the electronic voting process; and
- (g) Consistent with the requirement under Rule of Procedure 71bis, the complete voting record of each IUCN Member shall be made available to all IUCN Members within two weeks following the close of the electronic ballot. Consistent with the requirement under Rule of Procedure 72, this voting record shall also include the written statements of any Members explaining their vote, which the Secretariat shall have received by electronic communication before the closing date/time of the electronic ballot.

their collective vote. The Agency casting the collective vote during an electronic ballot will cast the collective vote at every subsequent electronic vote unless the Secretariat receives a notification of a different agreement among the Members concerned;

- (f)(e) The IUCN Legal Adviser shall monitor and ensure the accuracy of the electronic voting process; and
- (g)(f) Consistent with the requirement under Rule of Procedure 71bis, the complete voting record of each IUCN Member shall be made available to all IUCN Members within two weeks following the close of the electronic ballot. Consistent with the requirement under Rule of Procedure 72, this voting record shall also include the written statements of any Members explaining their vote, which the Secretariat shall have received by electronic communication before the closing date/time of the electronic ballot.

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