



Global Environment Facility

GEF/C.25/5
April 29, 2005

GEF Council
June 3-8, 2005

PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE
UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION
IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
AND THE GLOBAL ENVIRONMENT FACILITY

Recommended Council Decision

The Council, having reviewed the *Proposed Memorandum of Understanding between the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa and the Global Environment Facility*, jointly prepared by the Executive Secretary of the UNCCD and the CEO/Chairman of the Facility, approves the MOU, subject to comments and revisions agreed upon by the Council at the meeting. The Council requests the CEO/Chairman of the Facility to transmit the approved MOU to the Executive Secretary of the UNCCD for submission to the seventh session of the Conference of the Parties to the UNCCD with a view to its consideration and adoption by the COP.

1. As called for by the GEF Assembly and Council and the Conference of the Parties to the UNCCD, the Executive Secretary of the UNCCD, in collaboration with the Managing Director of the Global Mechanism, consulted with the CEO on the preparation of a draft memorandum of understanding (MOU) on arrangements to facilitate collaboration between the GEF and the CCD.
2. The text of a proposed MOU is attached as Annex I. This proposal has been jointly prepared with the Convention Secretariat, after consultation between the Executive Secretary of the Convention and the Managing Director of the Global Mechanism.
3. Consultations between the two secretariats were quite extensive, and efforts were made to ensure that the proposed MOU fully reflects the UNCCD, the relevant decisions of the Conference of the Parties to the Convention, especially Decision 6/COP.6, the GEF Instrument, and relevant decisions of the Council.
4. At its meeting in November 2004, the Council requested the Secretariat to circulate to the Council a draft memorandum of understanding describing arrangements to facilitate collaboration between the GEF and the UNCCD so that Council Members could provide comments to the Secretariat in advance of a proposed MOU being submitted to the Council for its consideration at the June 2005 Council meeting.
5. The text of the proposed MOU was circulated to Council Members on April 13, 2005. One Council Member provided comments on the text. Since there was not sufficient time available to reengage the Convention Secretariat in a new dialogue to address these comments, the comments have been attached as Annex II to this document for the information of the Council.
6. The Council is invited to consider the proposed MOU (GEF/C.25/5) and the attached comments with a view to approving the MOU prior to its submission for consideration and adoption at the seventh session of the Conference of the Parties to the UNCCD.

ANNEX I

PROPOSED

MEMORANDUM OF UNDERSTANDING

between

**THE UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN
THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA**

and

THE GLOBAL ENVIRONMENT FACILITY

on

ENHANCED COLLABORATION

The Executive Secretary of the United Nations Convention to Combat Desertification and the CEO/Chairman of the Global Environment Facility,

Recalling Article 21 of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or desertification, particularly in Africa (hereinafter the UNCCD) which provides that “the Conference of the Parties shall promote the availability of financial mechanisms and shall encourage such mechanisms to seek to maximize the availability of funding for affected developing country Parties, particularly those in Africa, to implement the Convention”;

Recalling Article 20(b) of the UNCCD which provides that developed country Parties, while giving priority to affected African country Parties without neglecting affected developing country Parties in other regions, undertake to promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas, in conformity with the relevant provisions of the Instrument establishing the GEF;

Recalling the Beijing Declaration of the Second GEF Assembly that confirms that the GEF will be available as a financial mechanism of the UNCCD pursuant to paragraph 21 of the Convention, if the Conference of the Parties should so decide;

Also recalling the decision of the Second GEF Assembly to amend the Instrument for the Establishment of the Restructured GEF to include land degradation, primarily desertification and deforestation, as one of the six focal areas of the GEF and to include as a function of the GEF Secretariat, coordination, on behalf of the Council, with the Secretariat of the UNCCD;

Recalling further decision 6/COP.6 of the Conference of the Parties to the UNCCD at its sixth session that accepts the GEF as a financial mechanism of the UNCCD pursuant to article 20, paragraph 2(b) and article 21 of the Convention and in accordance with the GEF Instrument as amended;

Recognizing the role of the Global Mechanism of the Convention to promote actions leading to the mobilization and channeling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, and that the Global Mechanism functions under the authority and guidance of the Conference of the Parties and is accountable to it;

Having consulted with the Managing Director of the Global Mechanism;

Have agreed as follows.

Definitions

For the purpose of this Memorandum of Understanding:

- (a) “Assembly” means the Assembly of the GEF as defined in the paragraph 13 of the Instrument for the Establishment of the Restructured Global Environment Facility;
- (b) “Conference of the Parties” means the Conference of the Parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa defined in article 22 of the Convention;
- (c) “Convention” means the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;
- (d) “Council” means the Council of the GEF as defined in paragraphs 15 to 20 of the Instrument for the Establishment of the Restructured Global Environment Facility;
- (e) “Focal areas of the GEF” means the focal areas provided in paragraph 2 of the Instrument for the Establishment of the Restructured Global Environment Facility;
- (f) “GEF” means the Global Environment Facility established pursuant to the *Instrument for the Establishment of the Restructured Global Environment Facility*;
- (g) “GEF Instrument” means the *Instrument for the Establishment of the Restructured Global Environment Facility* as amended;
- (h) “Global Mechanism” means the Global Mechanism established in accordance with Article 21, paragraph 4 of the Convention;
- (i) “Implementing and Executive Agencies” means the Implementing Agencies as defined in paragraph 22 of the GEF Instrument and Executing Agencies benefiting from expanded opportunities pursuant to the decisions of the Council;
- (j) “Party” means Party to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; and
- (k) “UNCCD” means the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

Purpose

The purpose of the present Memorandum of Understanding is to enhance collaboration between the GEF and the UNCCD.

Coherence between the UNCCD and the GEF

The coherence between the objective of the GEF Operational Program on Sustainable Land Management¹ and the objective of the UNCCD² is recognized as a basis for mutually beneficial collaboration. This coherence of objectives will serve as a basic principle in developing policies, strategies, programs and projects for sustainable land management.

The UNCCD Secretariat and the GEF Secretariat will collaborate on substantive matters that the Conference of the Parties and the Council agree should be pursued to strengthen this coherence and collaboration between the UNCCD and the GEF.

Strategies, Programs and Projects concerning Desertification

In formulating strategies, programs and projects for financing the agreed incremental costs of activities concerning desertification under its focal area of land degradation or through activities that combat desertification and mitigate the effects of drought in other focal areas, the GEF, through its Secretariat and Implementing and Executing Agencies, will duly take into account the provisions of the UNCCD and the relevant decisions of its Conference of the Parties relating to policies, strategies and program priorities.

Reporting

The GEF will prepare a report for information to be submitted to each regular session of the Conference of the Parties through the UNCCD Secretariat on its strategies, programs and projects for financing the agreed incremental costs of activities concerning desertification. This report will include:

- (a) information on discussions within the GEF Council on GEF strategies, programs and projects for financing the agreed incremental costs of activities concerning desertification;

¹ The objective of the Operational Program on Sustainable Land Management is “to mitigate the causes and negative impacts of land degradation on the structure and functional integrity of ecosystems through sustainable land management practices as a contribution to improving people’s livelihoods and economic well-being,”

² The UNCCD provides in article 2, “Objective”, that “the objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas, “and that “achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions in particular at the community level.”

- (b) a synthesis of projects approved by the Council during the reporting period concerning desertification with an indication of the GEF and other resources allocated to such projects;
- (c) a listing of projects approved by the Council concerning desertification, with an indication of the cumulative financial resources allocated in the GEF to such projects;
- (d) information on GEF's experience in integrating activities to address land degradation in other focal areas and synergies among the focal areas;
- (e) information on GEF replenishment agreements and the funding programmed for land degradation;
- (f) information on GEF monitoring and evaluation activities related to projects concerning desertification.

The UNCCD will prepare a report for information to be submitted to the GEF Council through the GEF Secretariat after each regular session of the Conference of the Parties, on the decisions taken by the Parties of relevance to the GEF. The report shall contain information on discussions within the Conference of the Parties on GEF activities for financing the agreed incremental costs of activities concerning desertification.

Cooperation between Secretariats

The UNCCD Secretariat and the GEF Secretariat will communicate and cooperate with each other and consult on a regular basis to promote incremental cost funding from the GEF to assist affected developing country parties to combat desertification and mitigate the effects of drought pursuant to Article 20(b) and Article 21 of the Convention.

The Secretariat of the UNCCD and the Secretariat of the GEF will consult on proposed strategies, programs and projects concerning desertification. In particular, the Secretariats of the Convention and of the GEF will reciprocally consult with each other on draft texts of documents relevant to the Convention and the GEF prior to issuing the texts of such documents for consideration by the Conference of the Parties or the Council.

In accordance with the GEF project cycle, the UNCCD Secretariat will be invited to comment on project proposals related to desertification under consideration for inclusion in a proposed work program, especially with regard to advising how such project proposals are consistent with the Convention and the decisions of the Conference of the Parties relating to policies, strategies and program priorities to combat desertification and mitigate the effects of drought.

Official documentation of the GEF, including information on project activities, will be made available on its web site. Official documentation of the Convention will be made available on its website.

Reciprocal Representation

On a reciprocal basis, the GEF Secretariat will be invited to attend meetings of the Conference of the Parties and the UNCCD Secretariat will be invited to attend meetings of the Council and Assembly.

Cooperation with the Global Mechanism

The GEF Secretariat will be invited to participate as an observer in the Facilitation Committee meetings of the Global Mechanism.

The GEF Secretariat will inform the Facilitation Committee of project proposals concerning desertification that have entered the GEF pipeline with a view to assisting the Global Mechanism to identify opportunities to mobilize and channel co-financing resources for such proposed projects.

Monitoring and Evaluation

The GEF will provide the Conference of the Parties with the reports of the GEF Office of Monitoring and Evaluation relevant to GEF activities in the area of land degradation.

Interpretation

If differences arise in the interpretation of the present Memorandum of Understanding, the Executive Secretary of the UNCCD and the CEO of the GEF will jointly inform the Conference of the Parties and the Council and will invite them to advise on a mutually acceptable solution.

Entry into effect

The present Memorandum of Understanding will come into effect after consideration and approval of this text by the Conference of the Parties and the Council.

Amendments

Amendments to this Memorandum of Understanding may be approved by the Conference of the Parties and the Council. Proposed amendments will be submitted jointly, for consideration and approval by the Conference of the Parties and the Council, by the Executive Secretary of the UNCCD and the CEO of the GEF after consultation and agreement between them.

Withdrawal

Either the UNCCD Secretariat or the GEF Secretariat may terminate this Memorandum of Understanding at any time upon written notification to the other, after approval by the Conference of the Parties or the Council, as appropriate. The withdrawal will take effect six months after notification and will not affect the validity or duration of activities initiated before such termination.

**Annex II. COMMENTS RECEIVED FROM ERIK BJORNEBYE, ALTERNATE, CONSTITUENCY
COMPRISING DENMARK, LATVIA, LITHUANIA, AND NORWAY**

Thank you very much for a good effort. However, we find there are still some ambiguities in the text and would offer the following comments:

In general, and referring to Articles 20(g) and 21(f) of the Instrument, it is difficult to see how Council should consider and approve matters relating to the MOU between the two secretariats. See more detailed comments below.

Page 3, 4th para, chapeau, 3rd line: We would propose that this read as follows: "projects for...costs of activities to achieve global environmental benefits relating to desertification."

Page 4, 1st full para: The report from the UNCCD Secretariat would be for the GEFSEC, which in turn would inform the Council. The proposal is to delete the words "GEF Council through the" in the first line. Then add a final sentence to the effect that the GEFSEC shall inform the Council about the report.

Page 4, 2nd full para: We propose 2nd line to read: "...other and consult on a regular basis to promote agreed incremental cost funding from the GEF, within its mandate, to assist..."

Page 4, 4th full para: In the third line, insert "whether and" before "how".

Page 5, 4th para: Given that the MOU is between the two secretariats, we do not see the need for an arbitration or similar role for Council and COP.

Page 5, 5th para: Ref above. We do not see the need (or appropriateness) of Council approving the MOU. What the COP does is up to that body.

Page 5, 6th para: Similarly, there is no need for Council to approve amendments. It is enough that it is being kept informed.

Page 5, last para: Same again. Delete "or the Council" in the third line.