



## 90<sup>th</sup> Meeting of the Bureau of the IUCN Council

By conference call on Thursday 14 January 2021 from 2 to 3.45 PM UTC

### Draft Agenda

2:00-2.05	<b>Agenda Item 1: The President's opening remarks and approval of the Agenda</b>
2.05-3.00	<b>Agenda Item 2: Appointment of an Election Officer</b> <i>On 6 December 2020, Prof. Denise Antolini, Election Officer wrote to the President and the Chair of CPC with her resignation from the position of Election Officer of the 2020 Congress. (a copy of the letter is attached as <a href="#">Annex 1</a>) The Bureau is invited to propose to Council a procedure for the nomination of candidates for appointment as Election Officer, for inclusion in the ToR of the Election Officer. (<a href="#">Annex 2</a>) In this regard, the Bureau could make use of the work already undertaken by the Bureau (84<sup>th</sup> meeting, May 2020) for the appointment of a Deputy Election Officer. (<a href="#">Annex 3</a>)</i>
3.00-3.15	<b>Agenda Item 3: Electronic vote of IUCN Members opening on 27 January 2021</b> <i>The purpose of this agenda item is to discuss any unresolved issues in Council's process of approving the final versions of the decision items submitted to the e-vote.</i>
3.15-3.30	<b>Agenda Item 4: Calendar of Council meetings until the 2020 Congress</b> <i>The Bureau is invited to discuss a proposal from the Secretary to Council for a calendar of Council meetings, with indication of the topics for discussion, until the 2020 Congress (3-10 September 2021).</i>
3.30-3.45	<b>Agenda Item 5: Appointment of members of the Steering Committee of WCEL</b> <i>Proposed by Antonio Benjamin, Chair of WCEL. The documentation will be provided as soon as it becomes available.</i>

## 90<sup>th</sup> Meeting of the Bureau – 13 or 14 January 2021 – 2 PM UTC

### TIMETABLE

<b>Location</b>	<b>Local Time</b>	<b>Time Zone</b>	<b>UTC Offset</b>
<a href="#">Rarotonga</a> (Cook Islands)	Wednesday, 13 January 2021, 04:00:00	CKT	UTC-10 hours
<a href="#">La Paz</a> (Bolivia)	Wednesday, 13 January 2021, 10:00:00	BOT	UTC-4 hours
<a href="#">New York</a> (USA - New York)	Wednesday, 13 January 2021, 09:00:00	EST	UTC-5 hours
<a href="#">Brasilia</a> (Brazil - Distrito Federal)	Wednesday, 13 January 2021, 11:00:00	BRT	UTC-3 hours
<a href="#">Dakar</a> (Senegal)	Wednesday, 13 January 2021, 14:00:00	GMT	UTC
<a href="#">Geneva</a> (Switzerland - Geneva)	Wednesday, 13 January 2021, 15:00:00	CET	UTC+1 hour
<a href="#">Stockholm</a> (Sweden)	Wednesday, 13 January 2021, 15:00:00	CET	UTC+1 hour
<a href="#">Harare</a> (Zimbabwe)	Wednesday, 13 January 2021, 16:00:00	CAT	UTC+2 hours
<a href="#">Ramallah</a> (Palestinian Territories - West Bank)	Wednesday, 13 January 2021, 16:00:00	EET	UTC+2 hours
<a href="#">Colombo</a> (Sri Lanka)	Wednesday, 13 January 2021, 19:30:00	IST	UTC+5:30 hours
<a href="#">Beijing</a> (China - Beijing Municipality)	Wednesday, 13 January 2021, 22:00:00	CST	UTC+8 hours
Corresponding UTC (GMT)	<a href="#">Wednesday, 13 January 2021, 14:00:00</a>		

6 December 2020

Dear Mr. President and CPC Chair Ms. Jennifer Mohamed-Katerere,

I deeply appreciate the extraordinary opportunity that you and the Council have provided me to serve as IUCN Election Officer since March 2019. For a number of personal and professional reasons, and considering the best interests of IUCN as a Union, I am writing now to resign my position as IUCN Election Officer.

I have greatly enjoyed working with the Council and the Secretariat, and the Elections Team, particularly with Luc de Wever, Michelle Kimeu, Enrique Lahmann, Sarah Over, Sandrine Friedli Cela, and Alejandro Iza. Thanks to their excellent professional support over the past eighteen months, we have successfully launched the IUCN elections process for WCC, managed myriad inquiries and issues, set up a reliable voting system for the Congress, created an on-line campaign platform for candidates, and maintained timely communications regarding elections.

Given the Council's decision last week to hold the WCC toward the end of 2021 in Marseilles, the conflict of interest that arose after my appointment with respect to my overseeing the Presidential-level elections, and the delays in appointing a Deputy Election Officer, as well as my other personal and professional obligations, I believe it is now in my best interest and, more importantly, the best interest of IUCN for a new Election Officer to be appointed.

With WCC at least nine months away and a campaign period that is essentially paused, a transition now will provide a new Election Officer sufficient time to get up to speed for the final phase of the campaigns and the eventual voting process at WCC. I will of course be happy to assist the new Election Officer as requested.

Thank you again for the honor of serving IUCN in this unique volunteer capacity. I look forward to continuing to contribute to IUCN in other ways for many years to come.

Sincerely,



Denise Antolini  
IUCN Election Officer

Cc: Vice Presidents John Robinson, Ana Tiraa, Ali Kaka, Amin Aslam Malik; Luc de Wever; Michelle Kimeu; Enrique Lahmann; Sarah Over; Sandrine Friedli Cela; Alejandro Iza



# ELECTION OFFICER OF THE 2020 WORLD CONSERVATION CONGRESS

## TERMS OF REFERENCE

*Approved by the Bureau (B/75/1), endorsed by the IUCN Council (C/95/2) in October 2018*

The Election Officer is appointed by the IUCN Council to supervise the elections at the World Congress and the counting of the votes in accordance with Rule 74 of the Rules of Procedure of the World Conservation Congress. S/he must not be a member of the Secretariat nor a candidate for election as per Regulation 28 (b). S/he must neither have any family ties nor working relationships with any of the nominated candidates and should disclose any potential conflict of interest in that regard once s/he has received the nominations. S/he should have a legal background.

In the event that the Election Officer chosen has the same nationality as any of the presidential candidates, Council may reconsider his/her appointment in order to avoid possible accusations of conflict of interest and may appoint a substitute.

The Terms of Reference of the Election Officer shall be as follows:

*In advance of the World Conservation Congress:*

- 1) review the procedures for balloting and vote counting at the Members' Assembly and recommend improvements to the Secretariat on the basis of experience. If an electronic voting system is available for elections, adjust the procedures as required and verify the accuracy of the system prior to Members' Assembly;
- 2) receive from the Secretariat, the completed dossiers for all election candidates, approve for publication in the Union Portal the nominations for election as Regional Councillors that meet the requirements established in the Statutes and the Regulations, transmit to Council's Nominations Committee the nominations for President, Treasurer and Commission Chair that meet the requirements, and adjudicate on any issues which may arise during the nomination process;
- 3) advise Council in advance of the closing of the nominations period if the nominations received are unlikely to fill the positions available for any of the statutory regions, or to meet the criteria established by Council, and necessitate an extension of the deadline;
- 4) following the closing date for nominations, prepare the Report of the Election Officer to the World Conservation Congress including the names of candidates for Regional Councillors and their biographical information, listed in alphabetical order from a point in the alphabet chosen at random, with an indication of the number of nominations received per candidate as per Regulation 40;

*At the Congress:*

- 5) Explain the voting procedures during a plenary session, as required;
- 6) Report to the Congress Steering Committee on all matters related to elections;
- 7) Participate ex-officio in the meetings of the Credentials Committee;
- 8) Supervise the handing out of ballot forms at the Members' Assembly based on the report of the Credentials Committee. If elections are held electronically, verify the accuracy of the election process taking into account the report of the Credentials Committee;
- 9) Report immediately to the Congress Steering Committee any activities that he/she might detect regarding elections and voting that might be contradictory to the Statutes, Rules or Regulations;

- 10) Oversee the arrangements for presenting candidates to the Members' Assembly and meet with candidates ahead of the elections to explain the procedures;
- 11) Coordinate and be accountable to the Members' Assembly for the counting of votes, and oversee a team of vote counters from the Secretariat (if voting is done electronically verify the accuracy of the electronic system), and ensure that election results are not known in advance by anyone other than him/herself;
- 12) Announce the election results and prepare the report of the Election Officer;
- 13) Responsible for supervising the electronic voting on motions in the Members' Assembly which includes verifying the accuracy of the electronic voting system (Regulation 40bis) and that, in case of a secret ballot, the system can guarantee the anonymity of all votes (RoP 70);
- 14) Make recommendations to the next Council for improving the role and functioning of the Election Officer based on her/his own evaluation taking into account Council's guidance for self-evaluation.

## DRAFT MESSAGE PRESIDENT TO BUREAU

To: members of the Bureau  
 Subject: FOR THE IUCN BUREAU'S APPROVAL BY .. SEPTEMBER 2020 – Terms of Reference of the Deputy Election Officer

**You are kindly invited to reply to this message by .. September 2020**

Dear members of the Bureau of the IUCN Council,

You may recall that during its 84<sup>th</sup> meeting in May 2020, the Bureau discussed the Election Officer's letter to the IUCN President dated 23 March 2020 (copy enclosed as Annex 1) notifying Council regarding a provision of her Terms of Reference (ToR) as she has the same nationality as a candidate for President, and referring the matter of her continued service to the Council.

The Bureau requested the Election Officer to recuse herself on any matter related to the candidates for President. Also at the Bureau's request, the CPC prepared, in consultation with the Election Officer, draft Terms of Reference for the position of a Deputy Election Officer who would be appointed to act in the place of the Election Officer in case of a conflict of interest.

However, the Bureau would not formally adopt a decision until the process for the nomination of possible candidates for appointment as Deputy Election Officer was clarified.

I am grateful to Jennifer Mohamed-Katerere and Antonio Benjamin for designing a procedure for the nomination of candidates. You will find it as paragraph (5) of the draft ToR enclosed herewith as Annex 2.

The proposal in paragraph 5 (with track changes) contains brackets, inviting Bureau members to make a choice between the Congress Preparatory Committee (OPTION 1) and the Bureau (OPTION 2) as the body to which the Steering Committee of the World Commission on Environmental Law (WCCEL) will nominate four candidates for the position of the Deputy Election Officer.

If a majority of Bureau members chooses OPTION 1, the next sentence in brackets "*[The Congress Preparatory Committee will recommend two candidates to the Bureau for decision]*" will also be approved.

If OPTION 2 is chosen, the sentence in brackets "*[The Congress Preparatory Committee will recommend two candidates to the Bureau for decision]*" will be removed.

In case OPTION 1 is chosen, the Chair of CPC also recommends the Bureau to amend the ToR of the CPC.

**You are therefore kindly invited to reply to this message by .. September 2020 with your response to the question whether you approve the following draft decision with option 1 or option 2.**

#### DRAFT BUREAU DECISION

The Bureau of the IUCN Council,

***Noting*** the letter addressed by the Election Officer, Prof Denise Antolini, to the IUCN President on 23 March 2020 notifying the Council that a situation has arisen regarding a provision of her Terms of Reference as she has the same nationality as a candidate for President, and referring the matter of her continued service to the Council,

**Requests** the Election Officer to recuse herself on any matter related to the candidates for President,

***On the recommendation of the Congress Preparatory Committee,***

**Approves** the Terms of Reference of the Deputy Election Officer (Annex).

(If option 1 is chosen) **Amends** the Terms of Reference of the Congress Preparatory Committee to include the CPC's function to nominate to Bureau two candidates for

DRAFT MESSAGE PRESIDENT TO BUREAU

**appointment as Deputy Election Officer, from four candidates proposed by the steering committee of WCEL.]**

This message will be sent for information to Council members who are not members of the Bureau, inviting them to share with the Bureau any queries or concerns they may have before **. September 2020**.

Once approved by the Bureau, Council members will receive the Bureau's decision for validation through the no-objection procedure provided by Regulation 58.

With my best wishes,

**ZHANG Xinsheng**



# DEPUTY ELECTION OFFICER OF THE 2020 WORLD CONSERVATION CONGRESS

## TERMS OF REFERENCE

Recommended by CPC to Bureau (CPC7, 15 May 2020), revised by J. Mohamed-Katerere and A. Benjamin (30 August 2020)

- (1) The Deputy Election Officer is appointed by the IUCN Council to act in the place of the Election Officer whenever the latter is unable to act as Election Officer or in case of a conflict of interest, and to provide support to the Election officer to ensure the integrity of the elections.
- (2) When acting in the place of the Election Officer, the Deputy Election Officer will have the same obligations and responsibilities of the Election Officer specified in the Terms of Reference of the Election Officer approved by [Council decision C95/2 \(October 2018\)](#) and will be accountable to the Congress or, prior to the session of the Congress, to the IUCN Council.
- (3) The Election Officer and Deputy Election Officer consult as required to ensure continuity and coherence in the application of the rules across all nomination and election processes.
- (4) The Deputy Election Officer should have a legal background. S/he must not be a member of the Secretariat nor a candidate for election as per Regulation 28 (b). S/he must have neither any family ties nor working relationships with any of the nominated candidates and should disclose any potential conflict of interest in that regard.

### Process for the appointment of a Deputy Election Officer

- (5) The Steering Committee of WCEL will nominate four candidates for the position of the Deputy Election Officer for consideration by the [Congress Preparatory Committee] [Bureau] . [The Congress Preparatory Committee will recommend two candidates to the Bureau for decision]. ~~The Deputy Election Officer shall be appointed by the IUCN Council on the recommendation of the Congress Preparatory Committee (CPC).~~
- (6) The Deputy Election Officer shall not have the nationality of the Election Officer or of an already nominated presidential candidate. When appointing the Deputy Election Officer, Council shall seek to reflect gender, the geographical and other diversity of IUCN.



## Proposed calendar of Council meetings January-September 2021

with indicative topics for the agenda prepared by the Secretary to Council

Strategic direction Oversight Fiduciary responsibilities

C103 in week 26-30 April	C104 in week 21-25 June	C105 in Marseille, 2 September
<ul style="list-style-type: none"> <li>Approval of IUCN Work Plan 2021 (cf. decision C102/3; unless it is approved by e-mail)</li> </ul>	<ul style="list-style-type: none"> <li>Approval of <i>Council's written Report to Congress</i></li> </ul>	<ul style="list-style-type: none"> <li>Council's recommendations to the next Council (unless they are included in <i>Council's written report to Congress</i>)</li> </ul>
	<ul style="list-style-type: none"> <li>Approval of amendment or addendum to the Programme on IUCN's response to Covid-19 for decision at Congress (cf. decision C102/8; recommendation PPC)</li> </ul>	
	<ul style="list-style-type: none"> <li>Report of the DG</li> </ul>	
	<ul style="list-style-type: none"> <li>Report of the Commission Chairs</li> </ul>	
<ul style="list-style-type: none"> <li>2020 Congress: feasibility of holding it in Marseille; revised agenda; virtual alternatives, if needed (recommendations CPC)</li> </ul>	<ul style="list-style-type: none"> <li>Approval of the audited financial statements 2020 (recommendation FAC)</li> </ul>	<ul style="list-style-type: none"> <li>Approval of Council proposal to Congress for the membership of the Congress committees</li> </ul>
<ul style="list-style-type: none"> <li>Reports with recommendations from the standing committees (<i>indicative agendas in footnote<sup>1</sup></i>)</li> </ul>	<ul style="list-style-type: none"> <li>Approval of proposals to implement prioritized actions from Council's response to the external review of governance (recommendations GCC)</li> </ul>	

<sup>1</sup> **FAC:** 1) Preliminary (unaudited) results 2020 and update 2021; 2) Congress update; 3) Resource mobilisation update; 4) Report of the Head of Oversight; 5) Report of the Risk Officer; 6) Report of the Legal Advisor

**PPC:** 1) Annual Progress Report 2020; 2) Update on implementation of Resolutions/Recommendations; 3) Review recommendations of PPC's task forces regarding their role [last clause under "Modus Operandi" in the ToR of each TF: "*By the start of 2020, the (task force) will review its activities and present recommendations for its role in the next quadrennium to the PPC.*"]

**GCC:** 1) Possible modification of the Council motions to amend the Statutes and other governance issues, in response to the online discussion and in preparation of the discussion of these motions in Marseille; 2) Update on IUCN membership; 3) Any issue(s) related to membership applications requiring a decision



**90<sup>th</sup> Meeting of the Bureau of the IUCN Council**  
By conference call, 14 January 2021

*Agenda Item 5*

**Appointment of members of the Steering Committee of the World Commission on Environmental Law (WCEL)**

Origin: Chair of WCEL

**REQUIRED ACTION**

The Bureau of the IUCN Council is invited to appoint members of the Steering Committee of WCEL on the recommendation of the Chair of WCEL.

**DRAFT BUREAU DECISION**

The Bureau of the IUCN Council,

*On the recommendation of the Chair of the World Commission on Environmental Law (WCEL),*

Appoints the following individuals as:

1. Deputy Commission Chair: Nicholas Bryner
2. members of the Steering Committee of WCEL:
  - Denise Antolini,
  - Christina Pak, and
  - Christina Voigt.

1. On 11 January 2021, the Chair of the World Commission on Environmental Law (WCEL) requested the Secretary to Council to add to the agenda of the 90<sup>th</sup> Meeting of the Bureau the appointment of members of the Steering Committee of WCEL with the following explanation:
  - Professor Denise Antolini will be stepping down as Deputy Chair and transition to a position on the WCEL Steering Committee.
  - Current WCEL Steering Committee Member, Professor Nicholas Bryner, will be filling the role of Deputy Chair for the remainder of Antonio Benjamin's term.
  - WCEL would like to add WCEL Member Christina Pak to the WCEL Steering Committee. Ms. Pak works in the Office of the General Council for the Asian Development Bank and is already involved in several WCEL initiatives.
  - WCEL would also like to add WCEL Member Professor Christina Voigt to the WCEL Steering Committee. Professor Voigt is currently the sole candidate for WCEL Chair.
2. Biographies of all candidates are attached hereafter.
3. The current membership of WCEL's Steering Committee can be viewed on IUCN's website: <https://www.iucn.org/commissions/world-commission-environmental-law/about/contact>



**Professor Nicholas Bryner** is a member of the IUCN World Commission on Environmental Law (WCEL) and the Chair of the WCEL Early Career Group. Professor Bryner is currently an Assistant Professor of law at Louisiana State University School of Law. He has written several articles on environmental, energy, and natural resources law, including: "People of the Sun: Leveraging Electricity Reform to Promote Renewable Energy and Climate Change Mitigation in Mexico," *Natural Resources Journal* (forthcoming 2016); "Public Interests and Private Land: The Ecological Function of Property in Brazil," *Virginia Environmental Law Journal* (2016); and "Brazil's Green Court: Environmental Law in the Superior Tribunal de Justiça (High Court of Brazil)," *Pace Environmental Law Review* (2012). Professor

Bryner has spoken at major conferences in the United States and Brazil, in Portuguese and English, on topics including Brazilian environmental law, environmental human rights, and international environmental law.

Professor Nicholas Bryner was an Emmett/Frankel Fellow in Environmental Law and Policy at the UCLA School of Law for 2016-18. He served as Visiting Associate Professor and Environmental Law Fellow at George Washington University Law School (August 2014-June 2016) where he co-taught courses on environmental and natural resources law.

Professor Bryner received his B.A. *magna cum laude* in Political Science from the University of Utah, with minors in Latin American Studies and Chemistry. He also earned joint degrees (J.D. / M.A.) in law and Latin American and Hemispheric Studies from The George Washington University Law School and Elliott School of International Affairs. At GW, Bryner was elected to the Order of Coif, received the Pro Bono Service Award and the Patton Boggs Foundation Public Policy Fellowship, and was a Presidential Merit Scholar. In addition, he served as an Articles Editor for *The George Washington Law Review*.



**Professor Denise Antolini** is a Professor of Law and served as the Associate Dean for Academic Affairs from August 2011 to December 2019. She joined the Law School faculty in 1996 and directed the nationally recognized Environmental Law Program for several years.

She teaches environmental law and legal writing. Her research interests include marine law and policy, environmental review, species protection, fresh and marine water protection, cultural rights, community-based management, natural resources enforcement, and environmental courts and tribunals.

She received her AB magna cum laude, Princeton University 1982; MPP University of California, Berkeley 1985; JD University of California, Berkeley 1986. She clerked for US federal district court judge Joyce Hens Green (Washington, D.C.) and practiced public interest environmental litigation from 1988 until 1996 with the Sierra Club Legal Defense Fund (now Earthjustice) in Seattle and Honolulu. She has raised two wonderful sons and lives on the North Shore of O'ahu, where she is actively engaged in several non-profit conservation organizations.



**Christina Pak** specializes in international development finance and law and policy reform. She is currently a Principal Counsel of the Asian Development Bank and is responsible for managing the Office of General Counsel's Law and Policy Reform Program which designs, processes, and implements technical assistance projects directly to developing member countries relating to legal and judicial reforms. She oversees a diverse portfolio in the areas of environment protection and climate change, gender equality, private sector development, public-private partnerships and digital economy.

Christina leads ADB's judicial capacity building program on environmental and climate change adjudication ([www.ajne.org](http://www.ajne.org)) and Developing Environmental Law Champions Program ([www.teachenvirolaw.asia](http://www.teachenvirolaw.asia)) which aims to improve environmental legal education in Asia and the Pacific. She also co-leads the Legal Readiness for Climate Finance and Climate Investments technical assistance which has been modernizing legal frameworks to attract greater international climate finance and climate investments into ADB's developing member countries (<https://cclr.lexxion.eu/article/CCLR/2018/1/4>). Additionally, Christina specializes in international arbitration reform and has been assisting various countries in the South Pacific region accede to the New York Convention and put in place implementing arbitration law, including Fiji, Palau, Papua New Guinea and Tonga and assisted Uzbekistan with its new Law on International Commercial Arbitration.

Christina also serves as ADB's Accountability Mechanism Policy Counsel and the Office of the General Counsel's technical assistance, partnerships and knowledge focal point and is a member of ADB's Environment and Climate Change, Gender and Governance Thematic Groups.

In her previous role as a project counsel at ADB, she worked on complex multi-sector projects across the Central West, Southeast and East Asia regions.

Prior to joining ADB, Christina was a legal counsel and vice president for markets and international banking at a major UK bank in Singapore and a finance associate at a large law firm in New York City.

Christina is a US-qualified lawyer, admitted in the States of New York and New Jersey and received her Juris Doctor from Rutgers Law School and Bachelor of Science in International Environmental Studies from Rutgers University.



**Dr. juris Christina Voigt** is professor at the Department of Public and International Law, University of Oslo, Norway. Professor Voigt is an expert in international environmental law. She works in particular on legal issues of climate change, environmental multilateralism and sustainability. Professor Voigt is a member of the IUCN World Commission on Environmental Law (WCEL), member of the IUCN Task Force on Climate Change and the chair of the IUCN WCEL's Specialist Group on Climate Change. In 2009, she was awarded the first IUCN Academy of Environmental Law Junior Scholarship Prize.

Since 2009, she has also been working for the Norwegian government as lead negotiator on REDD+ (Reducing emissions from deforestation and forest degradation in developing countries) and as principal legal advisor in the UN climate negotiations; negotiating, inter alia, the Paris Agreement (2015) and the Katowice Rulebook for the Paris Agreement (2018). At COP24 in Katowice, she was co-facilitator for the negotiations on the rules for the Agreement's compliance committee.