

COUNCIL DECISION ON AGENDA ITEM 5

At its second meeting, after reviewing draft Rules of Procedure, the Council adopted the attached Rules of Procedure for the GEF Council.

GLOBAL
ENVIRONMENT
FACILITY

RULES OF PROCEDURE
FOR THE GEF COUNCIL

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INTRODUCTION

These rules provide the procedures that will be applied by the Council of the Restructured Global Environment Facility in the conduct of its business. The rules were adopted by the Council at its meeting on November 3, 1994. These rules complement the ones contained in the Instrument for the Establishment of the Restructured Global Environment Facility, accepted by representatives of the States participating in the GEF at their meeting in Geneva, Switzerland, from March 14 to 16, 1994, and subsequently adopted by the Implementing Agencies. The rules that are drawn from the Instrument are presented in this text in boxes with a reference to the appropriate paragraph of the Instrument. It should be noted that the text cited in the boxes is not necessarily the complete text of the referenced paragraph.

I. SCOPE

1. These rules of procedure shall apply to the conduct of business of the Council of the restructured Global Environment Facility.

II. DEFINITIONS

2. For the purposes of these rules:

- a. "Instrument" means the Instrument for the Establishment of the Restructured Global Environment Facility, accepted by representatives of the States participating in the GEF at their meeting in Geneva, Switzerland, from March 14 to 16, 1994, and subsequently adopted by the Implementing Agencies.
- b. "GEF" means the restructured Global Environment Facility established in accordance with, and for the purposes set forth in, the Instrument.
- c. "Council" means the Council of the GEF established in accordance with paragraphs 11 and 15 to 20 of the Instrument.
- d. "Elected Chairperson" means the Member elected Chairperson by the Council for the duration of a meeting in accordance with paragraph 18 of the Instrument.
- e. "CEO" means the Chief Executive Officer/Chairperson of the Facility appointed by the Council in accordance with paragraph 21 of the Instrument.
- f. "Chair" means the Elected Chairperson and/or the CEO, as the case may be, who is responsible for conducting the deliberations of the Council meeting in accordance with paragraph 18 of the Instrument.
- g. "Trustee" means the International Bank for Reconstruction and Development (IBRD or World Bank) acting as Trustee of the GEF Trust Fund in accordance with paragraph 8 of the Instrument.
- h. "Implementing Agencies" means the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Bank in accordance with paragraph 22 of the Instrument.
- i. "Secretariat" means the Secretariat of the GEF established in accordance with paragraph 21 of the Instrument.
- j. "Participants" means States which have become Participants in the GEF in accordance with paragraph 7 of the Instrument.

4. Except as may be expressly provided otherwise in these rules, any reference in these rules to a Member shall be deemed to include his/her Alternate or temporary Alternate when such Alternate acts for such Member.

Constituencies

Annex E, paragraph 1, of the Instrument provides:

GEF Participants shall be grouped in 32 constituencies, with 18 constituencies composed of recipient countries (referred to as "recipient constituencies"), and 14 constituencies composed principally of non-recipient countries (referred to as "non-recipient constituencies").

Annex E, paragraph 6, of the Instrument provides:

The grouping of constituencies as communicated to the Secretariat, including any adjustments pursuant to paragraph 8 of this Annex, shall be subject to confirmation by the Council after the effective date of the establishment of the GEF Trust Fund, taking into account the instruments deposited in accordance with Annex A to the Instrument.

Annex E, paragraph 8, of the Instrument provides:

Any State that becomes a Participant in accordance with paragraph 7 of the Instrument after the formation of constituencies pursuant to paragraphs 3 to 6 above shall, after consultation with the Participants in the constituency concerned, notify the Secretariat as regards the constituency in which it wishes to be grouped and shall be grouped in that constituency subject to agreement by the Participants in that constituency and subsequent confirmation by the Council at its next meeting.

5. At its first meeting after the effective date of the establishment of the GEF Trust Fund, the grouping of constituencies shall be subject to confirmation by the Council. At any meeting subsequent to notification to the Secretariat by a Member that a Participant has joined the Member's constituency, that notification shall be subject to confirmation by the Council.

IV. MEETINGS

Frequency

Paragraph 17 of the Instrument provides:

The Council shall meet semi-annually or as frequently as necessary at the seat of the Secretariat to enable it to discharge its responsibilities.

session. The CEO may designate an official of the Secretariat to serve as the Secretary of an executive session.

Quorum

Paragraph 17 of the Instrument provides:

Two-thirds of the Members of the Council shall constitute a quorum.

V. AGENDA FOR MEETINGS.

15. A provisional agenda for each regular meeting of the Council shall be prepared by the CEO, and a copy of such provisional agenda, together with the notice of the meeting, shall be transmitted to all those invited to the meeting in accordance with paragraphs 8 to 13 of these rules.

16. Additions to the provisional agenda of a regular meeting may be proposed to the CEO by any Member and incorporated in the final agenda provided that the Member shall give notice thereof to the CEO not less than fourteen days prior to the date fixed for the opening of the meeting. The final agenda for the meeting shall be transmitted by the CEO to all those invited to the meeting in accordance with paragraphs 8 to 13 of these rules seven days prior to the date fixed for the opening of the meeting.

17. An agenda for each special meeting of the Council shall be prepared by the CEO, and a copy of such agenda, together with the notice of the meeting, shall be transmitted to all those invited to the meeting in accordance with paragraphs 8 to 13 of these rules.

18. The Council shall, at the beginning of each meeting, adopt the agenda for the meeting.

19. Any item included on the agenda for a meeting of the Council, consideration of which has not been completed at that meeting, shall, unless the Council decides otherwise, be automatically included on the provisional agenda for the next meeting.

VI. TRANSMITTAL OF DOCUMENTATION

20. The CEO shall transmit the documentation relating to items on the provisional agenda to all those invited to the meeting in accordance with paragraphs 8 to 13 of these rules at least four weeks before the start of a regular meeting and as soon as possible before a special meeting. The CEO shall transmit documentation relating to new items on a final agenda at the time of transmitting that agenda.

X. LANGUAGES

24. Interventions shall be made at the Council meetings in either English, French or Spanish and shall be interpreted into the other two languages.

XI. CONDUCT OF BUSINESS

Chair of Deliberations

Paragraph 18 of the Instrument provides:

The elected Chairperson shall conduct deliberations of the Council at that meeting on issues related to Council responsibilities listed in paragraphs 20(b), (g), (i), (j) and (k). The position of elected Chairperson shall alternate from one meeting to another between recipient and non-recipient Council Members. The Chief Executive Officer of the Facility (CEO) shall conduct deliberations of the Council on issues related to Council responsibilities listed in paragraphs 20(c), (e), (f) and (h). The elected Chairperson and the CEO shall jointly conduct deliberations of the Council on issues related to paragraph 20(a).

Paragraph 20 of the Instrument provides:

The Council shall:

- (a) keep under review the operation of the Facility with respect to its purposes, scope and objectives;
- (b) ensure that GEF policies, programs, operational strategies and projects are monitored and evaluated on a regular basis;
- (c) review and approve the work program referred to in paragraph 29, monitor and evaluate progress in the implementation of the work program and provide related guidance to the Secretariat, the Implementing Agencies and the other bodies referred to in paragraph 28, recognizing that the Implementing Agencies will retain responsibility for the further preparation of individual projects approved in the work program;
- (d) arrange for Council Members to receive final project documents and within four weeks transmit to the CEO any concerns they may have prior to the CEO endorsing a project document for final approval by the Implementing Agency;

(cont.)

Interventions

25. Debate shall be confined to the question before the Council, and the Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
26. With the consent of the Council, the Chair may limit the time allowed to speakers and the number of times a speaker may speak on any question.

Closure of list of speakers

27. During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. When there are no more speakers on the list, the Chair shall declare the debate closed.

XII. Decisions of the Council

Paragraph 25(b) of the Instrument provides:

Decisions of the Council shall be taken by consensus. In the case of the Council if, in the consideration of any matter of substance, all practicable efforts by the Council and its Chairperson have been made and no consensus appears attainable, any Member of the Council may require a formal vote.

Paragraph 25(c) of the Instrument provides:

Unless otherwise provided in the Instrument, decisions requiring a formal vote by the Council shall be taken by a double weighted majority, that is, an affirmative vote representing both a 60 percent majority of the total number of Participants and a 60 percent majority of the total contributions.

Each Member of the Council shall cast the votes of the Participant or Participants he/she represents. A Member of the Council appointed by a group of Participants may cast separately the votes of each Participant in the constituency he/she represents.

For the purpose of voting power, total contributions shall consist of the actual cumulative contributions made to the GEF Trust Fund as specified in Annex C to the Instrument and in subsequent replenishments of the GEF Trust Fund, contributions made to the GET, and the grant equivalent of co-financing and parallel financing made under the GEF pilot program, or agreed with the Trustee, until the effective date of the GEF Trust Fund. Until the effective date of the GEF Trust Fund, advance contributions made under paragraph 7(c) of Annex C of the Instrument shall be deemed to be contributions to the GET.

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 of the Council. The CEO shall notify all those that received the communication referred to in paragraph 34 of the action he/she takes pursuant to this paragraph.

XIII. RECORD OF THE MEETING

37. Before the end of each meeting, the Chairs shall present a joint summary of the main discussions and conclusions of the meeting. Any decision approved by the Council at a meeting shall be appended to the Chairs' joint summary. The Chairs' joint summary and the Council decisions shall be a public document.

38. The Secretariat will arrange for sound recordings of the proceedings of each meeting. The sound recordings of the meetings of the Council shall be kept by the Secretariat.

XIV. AMENDMENTS TO THE RULES

39. These rules may be amended by consensus of the Council.

XV. OVERRIDING AUTHORITY OF THE INSTRUMENT

40. In the event of any conflict between any provision of these rules and any provision of the Instrument, the provisions of the Instrument shall prevail.