



INTERNATIONAL UNION FOR CONSERVATION OF NATURE

101st Meeting of the IUCN Council
by conference call on 2 November 2020 at 10 AM UTC

Summary

(Prepared by the Secretary to Council)

Attendance: The list of participants is attached hereafter as Annex A.

Agenda Item 1: Introduction by the President and approval of the agenda

The President explained that the meeting had been convened to continue the consideration of the question regarding the timing of the elections following the adjournment of the 100th Council meeting before this matter was concluded, and following the request of 17 Council members under Article 51 of the Statutes. An additional Agenda Item 3 had been added to consider the recommendations presented by the Congress Preparatory Committee and the Bureau which were not discussed during the 100th Council meeting. The draft agenda was approved without modification.

COUNCIL DECISION C101/1

The IUCN Council,
Adopts the agenda of its 101st meeting. (Annex 1)

Agenda Item 2: Consideration of/decision on the question whether the elections should be held during the Congress in Marseille as postponed to a later date in 2021 (yet to be determined), or whether they should be held by electronic vote in the beginning of 2021

(Documents [C101/2/1 Compilation of results of online discussion IUCN Members re timing of elections 2020.11.01](#) and [C101 2 2 PPT IUCN Working group on Elections - report by Ali Kaka](#))

Ali Kaka, Vice-President and co-chair of the working group on elections established at the initiative of the President with the purpose of reaching out to IUCN Members to canvas their opinion and of assisting the Council with recommendations which would find the broadest possible convergence in Council, presented the report of the working group, including the results of the online discussion of IUCN Members. The working group had concluded its meeting on 1 November 2020 with the following recommendation:

1. Council decides whether to go to electronic vote for Council elections, or
2. Council decides to ask Members by electronic vote whether or not to have electronic elections for Council prior to Congress. If Council says no to 2, then by default elections will be held at the Congress.

[Note: the discussion was chaired by Vice-President Amin Malik Aslam Khan following a problem with the President's connection]

During the discussion, Council members commended the working group and the Secretariat for the excellent way in which the consultation of IUCN Members was held and the results compiled.

Several Council members expressed concern about taking decisions based on opinions that were not representative for the entire IUCN membership given that the participation rate was lower than for any of the electronic votes held so far, in particular, as far as State Members are concerned. Emphasizing the importance of the comment made by the French Government in favour of holding elections during Congress, they argued that the decision

made after mutual agreement with France to postpone the Congress should be given every chance to succeed. Because IUCN's Congress is a unique event, it should either be organized properly and include elections, or it should not be organized. Elections need to be democratic, legitimate and inclusive, which can only be achieved during the Congress. Many IUCN Members had expressed the view that elections should be held prior to Congress if holding the Congress was not feasible before the end of 2021 and so, actually, they preferred to conduct the elections during the Congress. This, in fact, constituted perhaps a new "third" option, namely to take a conditional decision to hold elections by electronic vote at the time it would appear impossible to hold the Congress in 2021. Council, or IUCN Members, would probably make a much more realistic decision in 3 to 6 months' time when also factors such as the development of vaccines could be taken into account. This was a consultation of IUCN Members and Council was not obliged to take a decision at its 101st meeting.

Several other Council members expressed satisfaction at the results of the consultation both as regards the participation rate and the level of comments. It expressed a good representative view of IUCN's membership. While respecting the views of the Host Country, Council should take into account all views expressed. If it can't agree to call for elections by electronic vote prior to Congress, Council should ask IUCN Members to formally vote on the question. It would be responsible and an act of good governance for the IUCN membership to decide to renew IUCN's Council prior to Congress given the uncertainty of the sanitary situation in less than a year's time. Elections by electronic vote would be more inclusive, legitimate and respectful of the rights of Members who will have to give their proxy to another Member when they are not be able to travel to Marseille. To be responsive to Members, Council would need to take a decision at its 101st meeting. Members might lose confidence in the Council if it didn't. IUCN should demonstrate its ability to use digital means govern the organization. Covid might not be the only challenge in the future.

Kathy MacKinnon moved to vote on the two options presented by the working group, first on the question whether to hold elections by electronic vote prior to Congress, and if Council voted it down, then vote on the question whether to ask IUCN Members to vote on the same question. If IUCN Members voted it down, then elections would be held at Congress.

Jennifer Mohamed Katerere proposed that the only decision Council be called on to take was to determine, under Article 48 of the Statutes, whether to hold the elections for Council by electronic vote prior to the Congress, explaining that the two options presented by the working group should be considered as two alternatives.

John Robinson proposed to vote on the two options in the same way as Kathy MacKinnon suggested but not during the meeting but by virtual means following the 101st Council meeting in light of the fact that some Council members have connectivity issues during the meeting.

Mamadou Diallo moved to postpone the Council meeting to such time that a vote can be taken because it would not be fair to the Council members experiencing connectivity issues to take a vote at the present meeting.

John Robinson proposed that, in order to take into account Members' expectations that Council take a decision soon, if Council were to conclude that it was impossible to take a decision during this meeting about the question whether to hold elections by electronic vote under Article 48 of the Statutes, Council members be invited to take a simple vote during this meeting on the question whether to ask IUCN Members to decide by electronic vote whether to hold elections by electronic vote prior to Congress.

The Legal Adviser clarified the majority requirements for the possible votes that had been mentioned so far:

- A decision of Council to submit the elections to an electronic vote prior to Congress had to be taken based on Article 48 of the Statutes in light of the same exceptional

circumstances that led Council to decide to submit to an electronic vote a number of other items on the agenda of Congress (C100/3). This means that a two-thirds majority of the votes cast is required to adopt such a decision.

- A decision of Council to refer to an electronic vote of IUCN Members the question whether the elections should be held by electronic vote prior to Congress, it would do so based on Article 94 of the Statutes. In absence of any special majority stated in this provision, such a decision would be taken by a simple majority of the votes cast.
- If IUCN Members would take the decision whether to submit the elections to an electronic vote prior to Congress, they would do so by a simple majority of votes cast in Category A and in Categories B and C combined.

Several Council members who had problems connecting to the meeting or using the platform, requested that a different tool be used for future conference calls.

At the request of several Council members to reconvene the Council in order to take a vote, the Chair closed the meeting as it would not be fair to take a vote while several Council members were experiencing connectivity issues. He requested the Secretary to Council to issue a Doodle poll with proposed dates for another meeting of the Council in the following week at which decisions would be taken.

The meeting rose at 1.15 PM UTC.

Council members participating in the 101st Council meeting (2 November 2020)

32 of the 38 members of the IUCN Council attended the meeting (based on the login/logout report provided by Interprefy). Four of the absent Council members had sent apologies and given a proxy to another member of the Council in accordance with Article 57 of the Statutes and Regulation 56. Of the four Council members who had left the meeting before it was finished, two had given a proxy to another Council member. As a result, at any time during the meeting, 34 Council members participated either in person or by proxy.

PRESIDENT

Mr Zhang Xinsheng, China

TREASURER

Mr Nihal Welikala, Sri Lanka/UK

REGIONAL COUNCILLORS

Africa

Mr Mamadou Diallo, Senegal

Mr Ali Kaka, Kenya, Vice-President¹

Ms Jennifer Mohamed-Katerere, South Africa²

Meso and South America

Mr Marco Vinicio Cerezo Blandon, Guatemala

Mr Carlos Cesar Durigan, Brasil

Mr Lider Sucre, Panama

North America and the Caribbean

Mr Rick Bates, Canada

Mr Sixto J. Inchaustegui, Dominican Republic

Mr John Robinson, USA, Vice-President

South and East Asia

Mr Malik Amin Aslam Khan, Pakistan, Vice-President

Mr Amran Hamzah, Malaysia

Mr Masahiko Horie, Japan

Mr Mangal Man Shakya, Nepal

West Asia

Ms Shaikha Salem Al Dhaheri, UAE

Mr Said Ahmad Damhoureyeh, Jordan

Mr Ayman Rabi, Palestine

Oceania

Mr Peter Michael Cochrane, Australia³

East Europe, North and Central Asia

Ms Natalia Danilina, Russian Federation

Mr Michael Hošek, Czech Republic

Ms Tamar Pataridze, Georgia

West Europe

Ms Hilde Eggermont, Belgium

Mr Jonathan Hughes, United Kingdom

Mr Jan Olov Westerberg, Sweden

COMMISSION CHAIRS

Commission on Ecosystem Management

Ms Angela Andrade, Colombia

Commission on Education and Communication

Mr Sean Southey, Canada/South Africa

Commission on Environmental, Economic and Social Policy

Ms Kristen Walker Painemilla, Chair, USA⁴

Species Survival Commission

Mr Jon Paul Rodriguez, Venezuela

World Commission on Environmental Law

Mr Antonio Herman Benjamin, Brazil

World Commission on Protected Areas

Ms Kathy MacKinnon, UK

COUNCILLOR FROM THE STATE IN WHICH IUCN HAS ITS SEAT

(absent)

APPOINTED COUNCILLOR

Mr Ramiro Batzin Chojoj, Guatemala (remotely)

DIRECTOR GENERAL

(apologies)

¹ Carried the proxy from Jesca Eriyo Osuna

² Carried proxies from Natalia Danilina (who left the meeting before it closed) and Jenny Gruenberger

³ Carried proxies from Andrew Bignell and Ana Tiraá.

⁴ Carried a proxy from Ramiro Batzin Chojoj (who left the meeting before it closed).



101st Meeting of the IUCN Council

By conference call on 2 November 2020 from 10.00 AM to 1.00 PM UTC/GMT

Agenda

(Approved)

Notes:

- The call will be operated by “Interprefy”
- Simultaneous interpretation will be provided in the three official languages of IUCN
- The time of the meeting in the time zones of Council members is shown in Annex A

Agenda Item 1: Introduction by the President and approval of the agenda

Agenda Item 2: Consideration of/decision on the question whether the elections should be held during the Congress in Marseille as postponed to a later date in 2021 (yet to be determined), or whether they should be held by electronic vote in the beginning of 2021

At its 100th meeting on 14 September 2020, the Council decided ([C100/3](#)) to postpone the 2020 Congress to a later date in 2021 (yet to be determined) and to submit selected decision items on the draft Congress agenda to an e-vote (27 January to 10 February 2021) in order to ensure continuity of IUCN’s global operations.

The Council subsequently discussed the question whether also the elections should be held by electronic vote in the beginning of 2021 or whether they should be held during the Congress held in Marseille (as postponed). Before reaching a conclusion, the Council meeting adjourned with the decision to continue its consideration of this question.

On 3 October 2020, seventeen members of the Council requested the President to call an immediate meeting of the Council, based on Article 51 of the Statutes, in order to consider a draft decision requesting the Director General to submit the question regarding when to hold the elections to IUCN Members for decision by e-vote.

On 6 October 2020, the President reported to Council that, with the unanimous support of the Bureau which had met on 4 October 2020, he had taken the initiative in cooperation with the four Vice-Presidents, to establish a small working group of six Council members representing in a balanced way the diversity of views on the question of the elections, with the purpose of developing a consensus on how best to proceed. The group would assist the Council with recommendations on how to handle the timing and context of elections incl. by reaching out to IUCN Members to canvas their opinion. The President subsequently convened the (101st) Council meeting for 2 November 2020.

Under the guidance of the working group, an online consultation of IUCN Members was launched on 19 October 2020 the results of which will be communicated to Council in time for its 101st meeting as part of the working group’s report.

Agenda Item 3: Other recommendations of the CPC and Bureau presented to Council at its 100th meeting (14 September 2020)

The following recommendations of the CPC (pp. 9-10), supported by the Bureau (pp. 1-2), remain yet to be considered by Council:

1. In respect of the accountability reports to Congress, the CPC concluded that the decision when to present these reports to IUCN Members is linked to the decision on the date of the elections. If the elections are held by electronic vote prior to Congress at least the reports of the Council/President and the Commission Chairs should be made available in digital format prior to the elections. If the elections are held during Congress, they should be presented at the Members’ Assembly.
2. Consider whether the (19) motions referred by the Motions Working Group to the 2020 Congress for continued debate and vote should be submitted to an electronic vote of the IUCN Members in the beginning of 2021 or be debated and voted upon during the Members’ Assembly. The CPC recommended Council to consider the opinion of Motions Working Group. The latter convened on 27 October 2020 in order to make a recommendation to Council.

3. *Decide that no further postponement shall be considered beyond the new dates for the Congress, and request the Secretariat to make a recommendation to CPC in time for Council's consideration at its 102nd Council meeting (1 December 2020) on a process how/when to decide whether or not to hold the Congress on the new dates, and the feasibility and cost of holding the Forum and Exhibition by virtual means in case they cannot be held on the new dates.*



INTERNATIONAL UNION FOR CONSERVATION OF NATURE

101st Meeting of the IUCN Council (2nd session)
by conference call on 20 November 2020 at 10 AM UTC

Summary

(Prepared by the Secretary to Council)

Attendance: The list of participants is attached hereafter as Annex A.

The IUCN President explained that the meeting was the continuation of the 101st Council meeting of 2 November 2020 which was adjourned following several members experiencing connectivity issues that would have made it unfair for them if decisions were taken in these circumstances. Acting upon the President's request for a different meeting tool, the Secretariat had changed to Zoom which many Council had said to be more familiar with.

The President suggested that the focus of the meeting be Item 2 of the agenda for the 101st meeting approved during the 1st session on 2 November 2020: *Consideration of the question whether the elections should be held during the physical session of the Congress in Marseille or whether they should be held by electronic vote prior to the Congress.*

The President opened the floor on the question whether Council agreed to focus on Agenda Item 2, i.e. the [two options presented by the Working Group on 2 November 2020](#), and whether all Council members had fully understood the implications of both options.

During the discussion, the following points were made:

- Electronic elections prior to Congress will exclude the participation of a significant number of IUCN Members due to the "digital divide", while the Congress constitutes for many Members from developing countries the only moment to come together.
- Council has not yet fully considered the consequences of a possible decision to hold elections prior to Congress as detailed in the [Legal Adviser's legal opinion](#), nor has it examined whether an election by electronic vote prior to Congress complies with all Members' fundamental rights under the Statutes. It is Council's responsibility to accept the consequences and to communicate them clearly to IUCN Members and to the Host Country.
- Can we accept that all essential functions of an ordinary session of Congress be covered by electronic vote that also includes elections but not e.g. the strategic discussions (part of the Members' Assembly) or the Forum which are statutory functions of Congress? Can we ensure that an electronic vote replicates all statutory obligations of Congress such as the Members' right to participate in Congress Committees? Have we fully assessed the consequences for IUCN's contractual relationship with the Host Country?
- According to the Chair of the Congress Preparatory Committee who had met (remotely) with representatives of the Host Country on 19 November 2020, France remains committed to holding a physical Congress in Marseille and believes that this will be feasible. France would also like Congress to stick as closely as possible to the agreed format, and expressed confidence in the development of the management of the pandemic. She concluded that it was therefore appropriate to wait with a decision at least until January when France has agreed that it will be able to announce the new dates of Congress.
- It would be most rational to wait, as other organizations do, and to work towards creating the conditions for a viable physical Congress.

- Several Council members expressed confidence in IUCN's electronic decision processes including that also an election by electronic vote is in line with IUCN's Statutes and will follow a proper process.
- The chances of a physical Congress are very small. The vaccination program will take a lot of time before it will be implemented. Even if it happens, many Members will not be able to travel for safety and financial reasons.
- In response to a question from the President how other Multilateral Environmental Agreements handled their supreme governance meetings, the Director General explained that most organizations were waiting for the proper circumstances to hold a physical meeting of their Conference of the Parties (COP). Based on the assumption that the vaccination program would facilitate the programming of meetings in the 2nd half of the year, they were now considering, in consultation with the Host Country, the period of October through December 2021. In the meantime, the preparatory bodies would meet virtually.

At various moments in the discussion, Council members tabled or seconded the following motions:

- To decide by vote on the two options presented by the Working Group in the order in which they had been presented by the Working Group.
- To first decide on the first option presented by the Working Group and subject to the result, subsequently define the next steps.
- To modify the wording of the first option to be put to the vote as follows: "1. Decides to hold electronic process and vote for elections of the next Council. 2. Recognizes that as all essential decisions of the Members' Assembly on the draft Agenda of the ordinary session of the Congress 2020, would have been concluded, the closing of the e-vote is assimilated to the closing of an ordinary session of the World Congress. 3. Recommends to the incoming Council to hold an extraordinary congress in Marseille at a date agreed to with the Host Country. 4. Agrees that the Director General and the IUCN President advise our French hosts according."
- To decide by vote to submit to IUCN Members for decision the question whether to hold elections by electronic vote before the Congress. (the Working Group's option 2)

The President suggested to take some time for Council to fully understand:

1. the statutory implications of holding the elections before the Congress; and
2. its implications on IUCN's contractual relationship with the Host Country.

On a point of order requesting that the debate be adjourned and the options prepared by the Working Group be put to the vote, the President ruled that, before taking decisions, he wanted the Council to understand the legal implications. The President's ruling was subsequently challenged in accordance with Regulation 51. However, the challenge did not obtain the two-thirds majority of votes cast in order to prevail.

At the request of the President, the Legal Adviser clarified that elections, like the other decision already referred to an e-vote prior to Congress by Council (such as the approval of the IUCN Programme and Financial Plan) are an essential function of the Congress. In the current exceptional circumstances and because there is no order of hierarchy between article 24 of the Statutes (setting the principle of a four-year timeframe for ordinary session of the World Congress) and article 41 of the Statutes (setting the principle that the term of Council runs from one ordinary session of the World Congress to another ordinary session of the Congress), both options would be legally acceptable. The functions of the Congress set forth in article 20 of the Statutes can be exercised by Members during the Congress or by Members voting by electronic ballot (Article 12(b)(v) of the Statutes). Elections are not explicitly excluded from the provisions regarding electronic votes (article 94 of the Statutes), but electronic elections should only be held outside the Congress in exceptional circumstances, if e.g. when it is not possible to hold elections at Congress within the four-year timeframe within which Congress needs to be held as defined in Article 24 of the

Statutes, or if Congress is cancelled. In Switzerland, Government prescriptions allow that General Assemblies that would normally be held physically, are exceptionally held by electronic means during the pandemic, in deviation of the legal requirements under Swiss law¹. The Election Officer supervises the entire election process whether it takes place during Congress or before the Congress (Rule 74 and 77bis of the Rules of Procedure of the Congress). The electronic process before the Congress would have to be adjusted as closely as possible to that happening during the Congress.

The Legal Adviser added that if elections be held by electronic vote before Congress, in addition to the electronic vote on the decision items as per Council decision C100/3 (such as the approval of the IUCN Programme and Financial Plan 2021-24), then all “essential decisions” of the Members’ Assembly of an ordinary Congress would have been taken. The vote at Congress would then be replaced by the electronic vote. The decisions to be taken at Congress must be distinct from all “matters” on the agenda of an ordinary Congress. For statutory purposes, the Congress to take place in Marseille would be regarded as an extraordinary Congress. This does not take away that all remaining matters on the 2020 Congress agenda other than decisions of the Members’ Assembly already taken by e-vote prior to the Congress may remain on the agenda of the (extraordinary) Congress in Marseille. Indeed, the purpose of the (extraordinary) Congress in Marseille would be to handle all matters on the agenda of the 2020 Congress that could not be decided by an electronic vote, such as the World Conservation Forum and the remaining matters on the agenda of the Members’ Assembly. As a consequence, the term of office of the individuals elected by electronic vote before Congress will begin immediately on the date of publication of the results of the electronic vote and expire at the end of the next ordinary Congress (which is different from the 2020 Congress to take place in Marseille).

The President said that in his view an electronic vote on elections before Congress would only represent the final step of the election process but not cover the full election process as it would unfold during a Congress. It would also not have the benefit of a proper governance body such as the Congress Steering Committee which oversees the business of the Congress.

In light of the requests made by Council members to take a decision during the Council meeting, and in an attempt to converge the views as much as possible, the President made the suggestion of combining two approaches, namely to start preparing the elections by electronic means but continue to evaluate the chances of a physical Congress in Marseille in consultation with the Host Country, and when such chances are becoming really better, to decide to opt for elections during the Congress in Marseille.

On a point of order to submit to the vote the proposal that the IUCN Council first decides on the question whether to hold elections for the next Council by electronic vote, and subsequently decides what the next steps are, the President ruled to accept the point. There were no objections.

The President then put the following question, as revised, to the vote “Do you agree that the IUCN Council decides to hold elections for the next Council by electronic vote in the first

¹ Ordinance 3 on Measures to Combat the Coronavirus (COVID-19)(Status as of 3 November 2020) states the following in its Chapter 4 Company Meetings (Art. 27):

“1 In the case of company meetings, the organiser may, regardless of the probable number of participants and without complying with the period of notice for convening meetings, order the participants to exercise their rights exclusively:

a. in writing or online; or

b. through an independent proxy appointed by the organiser.

2 The organiser shall decide within the period specified in Article 29 paragraph 4. Notification of the order must be given in writing or published online no later than four days before the event.”

Note that this is also applicable to a Members’ Assembly of an association, which is allowed to vote in writing or by electronic means for any decision of the Members’ Assembly.

semester of 2021?” The Secretary to Council explained that, because it was based on Article 48 of the Statutes, a two-thirds majority of votes cast was required for the proposal to be adopted. At the President’s request, the vote was taken by roll call. Failing the required majority, the proposal was not adopted.

At the President’s request about the next steps, taking into account the late hour and the fact that several Council members had left the meeting, some Council members moved to vote on the 2nd option presented by the Working Group either before the end of the Council meeting, or by email correspondence before the next Council meeting. Other Council members moved to adjourn the meeting in order to formulate the questions to be put to IUCN Members, which would take into account not only the fact that the electronic vote on elections would be held at the earliest in April but also that the development of vaccines may change dramatically the situation in the meantime.

The President proposed to adjourn the meeting, to work with the four Vice-Presidents in the coming days in order to formulate the questions to be put to the Members for decision, in view of calling as soon as possible a short meeting of the Council (30-40 minutes) to take a decision and communicate with IUCN Members. There were no objections.

The meeting rose at 3.00 PM UTC.

Council members participating in the 101st Council meeting (2nd session) (20 November 2020)

32 of the 38 members of the IUCN Council attended the meeting. Four Council members who did not attend had given a proxy to another member of the Council in accordance with Article 57 of the Statutes and Regulation 56. With one exception, the Council members who left the meeting before it was finished had given a proxy to another Council member. As a result, at any time during the meeting, 35 Council members participated either in person or by proxy.

PRESIDENT

Mr Zhang Xinsheng, China

TREASURER

Mr Nihal Welikala, Sri Lanka/UK

REGIONAL COUNCILLORS

Africa

Mr Mamadou Diallo, Senegal
Ms Jennifer Mohamed-Katerere, South Africa¹

Meso and South America

Mr Marco Vinicio Cerezo Blandon, Guatemala²
Ms Jenny Gruenberger, Bolivia

North America and the Caribbean

Mr Rick Bates, Canada
Mr Sixto J. Inchaustegui, Dominican Republic
Mr John Robinson, USA, Vice-President

South and East Asia

Mr Malik Amin Aslam Khan, Pakistan, Vice-President
Mr Amran Hamzah, Malaysia
Mr Masahiko Horie, Japan
Mr Mangal Man Shakya, Nepal
Mr Youngbae Suh, Republic of Korea

West Asia

Ms Shaikha Salem Al Dhaheri, UAE
Mr Said Ahmad Damhoureyeh, Jordan
Mr Ayman Rabi, Palestine

Oceania

Mr Andrew Bignell, New Zealand
Mr Peter Michael Cochrane, Australia³

East Europe, North and Central Asia

Ms Natalia Danilina, Russian Federation
Mr Michael Hošek, Czech Republic
Ms Tamar Pataridze, Georgia

West Europe

Ms Hilde Eggermont, Belgium
Mr Jonathan Hughes, United Kingdom
Mr Jan Olov Westerberg, Sweden

COMMISSION CHAIRS

Commission on Ecosystem Management

Ms Angela Andrade, Colombia

Commission on Education and Communication

Mr Sean Southey, Canada/South Africa

Commission on Environmental, Economic and Social Policy

Ms Kristen Walker Painemilla, Chair, USA

Species Survival Commission

Mr Jon Paul Rodriguez, Venezuela

World Commission on Environmental Law

Mr Antonio Herman Benjamin, Brazil

World Commission on Protected Areas

Ms Kathy MacKinnon, UK

COUNCILLOR FROM THE STATE IN WHICH IUCN HAS ITS SEAT (Switzerland) (absent)

APPOINTED COUNCILLOR

Mr Ramiro Batzin Chojoj, Guatemala

DIRECTOR GENERAL

Mr Bruno Oberle

¹ Carried proxies from Jesca Eriyo Osuna and Ali Kaka

² Carried a proxy from Lider Sucre

³ Carried a proxy from Ana Tiraa.