



## SCB Position Statement for the First IPBES Plenary -- August 2012

SCB believes that decision-making needs to rest upon accurate, relevant, and timely information, and acknowledges that both the science-policy and the science-management interface of biodiversity and ecosystem services need to be strengthened. The newly established Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has the potential to meet these needs; however several key issues must be resolved for IPBES to have the potential to be fully effective in responding to scientific requests from the bodies implementing multinational environmental agreements (MEAs), regional organizations, national governments, and potentially a broad range of civil society actors, including the scientific community. For IPBES to deliver on the Busan mandate and the decision made in Panama that established the platform, SCB believes that IPBES should meet the following requirements:

- 1) **Credibility** – It is crucial that all reports from IPBES be evidence-based and subject to independent peer review by experts.
- 2) **Legitimacy** – While the intergovernmental structure helps secure legitimacy in the policy processes, it is equally important to secure a sense of common ownership within the scientific community by integrating independent scientists in the governance of IPBES.

At the meeting in Panama, governments identified key areas where further work would need to be done during the intersessional period prior to the first Plenary of IPBES. SCB offers the following specific recommendations for the upcoming first plenary meeting of IPBES in 2013 regarding some of the key areas where further procedures are needed in order for IPBES to function, and offers detailed comments contained in four appendices regarding (1) the Rules of Procedure for IPBES, (2) the Draft Policy and Procedures for the Admission of Observers, (3) the Procedures for the Acceptance, Adoption, and Approval of IPBES Reports, and (4) the Process for Receiving and Prioritizing Requests from Governments/Scoping. SCB will also provide comments on the final composition of the Multidisciplinary Expert Panel, the Conceptual Framework to guide IPBES, and the yet-to-be assembled Catalogue of Assessments later in 2012.

### **I. Nominations to the Multidisciplinary Expert Panel (MEP)**

Under the current process, each Member nation has been invited to individually nominate experts to the MEP. One day prior to the start of the first Plenary, each U.N. region will individually decide which nominees to recommend to the Plenary. Such a process lacks coordination and could result in substantial imbalances in criteria among nominees including gender balance and diversity of expert abilities in fields such as policy, economics, and social psychology. SCB recommends that the Plenary establish a process whereby scientific societies are able to provide recommendations for experts of the interim MEP if possible, and moving forward with the restructured final MEP when constituted, to supplement the pool of candidates in the event that the MEP lacks capacity in a particular academic field or from a particular geographic region.

### **II. Rules of Procedure and Procedures for Approval and Publication of Reports**

- Relevant stakeholder organizations should obtain observer status upon request as long as long as not more than 2/3 of the plenary objects. The objecting parties should provide a



factual basis for seeking to exclude any observers. The affected observer should be provided a reasonable opportunity to respond before a decision is made.

- Qualified observer organizations should have the right to be recognized to speak in a timely manner during plenary meetings, nominate experts to all subsidiary bodies and working groups, and suggest topics for review.
- For purposes of efficiency in carrying out assessments or in constituting subsidiary bodies of IPBES, for example, a distinction should be made between stakeholder organizations that represent knowledge holders (both scientific and traditional/indigenous knowledge holders) as separate from other stakeholders who primarily apply and utilize existing knowledge.
- All scientific reports should be subjected to an independent peer-review process to ensure scientific quality and policy relevance, managed by a separate subsidiary body of IPBES.
- Minority opinions, concurring opinions (if any), and the acknowledgement of scientific uncertainties should be fully included in reports. Each minority or concurring report should contain the objections to the majority report and the rationale for such objections citing peer reviewed literature, other credible scientific literature, or traditional knowledge sources.
- Draft reports of any subsidiary body of IPBES should be made available to the public for review, and if applicable, be available for public comment.

### III. Receiving and Prioritizing Requests from Governments/Scoping

- The MEP should have sufficient autonomy and authority to accept and prioritize work requests during intersessional periods. IPBES is likely to receive a wide range of proposed research topics across a great range of spatial scales. For IPBES to be truly relevant, it needs to be able to respond quickly to those work requests that are truly of the highest priority. Therefore, SCB recommends that the IPBES plenary delegate authority to the MEP to respond to requests from governments and MEAs during intersessional periods. A structure that *only* allows the Plenary of IPBES to respond to work requests could result in a significant delay in the work of IPBES, especially when the frequency of IPBES plenary sessions has yet to be established. The IPBES plenary will always have the authority to veto a particular decision or stop a particular inquiry undertaken by the MEP, but absent such direction, the MEP should be able to move forward and respond to work requests by, for example, establishing *ad hoc* working groups on a particular topic.
- Consistent with the Busan Outcome, to ensure meaningful stakeholder participation, and to ensure a credible science/policy presence throughout IPBES, the MEP should provide a mechanism whereby observers and stakeholders are able to participate in the scoping process for the work program of IPBES and to provide inputs on work requests on relevant topics. Public comment periods on the scope of a particular IPBES work program will help ensure that the most policy-relevant questions are fully addressed.
- High priority should be given to providing scientific metrics, standards, and guidelines for existing legal and policy agreements to protect biodiversity that lack effective, enforceable standards. For further discussion, see Appendix Four.
- Policy experts, who understand how scientific information and data can help fulfill general policy objectives, should be present at each level of the process, from the Plenary to the MEP to working groups, and from scoping to final presentation of IPBES products. These independent experts can be drawn in large part from scientific societies.



## Appendix One Society for Conservation Biology Comments for the Upcoming First Plenary of IPBES

**Document name: Rules of Procedure for the Plenary of the Platform, UNEP/IPBES.MI/2/9**

**Reviewer name:**

**Government/Institution: Society for Conservation Biology**

**Country: United States of America**

**Email address: policy@conbio.org**

Page number	Line/Paragraph/Rule number	Comment
Page 1	Rule 2(g)	<p>SCB notes that this definition is repeated in Rule 5, which is likely the proper place for such definition, if at all. If the plenary chooses to keep this definition, then SCB recommends deleting both [organization of] and [accredited representative of] and inserting the phrase “any body, organization or agency of” before the word “indigenous peoples.” This would provide an equal parallel structure throughout the definition, and avoid conflict seen in Panama with respect to this term. The full definition would read:</p> <p>“Observer” means any State not a member of the Platform and any body, organization or agency, whether national or international, governmental, intergovernmental or non-governmental, or any body, organization or agency of indigenous peoples and local communities, which is qualified in matters covered by the Platform, and which has informed the secretariat of the Platform of its wish to be represented at sessions of the Plenary, subject to provisions set out in these rules of procedure;</p>
Page 2	Rule 5(3)	<p>SCB recommends deleting both [organization of] and [accredited representative of] and inserting the phrase “any body, organization or agency of” before the word “indigenous peoples.” This would provide an equal parallel structure throughout the definition, and avoid conflict seen in Panama with respect to this term. The full definition would read:</p> <p>“Observer” means any State not a member of the Platform and any body, organization or agency, whether national or international, governmental, intergovernmental or non-governmental, or any body, organization or agency of indigenous peoples and local communities, which is qualified in matters covered by the Platform, and which has informed the secretariat of the Platform of its wish to be represented at sessions of the Plenary, subject to provisions set out in these rules of procedure;</p>
Page 2	Rule 6	<p>SCB strongly urges the Plenary to adopt rules of procedure for observers that guarantee that effective and substantive</p>



		<p>contributions by stakeholders will be possible. The final rules of procedure regarding the participation of observers should ensure the following:</p> <ul style="list-style-type: none"> <li>• Relevant stakeholder organizations should obtain observer status upon request as long as long as not more than 2/3 of the plenary objects based upon the accurate presentation of facts that would cause a reasonable person to conclude that the observer would be likely to disrupt the operation of IPBES.</li> <li>• Scientific observer organizations should have the right to speak in a timely manner during plenary meetings, nominate experts to all subsidiary bodies and working groups, and suggest topics for review.</li> </ul>
Page 3	Rule 14	<p>SCB recommends the use of “shall” in this rule of procedure. The Rules of Procedure for the Intergovernmental Panel on Climate Change (IPCC) regularly use the word “shall” in describing the duties of the plenary body and Task Force Bureaus of the IPCC. Since the IPCC is the most similar international body compared to IPBES, the use of terms of art in the rules of procedure should follow IPCC unless there is a substantial reason for deviating. In English, “will” is predictive, while “shall” is directive or injunctive. As these are rules, and not predictions, “shall” is the appropriate word.</p>
Page 4-7	Rules 16, 17, 18, 21, 22, 29, 30	<p>For all additional rules of procedure where the use of the term [shall] and [will] has not been resolved, for the same reason as above, SCB recommends the use of “shall” in the rules of procedure. The Rules of Procedure for the Intergovernmental Panel on Climate Change (IPCC) regularly use the word “shall” in describing the duties of the plenary body and Task Force Bureaus of the IPCC.</p>
Page 6	Rule 28	<p>SCB remains concerned that the work and efficacy of IPBES could easily be debilitated or impeded by a single nation acting to obstruct IPBES’s functionality. Therefore, SCB recommends the following:</p> <ol style="list-style-type: none"> <li>1) That separate rules of procedure be established for the review and adoption of reports of the IPBES, the MEP, or any task force or subsidiary body established by the IPBES plenary.</li> <li>2) That to have the most flexibility, Rule 28 should read as follows: “The members of the Platform <i>may</i> take decisions on matters of substance by consensus, unless otherwise provided in these rules.</li> </ol> <p>When consensus is not reached the main reasons for the objections shall be recorded in the report of the session.</p> <p>On matters of procedure, the members of the Platform are to</p>



		<p>make every effort to achieve consensus. If all efforts by the members of the Platform to achieve consensus on a matter of procedure have been exhausted, and no consensus has been reached, the decision will, as a last resort, unless otherwise provided by these rules of procedure, be taken by a <i>majority</i> vote of the members of the Platform present and voting.”</p>
Page 7	Rule 31	<p>As stated above, SCB remains concerned that a single nation acting to obstruct IPBES’s functionality could easily debilitate the work and efficacy of IPBES. Therefore, SCB recommends the following for Rule 31:</p> <ol style="list-style-type: none"><li>1. Modifications to these rules of procedure may be adopted by a <i>three quarters</i> vote of the members of the Platform.</li><li>2. Any proposed modifications to these rules of procedure, submitted by members of the Platform or by the Bureau, should be communicated to all members of the Platform at least eight weeks before they are submitted to the session where the proposals are expected to be discussed.</li></ol> <p>Because the Rules of Procedure address both procedural matters and substantive matters, a balance should be struck between Rule 28’s approach that guides decisions on substantive matters, and decisions by a vote on procedural matters. A clear super-majority of the Plenary members voting to change the Rules of Procedures protects the rights of the minority, while ensuring that no single nation can effectively block the work of IPBES.</p>



## Appendix Two Society for Conservation Biology Comments for the Upcoming First Plenary of IPBES

**Document name:** Draft IPBES Policy and Procedure for the Admission of Observers

**Reviewer name:**

**Government/Institution:** Society for Conservation Biology

**Country:** United States of America

**Email address:** policy@conbio.org

Page number	Line/Paragraph/Rule number	Comment
1	Paragraph 1	<p>SCB recommends deleting both [organization of] and [accredited representative of] and inserting the phrase “any body, organization or agency of” before the word “indigenous peoples.” This would provide an equal parallel structure throughout the definition, and avoid conflict seen in Panama with respect to this term. The full definition would read:</p> <p>“Observer” means any State not a member of the Platform and any body, organization or agency, whether national or international, governmental, intergovernmental or non-governmental, or any body, organization or agency of indigenous peoples and local communities, which is qualified in matters covered by the Platform, and which has informed the secretariat of the Platform of its wish to be represented at sessions of the Plenary, subject to provisions set out in these rules of procedure;</p>
1	Paragraph 3	<p>The requirement in paragraph three is unclear as to what officially establishes an NGO’s “status” within a member nation of the United Nations. SCB is concerned that this may present an obstacle to participation among indigenous groups and other stakeholders. This definition should be clarified and/or referenced to other paragraphs of the draft Procedures as to how such “status” is verified.</p>
1	Paragraph 9	<p>Delete “Subject to availability of sufficient space in the conference room.”</p> <p>Meetings must be convened in venues that allow all participants (states and observer) to participate with proper seating and related facilities.</p>



## Appendix Three Society for Conservation Biology Comments for the Upcoming First Plenary of IPBES

**Document name: Draft Procedures for the Preparation, Review, Acceptance, Adoption, Approval and Publication of Assessment Reports and other IPBES Deliverables**

**Reviewer name:**

**Government/Institution: Society for Conservation Biology**

**Country: United States of America**

**Email address: policy@conbio.org**

Page number	Line/Paragraph/Rule number	Comment
Page 4	Line 28	Sufficient notice of a scoping meeting is necessary to ensure meaningful and substantive participation by observer organizations. Insert after the end of sentence: “Notice of a scoping meeting shall be provided on the IPBES website at least 4 weeks prior to the start of such meeting, and email notification of the scoping meeting shall be provided to all observers that have been admitted to Sessions of the IPBES plenary.”
Page 5	Section 3.2	Transparency is critical in giving legitimacy to the IPBES process. IPBES is designed to function at the interface of science and policy. There is grave danger that political concerns will improperly influence the scientific outputs of IPBES if draft reports can be altered without any accountability to the public at large. Therefore, SCB strongly opposes any efforts to limit access to draft reports, which have been submitted for formal expert and/or governmental review from public review.
Page 5	Line 40	Insert after the end of sentence: “In the event that a Report or Technical Paper is rejected by the plenary, all drafts, comments, and author responses will be made available to the public on the IPBES website.”
Page 5	Line 42-43	The current statement should be revised to read: “IPBES considers its draft reports, <i>prior to submission for expert and/or government review</i> , to be preliminary drafts, and not for public distribution, quotation or citation.”
Page 6	Line 20-23	Observer organizations should not be excluded from participation in any working group. The current process proposed for identifying Coordinating Lead Authors, Lead Authors, Contributing Authors, Reviewers, Review Editors, and of Government Focal Points does not guarantee meaningful observer participation. Section 3.3.1 should be revised as follows: Governments and observer organizations <i>shall</i> be invited to identify appropriate experts for each area in the Report,



		who can act as potential Coordinating Lead Authors, Lead Authors, Contributing Authors, Reviewers or Review Editors.
Page 8	Line 44	<p><b><u>Observer Focal Points must be deleted.</u></b></p> <p>If observer focal points <i>only</i> means that each observer organization has a point of contact person with IPBES, then that would be acceptable. However, requiring different observer organizations to coordinate and consolidate their points of contacts between and among organizations is not acceptable.</p> <p>Requiring observers to designate focal points <b>defeats</b> the entire purpose of observer participation in IPBES. Observers help guarantee a diversity of scientific, technical, socio-cultural views, expertise, and geographic representation. Requiring observers to designate focal points places unnecessary barriers and burdens on observer organizations, given their scattered distribution around the world.</p> <p>All observer organizations should be notified of the commencement of the review process and drafts should be made public at the time draft Reports should be published online when they are submitted for expert review. This would help to insure an objective, open, and transparent process. The section should be revised as follows:</p> <p>“Government Focal Points and Observers should be notified of the commencement of this process. The first draft Reports should be sent to Government Focal Points and Observers, for information, along with a list of those to whom the Report has been sent for review or other means of commenting on the draft.”</p>
Page 9	Line 20-21	<p>See comment above regarding Observer Focal Points. The section should be revised as follows:</p> <p>“A revised draft should be distributed by the appropriate Working Group Co-Chairs through the IPBES Secretariat to Government Focal Points and observers, and to all the Coordinating Lead Authors, Lead Authors and Contributing Authors and Expert Reviewers.”</p>
Page 9	Line 32-33	<p>See comment above regarding Observer Focal Points. The section should be revised as follows:</p> <p>“Government Focal Points and Observers should be notified of the commencement of this process. Governments and</p>



		Observers should send their comments for each Report to the appropriate Working Group Co-chairs.
Page 15	Line 33-35	<p>See comment above regarding Observer Focal Points. The section should be revised as follows:</p> <p>“Government Focal Points and observer organizations should be notified of the list of participants invited to an Expert Meeting or Workshop at the earliest opportunity after the selection has taken place.”</p> <p>SCB notes that on lines 15-16 on page 15, the draft follows SCB’s recommended approach for Government Focal Points and observer organizations.</p>



## Appendix Four Society for Conservation Biology Detailed Comments Regarding Receiving and Prioritizing Requests from Governments and the IPBES Scoping Process

*The IPBES/UNEP request for comments lists two interrelated issue, receiving and prioritizing work requests, and the scoping process for assessments. SCB is providing expanded comments on these issues, as they are critical for the ultimate success of IPBES.*

### **The Busan Declaration speaks to these two interrelated issues in Paragraph 6(a):**

Focusing on government needs and based on priorities established by the plenary, the platform should respond to requests from Governments, **including those conveyed to it by multilateral environmental agreements related to biodiversity and ecosystem services as determined by their respective governing bodies.** The plenary should welcome inputs and suggestions from, and the participation of, United Nations bodies related to biodiversity and ecosystem services as determined by their respective governing bodies. **The plenary should also encourage and take into account, as appropriate, inputs and suggestions made by relevant stakeholders, such as other intergovernmental organizations, international and regional scientific organizations,** environment trust funds, non-governmental organizations and the private sector. To facilitate this, and to ensure that the platform's work programme is focused and efficient, a process to receive and prioritize requests should be established by the plenary;

### **Similarly, SCB has spoken to these two interrelated issues before as well including in our 2010 Comments to the First Session of the Plenary on Establishing IPBES, where we wrote:**

SCB also recognizes the limitations of science and agrees that reports from IPBES should be policy relevant and not policy prescriptive. **For example, scientists can present information to help provide more precise definitions for operative terms or subsections of treaties, but policy makers will ultimately make the choices.**

### **And again, in our 2011 comments, SCB wrote on the matter of prioritizing work requests:**

Working groups should have an integrated policy component to ensure that all work activities are prioritized according to the practical implications, and policy and management consequences of their work product, (*e.g.*, providing scientific definitions of key requirements, such as restoring degraded ecosystems (in CBD Article 8) is a high priority).



As SCB noted in 2011, in reference to the duty in Article 8 of the Convention on Biological Diversity to restore degraded ecosystems, there are a significant number of potentially powerful provisions in existing law that could become more effective if IPBES were to provide a report evaluating appropriate language for use by a Nation for its implementing statutes and/or regulations, to measure performance under such key duties or provisions. For example, such a report could expound on levels or standards of practice, such as:

- 1) the minimum performance to be considered acceptable in modern practice;
- 2) a reasonable and practicable standard of performance;
- 3) the best currently available technology or practice; and
- 4) experimental approaches that are likely to improve upon best current practices without creating uncontrollable risks or losses.

IPBES should consider at least the following factors in selecting or prioritizing its assessment of the technologies or scientifically tested procedures for implementing provisions of existing biodiversity-related laws:

- 1) How widespread or universal is the duty?
- 2) How effective is current enforcement or implementation?
- 3) How cost-effective is the process for preventing avoidable or irreparable harm, for example, can the approach be used in a before the fact assessment of alternatives?
- 4) How many aspects of biodiversity can be conserved or restored using the technology or approach?
- 5) How endangered are the resources at risk?

Examples of provisions that are likely to be enhanced in their effectiveness with widespread positive results include:

- 1) A description of natural resources, including endangered species and endangered ecosystems, and functions (e.g. fresh water flows, pollination), including but not limited to those directly affecting human health, that are being most adversely affected by trade and should be considered for protection by members of the WTO in using their authorities reserved under Article XX(g) and (b) of the General Agreement on Tariffs and Trade;
- 2) Descriptions of minimum to best practices of duties to restore degraded ecosystems, control actions harmful to biodiversity and establish systems for the protection of endangered species under Article 8 of the CBD, unless IPBES believes that current guidance issued by the CBD is sufficient;
- 3) CBD's Article 14.1 and 14.2 on environmental assessments and a schedule or system for assessing payments sufficient to make whole or restore ecosystems of parties harmed by the actions of other parties so as to assist the CBD in addressing the twenty year old questions posed in 14.2.
- 4) Article V of the Western Hemisphere Convention of 1942, requiring its numerous parties to enact laws protecting biodiversity outside of national parks and other protected areas.
- 5) Article IV of CITES – IPBES could recommend a system for meeting a minimum standard for Offices of Scientific and Management Authority for determining whether an Appendix II



species is still fulfilling its role in its ecosystem throughout its range, so the CITES COP can issue trade warnings for those countries that have not implemented a reasonable system of complying with that requirement, unless IPBES is satisfied that current CITES implementation is sufficiently reflective of modern science and effective at fulfilling the purpose of CITES.

- 6) IPBES could flag the practices that are most seriously diminishing the effectiveness of international conservation agreements and the nationals or trading routes or centers, for example, most responsible for those practices, so that the WTO and individual countries can take effective measures to address the problems in concert with each other.