



# Global Environment Facility

GEF/C.16/12  
October 3, 2000

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GEF Council  
November 1-3, 2000  
Agenda Item 14

## PROPOSED AMENDMENT TO THE RULES OF PROCEDURE FOR THE GEF COUNCIL

***Recommended Council Decision***

The Council agrees to amend rule 45 of its Rules of Procedure to read as follows:

“45. At the expiration of the period prescribed for comments, the decision shall be approved unless there is an objection. If there is an objection raised by any Member, the CEO shall include consideration of the proposed decision as an item on the agenda for the next meeting of the Council. The CEO shall notify all those that received the communication referred to in paragraph 43 of the action he/she takes pursuant to this paragraph”.

1. Paragraphs 43 to 45 of the *Rules of Procedure for the GEF Council* concern decisions of the Council made by mail in the intersessional period between its meetings.

2. Paragraph 43 provides that the CEO may transmit to each Member a proposed decision with an invitation to approve the decision on a no objection basis. Such communication is to also be transmitted to all those who are invited to Council meetings in accordance with paragraphs 17 to 22 of the Rules.

3. Paragraph 44 specifies that each Member's comments on the proposed decision on behalf of his/her constituency shall be sent to the CEO during the period open for comment, and that such period should not be less than two weeks.

4. Paragraph 45 provides that at the expiration of the period prescribed for comments, the decision shall be approved unless there is an objection. It provides further:

If there is an objection raised by any Member or *if replies are not received from at least two-thirds of the Members*, the CEO shall include consideration of the proposed decision as an item on the agenda for the next meeting. (Emphasis added).

5. At its meeting in March 1998, the Council reviewed its rules of procedure and agreed that work programs transmitted to Council Members for approval by mail may be approved on a no-objection basis without requiring replies from at least two-thirds of the Members. That is, a lack of a response from any Council Member at the end of the review period would be deemed as support for the proposed decision. This agreement was reached taking into account the experience that had been gained in seeking Council decisions by mail. In many instances the Secretariat must send reminder communications, often followed by individual telephone calls, in order to solicit affirmative notifications from Council Members that they support a proposed decision. The most recent instance concerned Council approval of the Report of the GEF to the sixth session of the Conference of the Parties to the UN Framework Convention on Climate Change. In order to receive replies from two-thirds of the Members, a written reminder was sent, and this in turn required follow-up through individual telephone calls soliciting a response from Council Members.

6. In light of this continuing experience, one Council Member proposed that the rules of procedure be amended to provide that all decisions by mail would be taken on a no objection basis. In other words, a lack of a reply to a proposed decision within the specified period for comment would be deemed tacit agreement with the proposed decision.

7. It is therefore proposed that the Council approve the following amended text of paragraph 45 of its rules of procedure.

45. At the expiration of the period prescribed for comments, the decision shall be approved unless there is an objection. If there is an objection raised by any

Member, the CEO shall include consideration of the proposed decision as an item on the agenda for the next meeting of the Council. The CEO shall notify all those that received the communication referred to in paragraph 43 of the action he/she takes pursuant to this paragraph.