Proposed amendments to the IUCN Statutes: Improvements to the motions process

Action Requested: The World Conservation Congress is invited to CONSIDER the proposed amendments to the IUCN Statutes to improve the motions process submitted by the Council under Article 105 of the IUCN Statutes.

DRAFT MOTION

The IUCN World Conservation Congress,

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

[...]

EXPLANATORY MEMORANDUM

Background

1. Following the IUCN World Conservation Congress 2016, the IUCN Council considered a broad range of feedback and suggestions in view of considering improvements to the motions process:
   - The 2016 IUCN Congress Participant Survey Report dated 18 January 2017
   - Feedback by IUCN Members on the online Motions Process\(^1\)
   - The recommendations of the 2016 Congress Resolutions Committee\(^2\)
   - The article “IUCN’s encounter with 007: safeguarding consensus for conservation” published in Oryx\(^3\) whose authors come from a broad cross-section of IUCN.

2. Council’s response to the feedback and suggestions approved at its 95\(^{th}\) meeting in October 2018 (decision C/95/11) included proposed amendments to the IUCN Statutes, the Rules of Procedure of the World Conservation Congress and the Regulations. It was presented to IUCN Members for online discussion in November–December 2018\(^4\).

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\(^1\) A summary is available as Annex 1 of Council document C/93/GCC/3.2 (p. 651)

\(^2\) “The IUCN Motions Process. Reflections from the 2016 WCC Resolutions Committee” available as Annex 2 of Council document C/93/GCC/3.2 (p. 651)


\(^4\) The table with the Council’s detailed response to the feedback is available as Annex 20 to Council decision C/95/19 (p. 170).
3. As requested by Congress decision WCC-2016-Dec-113, the proposed amendments to the Rules of Procedure were submitted to an electronic vote by IUCN Members in March 2019. All proposed amendments were approved.

4. The proposed amendments to the Regulations were adopted by Council at its 96th meeting in March 2019 (Council decision C/96/17).

5. The present proposal concerns the Council proposals to amend the Statutes. They were presented by members of Council to all Regional Conservation Forums (RCF) held in 2019, and posted online for comments until 15 September 2019.

6. Following consideration of the comments made by IUCN Members, the Council decided not to pursue one of its proposals which concerned the increase of the majority required for adopting motions from a simple majority to a two-thirds majority.

A. Proposed amendment to the Statutes regarding the majority required to adopt motions

7. Concerned that every attempt is made to achieve the broadest possible support for a motion before it is put to the vote and to ensure a genuine interest for all participants to engage in discussions and negotiations, the IUCN Council proposes to increase the majority requirement for voting on motions. This would increase the incentives to negotiate in good faith, as it would be harder for a motion to be adopted in the absence of consensus. And it would increase the legitimacy of IUCN’s policy and the likelihood of Resolutions being implemented. A two-thirds majority is considered effective for this purpose.

8. A concrete case in point where an increased majority requirement would have had the desired effect was the difficult discussion in Hawai‘i (2016) of motion 007 (the “James Bond” motion) about “Closure of domestic markets for elephant ivory”. One of the problems was that a group of IUCN Members was so confident to achieve a simple majority that very little, if any, efforts were made in the contact group to negotiate.

9. Council’s proposed amendment would only apply to motions referred to in Rule 48bis, i.e. motions that, when adopted, take the form of a Resolution or Recommendation defining the general policy of IUCN, influence policies or actions of third parties, or addressing the governance of IUCN. The simple majority rule will continue to apply for all other decisions to be approved by Congress, such as the adoption of the IUCN Programme, the mandates of the IUCN Commissions, or any procedural motions.

10. This proposal generated both strong support and strong opposition among the IUCN Members commenting during the RCF and online. Some also wrote to Council to express their concerns. In support of the motion was the fact that moving to a 2/3 majority would avoid highly divisive situations and encourage people to work together. Concerns were raised that such a move would mean that IUCN becomes less able to adopt innovative motions that change the status quo and advance needed changes. Similarly, there was concern that if adopted, this requirement would prevent the adoption of proposals relevant at a regional, national and local level, for example, because people who don’t understand the issues, would abstain.

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5 Proceedings of the 2016 Members’ Assembly (p. 20)
11. A simulation exercise, applying a two-thirds majority rule to the results of the votes on motions in 2012 and 2016, reveals that its impact would in fact be limited:

- Of the 85 motions voted on electronically prior to the 2016 Congress, the following three motions would not have been adopted under a two-thirds majority rule:
  - Motion 011 with amendment 2 – “Greater protection needed for all pangolin species” (71% in Cat. A and 62% in Cat. B), noting that this was only the second of three versions of the motion submitted with amendments. The other two versions were approved with two-thirds majority.
  - Motion 060 with amendment 1 – “Pacific region climate resiliency action plan” (adopted by 64% in Cat. A and 65% in Cat. B).
  - Motion 075 with amendment 1 – “Best practice for industrial-scale development projects” (67% in Cat. A and 63% in Cat. B), noting that this was only the first of two versions approved with amendments. The other version was approved with two-thirds majority.
- All 20 additional motions (becoming Resolutions/Recommendations) adopted during the 2016 Congress would also have been adopted under a two-thirds majority rule. The only motion adopted that would not have passed under a two-thirds majority rule was “Motion / Moción - 6.1 IUCN Programme 2017-2020: Amendment 2” which concerned an amendment to the IUCN Programme.
- All 186 motions (becoming Resolutions/Recommendations) adopted during the 2012 Congress would also have been adopted if the majority requirement was two-thirds.

12. During its 98th meeting in February 2020, the Council decided to maintain the proposed amendment to the Statutes convinced that it would be in the long-term interest of biodiversity conservation if IUCN strengthened its convening role by introducing an increased majority for the adoption of motions which would contribute to achieving the broadest possible support, if not consensus, engaging all parties that represent a variety of views in discussions and negotiations, while the broadest possible support would also increase the legitimacy and implementation of the Resolutions and Recommendations concerned. If more effort was put into ensuring a good process of consultations and negotiations, there would be no reason to fear that a two-thirds majority could not be achieved to support innovative ideas or issues of local importance or of concern to minority groups.

B. Proposed amendment to the Statutes to protect the scientific independence of the work carried out by the Commissions and Secretariat of IUCN

13. Council recommends to protect the scientific independence of the work carried out by the Commissions and Secretariat under IUCN’s technical role, thus protecting such work from partisan interference from any source. Most organizations have no such guarantees of independence. As a science-based Union that prides itself on evidence-based dialogue, convergence and consensus building, it is imperative that IUCN retains its hard-earned and critical technical and convening roles for long-term conservation outcomes and impacts.

14. The term “undue influence” in the proposed amendment to Article 3 of the Statutes means the influence by which the Commissions or the Secretariat, in their scientific work, are induced to act otherwise than by upholding the highest standards.

15. No objections were received from IUCN Members during the RCF or the online consultation.
16. Council therefore decided to propose this amendment to Congress.

C. Proposed amendment to the Statutes to put a cap on the number of abstentions in order for a motion to be adopted

17. Feedback from the 2016 Congress suggested that IUCN Members considered the number of abstentions too high.

18. This was in part due to the rule that IUCN Members who chose not to cast a vote, either during Congress or during an electronic vote between sessions of Congress, were considered to have abstained (and were counted together with those who had voted “abstention”). This rule has been removed from the Rules of Procedure and the Regulations as a result of the electronic vote of IUCN Members on reforms of the motions process in March 2019.

19. However, some IUCN Members suggested that even without this rule, the number of IUCN Members deliberately voting “abstention” on one or more motions could still be very high. They suggested to put a cap on the number of abstentions and amend Article 32 of the Statutes in order to provide that if the number of abstentions was one-third or more of all votes (including abstentions) in each Category A and in Category B/C combined, the motion would not be adopted.

20. The impact of such an amendment could be high. A simulation exercise, applying such a rule to the voting results of the electronic vote on motions prior to the 2016 Congress and of the vote on motions during the 2016 Congress shows that as much as one-third of the motions voted on electronically prior to Congress would not have been approved. However, during the 2016 Congress, such a rule would have affected only two motions.

21. As such an amendment would increase the legitimacy and support for Resolutions and Recommendations, the Council decided to consult the IUCN Members during the RCF and online. Some Members expressed concerns and raised questions in relation to putting a cap on the number of abstentions for a motion to pass arguing that Members should continue to be able to abstain without necessarily blocking the motion from being adopted.

22. The Council decided to slightly modify its initial proposal and suggest that the Statutes be amended as proposed but that, if due to the high number of abstentions, the motion put to the vote is not adopted in a first vote, there be held a second vote under the same conditions. This will allow delegations at Congress to consult and possibly modify their position in order to reduce the number of abstentions. The Chair of the Members’ Assembly could decide that the second vote be held at a later moment during the Members’ Assembly, possibly after referring the motion to a contact group.

23. Motions not approved during the electronic vote on motions held prior to the Congress because of the high number of abstentions will be referred to the Members’ Assembly for a second vote. The latter will require an amendment to Rule 62quinto.

D. Entry into effect

24. Unless decided otherwise by the Congress, the proposed amendments, if adopted, will come into effect at the end of the Congress.
## Proposed amendments to the IUCN Statutes and Rules of Procedure to improve the motions process

<table>
<thead>
<tr>
<th>Amendment #</th>
<th>Existing provisions of the IUCN Statutes:</th>
<th>Proposed amendments (with track changes)</th>
<th>Revised version of the IUCN Statutes (all track changes ‘accepted’)</th>
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### Article 32 of the Statutes

Abstentions shall not be counted as votes cast.

However, if the number of abstentions is one-third or more of all votes in either Category A or Categories B and C combined, the motion is not adopted. In this case, a second vote shall be held on the same conditions.
| motions which have been the subject of such discussion and divergent proposed amendments or that are so controversial that it is, in the opinion of the Motions Working Group, not possible to produce a consensus text for submission to a decision by electronic vote prior to Congress. | (b) refer to the Members’ Assembly for continued debate and vote on the floor, motions which have been the subject of such discussion and divergent proposed amendments or that are so controversial that it is, in the opinion of the Motions Working Group, not possible to produce a consensus text for submission to a decision by electronic vote prior to Congress.; or  
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