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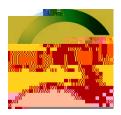
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# Procedures for establishing and managing IUCN-supported Independent Scientific & Technical Advisory Panels



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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
- <u>Project Guidelines and Standards</u>
- 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).

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
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  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, ((ha)4(v)SI4(d)6(at).00d(sm.01 -1.)h Irntrw 0.23 0 T(sm.01 -sm.01 -sm

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- 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 peint incorrate of the control of the contr

# 2.5 The contracting party

The organization (private or public) that

4. THE PROCESS OF ESTABLISHING AND MANAGING AN ISTAI
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- 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
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${\bf 4.3.1\ Developing\ the\ Terms\ of\ Reference\ (TOR)\ for\ the\ Chair\ position:}$	Based on the specific

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 N4(a6(an)6(d)-4()]J-24w)1c 0.009 Tw-4(ag)9(r)]J0 Tc 0 Tw6,

#### Annex 5

- **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);

#### Annex 5

- 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 <u>Project Guidelines and Standards</u> and, if relevant, the <u>Operational Guidelines for Private Sector Engagement</u>.