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SUMMARY OF COMMENTS ON
DRAFT RULES OF PROCEDURE FOR
THE GEF COUNCIL

GEF Council Meeting
Washington, D.C.
November 1 - 3, 1994

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Introduction

1. As agreed at the Council meeting in July 1994, the Secretariat revised the draft Rules of Procedure for the GEF Council on the basis of the discussions held during that meeting. The revised draft rules are before the Council meeting as document GEF/C.1/3/Rev.1.
2. The CEO transmitted the revised draft rules to all those invited to attend the Council meeting with an invitation to Council Members to submit to the Secretariat any comments that their constituency might have on the document. The following is a summary of the comments that have been received. It has been prepared so as to assist the Council Members in their continued review of the draft rules.
3. This summary highlights comments that were made on the substantive content of the rules. Some editing suggestions were offered that the Secretariat has included in document GEF/C.1/3/Rev.1.

Summary of comments on draft rules of procedure

4. Paragraph 2(m):
 - (a) This paragraph should be amended to read: " a representative shall be permitted to be present in the Council meeting room and may address the Council and contribute to its deliberations on relevant items, subject to the rules of procedure on interventions."
 - (b) It would be useful to include before this subparagraph a definition of "participate" so as to highlight the special status of representatives of the Climate Change Convention and Biodiversity Convention from that of representatives of other relevant conventions.
5. Paragraph 2(o): Several comments expressed some concern with the definition of "consensus". A few suggested that it was not necessary to define the term in this paragraph, but that it could be clarified in paragraph 30. One comment suggested an alternative definition: "Consensus" means a prevailing sense ascertained by the Chair that there is no dissent from the proposition under consideration".
6. Old paragraph 10, which reads: "The CEO or his/her representative shall participate in all Council meetings and deliberations of the Council without the right to vote" should be retained.
7. Paragraph 11 should be amended to read: "In pursuance of paragraph 6 of the Instrument, representatives of the Secretariats of the United Nations Framework Convention on Climate Change and of the Convention on Biological Diversity shall be invited to attend the Council meetings.

Provided that reciprocal arrangements are agreed upon with the Conventions, such representatives shall be permitted to:

- (a) make a general introductory statement to the meeting;
- (b) participate in a question and answer session following the statement, and
- (c) have the opportunity to speak in discussion of relevant items, subject to paragraphs 26-28.¹

8. Paragraph 12:

- (a) This paragraph should be amended to read: "In pursuance of paragraphs 2 and 3 of the Instrument, representatives of the Secretariat of the Montreal Protocol...shall also be invited to attend the Council meetings."
- (b) Insert in the last line of the paragraph "shall also be invited *as appropriate* to attend the Council meetings."

9. Paragraph 13:

- (a) One comment suggested that the old text be maintained.
- (b) Several Members proposed that the first line be amended to read: "The CEO may, *in consultation with the Council*, invite..."

10. Paragraph 14:

- (a) It was suggested that the Council should be able to decide to meet in executive session without the presence of the CEO or a representative of the CEO when the Council wishes to discuss the performance of the CEO or conditions related to the CEO's appointment.
- (b) Another Member proposed that the Council should be able to decide to appoint its own Secretary for a particular executive session.
- (c) Several Members proposed that advisors be able to attend executive sessions.
- (d) Another Member saw the need for additional provisions on the terms of reference for executive sessions, and on the occasions when executive sessions may be held. It was proposed that proceedings of the discussions should be circulated in a written document.

¹ See also comment suggesting a new paragraph 28 bis.

11. Paragraphs 24 and 25:
 - (a) One Member preferred the original drafting of this text.
 - (b) Another Member called for documentation to be translated into French and Spanish.
12. Paragraph 28 bis:
 - (a) One member proposed that a new paragraph be added which reads:

"With respect to the participation of GEF representatives in Convention bodies and of Convention representatives in GEF bodies, including the Council, the following shall be permitted on a reciprocal basis:

 - a. a general introductory statement;
 - b. a question and answer session following that statement;
 - c. the opportunity to intervene in the discussion of relevant items, subject to the rules governing such interventions (in the case of the GEF Council, draft rules 26-28)
 - d. attendance at "executive sessions" at which relevant items are discussed."
13. Decisions without meeting (paragraphs 36-38):
 - (a) One Member suggested that paragraphs 36-38 be redrafted to reflect:
 - (i) CEO is *recommending or proposing* action which the Members might take, and
 - (ii) Members may request that issues under this item be dealt with at a regular meeting, in addition to intersessionally without a meeting. Following any such request by a Member, the CEO should then defer consideration of an intersessional decision until the next Council meeting.
 - (b) Paragraph 37 should be amended to read: "Members comments *and/or* votes on the proposed decision..."
 - (c) Add to the end of paragraph 38: "If the replies received do not include replies from at least two-thirds of the Members, which is the quorum required for a Council meeting, the motion shall be considered lost."
 - (d) Paragraph 38 should be revised to provide for a two-step approach. After the CEO has received the Members' comments, he/she should ascertain whether there is a consensus to approve the decision. If the CEO determines there is a consensus, he/she should inform the Members and invite the Members to accept the consensus on a "no objection" basis. If there is an objection, the issue should be included as an item on the agenda for the next Council meeting.

- (e) Add a new paragraph 38bis: "If the proposed decision relates to any aspect of the role of the GEF as the interim/permanent operating entity for the financial mechanism of the Conventions referred to in paragraph 11, comments shall be requested from the representatives of these Conventions and then made available as part of the proposed decision to Members for their consideration."

14. Paragraph 41:

- (a) This paragraph should be amended by adding the following: "Should a proposal for the amendment to the rules of procedure be tabled at any Council meeting, consideration of the proposal shall be postponed to the next Council meeting."
- (b) This paragraph should be amended by adding the following: "If a proposal for a change to the Rules of Procedure is tabled at any Council meeting, at the request of any Member, consideration of the proposal shall be postponed to the following Council meeting."