

4.086 Guiding and improving IUCN's involvement with the private sector

RECALLING Resolution 1.81 *Productive Relationships between IUCN and the Private Sector* and Resolution 1.82 *Private Sector Financial Operations* adopted by the 1st IUCN World Conservation Congress (Montreal, 1996), and Resolution 3.060 *Influencing Private Sector Actions in Favour of Biodiversity* and Resolution 3.061 *IUCN's Interaction with the Private Sector* adopted by the 3rd IUCN World Conservation Congress (Bangkok, 2004);

RECOGNIZING that IUCN's mandate for engaging the private sector is rooted in IUCN's mission to "Influence, encourage and assist societies to conserve the integrity and diversity of nature and ensure that any use of natural resources is equitable and ecologically sustainable," and that the private sector, being a vital part of society that uses and affects nature in multiple ways, cannot be left out of this equation;

CONCERNED that the *Operational Guidelines for Private Sector Engagement* have not been approved by the IUCN Council or revised as requested by the Council at its 65th Meeting (May, 2006) "to take note of further comments on improving the guidelines, including those made by Committee members and a representative of CEESP/SEAPRISE";

CONCERNED that lack of transparency and lack of clear rules for engagement of IUCN with business can severely reduce the credibility of IUCN and thus reduce worldwide support for and engagement in issues of environment and sustainability;

ASSERTING that IUCN has a special responsibility for creating rules, procedures and mechanisms regarding such engagement that can serve as examples of best practice; and

FURTHER ASSERTING that within the IUCN membership and Commissions there is substantial professional expertise that can inform, advise and assist the Director General and Secretariat staff in IUCN's interaction with the private sector, specifically in further development of such rules, procedures and mechanisms;

The World Conservation Congress at its 4th Session in Barcelona, Spain, 5–14 October 2008:

1. CALLS ON IUCN's Council as soon as possible, in consultation with the Director General, to approve the *Operational Guidelines* by which the IUCN Secretariat and the Commissions interact with the private sector and to establish and implement effective mechanisms for consultation and communication with members and Commissions on issues related to private-sector engagement, ;

In addition, the World Conservation Congress, at its 4th Session in Barcelona, Spain, 5–14 October 2008, provides the following guidance concerning implementation of the *IUCN Programme 2009–2012*:

2. CALLS on the Director General to:

- (a) fully implement the provisions of Resolutions 3.060 and 3.061 mentioned above;
- (b) conduct all interactions with the private sector in full compliance with the *Operational Guidelines* when approved by Council;
- (c) ensure that articles 97 and 98 of the IUCN Statutes are fully implemented when interacting with the private sector;
- (d) ensure that any agreement between IUCN and the private sector include cancellation clauses which can be triggered by IUCN review; and

(e) when there is evidence that a company with which IUCN has a written agreement is failing to make marked improvements towards prevention remediation and redress regarding environmental and socio-economic harm caused by the company's activities and/or there is evidence of humanrights violations, to notify the company immediately of these problems and to seek necessary improvements. Failure to comply within an agreed period of time should lead to cancellation of the written agreement within the provisions of the cancellation clause of the agreement with the company, and public communication of the reasons for such cancellation.

State member India indicated that it would vote against this motion.

State and agency members of the United States voted against this motion. The US Department of State provided the following statement for the record during the 9th Plenary Session when the original text of this motion was discussed:

It is the experience of the United States that constructive engagement of the private sector, industry and corporations is extremely valuable. We support increased transparency and review of agreements with corporations and businesses engaged in the areas of natural resource extraction but not the review of the overall performance of a company unless specified in agreements with such entities. Mandating review of the overall performance of only one sector of IUCN membership is not appropriate and could weaken one of the strands of the triple helix.