

34738 rev.

Rules of Procedure for the **GEF Council**

May 2004



GLOBAL
ENVIRONMENT
FACILITY

Public Disclosure Authorized

closure

Public Disclosure Authorized

closure Authorized

Rules of Procedure for the GEF Council

CONTENTS

INTRODUCTION	5
I. SCOPE	6
II. DEFINITIONS	6
III. COUNCIL	7
Members and Alternates	7
Appointment/reappointment of Member/Alternate by a constituency	8
Constituencies	9
Change in constituency grouping	10
IV. MEETINGS	10
Frequency	10
Attendance	11
Executive sessions	11
Quorum	11
V. AGENDA FOR MEETINGS	12
VI. TRANSMITTAL OF DOCUMENTS	12
VII. ELECTED CHAIRPERSON	12
VIII. CHIEF EXECUTIVE OFFICER/CHAIRPERSON OF THE FACILITY (CEO)	13
IX. SECRETARY OF THE COUNCIL MEETINGS	13
X. LANGUAGES	13
XI. CONDUCT OF BUSINESS	14
Chair of deliberations	14
Interventions	15
Closure of list of speakers	15
XII. DECISIONS OF THE COUNCIL	16
Method of voting	16
Conduct of voting	17
Decisions without meeting	17
XIII. RECORD OF THE MEETING	18
XIV. AMENDMENTS TO THE RULES	18
XV. OVERRIDING AUTHORITY OF THE INSTRUMENT	18

INTRODUCTION

These rules provide the procedures that will be applied by the Council of the Restructured Global Environment Facility (GEF) in the conduct of its business. The rules were adopted by the Council at its meeting on November 3, 1994. Amendments to the rules were adopted by the Council at its meeting on May 5, 1999,¹ and in November 2000.² 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.

¹ The amendments encompass newly added paragraphs 5 to 11 and 13 and 14.

² The amendment revised paragraph 45.

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 that have become Participants in the GEF in accordance with paragraph 7 of the Instrument.
- k. “GEF Trust Fund” means the trust fund established in accordance with paragraph 8 of the Instrument.
- l. “GET” means the Global Environment Trust Fund established for the GEF pilot program by Resolution No. 91-5 of the Executive Directors of the World Bank.
- m. “STAP” means the Scientific and Technical Advisory Panel established by UNEP in accordance with paragraph 24 of the Instrument.
- n. “Attend” means that a representative shall be permitted to be present in the Council meeting room and, at the invitation of the Chair, may address the Council.
- o. “Observe” means that a representative shall be permitted to observe the Council proceedings from a viewing room. At the invitation of the Chair, an observer may address the Council.
- p. “Meeting” means any regular or special meeting of the Council.
- q. “Session” means a period of a meeting.

III. COUNCIL

Members and Alternates

Paragraph 16 of the Instrument provides:

The Council shall consist of 32 Members, representing constituency groupings formulated and distributed taking into account the need for balanced and equitable representation of all Participants and giving due weight to the funding efforts of all donors. There shall be 16 Members from developing countries, 14 Members from developed countries, and 2 Members from the countries of central and eastern Europe and the former Soviet Union, in accordance with Annex E. There shall be an equal number of Alternate Members. The Member and Alternate representing a constituency shall be appointed by the Participants in each constituency. Unless the constituency decides otherwise, each Member of the Council and each Alternate shall serve for three years or until a new Member is appointed by the constituency, whichever comes first. A Member or Alternate may be reappointed by the constituency. Members and Alternates shall serve without compensation. The Alternate Member shall have full power to act for the absent Member.

3. In the event that both a Member and his/her Alternate are unable to attend a Council meeting, the Member may designate a temporary Alternate to act for him/her.
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.

Appointment/reappointment of Member/Alternate by a constituency

5. The outgoing Council Member, after consultation with the Participant or Participants in his/her constituency, shall communicate in writing to the CEO no later than 45 days prior to the expiration of the term the name and address of the newly appointed/reappointed Member/Alternate for the constituency. The CEO shall acknowledge this communication. Such acknowledgment shall be copied to all Participants in the constituency as well as to the Council Members and Alternates.
6. When informing the CEO of the appointment/reappointment of a Member/Alternate, the Council Member shall explicitly confirm that such appointment is being made with the agreement of the constituency after consultation with all Participants in the constituency.
7. The appointment/reappointment of a Council Member/Alternate shall be deemed confirmed, unless one or more Participants in the constituency communicate a written objection to the CEO within two weeks of the CEO's acknowledgment. If any objection is raised, the CEO shall inform the Participants to reach a consensus agreement on the appointment/reappointment of the Council Member/Alternate. The consensus agreement shall be communicated to the CEO/GEF as early as possible. The CEO will acknowledge this agreement in accordance with the procedure provided for in paragraph 2 above.
8. If a consensus agreement cannot be reached in a timely manner, Council Members/Alternates shall continue in office until their successors are appointed. The CEO shall draw to the Council's attention a lack of consensus that has not been resolved at the time of the expiration of the term of the outgoing Member/Alternate, and he/she may recommend to the Council modalities for providing assistance to facilitate consultations among the Participants. The Council shall advise the CEO on such recommendations.
9. If the positions of both Member and Alternate of a constituency are vacant, the focal point of any Participant in the constituency may inform the CEO of appointment/reappointment of a Member and Alternate, provided the Participant shall explicitly confirm that such appointment is being made with the agreement of the constituency after consultations with all Participants in the constituency.

10. Unless otherwise decided by the Participants in a constituency, the principles of decision-making by the Council provided for in paragraph 25 of the Instrument for the Restructured Global Environment Facility shall apply mutatis mutandis to the constituency's appointment of the Member/Alternate.
11. When a Council Member/Alternate is to be appointed/reappointed, if the Member has not informed the CEO of the name and address of the new/reappointed Member/Alternate 45 days before the end of the term of the outgoing Council Member/Alternate, the CEO shall notify the Participants in the constituency of the expiration of the term and invite the Participants in the constituency to appoint/reappoint a new Council Member/Alternate.

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.

12. 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.

Change in constituency grouping

13. If, in accordance with the provisions of Annex E of the Instrument, a Participant cannot identify a constituency within which to be grouped, it may request the CEO to assist it in identifying an appropriate constituency grouping. The CEO shall undertake consultations with the Council Member concerned, who shall in turn consult with the Participants in his/her constituency. The CEO shall inform the Council if he/she is unable to identify a constituency grouping for the Participant.
14. If a Participant wishes to change the constituency in which it is grouped, the procedures provided for in paragraph 8 of Annex E of the Instrument shall apply. That is, after consultation with the Participants in the constituency in which it wishes to be grouped, the Participant shall notify the Secretariat of its interest in changing its constituency grouping. The Participant shall be grouped in the new constituency subject to agreement by the Participants in that constituency and subsequent confirmation by the Council at its next meeting. The Council Member for the constituency shall confirm the constituency's agreement, and the Council shall confirm the new constituency grouping at its next meeting.

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.

15. The CEO shall convene two regular meetings of the Council in each calendar year. Such meetings shall normally be convened in April and October. Special meetings of the Council may be called by the CEO, after consultation with Members, when necessary decisions have to be made that cannot await adoption in a regular meeting or that are not taken pursuant to paragraphs 43 through 45.
16. The CEO shall give notice of the date of each regular meeting of the Council not less than eight weeks prior to the date of such meeting. The CEO shall give such notice for any special meeting of the Council not less than four weeks prior to the date of such meeting. Notice shall be conveyed to all those invited to the meeting in accordance with paragraphs 17 to 22 below.

Attendance

17. Council meetings shall be open to Members, Alternates, and the CEO or his/her representative. Two advisors may accompany each Member.
18. Representatives of each of the Participants shall be invited to observe the Council meetings.
19. Representatives of the Implementing Agencies, the Trustee, and STAP shall be invited to attend the Council meetings.
20. Consistent with paragraph 27 of the Instrument, representatives of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity shall, on a reciprocal basis, be invited to attend the Council meetings and, as appropriate, to make a general introductory statement at each regular Council meeting and shall be provided with an opportunity after their statements to respond to questions from Members. In addition, such representatives, subject to paragraphs 34 and 35, may intervene in the discussions of relevant agenda items before the Council.
21. Representatives of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund; the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; and the United Nations Commission on Sustainable Development shall also be invited to attend the Council meetings.
22. The CEO may, in consultation with the Council, invite representatives of other organizations and entities, including nongovernmental organizations, to attend or observe the Council meetings.

Executive sessions

23. Executive sessions of Council meetings may be held by decision of the Council. Executive sessions shall be open to Members, Alternates, advisors, and the CEO or his/her representative. The Council may invite representatives of bodies referred to in paragraphs 19 to 21 to attend an executive 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

24. 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 17 to 22 of these rules.
25. 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 14 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 17 to 22 of these rules seven days prior to the date fixed for the opening of the meeting.
26. 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 17 to 22 of these rules.
27. The Council shall, at the beginning of each meeting, adopt the agenda for the meeting.
28. 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 DOCUMENTS

29. The CEO shall transmit the documentation relating to items on the provisional agenda to all those invited to the meeting in accordance with paragraphs 17 to 22 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.

VII. ELECTED CHAIRPERSON

Paragraph 18 of the Instrument provides:

At each meeting, the Council shall elect a Chairperson from among its Members for the duration of that meeting.

The position of elected Chairperson shall alternate from one meeting to another between recipient and non-recipient Council Members.

30. For purposes of this paragraph and paragraph 18 of the Instrument, the non-recipient Members shall include the Members from developed countries and the Members from countries of central and eastern Europe and the former Soviet Union. The Members from the group that is entitled to the position of elected Chairperson for any meeting shall nominate a Member to be elected by the Council at that meeting.
31. The elected Chairperson shall serve in the meeting in that capacity, without the right to vote. The Alternate to the Member elected Chairperson shall act for the Member in the meeting. If during the meeting the elected Chairperson should no longer be able to serve in that capacity, the group that is entitled to the position for such meeting shall nominate another Member to serve as elected Chairperson.

VIII. CHIEF EXECUTIVE OFFICER/CHAIRPERSON OF THE FACILITY (CEO)

Paragraph 21 of the Instrument provides:

The CEO shall be appointed to serve for three years on a full-time basis by the Council on the joint recommendation of the Implementing Agencies. Such recommendation shall be made after consultation with the Council. The CEO may be reappointed by the Council. The CEO may be removed by the Council only for cause.

IX. SECRETARY OF THE COUNCIL MEETINGS

32. An official of the Secretariat designated by the Chief Executive Officer shall serve as Secretary of the Council meetings.

X. LANGUAGES

33. 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;
- (e) direct the utilization of GEF funds, review the availability of resources from the GEF Trust Fund, and cooperate with the Trustee to mobilize financial resources;
- (f) approve and periodically review operational modalities for the Facility, including operational strategies and directives for project selection; means to facilitate arrangements for project preparation and execution by organizations and entities referred to in paragraph 28; addi-

tional eligibility and other financing criteria in accordance with paragraphs 9(b) and 9(c), respectively; procedural steps to be included in the project cycle; and the mandate, composition, and role of STAP;

- (g) act as the focal point for the purpose of relations with the Conferences of the Parties to the conventions referred to in paragraph 6, including consideration, approval, and review of the arrangements or agreements with such Conferences, receipt of guidance and recommendations from them, and compliance with requirements under these arrangements or agreements for reporting to them;
- (h) in accordance with paragraphs 26 and 27, ensure that GEF-financed activities relating to the conventions referred to in paragraph 6 conform with the policies, program priorities, and eligibility criteria decided by the Conference of the Parties for the purposes of the convention concerned;
- (i) appoint the CEO in accordance with paragraph 21, oversee the work of the Secretariat, and assign specific tasks and responsibilities to the Secretariat;
- (j) review and approve the administrative budget of the GEF and arrange for periodic financial and performance audits of the Secretariat and the Implementing Agencies with regard to activities undertaken for the Facility;
- (k) in accordance with paragraph 31, approve an annual report and keep the UN Commission on Sustainable Development apprised of its activities; and
- (l) exercise such other operational functions as may be appropriate to fulfill the purposes of the Facility.

Interventions

- 34. 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.
- 35. 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

- 36. 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.

37. The Chair shall ascertain a consensus. Whenever decisions require a formal vote, the written text of the motion shall be distributed to all Members. Except in the case of a proposed decision transmitted in accordance with paragraphs 43 to 45, a formal vote shall only be taken at the Council meeting succeeding the meeting at which the written motion is distributed.
38. If an amendment to a proposal before the Council is presented by a Member or Members, voting shall take place first on this amendment. In case of more than one amendment, voting shall take place first on the amendment farthest removed from the original proposal.

Method of voting

39. Voting shall be by roll-call, which shall be taken in alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the Chair. The name

of each Member shall be called in all roll-calls, and he/she shall indicate the votes (“yes” or “no”), abstention, or non-participation of the Participants in the constituency.

40. Votes cast by each Member on behalf of each Participant participating in a roll-call shall be recorded in the Chairs’ joint summary of the meeting.

Conduct of voting

41. The Chair shall announce the start of voting, after which no one shall be permitted to intervene until the results of the vote have been announced, unless an issue is raised in connection with the process of voting.
42. Members may, before the announcement of the start of voting or after the results of the vote have been announced, make brief statements consisting solely of explanation of their votes.

Decisions without meeting

43. Whenever, in the judgment of the CEO, a decision must be taken by the Council that should not be postponed until the next regular meeting of the Council but does not warrant the calling of a special meeting of the Council, the CEO shall transmit to each Member by any rapid means of communication a proposed decision with an invitation to approve the decision on a no-objection basis. Such communication shall also be transmitted to all those who would be invited to a meeting in accordance with paragraphs 17 to 22.
44. Each Member’s comments on the proposed decision on behalf of his/her constituency shall be sent to the CEO during such period as the CEO may prescribe, provided such period is not less than two weeks.
45. At the expiration of the period prescribed for comments, the decision shall be approved unless there is an objection. If a proposed decision has financial implications, approval of the decision will require replies from at least two-thirds of the Members. If there is an objection raised by any Member to any proposed decision, the CEO shall include consideration of the proposed decision as an item in 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.

XIII. RECORD OF THE MEETING

46. 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.
47. 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

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

XV. OVERRIDING AUTHORITY OF THE INSTRUMENT

49. 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.



**GLOBAL
ENVIRONMENT
FACILITY**

1818 H Street NW
Washington, DC 20433 USA

www.theGEF.org

Printed on Environmentally Friendly Paper