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PROCEDURES FOR ESTABLISHING AND MANAGING IUCN-SUPPORTED INDEPENDENT SCIENTIFIC & TECHNICAL ADVISORY PANELS

Purpose of the procedures: The procedures are intended *to ensure that Independent Scientific & Technical Advisory Panels (ISTAPs) deliver credible and robust advice to third parties in a manner that safeguards and enhances IUCN's reputation with all major stakeholder groups.*

IUCN must be able to demonstrate that the Panels are independent, transparent, accountable and scientifically rigorous, and that they engage openly with all relevant stakeholders. These procedures are mandatory and must be applied in full to any group of experts convened by IUCN to provide independent scientific and technical advice to a third party.

The procedures do not supersede any IUCN policy related to project design, review and management, including:

- [Policy and Procedure on Procurement of Goods and Services](#)
- [Project Guidelines and Standards](#)
- [Code of Ethics](#)
- [Delegation of Authority](#)

1. KEY FEATURES OF IUCN-SUPPORTED INDEPENDENT SCIENTIFIC & TECHNICAL ADVISORY PANELS (ISTAPs)

1.1 Models for delivering technical advice

Several factors must be considered when responding to a request from a government, organization or company for scientific and/or technical advice, in order to determine the most appropriate mechanism for delivering the advice. These factors include the alignment with IUCN's Mission, the desired outcomes (e.g. rigorous science or stakeholder acceptance), the funds available and whether the key competencies needed can readily be found within IUCN Commissions, Secretariat or Members. The ISTAP is only one means for IUCN to provide advice, and a Panel is only established when the advice sought requires solely scientific and/or technical evidence. Panels should not be created to build stakeholder consensus or to act as a conflict-resolution mechanism (see section 4.1.1 for further details).

1.2 A definition of ISTAPs

ISTAPs are medium-to-long-term processes that involve the formal designation of a group of experts who will engage in a set of pre-defined activities aimed at providing scientific and/or technical advice on a specific biodiversity conservation or natural resource management issue. Typically, the recipient of the advice is one or more business entities or public authorities. The following are some common characteristics of ISTAPs:

- They offer evidence-based advice and are composed of individuals with the expertise and competency to critically evaluate all relevant evidence and provide recommendations for solutions to challenging issues.
- They are set up to allow the Panel members to gather and consider scientific and technical evidence and to reach and disseminate their conclusions independent from any external influence, including that of the intended recipient of the advice.
- The scope of their enquiry is focused on a set of specific, pre-defined conservation and natural resource management questions, and the process is time-bound.
- Their members bring to the table the required expertise from different disciplines and are expected to consider all evidence before them strictly from a technical/scientific point of view.
- Panel members work with all relevant stakeholders and are willing to take and review evidence from a diversity of disciplines and perspectives.

1.3 Risks and management options for IUCN

Given that an ISTAP's mandate can run for several years and that the advice is most commonly associated with public or private sector operations that may be considered controversial, there are a number of risks for IUCN in convening such a process. Risks that must be revisited throughout the life of the Panel include:

- **Reputational risks:** For IUCN and Panel members there is a reputational risk from being associated with the provision of scientific and technical advice on high-impact schemes that involve private sector or large development activities, especially as the process is often financed by the party receiving the advice. This risk also exists for the company, as some of the findings of the Panel may create public relations challenges. For these reasons, a Panel process should only be initiated with the approval of the Director General.
- **Risk of incompatible institutional cultures:** Collaboration between business, the public sector and civil society can highlight differences in how institutions approach specific challenges. Relationship development and trust building among these institutions should establish the precise nature of the problem, how best to assess its impacts and how to effectively evaluate options for mitigating those impacts. For example, business and academia may have very different ideas about how much time

and resources are needed for data collection, local consultation, decision making, monitoring, etc.

- **Risk of changing priorities from the contracting business or government agency:** Given that the Panel may require several months or years to fulfil its tasks, there is a risk that the contracting partners may change their priorities. For example, a company may decide to disinvest in an operation if market conditions become unfavourable or new legal or financing contexts may shift the balance of expertise required of the Panel. Thus, it is important to regularly review the relevance of the Panel's activities and Terms of Reference in the context of changing regulatory or market conditions, while at the same time ensuring that such an option is not abused by any party to undermine the independent deliberations and conclusions of the Panel.
- **Risk of underestimating budgetary requirements to deliver the Panel's work:** The complete scope of work of an ISTAP can rarely be fully anticipated. For example, the possibility that there may be changes in the willingness of a previously hostile stakeholder group to engage with the Panel or changes in the regulatory context means that there must be clear rules for reallocating resources that allow the Panel to continue to operate independently, while at the same time maintaining contractual accountability. It is a good idea to include a small contingency budget to cover such eventualities, together with clear rules on the circumstances whereby such resources can be used. It may also be desirable for IUCN to have access to secondary sources of funding to complement the direct support from the contracting party, to help ensure that the Panel has full independence.
- **Risk of underestimating (and more rarely overestimating) the time necessary to produce Panel conclusions and recommendations:** Many factors can influence how much time is required to deliver the ISTAP's mandate. These factors include unavoidable turnover in Panel membership, a mutually agreed expansion (or contraction) of the Panel's mandate, external factors such as security issues at the field site that might delay visits, or major internal institutional changes within the contracting party (for example, a merger of two government agencies and redefinition of their mandate). In most instances, such risks will not materialise, but it is important to provide for agreed adjustments of the timeframe with the contracting party, to ensure the Panel can fulfil its mandate.

1.4 IUCN Panels: An overview

IUCN has had extensive experience in convening and managing Panels. Ongoing and completed Panels, as of 31 July 2014, include:

- Niger Delta Panel (ongoing);

- Western Gray Whale Advisory Panel (ongoing);
- Yemen LNG Independent Review Panel (ongoing);
- IUCN/Holcim Independent Experts Panel (completed); and
- Independent Panel on Oil and Gas Activities in the Islamic Republic of Mauritania (completed).

2. ROLES AND RESPONSIBILITIES

2.1 IUCN's Director General

The Director General (DG) has the sole authority to appoint, modify and dissolve IUCN-supported ISTAPs. The DG should do this based on evidence presented to her/him that the conditions exist for a Panel to function independently and that its recommendations are likely to be acted upon by the contracting party. The DG is entitled to dissolve a Panel if s/he has evidence that its independence has been undermined, that it has failed to deliver according to its mandate, or that the Panel's actions, the actions of any of its members or those of the contracting party in relation to the Panel are compromising the reputation of IUCN. The DG is responsible for assigning a particular Secretariat unit to facilitate the work of the ISTAP, as well as for the recruitment and, if necessary, the replacement of the Panel Chair, including setting and monitoring his or her Terms of Reference.

2.2 The Chair of the Panel

The Chair, assisted by the IUCN Secretariat, is responsible for recruiting the other Panel members and setting their Terms of Reference (TORs), developing the Panel's work plan in line with its mandate and ensuring that Panel deliberations are independent and free from real or perceived conflicts of interest. The Chair is required to defend and publicly advocate for the findings and conclusions of the Panel, but not to resolve any differences of opinion or objections that third parties have with the Panel's findings, or conflicts between IUCN and the recipient of advice. The Chair should have proven authority and leadership, as well as an understanding of and ability to work according to the four ISTAP principles (see section 3). While the Chair will represent the Panel, s/he does not represent or speak for IUCN.

Finally, avoidance of a conflict of interest or a perception of a conflict of interest is fundamental with respect to the Chair's role. Therefore, in addition to the provisions laid out in section 4.2.2, the Chair must agree that s/he or his or her organization will not take any additional work with the contracting party on the subject matter of the Panel's deliberation during the lifetime of the Panel.

2.3 The IUCN Commission Chairs

The Chairs of IUCN's Commissions support the Director General in considering the case for establishing an ISTAP, particularly with respect to the state of scientific or technical knowledge on the issue of concern, and in the identification of suitable candidates to act as Panel Chairs (see section 4.3). The Commission Chairs will also help to ensure that Commission members' expertise is adequately used in all stages of the design and implementation of ISTAPs, including recruitment of Panel members and peer review of Panel findings and recommendations.

2.4 IUCN's Secretariat

IUCN's Secretariat (the Secretariat) plays a facilitation and operational management role in the ISTAP process, from the design of the Panel to its conclusion. The Secretariat is responsible for providing a strong and effective firewall between the Panel and the contracting party/recipient of advice. The Secretariat is also responsible for maintaining the independence of the Panel by avoiding interference in the Panel's deliberations. As it is legally responsible under the contracting arrangements for the work of the Panel, the Secretariat must ensure that the Panel is supported to deliver according to its mandate and annual work plans. The Secretariat manages all project funds, issues contracts, prepares financial reports and supports any associated communication activities. It also addresses any complaints through the established grievance mechanism (section 7). For each ISTAP, a designated Project Manager from within the Secretariat will be appointed.

The Director General has appointed the Nature-based Solutions Group, within the IUCN Secretariat, to provide overall institutional support and to maintain adherence to IUCN's principles and procedures for establishing and managing all ISTAPs. Under this arrangement, the GBBP will support Global and Regional Programme units in maintaining a coherent and consistent approach to the work of all ISTAPs. GBBP will monitor the overall application of these procedures, liaise with IUCN's Council and its Private Sector Task Force on all ISTAP activities and, as necessary, develop additional guidance for the Panel. In order to maintain separation of management and oversight:

- a. Where an ISTAP is directly managed by GBBP, the Global Nature-based Solutions Group will assume the oversight and quality assurance functions of that Panel.
- b. Where an ISTAP is managed by any other Global or Regional unit, oversight and quality assurance will revert to GBBP.

The oversight and quality assurance role should be funded from and included in the ISTAP budget, and the oversight and quality assurance functions and plan would be determined and documented at the inception of the Panel.

2.5 The contracting party

The organization (private or public) that requests, benefits from and normally pays for the Panel's work is referred to as the contracting party. The contracting party has a responsibility to share all information and data in its possession that is relevant to the Panel's deliberations. The contracting party is entitled to establish a non-disclosure agreement between the Panel members, the IUCN Secretariat and itself for information and data it might share with the Panel, but not with respect to the Panel's conclusions, recommendations and other reports.

3 PRINCIPLES FOR ESTABLISHING AND MANAGING ISTAPs

To be effective, an ISTAP should operate according to the following four principles:

3.1 Independence: The Panel should be established and operate free from any external influence (whether government, private sector, NGOs, scientists or IUCN). Collectively, the Panel members are free to reach what the Panel considers the most robust and feasible conclusions and recommendations based on the best available science.

3.2 Transparency: Working arrangements and conclusions and recommendations of the Panel should be made openly accessible in an unaltered manner.

3.3 Accountability: The Panel should have a clear sense of purpose, deliver high-quality outputs in a timely manner and be administered in a way that is consistent with IUCN's policies and procedures.

3.4 Engagement: The Panel should work with all affected parties during its entire lifetime. This includes recruiting Panel members who are willing to take evidence from a diversity of disciplines and perspectives and to implement a clear stakeholder engagement plan as part of the Panel's activities.

4. THE PROCESS OF ESTABLISHING AND MANAGING AN ISTAP

The establishment and management of an ISTAP involve four phases:

1. assessing the need for an ISTAP;
2. designing the ISTAP;
3. convening the ISTAP; and
4. managing the ISTAP.

4.1 Assessing the need for an ISTAP

To help ensure that the Panel will deliver effective results, it is important to first assess whether a Panel is the appropriate mechanism to provide the necessary advice. This assessment can be broken down into three steps:

4.1.1 Confirm an ISTAP as the effective response to the conservation issue

The type of mechanism through which IUCN provides guidance or advice to a third party will depend on the scope, scale and complexity of the issue; the need for independence; the timeframe; the human and financial resources available; etc. Possible models for providing technical advice include:

- **technical missions or consultancies** whose Terms of Reference tend to be specific and whose scope of operation is narrowly defined; with technical missions, the contracting party may retain some editorial influence on the final conclusions;
- **roundtables**, designed to establish longer-term, relationship-based processes aimed at seeking multi-stakeholder consensus on a particular sector, process or supply chain; and
- **independent panels** that create the space for recognised experts to review available knowledge on a specific issue and come up with a series of recommendations guided only by the evidence they have considered.

The choice of mechanism should reflect the type of change that is envisaged. Systemic or societal changes are only possible with a high degree of multi-stakeholder inclusion and consensus. In such cases, roundtables may be the most effective vehicle. For localised or precise operational change, *ad hoc* technical missions and consultancies are normally sufficient. Independent panels are best suited to those situations where the change process involves an organizational or sectoral decision, based on strategic alternatives, and where guidance is required on what the evidence indicates as the best option. A theory of change should be developed to help establish and confirm that an ISTAP is the right change agent for the conservation issue at stake.

4.1.2 Assess the buy-in of local IUCN Members

A critical step before establishing a Panel is consultation with IUCN Members in the country or region of focus of the Panel's work. Acceptance by IUCN Members should be a key

determinant in deciding whether to proceed with the establishment of the Panel. If possible, a representative of the local IUCN membership should be identified to provide advice to the DG on the selection of the Panel Chair (section 4.3.3).

4.1.3 Assess the willingness of the contracting party to accept and act on the advice

Before setting up an ISTAP, the contracting party must be made fully aware of what the process entails. The contracting party will not be able to influence the outcomes of the Panel's deliberations, and the contracting party is expected to proactively and publicly respond to the advice given (including providing reasons for why the contracting party will not/cannot act on specific Panel recommendations). The contracting party should be willing to share relevant information and data, to facilitate field visits (and if necessary field surveys) in the area of its operation, and to not limit the Panel's engagement with particular stakeholder groups. The contracting party should be made aware that the deliberations of the ISTAP will be posted unaltered in the public domain. If a contracting party feels uncomfortable with any of those conditions, it should be advised not to proceed with an ISTAP.

4.2 Designing the ISTAP

The design phase should ensure clarity on what is expected from the Panel as a whole and of its members individually, and establish how the Panel will interact with IUCN. In the design phase, the Director General, assisted by the designated Project Manager, should:

4.2.1 Establish the ISTAP mandate with the contracting party and develop the ISTAP's draft Terms of Reference. The TOR should include clear outputs and outcomes and a timeframe for the ISTAP. The TOR should also define what procedures will have to be put in place to ensure the transparency and independence of the Panel and specify a mechanism whereby changes in delivery and budget allocations can be agreed with the contracting party. In particular, the TOR should define what type of information the Panel requires access to, and what should be covered by a confidentiality agreement.

4.2.2 Establish the procedural rules for ISTAP membership, to comprise:

- avoidance of conflicts of interest before, during and after the Panel's work, including a full declaration of previous professional association with the contracting party by the Panel Member or his/her organization (covering also the lifetime of the ISTAP). Potential conflicts of interest should be declared and approved by the IUCN DG;
- the initial service period for each Panel member and provisions governing renewal, rotation and/or replacement;
- the type of representation (personal capacity vs. institutional capacity);
- conditions for dismissal;

- the applicability of IUCN’s Code of Ethics;
- the Panel’s meetings rules (including a decision on the application of *Chatham House rules* and the publication of minutes);
- public communications requirements, including the publication of the final deliberations and recommendations of the Panel;
- reimbursement and invoicing procedures;
- IUCN’s coordination role and reporting lines; and
- a grievance and/or conflict resolution mechanism.

Once developed, the ISTAP Membership Rules should be revised by GBBP or the Global Director, Nature based-Solutions Group, as part of its quality assurance functions.

4.2.3 Set up a clear project management structure, including reporting lines. This structure should define the role of the Project Manager and the role of other staff members/Units in IUCN. The Panel Chair is responsible for managing the Panel members, who report on scientific and technical issues to the Chair. Administratively, all members of the Panel, including the Chair, report to IUCN, as they are bound to IUCN with consultancy contracts. A mechanism to enable IUCN (represented by its Director General) to maintain a regular dialogue with the Panel (or the Panel Chair) should also be established.

4.2.4 Establish a legal agreement with the donor/recipient of the advice. The contract should include the TORs of the Panel and the obligations of the recipient, including making the relevant documentation/data available to the Panel members (possibly under non-disclosure terms) and the public nature of the Panel’s final products (reports, recommendations). The contract should be established in accordance with IUCN’s legal procedures and include a termination clause as well as a provisional budget with provisions for IUCN staff time (including support for oversight and quality assurance), Panel work, management fees and an agreed process to negotiate changes to the Panel’s mandate.

4.2.5 Secure the support of the Global Business and Biodiversity Programme (GBBP). Throughout the design process, the Project Manager should engage with the Global Business and Biodiversity Programme (GBBP), which will provide advice and guidance on the design process as well as review the various outputs described above. If the Project manager is a member of the GBBP unit, s/he will engage with the Global Director – Nature-based Solutions Group for support on quality assurance of the design process.

4.3 Convening the ISTAP

The process of choosing the members of the Panel requires clearly defined Terms of Reference for the members. The key steps of this phase are:

4.3.1 Developing the Terms of Reference (TOR) for the Chair position: Based on the specific Panel mandate as agreed with the contracting party and captured in the ISTAP's TOR, a detailed TOR for the Chair position should be developed. This TOR will include the Chair's role in selecting and managing the Panel members and his/her ultimate responsibility for delivering the outputs as defined in the Panel's mandate. Important skills to consider when developing the Chair's TOR include substantive expertise, management ability, leadership, good network, authority and profile, and excellent standing in the relevant communities. As the Panel Chair is a direct appointee of the Director General, the TOR must be approved by the DG before the position is advertised. At any point in the process, the DG can call upon the advice and input of any of the Commission Chairs.

4.3.2 Advertising the Chair position: The Chair's TOR should be made publicly available through IUCN's public website and to all Members and Commission members through the IUCN Union Portal. A call for nominations for a Panel Chair should also be posted on the IUCN website and in the Union Portal, and otherwise disseminated by the IUCN Commission Chairs. Commissions and Members should be encouraged to nominate relevant candidates.

4.3.3 Selecting the Chair: IUCN's Director General (or her/his nominee), the Chair of the IUCN Commission related to the field of enquiry of the Panel and one other senior member of staff from the IUCN Secretariat will select the Panel Chair. The selection should be communicated via IUCN's website. Where applicable, a representative of an IUCN Member from the relevant country/region should also be invited to the selection process.

4.3.4 Developing the TORs of the members of the Panel: In cooperation with the nominated Chair of the Panel, and consistent with the Panel's mandate, TORs for the Panel members' positions should be developed. Each TOR will reflect the contribution that each Panel member will bring to the discussion, in terms of science (biophysical, economic and social) and perspective.

4.3.5 Advertising the Panel members' positions: The Panel members' TORs should be made publicly available through IUCN's public website and circulated to all Members and Commission members through the Union portal.

4.3.6 Selecting the Panel members: The Panel Chair, together with the Director General, will lead the process of selecting the Panel members. The Director General and Panel Chair may co-opt a small team from the IUCN Secretariat and Commissions to support the selection process.

4.3.7 Establishing consultancy contracts with each Panel member, in accordance with IUCN's *Policy and Procedure on Procurement of Goods and Services*. A daily honorarium should be established for the Panel (each member should receive the same honorarium,

with a slightly higher honorarium for the Chair). Each member of the Panel should be informed about the applicability and contents of IUCN's Code of Ethics.

4.3.8 Publicizing the names of the Chair and the members of the Panel, once they have been contracted. The members' names, bios and TORs should be made public on IUCN's website.

4.3.9 Engaging with the Global Business and Biodiversity programme: Throughout the convening process, the Project Manager should engage with the Business and Biodiversity Programme (or, if the Project Manager is a GBBP staff member, with the Global Director, Nature-based Solutions Group), to receive guidance and quality assurance on the various elements mentioned above.

4.4 Managing the ISTAP

A number of actions will be required at the launch of the Panel, while others will be recurrent activities. In particular:

4.4.1 Within the first quarter of its establishment, the Panel, led by the Chair and in collaboration with the Project Manager, should develop a detailed project work plan and budget (covering the entire duration of the Panel and respecting the original mandate, TORs and budget that were included in the agreement between IUCN and the contracting party).

4.4.2 Within the first quarter of its establishment, the Panel, in collaboration with the Project Manager, should identify stakeholder engagement requirements and prepare a stakeholder engagement plan and a communications protocol and strategy. The stakeholder engagement plan and communications strategy should be communicated to the Director General and a summary made publicly available.

4.4.3 The process for information and data sharing between the recipient of the advice and the Panel should be finalized in accordance with the provisions of the ISTAP mandate and TORs (see section 4.2.1). If necessary, the Panel can sign a non-disclosure agreement within the first quarter.

4.4.4 The Project Manager should establish a regular monitoring system to track and verify that the Panel is operating in full accordance with the ISTAP principles, that it is delivering its agreed outputs according to the TORs and work plan, and that the stakeholder engagement plan and communications strategy are being followed.

4.4.5 By the end of the first quarter of the Panel’s establishment, the Project Manager should create a dedicated web page through which the public can be regularly updated on the Panel’s progress.

4.4.6 Based on the work plan (4.4.1), annual budgets should be developed by the Project Manager and, if required under the contract, submitted for sign-off to the contracting party. The contracting party has the right to review the work plan and budget only to the extent that it is compliant with the ISTAP TORs and contract.

4.4.7 An annual dialogue should be convened to review the progress made by the Panel, on the basis of the agreed-upon work plan.

4.4.8 In collaboration with the Programme Monitoring and Evaluation Unit of the Secretariat, the Project Manager should organize a review and evaluation process to independently verify that the integrity of the Panel process was maintained throughout, evaluate whether the Panel outputs met its objectives, and assess the overall impacts of the Panel on the operations of the contracting party and the potential for broader uptake of its recommendations. For Panel processes of three years or less, the evaluation should take place at the end of the Panel’s work. If the Panel process extends for more than three years, a mid-term review will also be required. The final reports of mid-term and final reviews will be made public. An extraordinary review can be requested by the GBBP or the Global Director of Nature-based Solutions Group, as part of their oversight function.

4.4.9 At the end of the Panel process, IUCN’s Director General should formally communicate to each of the Panel members about the closure of the Panel and also make a public announcement.

5. EXTRAORDINARY PROCEDURES

5.1 As new issues emerge over the lifetime of the Panel, the Panel Chair can add or change expertise on the Panel. Such changes can only be made with agreement of the contracting party to modify the Panel’s mandate and TORs and approval of the IUCN Director General. Any changes to the Panel composition must be adequately resourced. The Chair of the Panel has the option to commission additional expertise by:

- establishing a time-bound *ad hoc* task force to deliver a specific piece of analytical work;
- adding a new member to the Panel; or
- replacing a Panel member who has fully delivered on his or her specific mandate with another expert working on a newly defined set of TORs.

5.2 During the lifetime of the Panel, the Chair may highlight the need to divert from the initially agreed work plan, if new evidence emerges that points to the need to address different issues or take a different course of action. In such a case, the Chair should, on the approval of the Director General, be given the opportunity to develop a revised work plan and budget, clearly justifying the proposed changes. The modified work plan and budget should be submitted to the contracting party by the Project Manager.

5.3 In accordance with the contractual agreements, the Director General retains the right to terminate the contract of any Panel member, including the Chair, for breach of contract.

5.4 The Director General retains the right to dissolve the ISTAP if s/he has grounds to believe that the Panel is no longer able to deliver on its mandate, or if unanticipated circumstances or actions by a third party are judged to present a major risk to IUCN.

6. SIGN-OFF PROCEDURE

6.1 At the end of the assessment phase (see section 4.1), the Director General should decide if an ISTAP will be designed and convened.

6.2 The legal contract with the donor should be signed in accordance with IUCN's Delegation of Authority.

6.3 The consultancy contracts with the Chair and Panel members should be signed in accordance with IUCN's Delegation of Authority.

7. GRIEVANCE MECHANISM

7.1 Any ISTAP should be supported by a grievance mechanism to guarantee that complaints received during the life of the Panel are addressed in the most transparent, fair and timely manner. The mechanism should clarify:

- types and scope of complaints;
- the complaints procedure; and
- the complaints contact.

7.2 The grievance mechanism should make provisions for:

- receiving, validating and analysing the inputs (formal complaint or notice or information);

- agreeing the action needed with the Project Manager and the Panel Chair (work order proposal);
- setting priorities for action (timeline) and scope (what to obtain, whom to involve, where to intervene);
- coordinating the investigation, field compliance audit and/or desk review of evidence (records and documents);
- delivering updated reports on the investigation; and
- providing feedback on analysis of the lessons learned.

8. COMPLIANCE WITH IUCN'S PROJECT GUIDELINES AND STANDARDS

8.1 The establishment of an ISTAP should be treated like a regular IUCN project and therefore developed in accordance with IUCN's [Project Guidelines and Standards](#) and, if relevant, the [Operational Guidelines for Private Sector Engagement](#).