

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

Establishment, operating rules and oversight of National, Regional and Interregional Committees

ADOPTED MOTION

The IUCN World Conservation Congress is requested to:

Thank and acknowledge the outgoing IUCN Council for its reflections on the requirements for establishing National Committees, Regional Committees and Interregional Committees, including proposed actions to strengthen Council's oversight of Committees to ensure their transparency, independence and integrity;

Recognise the value of the National, Regional and Interregional Committees within the Union;

Request the next IUCN Council to study these reflections, in consultation with representatives from Members, National/Regional/Interregional Committees and the Global Group for National and Regional Committee Development, taking into account the comments received from Members during the online discussion and at Congress, as summarised in the report of the Governance Committee of the Congress; and

Authorise the next IUCN Council, in consultation with representatives from Members, National/Regional/Interregional Committees and the Global Group for National and Regional Committee Development, to develop proposals for consultation with the Members and submission to an electronic vote by IUCN Members during the intersessional period

EXPLANATORY MEMORANDUM

As part of its work to improve IUCN's governance, namely in the following areas:

B2. Clarify, modify or develop the requirements for establishing National, Regional and Interregional Committees, acknowledging that the establishment of Interregional Committees (IRC) may have political as well as ecological motives;

B7. Guidance to IUCN's National, Regional and Interregional Committees to ensure their transparency, independence and integrity, including the respect of IUCN brand use guidelines and non-competition; see Council document C98/GCC25/1.1.2.2 (pp. 315–332).

Recalling the following Resolutions:

- Res. 4.003 Strengthening IUCN's National and Regional Committees (Barcelona, 2008);
- Res. 5.005 Strengthening of the IUCN National and Regional Committees and the use
 of the three official languages in documents for internal and external communication by
 IUCN and its Members (Jeju, 2012);
- Res. 6.002 IUCN Global Group for National and Regional Committee Development (Hawai'i, 2016); and

Stressing the important role that National and Regional Committees play as a critical link between the Secretariat and the Union's constituencies, the IUCN Council 2016–2020,

reviewed the requirements for the establishment, the operating rules and oversight of National, Regional and Interregional Committees.

At its 98th meeting in February 2020, the IUCN Council, based on the recommendation of its Governance and Constituency Committee (GCC), decided to share its reflections with Congress, inviting it to discuss these issues in a contact group and provide its feedback and guidance to the next Council through the report of the Governance Committee of Congress.

A draft motion proposed by Council requests the next IUCN Council, in consultation with representatives from Members, National/Regional/Interregional Committees and/or the Global Group for National and Regional Committee Development, to continue the work undertaken on this topic with a view to developing proposals for submission to the IUCN membership by electronic vote following consultation with IUCN Members. This work aims to ensure that all Committees have and apply the same rules, while meeting the IUCN statutory requirements, and address the support needed to ensure the Committees are able to carry out their work.

Council should work in coordination with the Secretariat to ensure that its work includes strengthening the support and engagement of Members and Committees, and ensuring they work more effectively with all IUCN constituencies.

The requirements for establishing National, Regional and Interregional Committees

Due to the inconsistency between the conditions and process for the establishment and recognition of the various types of Member Committees, and for their daily functioning and maintenance, discussions have been taking place within GCC on how to harmonise the conditions to be eligible for recognition of all Committees, to ensure a proper democratic process and legitimacy. In order to define the common standards applicable to all types of Committees, and consider how the Statutes and Regulations may be amended, the Secretariat developed a set of questions/considerations for discussion in GCC. See Council document C98/GCC25/1.1.2.2 (pp. 315–332).

Whilst some of the questions listed were answered, the GCC felt that there was more discussion needed, particularly around the issues of composition, scope and governance.

Guidance to IUCN's National, Regional and Interregional Committees to ensure their transparency, independence and integrity, including the respect of IUCN brand use guidelines and non-competition

Discussions have raised concerns about Council oversight of IUCN National and Regional Committees and the related risks to the Union. A number of options to strengthen this have been proposed.

More information on this matter can be found in <u>Council document C98/GCC25/1.1.2.2</u> (pp. 315–332).

Comments, questions and options for consideration of Congress

The Tables in <u>Annex 1</u> set out processes relating to the establishment and running of Committees, comments and questions for consideration as well as opportunities and potential problems for each type of Committee, which were considered by the Governance and Constituency Committee of the IUCN Council 2016–2020.

GCC felt that there were a number of additional questions that should be considered in the development of this proposal:

- Voting issue one member one vote. There was a divergence of views within the GCC.
- Governance issues relating to voting rights in the Members' Assembly in cases where
 there might be more than one Regional Committee. Care should be taken to avoid dual
 representation since Committees are allowed to hold proxies for Members. The principle
 of belonging to only one National and Regional Committee is therefore important and is
 an issue that should be extended to apply to Interregional Committees.
- Definition of the different types of Committee.
- Areas of operation of the different Committees.
- Is it a good idea to allow committees to have their own separate legal personality distinct from that of IUCN?

Among the options to be considered are:

- Effectively implement the **obligation to submit an annual report** to Council.
- Provide for the **obligation of the Council to review the report** and ask questions to the Committee with this regard.
- Have a standardised website for each Committee.
- Review the Operational Guide for National and Regional Committees, the license agreement and the logo rules for National and Regional Committees (according to the IUCN Brand Book) and ask each Committee to sign a revised copy.
- Consider amending Articles 65–66bis of the Statutes and/or Regulations 66 (f) and 67 (a) of the Regulations.
- Review the templates of all documents (including by-laws) completed by the Committees for recognition by Council and request each Committee to complete the new forms in order to have the latest version on file and/or complete the review of all documents on file and analyse risk assessment and compliance with IUCN Statutes.
- Review any statutory implications and have those approved by Members by electronic vote.

Processes relating to the establishment and running of Committees, comments and questions for consideration as well as opportunities and potential problems

a) National Committees (NCs)

	National Committees (NCs)	Comments and questions raised	Considerations and comments by GCC
Establishment process	No process described / no mention of participation on equal terms (as opposed to Reg. 62 – which only refers to RCs)	There shall be a minimum of three Members required to decide on the establishment of a NC. What about States that have only 2 Members? How can they coordinate and collaborate? Regional Committee? Country office, Regional office? Are they likely to want to establish a Committee if there are only 2 of them?	Consideration by GCC: Yes, there should be a minimum of three Members.
		The principle of "one member one vote" shall be adopted (participation on equal terms) in the establishment process of NCs.	Yes, survey/e-vote is appropriate. It is up to the Members to decide how they want to process but by making sure they meet IUCN statutory requirements.
		3.Does the establishment process need to be further clarified (application process, survey, e-vote)?	Members have to be responsible for the establishment of the Committee. It cannot be the Secretariat.
		Having a clear establishment process will remove doubt from the process. Survey is simplest but the e-vote system provided by the Secretariat can also be used. It will need to be decided who is responsible for the process as adequate resources will have to be put in place (e.g. Secretariat to set up the survey/e-vote, but then monitoring is time consuming. Also, who will the survey/e-vote link be sent to within each organisation? Does the Secretariat have those details?	
Composition	 Restricted to IUCN Members or their representatives (Art. 66) Open to all IUCN Members in their States (Reg. 61) 	4. Shall there be a minimum number or percentage of Members required to constitute and/or maintain the existence of the Committee? (Especially for States with only a few Members, e.g. 3). If Members leave, does it mean that Committee is dissolved?	4. Majority of 50% + 1 • In that case, the NC/Members must inform the Secretariat, other Members in the State and the Regional Committee if any. • Decision must be included in all Committee documents. Documents of existing Committees must be reviewed.
	Comprise a majority of Members in their States (Reg. 61)	Council is proposing amendments to the Operational Guide for IUCN National and Regional Committees to allow for the participation in Committee meetings of Commission representatives. (See also comments below on the updating of the Operational guide)	5. Thought should be given to who will ensure the inclusion of Commissions in the Committees. What if there are no representatives? The inclusion of Commissions remains the decision of each Committee. In any case, this needs to be defined in their by-laws. The Secretariat has the role to connect Committees and the Global Group for NCRCs with Commission members.
		One Programme approach is adhered to and encourages collaboration between constituents of IUCN.	6. Yes, definitely.

Scope	Council recognition of only one Committee for a State (Art. 67(a))	Inclusion of Commissions should encourage further cooperation between the IUCN components.	7. Yes, this should be added to the Operational Guide.
	Facilitate cooperation among Members, coordination of the components of IUCN, and participation of Members in the programme and governance of IUCN (Art. 66)	Not all States have established and recognised Committees. What to do in such situations? Could they collaborate with neighbouring States/Regional Committee?	Members can't be forced to create National Committees but they need to be made aware of the possibility to establish one in their State. Yes, they can collaborate with neighbouring countries but not join their NCs (unless they are invited as observers). Instead, they should be invited to be a member of the Regional Committee, if any. Any collaboration with neighbouring Committees should be stated in the Committees by-laws.
Governance	Some Regulations stipulate governance procedures but they are not clear.	What shall the decision-making process of the NCs be, once established, and shall it be defined in the IUCN Regulations?	8. The decision-making process of NCs should align with IUCN voting procedures (Art. 30–35 of the Statutes).
		Who will monitor? What will the consequences of non-compliance be?	Members should monitor. Secretariat should only have an advisory role. Consideration by GCC: Regional Councillors must participate in all committees in the region and have an oversight role. They must report to Council/IUCN through their annual report. (This should be further discussed.)
		Oversight/alignment easier to monitor and evaluate if processes are clear. (For example, Reg. 63 refers to Rules of Procedure conforming to IUCN Regulations. If these are clearly stated then conformity will be easier to establish.) If not in Regulations – Operational Guide? By-laws?	Consideration by GCC: We should be careful not to add too many details to the Statutes. Instead, the information must be added to the Operational Guide.
		Restrictiveness/who to monitor/consequences of non-compliance (e.g. (f) – adopting/having their own by-laws but should they conform to the IUCN template? If they change them, should Council approve?)	Yes, if they want to change their by-laws, Council must approve the revised by-laws.
		9. The principle of "one Member one vote" be adopted (i.e. participation on equal terms)?	No – voting procedure similar to the one described in IUCN Statutes (as mentioned above).
		What does "election" refer to in Article 70 of the Statutes? (Board, governance)	10. Consideration by GCC: Every IUCN Member has the right to join the respective National Committee of its State and participate in the election of only one Regional Committee The word "election" should be replaced by " in the establishment of only one Regional Committee and the election of its Board".
		11. Do we need to clarify the processes set out in the Regulations (e.g. Reg. 65 (logo use), 66 (a) election, 67 (c) establishment of subcommittees, (f) own by-laws)?	11. This should be described in the Operational Guide.
Other Considerations		12. Should Reg. 64 of the Regulations be amended to include a procedure for NCs, which no longer complies with the composition or other criteria (e.g. not enough Members, governance)? (Currently	12. No amendments required but it should remain.

Operational Guide	Reg. 64 only applies to NCRCs which act inconsistently with the objectives of IUCN.)	
	13. Updating the Operational Guide will give IUCN the opportunity to align Committees. Should it be made obligatory? Sign when established/recognised?	13. Members must sign the document and return it to the Secretariat.
	14. How to make the guide binding? Nobody has signed this to date, so the process needs to be amended to allow for this.	14. The Operational Guide should be reviewed and sent to all Members for signature.

b) Regional Committees (RCs)

Implications of having a Regional Committee – achievement of IUCN's Mission, goals and objectives require coordination at all levels. National Committees provide this at the national level. However, there is also benefit to be derived from collaboration at a regional level. Geopolitical influences may change at this level and in order for Members to be effective, coordination at this level is desirable. Regional Committees also give Members an opportunity to network with other organisations from States within their region, thereby enhancing engagement and cooperation across borders and nationally/regionally.

	Regional Committees (RCs)	Comments and questions raised	GCC comments and considerations
Establishment process	All Members in the Region or part of the Region are entitled to participate on equal terms in the constitution process (Reg. 62).	There must be a majority of Members in the Region in favour of establishing a RC. Representation of at least half of the Members in the Region of countries that have Members. e.g. 8 countries, at least 4 countries (half of the countries where there are Members)	Majority ensures engagement of Members. Yes, there should be a majority. Representation of over half of the States in the Region concerned. The Chairs of National Committees are the country representatives who sit on the Regional Committees. In countries where there is no National Committee, the IUCN Members in that country should elect a representative to sit on the Regional Committee. This should be done by survey or e-vote
		2. Does the establishment process need to be further clarified (application process, survey, e-vote)? It will need to be decided who is responsible for the process as the adequate resources will have to be put in place (e.g. Secretariat to set up the survey/e-vote but then monitoring is time consuming. Also, who will the survey/e-vote link be sent to within each organisation. Does Secretariat have those details?) Having a clear establishment process will remove doubt from the process. Survey is simplest but the e-vote system provided by Secretariat can also be used.	Documentation required for the establishment of the Regional Committee to be readily available. Three Members who are in favour must organise themselves to establish the Committee. The by-laws should not conflict with IUCN objectives and rules and regulations. The Operational Guide for National and Regional Committees needs to be updated.
		Regulation 62 and 67 (c) establish and operate through subnational or sub-regional Committees. Hierarchy? What purpose? Do they have to adhere to the same rules. What if they don't – what are the implications for the Regional Committee?	3. Once recognised they can operate in a way they think fit.

Composition	Restricted to IUCN Members or their representatives (Art. 66) No further information in Statutes and Regulations	Is membership open to all IUCN Members in the Region or part of the Region?	 Yes, Members shall be represented by their Country representative (Chair of the NC) and if there is none, one should be elected.
	regulations	5. Shall there be a minimum number or percentage of Members required to constitute and/or maintain the existence of the Committee (both for a Region or part of the Region (or subregion 67 (c))?	 Ideally Yes – 50% plus 1. However, if the number falls below 50%, should the RC lose its recognition? No – if the RC is active, they should not.
		Should there be a maximum number of RCs that may be established for part of one Region?	 Good idea if there are geo-political splits in a region (SUR/Meso America and Africa) but voting will need to be clarified.
		SUR and Meso America have RCs. Both are from the same Statutory region but Members felt it necessary to form separate Committees to address commonalities. If they eventually decide to form one Regional Committee, that will entail the disbanding of the existing committees to maintain the balance in the representation, including at Congress.	Care should be taken when deciding to form Regional Committees. Recent changes in the voting system at Congress allow for National and Regional Committees to hold proxy votes for Members.
		Relationship with other Committees 7. If there are several RCs in the same Region (e.g. one RC for the Statutory region of Africa, and the ones for the parts of the region for West and Central Africa and East and South Africa), does the RC for Africa sit above the RCs established for part of the Region?	7. Hierarchy – If there are existing RCs for part of a region and a new RC for the Statutory Region is established, the existing ones will be disbanded. This does not prevent sub-regional committees from being established to work on specific issues (e.g. for the Amazon in South America, or Elephant migration corridors in Africa).
		Inclusion of Commissions should encourage further cooperation between the IUCN components.	8. GCC viewed this as essential.
Scope	Council recognition of only one Regional Committee per region or part of the Region (Art. 67(a)) facilitate cooperation among Members, coordination of the components of IUCN, and participation of Members in the programme and governance of IUCN (Art. 66)	9. Does "part of the Region" need to be clarified? (Articles 66 67 (a) of the Statutes and Regulation 62 of the Regulations). Define "sub-regional Committee (Reg. 67 (c)). 10. Shall there be an extra scope and purpose to establish a RC for "part of a Region", in addition to "cooperation with Members and participation of Members in the programme and governance of IUCN (Art. 66 of the Statutes)"?	9. No, it is fine as it is.
	(74. 00)	11. If so, what could this extra scope be? Should it be based on geographical, political and/or ecological motives?	11. Yes.
		12. Who should define such scope and purpose – all IUCN Members through the Statutes, Council or the Members composing the RC?	12. The Region should decide on the scope, but it should be approved by Council.
Governance		13. What shall the decision-making process of the RCs be, once established, and shall it be defined in the IUCN Regulations?	
		14. Shall the principle of "one member one vote" be adopted (i.e. participation on equal terms), as for the establishment process?	

	15. What does "election" refer to in Reg. 70? (board, governance)	
Other considerations	 16. Should Reg. 64 of the Regulations be amended to include a procedure for RCs which no longer comply with the composition or other criteria (e.g. not enough Members, governance)? (Reg. 64 only applies to NCRCs which act inconsistently with the objectives of IUCN.) 17. Reporting structure. Should there be a standardised template for reporting? What will be done with these reports? How does Council follow up on any non-compliance? What are the consequences to be? 	17. Yes, but the use of them needs to be clarified. There is huge potential with these reports – to showcase the work that the RCs are doing, the One Programme Approach, the Programme and financial opportunities. However, this needs to be further reflected on. It would be helpful to establish a template for the Committees to use to simplify and have uniform reports.

c) Recommendations and questions on Interregional Committees

At the 21st meeting of the Governance and Constituency Committee on 23 September 2019, it was proposed that the intention behind the establishment, the scope and purpose of Interregional Committees (IRCs) be clarified. Due to the specific issues linked to IRCs, the meeting recommended that a full meeting of the GCC should consider issues of establishment, scope and composition, separately from NCRC, while trying to retain as many similar requirements as possible as for NCRCs. Proposals for statutory changes may be made or if needed, the matter can be discussed at Congress.

	Interregional Committees	Comments and questions raised	GCC comments and considerations
Establishment process	No information in Statutes and Regulations Decision C/69/54 states that the establishment has to be supported by more than 50% of the Membership in each of the regions concerned.	Shall the requirements on the establishment process defined in decision C/69/54 be maintained or amended, including the minimum number or percentage of Members required to decide on the establishment of an IRC? Does the establishment process need to be further clarified (application process, survey, e-vote)?	Simple majority of Members in each of the Region supporting. No strong views of mechanism that would prove that the majority is there.
Composition	No information in Statutes and Regulations	Shall the number of regions to constitute an IRC be limited to two, or be unlimited?	3. Could allow for a wide range of purposes.
	1. No information in decision C/69/54	Shall there be a minimum number or percentage of Members required in each Region to constitute and/or maintain the existence of the Committee?	4. Composition – could it be more than two regions? In principle yes, as long as it is to promote collaboration between Members. Governance issues are important. One implies that the others don't exist. Following the logic of requiring a minimum number to establish, there should be a minimum number of Members to maintain the existence. The RC is defined as the Committee for Statutory regions or part of a
			The RC is defined as the Committee for Statutory regions or part or region. However, for the purposes of forming an IRC, the region is

		 5. With many regions, what are the implications of representation and voting? Relationship with other types of Committees 6. Shall the establishment of an IRC exclude the possibility of having a Regional Committee for the same Region? In other words, shall an IRC be allowed only if there is not already a Regional Committee for the same Region/s? 7. If both an IRC and an RC can co-exist for the same Regions, should an IRC sit above a Regional Committee? 8. Can there be two IRCs covering the same Region (in other words can a Region be part of two IRCs)? Should IRCs be de-linked from other types of Committees? (In other words, could Members participate and have voting rights in more than one type of Committee?) For example, what would happen if an IRC for Meso and South America were created and Spain wished to join them? They cooperate in many ways. However, they don't have to be members of the Committee to cooperate. Iberia group not eligible for IRC – platform for coordination. 	only an association of 2 Statutory regions. We have to be very clear and know the existing definition of a region. Definition of an IRC is key. Also, what are its areas of operation? GCC considered that it is not good to have a legal status for committees. How are the rights set out in the Statutes? Rights of RCs so that when you create an IRC you don't take away the potential rights of a RC. 5. Voting issue needs to be discussed. There are governance issues that need to be considered, for example, representation of RC at Congress. Avoid dual representation. An amendment that was introduced was the possibility of Committees being accredited with speaking rights and holding the proxy of Members. The principle of only belonging to one NC and RC, the exceptions should apply to the IRC. 6. It should be up to the regions who make up that IRC, probably not because it is not appropriate. The RC should be able to make decisions without the approval of the IRC. Voting to be allowed in more than one committee.
Scope	 Council recognition for defined purposes and on such terms as it considers appropriate (Art. 67 (b)) Decision C/69/54: The purpose and scope of 	 9. Should IRCs only be allowed/recognised for a defined purpose (Article 67 (b) of the Statutes) in addition to cooperation among Members? 10. If so, what could this extra scope be? Should it be based on geographical, political and/or ecological motives? Commonalities? (As for Regional Committees above) 	9. Defining the purposes would avoid confusion.10. Support One Programme Approach and collaboration.

	the proposed Interregional Committee is clear and does not clash with any other IUCN organs.	 11. Who should define such scope and purpose – all IUCN Members through the Statutes, Council or the Members composing the IRC? 12. Shall the idea that the purpose and scope of the proposed IRC, not to clash with any other IUCN organs (decision C/69/54), be maintained? 13. Shall the IRC be limited in time? 	13. The same terms should apply for NC and RC.
Governance		 14. What shall the decision-making process of the IRC be and shall it be defined in the IUCN Regulations? 15. Shall the balance between the Regions composing the IRC be guaranteed through a double majority requirement (majority required in each region in order to adopt a decision)? 16. Shall the principle of "one member one vote" be adopted? 	These should be defined in the by-laws but it would be appropriate to have it by majority of the Members in each of the regions.
Other considerations		 Should the rights related to motions be extended to IRCs (Reg. 66<i>ter</i> of the Regulations)? Should IRCs be allowed to work outside their regions (Reg. 66<i>bis</i> of the Regulations)? Should the IRC be authorised to establish itself as a separate legal entity (Article 71 (a) of the Statutes)? Should reporting from IRCs be done on an annual basis as for NCRCs? (Article 66 (d) of the Regulations indicates once a year; decision C/69/54, every 2 years) Should withdrawal of IRCs be covered by Reg. 64 of the Regulations as for NCRCs or is a different process required? (refer to decision C/69/54) 	 IRCs should have the right to submit motions, but it is not appropriate for them to work outside of the region. Allows for collaboration. Not appropriate to aim for a legal entity if seen as a platform for collaboration. What are the reports going to be used for? It should really be to showcase work and how everything adds up. Secretariat currently makes no use of the reports that are submitted. How can these be used to address concerns of Members and implement the Membership Strategy? Reports can be used to showcase the work undertaken by Committees. Withdrawal – same regulations as for NC and RC.
General	From minutes of call on 23 September 2019	An IRC should be formed based on geographical consideration rather than ecological consideration. There are other mechanisms that exist to deal with such situations. There are several Governance issues of Members being on more than one Committee.	Other questions for further consideration include: Would an IRC require representation from 2 or more regions – but if there are no regional committees existing, what then? If we envisage that an IRC can be established when there are no RCs existing, then we should ensure that the majority of the Members are part of each of those Committees. (During the call, GCC decided that IRCs should be composed of the majority of Members from each of the regions. Under Regulation 67 (b), Council may recognise IRCs for purposes they consider appropriate. A decision is needed on what the purpose

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	of an IRC might be and whether this is envisaged to be wider than other Committees are. The Legal Adviser has suggested that the wording of the Statutes implies that IRCs should have a specific objective and scope to be created, whereas NRCs are more geographically bound. As a result, the Chair of GCC felt that more time was needed to decide whether there could be some other objective for IRCs.
	What has been understood as the highest confirmation is that we have representation.
	Regional Committees within a statutory region. If the majority of the Members decide to establish a regional committee that will be the same as the statutory region. There should be no Regional Committee for a part of the Region within the same Statutory region.
	Representation in the Members' Assembly. Cannot have double representation. Given the fact that there is already a committee for South America, if the Members in the Amazonian Committee could be recognised by SUR RC they would not have the same representation at the Assembly.