



**UNITED
NATIONS**

ADVANCE UNEDITED VERSION

UNEP/EA.6/INF/12



**United Nations
Environment
Programme**

UNEP

Distr.: [Distribution]

[Date]

English only

**United Nations Environment Assembly
of the United Nations Environment Programme**

Sixth session

Nairobi, 26 February–1 March 2024

Items 5 and 6 of the provisional agenda

**International environmental policy and governance
issues**

**Programme of work and budget and other
administrative and budgetary issues.**

**Information supplementary to the report of the Executive
Director on amendments to the Instrument for the
Establishment of the Restructured Global Environment Facility**

Note by the secretariat

The annexes to the present note contain the following supplemental information in support of the report of the Executive Director on amendments to the Instrument for the Establishment of the Restructured Global Environment Facility (UNEP/EA.6/13): correspondence from the Chief Executive Officer and Chair of Global Environment Facility (GEF) addressed to the Executive Director of the United Nations Environment Programme dated October 19, 2023 (see annex I); the Joint Summary of the GEF Council Co-Chairs, December 02, 2022 (see annex II); the proposed Framework for GEF's Role in a Financial Mechanism for The Internationally Legally Binding Instrument Under Negotiation Under the United Nations Convention on The Law of The Sea on The Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ), dated October 31, 2022 (see annex III); the amendments to the Instrument for The Establishment of The Restructured Global Environment Facility, November 4, 2022. (see annex IV); the joint summary of the GEF Council Co-Chairs, June 29, 2023 (see annex V); preparing The GEF to Serve as Part of The Financial Mechanism of The Internationally Legally Binding Instrument Under the United Nations Convention on The Law of The Sea on The Conservation And Sustainable Use Of Marine Biological Diversity Of Areas Beyond National Jurisdiction (BBNJ) dated June 29, 2023 (see annex VI); the summary of the Chair of the Seventh GEF Assembly, August 22-25, 2023 (see Annex VII); the amendments to Instrument for the Establishment of a Restructured Global Environment Facility, dated July 18, 2023 (see annex VIII). The annexes are reproduced as submitted without formal editing.



October 19, 2023

Ms. Inger Andersen
Under-Secretary-General of the United Nations and
Executive Director of the United Nations Environment Programme

Dear Ms. Andersen,

I am pleased to inform you that the Seventh GEF Assembly, held in Vancouver, Canada, on August 24-25, 2023, approved a series of amendments to the *Instrument for the Establishment of the Restructured Global Environment Facility*.

The amendments cover several paragraphs and bring the GEF Instrument in line with current practice.

The text of the amendments, both in track changes and as clean text, is attached to this letter.

As requested in the Assembly's decision, I am submitting these amendments to you in your capacity as head of a GEF Implementing Agency and request that you undertake the necessary steps to facilitate the adoption of these amendments in accordance with your respective rules and procedural requirements.

I would appreciate it if you would keep us informed of the progress made in the adoption of these amendments so that we can confirm that they have come into force and inform the Council and Participants accordingly.

I would like to express my highest appreciation to you and your colleagues for the significant contribution that you made to the successful conclusion of the Seventh GEF Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Manuel Rodriguez", written over a horizontal line.

Carlos Manuel Rodriguez
GEF CEO and Chairman



December 02, 2022

63RD GEF COUNCIL MEETING
NOVEMBER 28 – DECEMBER 02, 2022
VIRTUAL MEETING

Agenda Item 19

JOINT SUMMARY OF THE GEF COUNCIL CO-CHAIRS

OPENING OF THE MEETING

1. The meeting was opened by Carlos Manuel Rodriguez, Chief Executive Officer/Chairperson of the Facility. Ambassador Aliioiga Feturi Elisaia, Council Member for Cook Islands, Fiji, Indonesia, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu, Vanuatu acted as Elected Chairperson, as per Decision 37/2021 adopted on December 10, 2021.

ADOPTION OF THE AGENDA

2. The Council adopted the provisional agenda set forth in document GEF/C.63/01.

REPORT OF THE CHAIRPERSON OF THE SCIENTIFIC AND TECHNICAL ADVISORY PANEL

3. Ms. Rosina Bierbaum, the Chairperson of the Scientific and Technical Advisory Panel, made a statement to the Council on the activities undertaken by the Panel.

RELATIONS WITH THE CONVENTIONS AND OTHER INTERNATIONAL INSTITUTIONS

4. Ms. Elizabeth Mrema, Executive Secretary of the Secretariat of the Convention on Biological Diversity; Mr. Rolph Payet, Executive Secretary of the Basel Rotterdam and Stockholm Conventions; Ms. Monika Stankiewicz, Executive Secretary of the Minamata Convention on Mercury and Ms. Andrea Meza Murillo, Deputy Executive Secretary of the United Nations Convention to Combat Desertification, Mr. Ovais Sarmad, Deputy Executive Secretary of the Secretariat of the United Nations Framework Convention on Climate Change, addressed the Council.

DECISIONS APPROVED

5. The Council approves the following decisions with respect to its agenda items:

Decision 29/2022 *The GEF Monitoring Report 2022*

6. The Council, having considered *The GEF Monitoring Report 2022* (GEF/C.63/03), welcomes the report, its implementation of the GEF-8 Results Measurement Framework, and enhanced assessment of the risk to achieving project outcomes. The Council requests Agencies, through engagement with the Secretariat, to lend their support in ensuring a strong uptake of Core Indicators across projects and conducting effective risk assessments.

Decision 30/2022 *Work Program for GEF Trust Fund*

7. The Council, having considered document GEF/C63/04, *Work Program for GEF Trust Fund*, approves the Work Program comprising 8 projects, subject to comments made during the

Council meeting and additional comments that may be submitted in writing to the Secretariat by January 6, 2023¹².

8. Total resources approved in this Work Program amounted to \$64.7 million which include GEF project financing and Agency fees. The Work Program is comprised of the following Project Identification Forms (PIFs), and Non-expedited Enabling Activity:
9. **Yemen:** Managing Biodiversity and Environmental Risks Associated with the Safer Salvage Operation in the Red Sea, UNDP, [GEF Project Financing: \$4,016,210] [GEF ID: 11056]
10. **Zimbabwe.** Global Opportunities for Long-Term Development of the Artisanal and Small-Scale Gold Mining Sector in Zimbabwe- GEF planetGOLD Zimbabwe, UNEP, [GEF Project Financing: \$5,000,000] [GEFID 11048]
11. **Regional** (Kenya, Nigeria, South Africa, Uganda, Zimbabwe): Circular and POPs-free Plastics in Africa, UNEP, [GEF project financing: \$11,000,000] [GEF ID: 11049]
12. **Armenia:** Armenia Integrated Resilient Landscape Improvement Project (AIR LIP), World Bank, [GEF Project Financing: \$5,450,000] [GEF ID: 11046]
13. **Brazil:** Conservation of the Atlantic Forest through the sustainable management of cocoa agroforestry landscapes, FAO, [GEF Project Financing: \$4,700,000] [GEF ID 11052]
14. **Global** (Algeria, Armenia, Bahrain, Cabo Verde, Cameroon, Comoros, Dominican Republic, Haiti, Honduras, Jordan, Lao PDR, Maldives, Morocco, Palau, Panama, Samoa, Sao Tome and Principe, Serbia, Solomon Islands, Sudan, Suriname, Timor Leste, Uruguay, Vanuatu, Venezuela, and Zimbabwe): Umbrella Programme to Support Development of Biodiversity Finance Plans, UNDP, [GEF Project Financing: \$ 18,690,000] [GEF ID 11054]
15. With respect to the following 2 projects, the Council requested the Secretariat to arrange for Council members to receive draft final project documents and to transmit to the CEO within four weeks any concerns they may have prior to the CEO's endorsing the project document for final approval by the GEF Agency:
16. **Regional** (Bolivia, Colombia, Ecuador, Honduras, Mexico, Peru): Accelerate Minamata Convention compliance through improved understanding and control of mercury trade in Latin America, UNEP, [GEF Project Financing: \$3,000,000] [GEF ID 11047]
17. **Regional** (Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen): An Inclusive Approach for Harnessing Marine Ecosystem Services and Transforming to Sustainable Blue

¹ The United States, in light of its policies related to development projects in Zimbabwe, opposes and therefore does not join a Council decision that would support GEF projects 11048 in Zimbabwe and 11049 in Zimbabwe.

² The decision with respect to project review for UNDP projects (Decision GEF/C.61/04) will apply to all UNDP projects in this WP.

Economy in the Red Sea and Gulf of Aden (HESBERSGA), UNEP, [GEF Project Financing: \$7,350,000] [GEF ID 11050]

18. With respect to the PIFs and Non-expedited Enabling Activity approved as part of the Work Program, the Council finds that each of these PIFs and Non-expedited Enabling Activity (i) is, or would be, consistent with the Instrument and GEF policies and procedures, and (ii) may be endorsed by the CEO for final approval by the GEF Agency, provided that the final project documents fully incorporate and address the Council's and the STAP reviewer's comments on the Work Program, and that the CEO confirms that the project continues to be consistent with the Instrument and GEF policies and procedures.

19. With respect to any PIF and Non-expedited Enabling Activity approved in this Work Program, the final project document will be posted on the GEF website for information after CEO endorsement. If there are major changes to the project objectives or scope since PIF approval, the final project document shall be posted on the web for Council review for four weeks prior to CEO endorsement.

Decision 31/2022

Country Engagement Strategy Implementation Arrangements for GEF-8

20. The Council, having considered GEF/C.63/05, *Country Engagement Strategy Implementation Arrangements for GEF-8*, approves the proposal for the Secretariat to execute the Country Engagement Strategy according to the procedures contained therein.

21. The Country Engagement Strategy will include the following elements, funded by the GEF Trust Fund, with a total of US\$27 million, to be allocated for each activity as specified below:

- a. Upstream Technical Dialogues & National Dialogues: US\$ 2.1million
- b. GEF Workshops and GEF Introduction Seminars: US\$ 12.0 million
- c. GEF Constituency Meetings: US\$ 4 million
- d. Building execution capacity of stakeholders: US\$ 1.1 million
- e. Financial Support to GEF Operational Focal Points: US\$ 5.8 million
- f. Knowledge Exchange and Learning: US\$ 2 million

22. The Council approves a set aside US\$27 million in GEF Trust Fund resources for use by the Secretariat to fund these activities.

23. The Council also approves the addition of the following activities under the expanded scope of CES and directs the GEF Secretariat to finance such activities from the previously approved funding cycles for CSP. As such, no new funding is requested for the below mentioned activities:

- a. Gustavo Fonseca Youth Conservation Leadership Program: US\$ 10 million
- b. Site visits for Council Members: US\$ 1.2 million
- c. Support for Country Delegations and Relevant Stakeholders to Attend COPs to the Conventions and Related Meetings: US\$ 2 million

Decision 32/2022 *GEF Small Grants Programme 2.0 Implementation Arrangements for GEF-8*

24. The Council, having considered GEF/C.63/06/Rev.01, *GEF Small Grants Programme 2.0 Implementation Arrangements for GEF-8*:

- a. endorses the proposed arrangements,
- b. approves the approach and timeline to start the selection process in 2023 of up to two new Agencies from the existing cohort of accredited GEF Agencies to serve, in addition to UNDP, as Core SGP Implementing Agencies, and that a portion of SGP Core resources is opened to these agencies to begin implementation during the GEF-8 period,
- c. approves an amendment to paragraph 3.c of the Agency Fee Policy (FI/PL/03) to specify that fees for the Small Grants Program are set at 9.0%.

Decision 33/2022 *Report on Lead Agency Selection Process for the Integrated Programs*

25. The Council, recalling its decision 9/2022 and having considered document GEF/C.63/07, *Report on Lead Agency Selection Process for the Integrated Programs*, notes the technical and analytical steps taken by the GEF Secretariat and endorses the agencies selected to lead the Integrated Programs.

Decision 34/2022*Relations with Conventions and Other International Institutions*

26. The Council, having considered document GEF/C.63/08, *Relations with the Conventions and Other International Institutions*, welcomes the report and requests the GEF network to continue to work with recipient countries to reflect the guidance and national priorities in their GEF programming and activities.

Decision 35/2022*Third Party Review of Agency Compliance with GEF Minimum Standards*

27. The Council, having considered document GEF/C.63/09/Rev.01, *Third Party Review of Agency Compliance with GEF Minimum Standards*,

- a. Notes with appreciation the collaboration of GEF Agencies in the self-assessment and review process.
- b. Requests the GEF Agencies found not to be fully compliant in all components to prepare time-bound Action Plans to address any gaps identified by the Review, submit these to the Secretariat no later than January 31, 2023, for circulation to Council.
- c. Notes the findings of the additional self-assessment and review of UNDP showing UNDP in full compliance.
- d. Decides that the measures related to UNDP described in Decision 26/2021 should continue; to be reviewed after Council has considered the additional UNDP self-assessment and review planned for 2023.
- e. Requests AfDB, BOAD and DBSA to provide the additional information required to complete the review of outstanding components as soon as possible, but no later than December 31, 2022.

Decision 36/2022*Proposed framework for GEF's role in a financial mechanism for the internationally legally binding instrument under negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ)*

28. The Council, having considered document GEF/C.63/10 *Proposed Framework for GEF's Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ)*, takes note of the

progress of the Intergovernmental Conference (IGC) to prepare a legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine BBNJ; and, if requested by the IGC, would welcome the GEF becoming the Financial Mechanism or part of the Financial Mechanism of the instrument, within the framework of the GEF.

Decision 37/2022 *Amendments to the Instrument of the Establishment of the restructured GEF*

29. The Council, having considered document GEF/C.63/11, *Amendments to the Instrument for the Establishment of the Restructured Global Environment Facility*, decides to recommend to the Assembly the updated text of the Instrument as contained in Annex II.

Decision 38/2022 *GEF Blended Finance Global Program and NGI Policy Update*

30. The Council, having considered document GEF/C.63/12, GEF-8 Blended Finance Global Program and NGI Policy Update, approves the proposed GEF-8 Blended Finance Global Program and Policy Update. The Council also requests the Secretariat to work with the GEF Trustee to provide an annual report on blended finance expected reflows to be submitted at the second Council meeting of each year.

Decision 39/2022 *Management Response to the Review of the GEF Management Action Record*

31. The Council, having considered documents GEF/E/C.63/01, *Review of the GEF Management Action Record (MAR)*, and GEF/C.63/13, the Management Response, takes note of the related evaluation recommendations and endorses the management response to address them.

Decision 40/2022

32. The Council, following its discussion of documents GEF/E/C.63/01 and GEF/C.63/13, requests the Independent Evaluation Office to provide the GEF Secretariat with complete evaluations at least 4 weeks prior to the Council document posting deadline, and therefore at least 8 weeks prior to the Council meeting, in order to facilitate the timely preparation of management responses.

Decision 41/2022 *Management Response: Evaluation of the Effects of the COVID-19 Pandemic on GEF Activities*

33. The Council, having considered documents GEF/E/C.63/02, *Evaluation of the Effects of the Covid-19 Pandemic on GEF Activities*, and GEF/C.63/14, the Management Response, takes

note of the related evaluation recommendations and endorses the management response to address them.

Decision 42/2022

Report of the Selection and Review Committee

34. The Council, having reviewed document GEF/C.63/15, *Report of the Selection and Review Committee (SRC)*:

a. Agrees with the SRC's assessment of the GEF CEO's performance for the Performance Year 22 (July 1, 2021, to June 30, 2022) and its recommended performance rating. The World Bank will provide its standard salary increase, in accordance with the World Bank's Merit Increase Matrix. The Council requests the SRC to communicate this decision to the World Bank Human Resource Department.

b. Agrees with the SRC's assessment of the GEF IEO Director's performance for the Performance Year 22 (July 1, 2021, to June 30, 2022) and its recommended performance rating. The World Bank will provide its standard salary increase, in accordance with the World Bank's Merit Increase Matrix. The Council requests the SRC to communicate this decision to the World Bank Human Resource Department.

c. Takes note of the 2023 performance objectives for the GEF CEO and IEO Director and requests the SRC present the performance evaluations of the GEF CEO and IEO Director for the Council's review at its 65th meeting.

Decision 43/2022

Other business

35. The Council, recalling its decision 20/2021, decides that it will hold its 64th Session, in person, the week of June 26 to 28, 2023.

Decision 44/2022

36. The Council, recalling its decision 35/2021 and as provided in the GEF Policy on Ethics and Conflict of Interest, approves Ms. Judith Torres, Alternate Council Member for the constituency of Argentina, Bolivia, Chile, Paraguay, Peru and Uruguay, as a member of the GEF Ethics committee for a term of two years (December 2024) or until the expiration of her term on the Council, whichever comes first.

CLOSURE OF THE MEETING

The meeting closed on December 02, 2022.

Global Environment Facility

**Table 1: Record of GEF Trust Fund Resources Requested for Projects/Programs and Resulting Council Decisions
Council Meeting, December 2, 2022**

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding in US\$			Project Amounts Approved by Council in US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
<u>Stand-Alone Full-sized Projects</u>												
<u>Biodiversity</u>												
1	11056	UNDP	Managing Biodiversity and Environmental Risks Associated with the Safer Salvage Operation in the Red Sea	Yemen	Biodiversity	4,016,210	381,540	4,397,750	4,016,210	381,540	4,397,750	76,308
<u>Sub-total Biodiversity Projects</u>						4,016,210	381,540	4,397,750	4,016,210	381,540	4,397,750	76,308
<u>Chemicals and Waste Projects</u>												
2	11049	UNEP	Circular and POPs-free Plastics in Africa	Regional (Kenya, Nigeria, South Africa, Uganda, Zimbabwe)	Chemicals and Waste	11,000,000	990,000	11,990,000	11,000,000	990,000	11,990,000	198,000
3	11048	UNEP	Global Opportunities for Long-Term Development of the Artisanal and Small-Scale Gold Mining Sector in Zimbabwe- GEF planetGOLD Zimbabwe	Zimbabwe	Chemicals and Waste	5,000,000	475,000	5,475,000	5,000,000	475,000	5,475,000	95,000

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding in US\$			Project Amounts Approved by Council in US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
4	11047	UNEP	Accelerate Minamata Convention compliance through improved understanding and control of mercury trade in Latin America	Regional (Bolivia, Colombia, Ecuador, Honduras, Mexico, Peru)	Chemicals and Waste	3,000,000	285,000	3,285,000	3,000,000	285,000	3,285,000	57,000
Sub-total Chemicals and Waste Projects						19,000,000	1,750,000	20,750,000	19,000,000	1,750,000	20,750,000	350,000
International Waters Projects												
5	11050	UNEP	An Inclusive Approach for Harnessing Marine Ecosystem Services and Transforming to Sustainable Blue Economy in the Red Sea and Gulf of Aden (HESBERSGA)	Regional (Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen)	International Waters	7,350,000	698,250	8,048,250	7,350,000	698,250	8,048,250	139,650
Sub-total International Waters Projects						7,350,000	698,250	8,048,250	7,350,000	698,250	8,048,250	139,650
Multi Focal Area Projects												

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding in US\$			Project Amounts Approved by Council in US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
6	11052	FAO	Conservation of the Atlantic Forest through the sustainable management of cocoa agroforestry landscapes	Brazil	Multi Focal Area	4,700,000	446,500	5,146,500	4,700,000	446,500	5,146,500	89,300
7	11046	World Bank	Armenia Integrated Resilient Landscape Improvement Project (AIR LIP)	Armenia	Multi Focal Area	5,450,000	517,750	5,967,750	5,450,000	517,750	5,967,750	103,550
Sub-total Multi Focal Area Projects						10,150,000	964,250	11,114,250	10,150,000	964,250	11,114,250	192,850
Non-expedited Enabling Activity												
8	11054	UNDP	Umbrella Programme to Support Development of Biodiversity Finance Plans	Global (Algeria, Armenia, Bahrain, Cabo Verde, Cameroon, Comoros, Dominican Republic, Haiti, Honduras, Jordan, Lao PDR, Maldives, Morocco, Palau, Panama, Samoa, Sao Tome and Principe, Serbia, Solomon Islands, Sudan, Suriname, Timor Leste, Uruguay, Vanuatu, Venezuela, Zimbabwe)	Biodiversity	18,690,000	1,682,100	20,372,100	18,690,000	1,682,100	20,372,100	-

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding in US\$			Project Amounts Approved by Council in US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
<u>Sub-total Non-expedited Enabling Activity</u>						18,690,000	1,682,100	20,372,100	18,690,000	1,682,100	20,372,100	-
GRAND TOTAL						59,206,210	5,476,140	64,682,350	59,206,210	5,476,140	64,682,350	758,808

Global Environment Facility
Table 2: Record of GEF Trust Fund Resources Requested and Resulting Council Decisions
Council Meeting, December 2, 2022
Summary of Council Decisions

	GEFTF
Funding status as of 11/07/2022	\$ 193,420,809
Approvals by Council	\$ 64,682,350
Funding status after Council Meeting	\$ 128,738,459

Agency	GEFTF Amounts Requested for Funding in US\$			GEFTF Amounts Approved by Council in US\$			
	Project Financing	Agency Fee	Total	Project Financing	Agency Fee	Total	20% of Agency fee to be committed by Trustee
Project/Programs funding							
ADB	-	-	-	-	-	-	-
AfDB	-	-	-	-	-	-	-
BOAD	-	-	-	-	-	-	-
CAF	-	-	-	-	-	-	-
CI	-	-	-	-	-	-	-
DBSA	-	-	-	-	-	-	-
EBRD	-	-	-	-	-	-	-
FAO	4,700,000	446,500	5,146,500	4,700,000	446,500	5,146,500	89,300
FECO	-	-	-	-	-	-	-
FUNBIO	-	-	-	-	-	-	-
IADB	-	-	-	-	-	-	-
IFAD	-	-	-	-	-	-	-
IUCN	-	-	-	-	-	-	-
UNDP	22,706,210	2,063,640	24,769,850	22,706,210	2,063,640	24,769,850	76,308
UNEP	26,350,000	2,448,250	28,798,250	26,350,000	2,448,250	28,798,250	489,650

Agency	GEFTF Amounts Requested for Funding in US\$			GEFTF Amounts Approved by Council in US\$			
	Project Financing	Agency Fee	Total	Project Financing	Agency Fee	Total	20% of Agency fee to be committed by Trustee
UNIDO	-	-	-	-	-	-	-
World Bank	5,450,000	517,750	5,967,750	5,450,000	517,750	5,967,750	103,550
WWF-US	-	-	-	-	-	-	-
Sub-total	59,206,210	5,476,140	64,682,350	59,206,210	5,476,140	64,682,350	758,808
GRAND TOTAL	59,206,210	5,476,140	64,682,350	59,206,210	5,476,140	64,682,350	758,808



GEF/C.63/10
October 31, 2022

63rd GEF Council Meeting
November 28 - December 02, 2022
Virtual Meeting

Agenda Item 13

**PROPOSED FRAMEWORK FOR GEF'S ROLE IN A FINANCIAL MECHANISM FOR THE
INTERNATIONALLY LEGALLY BINDING INSTRUMENT UNDER NEGOTIATION UNDER
THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA ON THE
CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF
AREAS BEYOND NATIONAL JURISDICTION (BBNJ)**

Recommended Council Decision

The Council, having considered document GEF/C.63/10 *Proposed Framework for GEF's Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ)*, takes note of the progress of the Intergovernmental Conference (IGC) to prepare a legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine BBNJ; and, if requested by the IGC, would welcome the GEF becoming the Financial Mechanism or part of the Financial Mechanism of the instrument, within the framework of the GEF.

EXECUTIVE SUMMARY

1. This document provides the Council with background and an update on the intergovernmental process elaborating an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). It most notably reports on the fifth session of the BBNJ Intergovernmental Conference (IGC-5), which took place from August 15 to 26, 2022, and worked on the basis of the further revised draft of the BBNJ agreement released on May 30, 2022.¹ In its Article 52 - Funding, the new draft identified, for the first time, the GEF as a potential operator of part of “a mechanism for the provision of adequate, accessible and predictable financial resources” that would be created by the BBNJ agreement.
2. Given these developments, the GEF Council may wish to consider conveying to the IGC, which may conclude its deliberations at the resumed IGC-5 session, the willingness of the GEF to be the financial mechanism or part of the financial mechanism of the BBNJ instrument.
3. The document further describes the process for the GEF to support the BBNJ instrument as part of GEF-8 International Waters Focal Area Strategy, which states: “At the request of the negotiating parties to an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction, once negotiations have concluded, and with the agreement of the GEF Council, support national ratification and implementation of the instrument.”²

¹ A/CONF.232/2022/5: [Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.](#)

² GEF, 2022, [GEF-8 Programming Directions](#), p179. Council document: GEF/R.08/29/Rev.01.

Table of Contents

Executive Summary.....	ii
Introduction	1
Background	1
Negotiation Process	1
GEF Council Engagement	3
The GEF's Past and Current Engagement in the Conservation and Sustainable Use of BBNJ..	3
Rationale for GEF Engagement on BBNJ.....	6
Finance	6
Technical Expertise	6
Synergies and Integration	7
Institutional and Operational Experience.....	7
GEF-8 Replenishment.....	8
Proposed Framework for GEF Role in a Financial Mechanism for the BBNJ Agreement.....	8
Governance.....	9
GEF Trust Fund Support	9
Operations and Strategy Requirements	10
Compliance with Convention Obligations	10
Operational Principles.....	10
Project Support	11
Enabling Activities.....	12

INTRODUCTION

1. The United Nations General Assembly (UNGA) resolution 72/249 launched in 2017 a negotiation process and convened an Intergovernmental Conference (IGC) with the mandate “to elaborate the text of an international legally binding instrument under the UN Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), with a view to developing the instrument as soon as possible.” A mechanism for the provision of adequate, accessible and predictable financial resources under the Agreement is under discussion in the context of the IGC. The mechanism is to assist developing States Parties in implementing the Agreement, including through funding to support capacity-building and the transfer of marine technology.
2. The draft considered by the latest IGC includes the GEF Trust Fund as a part of a mechanism for the provision of financial resources. The negotiating Parties are considering a mechanism with three elements: (i) a voluntary trust fund to facilitate participation of representatives of developing States Parties in the meetings of the bodies under this Agreement, (ii) a special fund established by the Conference of the Parties, and (iii) the GEF Trust Fund.
3. This document summarizes the background of the BBNJ negotiations, the GEF’s ongoing support for topics relevant to the BBNJ, and the rationale for the GEF engagement. It also elaborates on a framework of a financial mechanism for the BBNJ, and topics to be considered by the GEF Council and the GEF Secretariat as the BBNJ negotiation progresses.

BACKGROUND

4. In the context of the BBNJ process, Areas Beyond National Jurisdiction (ABNJ) mean the high seas and the Area as defined by UNCLOS, i.e. (i) all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State, and (ii) the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. As such, ABNJ make up 40 percent of the surface of our planet, 64 percent of the surface of the oceans and nearly 95 percent of its volume. This vast global common contains marine resources and biodiversity of immense ecological, socioeconomic, and cultural importance.
5. Yet, the biodiversity and ecosystems of ABNJ are subject to multiple anthropogenic threats, including overfishing, illegal, unreported and unregulated (IUU) fishing, pollution, habitat loss and degradation, and climate change.

Negotiation Process

6. In response to these threats, work on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction was initiated under the UN General Assembly in 2004 through a dedicated Ad Hoc Open-ended Informal Working Group (UNGA resolution 59/24).

7. Building on the outcomes of the Working Group, the package of topics to be addressed under the BBNJ process was agreed in 2011 (UNGA resolution 66/231), namely, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole:

- marine genetic resources, including questions on the sharing of benefits;
- measures such as area-based management tools, including marine protected areas;
- environmental impact assessments;
- capacity-building and the transfer of marine technology.

8. Building on the nine sessions the Working Group held between 2006 and 2015, the UNGA decided in 2015 to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (UNGA resolution 69/292). Following four sessions of a dedicated Preparatory Committee, the UNGA convened an Intergovernmental Conference (IGC) to develop the instrument. The four sessions of the IGC mandated by UNGA resolution 72/249 were held on September 4-17, 2018, March 25 to April 9, 2019, August 19-30, 2019, and March 7-18, 2022. The GEF Secretariat personnel participated in these sessions as observers.

9. As the fourth IGC session concluded that an additional session was required, the UNGA decided to convene a fifth session (IGC-5) from August 15-26, 2022 (UNGA decision 76/564).

10. IGC-5 worked on the basis of the further revised draft of the BBNJ agreement released on May 30, 2022, by the President of the IGC.³ In its article 52 on Funding, the further revised draft identified, for the first time, the GEF Trust Fund as a part of a mechanism that would be created by the BBNJ agreement for the provision of financial resources. The further revised draft included a financial mechanism composed of three elements: (i) a voluntary trust fund to facilitate participation of representatives of developing States Parties in the meetings of the bodies under this Agreement, (ii) a special fund established by the Conference of the Parties, and (iii) the GEF Trust Fund.

11. Negotiating Parties formally discussed the further revised draft text. Multiple delegations voiced their support for the GEF to become part of the financial mechanism, and no reservations or objections to the GEF serving in this role were raised during the formal negotiations. The GEF Secretariat personnel were available to respond to questions raised by negotiating Parties as well as by the Presidency.

³ A/CONF.232/2022/5: [Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.](#)

12. While considerable progress was made, negotiations were not finalized at IGC-5. It was agreed by consensus to suspend the meeting and to reconvene IGC-5 at a date still to be determined.

GEF Council Engagement

13. Given the short amount of time between the release of the further revised draft text and the subsequent GEF Council meeting, it was not possible to organize a formal discussion on BBNJ at the 62nd GEF Council, held in June 2022. An update on the BBNJ negotiations was summarized in the Relations with Conventions Council document.⁴

14. In addition, an informal Council session with the President of the IGC was organized at the 62nd GEF Council to inform the Council about the significant developments in the BBNJ negotiations. The informal session was, however, unable to proceed due to a power outage at the Council venue.

15. As requested during the 62nd GEF Council, a virtual briefing session on BBNJ was organized on August 2, 2022, to inform the Council, to present the process that would need to unfold should negotiating Parties wish to discuss the possibility for the GEF to operate part, or all, of the BBNJ financial mechanism, and to enable an informal exchange with the President of the IGC. A number of Council members and alternates participated in this session.

16. At IGC-5, the President of the IGC briefed the negotiating Parties on her interaction with the GEF Council in early August 2022.

The GEF's Past and Current Engagement in the Conservation and Sustainable Use of BBNJ

17. While not linked to any specific global convention, the GEF has had, since its creation, the mandate to provide grants and concessional funding to achieve global environmental benefits in the area of international waters. Accordingly, most past and on-going work relevant to the BBNJ process has been funded through the International Waters Focal Area.

18. To date, the GEF has invested over \$1.2 billion in the management of shared marine resources. Nearly all of these investments were made through regional and multi-country projects, where countries came together to improve the governance of shared large marine ecosystems (LMEs).

19. The GEF has invested more than \$80 million, leveraging more than \$500 million of co-financing, in the management of ABNJ.

⁴ GEF, 2022, [Relations with the Conventions and Other International Institutions](#). Council document GEF/C.62/12.

20. The first GEF investments related to the ABNJ date back GEF-4, with a project focused on ecosystem-based fisheries on Seamounts in the Southern Indian Ocean (2009-2013),⁵ which benefited from a \$950,000 grant from the GEF.

21. The GEF-5 Transboundary Waters Assessment Programme (GEF TWAP) was the first global assessment of transboundary water systems, including ABNJ. It was undertaken to assist GEF and other international organizations improve the setting of priorities for funding and to formalize partnerships with key institutions so that transboundary considerations are incorporated in regular assessment programmes. The Intergovernmental Oceanographic Commission (IOC) of UNESCO led the thematic assessment of the Open Ocean (2013-2017),⁶ which covered the ABNJ, with a \$600,000 GEF grant. Published in 2016, the Open Ocean assessment⁷ covered the following themes: governance, climate variability and change, fisheries, pollution, and an integrated assessment of these cumulated impacts.

22. The GEF-5 Common Oceans ABNJ Program (2014-2019)⁸ was the first major GEF investment in the management of ABNJ, with a \$50 million GEF grant. It included full-sized projects related to tuna fisheries, sustainable use of deep-sea living resources, and Ocean Partnerships. The latter developed series of business cases to catalyze investments in sustainable management of migratory fish stocks. The program also included a medium-sized project (MSP) to promote global and regional coordination on key ABNJ issues related to fisheries and biodiversity conservation, and program coordination MSP. Led by the Food and Agriculture Organization of the United Nations (FAO), the program involved the United Nations Environment Programme (UNEP) and the World Bank Group (WBG), as well as all Regional Fisheries Management Organizations (RFMOs) managing tuna fisheries and other intergovernmental organizations, national governments, the private sector, civil society and academia. Besides the GEF grant, the program leveraged over \$370 million in co-financing by various partners.

23. According to its terminal evaluation,⁹ the GEF-5 Common Oceans ABNJ Program showed positive results in key areas and demonstrated leading contributions towards improving tuna fisheries governance, safeguarding of vulnerable marine ecosystems (VME), strengthening monitoring, control and surveillance to combat IUU fishing, mitigating bycatch mortality trends, and building awareness of cross-sectoral aspects in effective governance of ABNJ. The program led to a number of transformational changes, i.e. changes or practices that are mainstreamed

⁵ Global, [Applying an Ecosystem-based Approach to Fisheries Management: Focus on Seamounts in the Southern Indian Ocean](#), (GEF ID 3138), Agency: UNDP, GEF Project Financing: \$950,000; Co-financing: \$5,974,000.

⁶ Global, [A Transboundary Waters Assessment Programme: Aquifers, Lake/Reservoir Basins, River Basins, Large Marine Ecosystems, and Open Ocean to Catalyze Sound Environmental Management](#), (GEF ID 4489), Agency: UNEP; GEF Project Financing: \$5,000,000; Co-financing: \$31,895,581.

⁷ UNESCO IOC and UNEP (2016). [The Open Ocean: Status and Trends](#). United Nations Environment Programme (UNEP), Nairobi.

⁸ FAO. 2021. [Not a drop in the ocean: Key Successes Common Oceans ABNJ Program 2014-2019](#). Rome.

⁹ FAO. 2020. [Terminal evaluation of the areas beyond national jurisdiction \(ABNJ\) Program Coordination, part of the "Global sustainable fisheries management and biodiversity conservation in ABNJ"](#). Programme Evaluation Series, 10/2020. Rome

by the key institutional actors and can be deemed irreversible, which have the potential to show impact on the state of fish stocks and biodiversity, especially the impact of fishing operations on vulnerable species. The terminal evaluation concluded that several important results could not have been achieved without the GEF funding. The most important dimensions of GEF additionality as perceived by agencies were institutional/governance, and financing for innovative/transformational techniques and pilots.

24. Building on these successes, the GEF Council approved in 2020 a \$27 million grant for the GEF-7 Common Oceans program.¹⁰ The Program consists of five child projects – two global projects that promote sustainable management of tuna and deep-sea fisheries, a third project that seeks to build capacity to improve cross-sectoral collaboration and coordination on key ABNJ issues at global level, a fourth project that examines geographically focused multi-sectoral governance and a fifth project that seeks to ensure effective coordination, communication, partnerships, lesson learning and knowledge management between the other child projects and support innovative financing initiatives for sustainable use of ABNJ resources across the Program. This common ocean program aims to improve management of 12 million hectares of marine protected areas and move 943,000.00 tons of globally over-exploited fisheries to more sustainable levels. Furthermore, it will promote more comprehensive processes and integrated approaches to the sustainable use and management of the ABNJ, building on the results and lessons of the GEF-5 ABNJ Program and complementing the ongoing efforts of various partners, parallel initiatives and political processes.

25. In GEF-8, the International Waters Focal Area has an allocation of \$565 million, of which \$34 million is notionally allocated to ABNJ under Objective 2 of the International Waters Focal Area Strategy.

26. Beyond the International Waters Focal Area, the GEF funds capacity building in the area of marine genetic resources from the Biodiversity Focal Area as part of its support to the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. Current funding is thus restricted to genetic resources under national jurisdictions, but the underlying capacity needs largely overlap with those required for handling and use of genetic resources of the ABNJ. Example of such projects include a GEF-5 project in Fiji,¹¹ which notably contributed to capacity building and technology transfer for marine bioprospection and the discovery of compounds for pharmaceutical and chemical use. Enhanced capacities related to marine invertebrate taxonomy, various analytical techniques, bioassays, data handling processes, marine sample collection and storage of marine samples.

¹⁰ Global. *Common Oceans - Sustainable Utilization and Conservation of Biodiversity in Areas Beyond National Jurisdiction* (GEF ID 10548). Agencies: FAO, UNDP, UNEP; Project Financing: \$26,719,744; Co-financing: \$264,446,227.

¹¹ Fiji, *Discovering Nature-Based Products and Building Capacities for the Application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing*, (GEF ID 5170), Agency: UNDP, Project Financing \$970,000; Co-financing: \$2,712,779.

27. In GEF-8, \$82 million is notionally allocated for the support of the Nagoya and Cartagena Protocols in the Biodiversity Focal Area, which has the total allocation of \$1,919 million.

28. The GEF is also a major funder of marine protected areas and marine spatial planning. In GEF-7, though the International Waters and the Biodiversity Focal Areas, the GEF approved close to \$370 million of grants for 56 projects that will support the creation or improved management of 1.4 billion ha of marine protected areas globally.

29. Furthermore, the GEF-8 programming opportunities include eleven Integrated Programs that address the major environmental needs of the planet for which the GEF has a mandate. Among the eleven, the Integrated Programs on the Clean and Healthy Oceans and Blue and Green Islands may be relevant to BBNJ.

RATIONALE FOR GEF ENGAGEMENT ON BBNJ

30. This section summarizes key rationale for GEF engagement on BBNJ.

Finance

31. The key benefit of GEF's engagement on BBNJ is its ability and track record to leverage resources available to recipient countries to implement the instrument. The established GEF model catalyzes co-financing from bilateral donors, the private sector, the public and NGO sector, and from national budgets. There is no other existing model in operation that can offer this multiplier effect. Since GEF-5, the GEF has leveraged over \$500 million from various sources with \$80 million of GEF grant for the management of ABNJ.

32. Through the GEF, its contributors would also be able to meet their obligations to the proposed BBNJ instrument where donor contributions can leverage support from other partners.

Technical Expertise

33. As described in the previous subsection, the GEF has a track record on successfully supporting the management of shared marine resources and on the conservation and sustainable use of marine biodiversity through its International Waters and Biodiversity Focal Areas.

34. The GEF partnership includes, and is able to leverage, a wide range of BBNJ-relevant expertise, such as marine spatial planning, marine protected areas and other effective area-based conservation measures (OECM), capacity building and technology transfer, mainstreaming of biodiversity in policies and sector operations, and access to genetic resources and the fair and equitable sharing of benefits arising from their utilization, among others. It is thus well placed on the technical level to support all four areas that are to be covered in the BBNJ agreement, namely marine genetic resources, including questions on the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; capacity-building and the transfer of marine technology.

Synergies and Integration

35. While the management of the ABNJ involves specific technical and institutional challenges, a significant share of the technology and capacity needed to meet the new legal obligations contemplated under the BBNJ agreement is similar or related to those already supported by the GEF in the context of the International Waters and Biodiversity Focal Areas. Incorporating support to the BBNJ instrument in the GEF Trust Fund would facilitate the building of synergies with GEF support provided according to its mandate on International Waters, and as financial mechanism to the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

36. In the GEF, recipient countries would have the ability to develop integrated, systemic projects that simultaneously address multiple conventions. This ability to support integrated projects may benefit the BBNJ, as there may be possibilities to aim for multiple benefits and higher impacts with the Convention on Biological Diversity and its Nagoya Protocol, as well as relevant elements of the post-2020 Global Biodiversity Framework once it is agreed upon. Interventions aimed at developing the legal, regulatory, policy or enforcement frameworks for environmental impact assessments as a response to related provisions of the BBNJ agreement could, for instance, be carried out within larger projects seeking to advance the mainstreaming of biodiversity in key sectors and policies that may have impacts both within national jurisdiction and in the ABNJ.

37. Designing activities that jointly support the implementation of the Nagoya Protocol and of the marine genetic resource provisions of the BBNJ instrument would also provide for significant gains in efficiency, scale and scope. Such opportunities for joint support would enable countries to establish and utilize the institutional arrangements for both agreements and the issue of marine genetic resources found both within and beyond national jurisdictions.

Institutional and Operational Experience

38. The GEF Secretariat has a long history of engaging with countries to support them to invest in global environmental priorities, including the management of shared marine resources. The Secretariat already has established focal areas and personnel with relevant expertise, which can be mobilized to facilitate the addition of BBNJ to the GEF programming once the decision is made by the negotiating Parties.

39. As a/the financial mechanism of five major global environmental conventions, the GEF partnership has significant operational experience, well-functioning governance, and tailored institutional framework to serve multiple conventions effectively. The GEF has been able to add

new conventions and respond to new mandates in a timely manner, with the Minamata Convention for Mercury as the latest example.¹²

40. The GEF already has in place the administrative and operational procedures to provide resources to all eligible developing country Parties following decisions by COP or other comparable body. In addition to national governments, the GEF partnership is also able to reach global, regional and national stakeholders, from RFMOs, Regional Sea Conventions, the private sector, CSOs and academia, to successfully strengthen the management of ABNJ, as demonstrated through its GEF-5 and GEF-7 ABNJ programs.

41. Costs of operations and administration for BBNJ would be incremental and build on the existing GEF structure and are therefore unlikely to present a major barrier to timely operationalization as a financial mechanism. Additional budgetary needs to operationalize the financial mechanism role will be included in the annual corporate budget submitted to and approved by the GEF Council.

GEF-8 Replenishment

42. Activities related to the BBNJ were included in the GEF-8 programming directions, as the relevance of the GEF on BBNJ issues were already recognized by the Participants. One of the three objectives of the GEF-8 International Waters Focal Area strategy is dedicated to “*Advance management in the ABNJ*”, with a notional allocation of \$34 million.

43. The strategy includes a sentence that indicates the readiness of the GEF to support BBNJ, with pre-conditions, as: “At the request of the negotiating parties to an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction, once negotiations have concluded, and with the agreement of the GEF Council, support national ratification and implementation of the instrument.”¹³

PROPOSED FRAMEWORK FOR GEF ROLE IN A FINANCIAL MECHANISM FOR THE BBNJ AGREEMENT

44. This section describes how the GEF Secretariat can fulfil the secretariat function of the, or part of the financial mechanism of the proposed BBNJ instrument Convention, should the negotiating Parties decide to request the GEF and if the GEF Council agrees.

¹² GEF 2014, [Chair’s Summary of the Fifth GEF Assembly, Cancun, Mexico, May 28-29, 2014](#). Agenda item 5. Amendments to the Instrument.

¹³ GEF, 2022, [GEF-8 Programming Directions](#), page 179. Council document: GEF/R.08/29/Rev.01.

Governance

45. If the GEF is invited to serve as a/the financial mechanism for the BBNJ instrument, the Council will then deliberate on this invitation.¹⁴ Its response will then be conveyed to the BBNJ negotiating body. If the Council agrees, it may further request the GEF Secretariat to start the necessary process to provide support in line with the agreed GEF-8 strategy, or a future strategy to be agreed at a subsequent replenishment.

46. The addition of the BBNJ instrument to the mandate of the GEF would require an amendment to the Instrument for the Establishment of the Restructured Global Environment Facility.¹⁵ According to paragraph 34 of the GEF Instrument, an amendment to the Instrument “may be approved by consensus by the Assembly upon the recommendation of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and procedural requirements.”

47. For each convention, there is an established practice to have a Memorandum of Understanding (MOU) between the Conference of the Parties (COP) and the GEF Council to make provision for the relationship between the COP and the Council to give effect to the provisions relating to the GEF in relevant articles of the Conventions and paragraphs of the GEF Instrument. Arrangements may be fully elaborated in the MOU between the GEF Council and the BBNJ COP or other comparable body the BBNJ instrument might establish.

GEF Trust Fund Support

48. Support for BBNJ will be incorporated into the GEF Trust Fund. This would ensure a stable and predictable source of funds since BBNJ funding will be subject to the GEF replenishment process, which has a proven track record of attracting resources from the established and emerging donor community.

49. The inclusion of BBNJ into the GEF Trust Fund can be accommodated through the existing International Waters Focal Area. A creation of a new focal area is not envisaged, as the International Waters Focal Areas has been supporting ANBJ projects that are relevant to BBNJ, and the GEF-8 strategy already includes an objective to advance management in the ANBJ that could be used to support BBNJ if all the preconditions stipulated are satisfied. Opportunities for integration and collaboration with projects supported under the Biodiversity Focal Area will be sought.

¹⁴ This was the process followed by the GEF Council for the Minamata Convention. See: GEF Council, [Preparing the GEF to serve as the Financial Mechanism of the Minamata Convention on Mercury upon entry into force](#), Council Document GEF/C.44/04.

¹⁵ GEF, 2019, [Instrument for the Establishment of the Restructured Global Environment Facility](#).

Operations and Strategy Requirements

50. For the GEF-8 period, the GEF has notionally set aside resources of \$34 million for ABNJ, including support for national ratification and implementation of the BBNJ instrument, at the request of the negotiating parties to the BBNJ agreement, once negotiations have concluded, and with the agreement of the GEF Council. This support was agreed as part of the GEF-8 replenishment, and included in the International Waters Focal Area strategy of the GEF-8 Programming Directions.

51. As part of a future replenishment exercise, a BBNJ strategy that incorporates guidance from the future BBNJ COP(s), or comparable body, will be developed as part of the International Waters Focal Area strategy, following the practice with other Conventions the GEF serves and other GEF focal areas.

52. Once the instrument comes into force and COPs, or comparable body, meet to make decisions, relevant decisions and guidance will be incorporated into the strategies to further articulate eligible activities and support to assist recipient countries meet the goals of the BBNJ instrument.

53. Accessing the resources will follow the same modalities as other GEF focal areas. These include Enabling Activities (EAs) and access to resources for MSPs, Full-Sized Projects (FSPs), and Programmatic Approaches, subject to the Council-approved GEF Project and Program Cycle Policy.

Compliance with Convention Obligations

54. If requested by the COP or a comparable body, the GEF may provide funding to eligible countries to meet their obligations under the BBNJ instrument, or support specific early ratification activities. Support for enabling activities is described further in the section below.

55. Such activities are expected to be financed from the existing notional allocation to ABNJ from the International Waters Focal Area for the GEF-8 period. In subsequent replenishment periods, a specific objective within the International Waters Focal Areas may be established, in line with the existing practice in other focal areas.

OPERATIONAL PRINCIPLES

56. Should the GEF be asked to operate part, or all of, the financial mechanism of the proposed BBNJ instrument, the following principles would guide the programming of resources for achievement of the instrument's objectives.

57. GEF grants are to be in conformity with the eligibility criteria decided by the BBNJ COP or comparable body, and in accordance with eligibility criteria stated in the GEF Instrument.

58. The GEF would adhere to the basic principles set forth in the GEF Instrument and Operational Strategy (GEF/C.6/03), which establishes “Operational Principles” for the development and implementation of GEF eligible projects. These are:

- (a) **Accountability:** For the purpose of the financial mechanisms for the implementation of conventions, the GEF would function under the guidance of, and be accountable to, the COP or comparable body.
- (b) **Incremental costs:** The GEF would provide new, and additional, grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits (also see Enabling Activities, which normally qualify for full agreed costs funding).
- (c) **Cost-effectiveness:** project activities would maximize global environmental benefits and assist developing countries and countries with economies in transition meet their obligations under conventions.
- (d) **Country ownership:** single- and multi-country projects would be country-driven, based on national priorities designed to support sustainable development, as identified within the context of national programs.
- (e) **Flexibility:** GEF would respond to changing circumstances, including evolving guidance of the COP and experience gained by monitoring and evaluation activities.
- (f) **Public participation:** projects would provide for consultation with, and participation as appropriate of, the beneficiaries and affected groups of people; all non-confidential information will be made fully public.
- (g) **Leveraging of additional financing:** in seeking to maximize environmental benefits, the GEF would emphasize its catalytic role and leverage additional financing from other sources.
- (h) **Monitoring:** GEF would ensure that programs and projects are monitored and evaluated on a regular basis.
- (i) **Disclosure of information:** GEF projects would provide full disclosure of all non-confidential information.

Project Support

59. Activities eligible for support by the financial mechanism may be articulated in the text of the BBNJ instrument, and/or further deliberated by negotiating Parties and issued as guidance to the GEF.

60. For the GEF-8 period, the GEF stands ready to support national ratification and implementation when the pre-conditions regarding the negotiations and GEF Council decisions are met. Eligible activities may be articulated further as part of the negotiations and for Council deliberations once the negotiating Parties decide on the financial mechanism arrangements.

61. Examples of early ratification and implementation support provided by the GEF for other conventions include supporting countries to prepare and submit an initial assessment or Convention report, and supporting the legislative, regulatory and policy measures needed to implement Convention obligations. Capacity building activities have also been supported.¹⁶

62. Similar to all other GEF focal areas, activities may be envisaged at national, regional, and global levels.

63. The GEF has supported capacity building, technology transfer, and investments for various conventions in line with relevant COP guidance. Eligible activities are elaborated in the programming directions as the focal area strategy. For BBNJ, potential GEF support would need to be based on the objectives and strategic priorities specified by the BBNJ instrument and/or the COP or comparable body. The practice of the GEF to date has allowed limited projects to commence prior to the convention coming into force if there is an urgent need, as agreed by GEF Council and in line with a request from the COP or negotiating body. Otherwise, these activities become eligible for funding after the convention comes into force as decided by the COP.

Enabling Activities

64. Specific obligations under the BBNJ instrument are still under negotiation, and the possibility of GEF's engagement is not yet clarified. As such, this section provides general descriptions of support for enabling activities for other conventions served by the GEF.

65. As per the GEF Project and Program Cycle Policy (OP/PL/01), Enabling activities (EA) that are funded from the GEF are projects for the preparation of a plan, strategy or report to fulfil commitments under a Convention.

66. EAs represent basic building blocks of GEF assistance to countries. They are either fulfilling essential communication requirements to a convention or providing basic and essential level of information to enable policy and strategic decisions to be made, or assisting planning that identifies priority activities within a country. Countries thus enabled will have the ability to formulate and direct sectoral and economy-wide programs to address global environmental problems through a cost-effective approach within the context of national sustainable development efforts.

67. EAs typically qualify for full agreed cost funding, determined by the GEF, when they are directly related to global environmental benefits and/or consistent with the guidance of a convention.

¹⁶ These are provided as illustrative examples informed by other Conventions the GEF serves. They are not provided to prejudge the negotiations.



GEF/C.63/11

November 04, 2022

63rd GEF Council Meeting
November 28 – December 2, 2022
Virtual Meeting

Agenda Item 16

**AMENDMENTS TO THE INSTRUMENT FOR THE
ESTABLISHMENT OF THE RESTRUCTURED GLOBAL ENVIRONMENT FACILITY**

Recommended Council Decision

The Council, having considered document GEF/C.63/11, *Amendments to the Instrument for the Establishment of the Restructured Global Environment Facility*, decides to recommend to the Assembly the updated text of the Instrument as contained in Annex II.

Background

1. In its Decision 8/2018, the Council established an Ad Hoc Working Group on Governance to follow up on the findings of OPS6 regarding the governance of the GEF Partnership and to make recommendations for consideration by Council to further improve efficiency, accountability and transparency.
2. In its Decision 11/2020 the Council extended the mandate of the Ad-hoc Working Group on Governance till the end of December 2020. In its Decision 22/2020 the Council agreed to pilot for one year an adjusted co-chairing arrangement, as well as to consider at its 61st Meeting proposed options for the future including but not limited to recommending to amend paragraph 18 of the governing Instrument.
3. In its Decision 23/2020, the Council extended the mandate of the Ad-hoc Working Group on Governance till June 30, 2022. It further decided the Working Group would, inter alia, make recommendations to the Council at its 61st session as may be necessary and propose any additional actions that contribute to an improved and strengthened governance of the GEF partnership including accountability, transparency in programming decisions, review criteria and selection of agencies and of projects, respective roles and functions of and interaction between the GEF Assembly, GEF Council, GEF Secretariat, GEF Agencies and GEF focal points.
4. At its 62nd Session, Ad Hoc Working Group the Council adopted Decision 16/2022 whereby it decided to consider the proposed amendments to ... the Instrument for the Establishment of the Restructured GEF contained in the Annex of GEF/C.62/09 and to request the Secretariat to commence consultations with the Implementing Agencies and the Trustee with a view to the GEF Council at its 63rd meeting: ... b) taking a decision on recommending the amendments to the Instrument to the Assembly in accordance with paragraph 34 of the Instrument.

Introduction

5. The Ad Hoc Working Group presented its report in Document GEF/C.62/09, including proposals for amendments to the GEF Instrument. The Secretariat, its legal advisor, the Trustee and the GEF coordinators of the Implementing Agencies (UNDP, UNEP and the World Bank) have reviewed the text to adjust references and have added some additional amendments that would update the text of the Instrument to the current practice. The text with track changes is included below and the explanations of those changes are included in the following paragraphs. The clean text is included in Annex II.
6. In paragraph 3 of the Instrument, the original text made reference to Agenda 21. Since this document has been superseded by the 2030 Agenda for Sustainable Development, the amended text deletes the former and includes the latter.
7. Paragraph 8 refers to paragraph 33 in the Transitional and Final Provision section. The Ad Hoc Working Group on Governance had posed the question of whether this paragraph and

paragraph 34 were still necessary. The view of the legal advisor, the Trustee and the Secretariat is that these provisions should be maintained because, even though the GET has been terminated, they set out the historical record of the genesis and development of the GEF.

8. Paragraph 11 mentions the existence of an Independent Evaluation Office that is not a part of the Secretariat as decided by the Council in 2003 and further reflected in paragraph 22.

9. In paragraph 13, the frequency of the Assembly has been updated to reflect the fact that an Assembly takes place every four years.

10. Paragraph 18 reflects the Council's decision to change the Co-chairing arrangements so that each Co-Chair is elected for a full year and therefore co-chairs two successive Council meetings. The list of issues to be chaired by the Chair and Co-Chair is defined by reference to the Council responsibilities listed in paragraph 20. In this respect, the issue referred in para 20 (e) is assigned to the Chair as in the role of CEO this person is required to carry out such responsibilities, in particular to cooperate with the Trustee to mobilize financial resources.

11. Paragraph 20 (j) expands the Council responsibilities to include the duty of appointing the Director of the Independent Evaluation Office, overseeing the IEO work and assign specific tasks to the IEO.

12. Paragraph 20 (c), (d) and (k) incorporate the concept that the Council exercises the responsibilities described therein, in respect of the 15 Council accredited agencies that have been given operational duties equivalent to those of the three Implementing Agencies.

13. Paragraph 20 (l) deletes reference to the UN Commission on Sustainable Development that no longer exists. It also mentions that the Council approves reports, in general, so as to cover all the reports that require Council approval.

14. Paragraph 21 (c), (d) and (e) incorporate the concept of Council accredited agencies to reflect the fact that these agencies have been given operational duties equivalent to the three Implementing Agencies.

15. Paragraph 21 (i) has been deleted as the concept of the Independent Evaluation Office is now reflected in paragraph 22.

16. Paragraph 29 includes the concept of Council accredited agencies to reflect the fact that these agencies have been given operational duties equivalent to the three Implementing Agencies.

17. Paragraph 32 has been amended to reflect the reports currently prepared by the GEF and approved by the Council.

18. In general, the incorporation of the concept of "Council accredited agencies" in no way alters or affects the special institutional responsibilities assigned by the Instrument to the three Implementing Agencies

**ANNEX I: UPDATED INSTRUMENT FOR THE ESTABLISHMENT OF THE RESTRUCTURED
GEF – version with track changes**

Instrument for the

**Establishment of the Restructured
Global Environment Facility**

PREAMBLE

Whereas:

- (a) The Global Environment Facility (GEF or the Facility) was established in the International Bank for Reconstruction and Development (IBRD or World Bank) as a pilot program in order to assist in the protection of the global environment and promote thereby environmentally sound and sustainable economic development, by resolution of the Executive Directors of the World Bank and related interagency arrangements between the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the World Bank;
- (b) In April 1992, Participants in the GEF agreed that its structure and modalities should be modified. Agenda 21 (the action plan of the 1992 United Nations Conference on Environment and Development), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity subsequently called for the restructuring of the Facility;
- (c) Representatives of the States participating at present in the Facility and of other States wishing to participate in it have requested that the Facility be restructured in order to take account of these developments, to establish the GEF as one of the principal mechanisms for global environment funding, to ensure a governance that is transparent and democratic in nature, to promote universality in its participation and to provide for full cooperation in its implementation among UNDP, UNEP and the World Bank (together referred to hereinafter as the Implementing Agencies), and to benefit from the evaluation of experience with the operation of the Facility since its establishment;
- (d) It is necessary to replenish the resources for these purposes under a restructured Facility which includes a new GEF Trust Fund on the basis of this Instrument;
- (e) It is desirable to terminate the existing Global Environment Trust Fund (GET) and to transfer any funds, receipts, assets and liabilities held in it upon termination to the new GEF Trust Fund;
- (f) The Implementing Agencies have reached a common understanding of principles for cooperation as set forth in the present Instrument, subject to approval of their participation by their respective governing bodies;

It is resolved as follows:

I. BASIC PROVISIONS

Restructuring and Purpose of GEF

1. The restructured GEF shall be established in accordance with the present Instrument. This Instrument, having been accepted by representatives of the States participating in the GEF meeting in Geneva, Switzerland, from March 14 to 16, 1994, shall be adopted by the Implementing Agencies in accordance with their respective rules and procedural requirements.
2. The GEF shall operate, on the basis of collaboration and partnership among the Implementing Agencies, as a mechanism for international cooperation for the purpose of providing new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits in the following focal areas:
 - (a) biological diversity;
 - (b) climate change;
 - (c) international waters;
 - (d) land degradation, primarily desertification and deforestation; and
 - (e) chemicals and waste.
3. The agreed incremental costs of activities to achieve global environmental benefits concerning chemicals management as they relate to the above focal areas shall be eligible for funding. The agreed incremental costs of other relevant activities under [Agenda 21](#) [the 2030 Agenda for Sustainable Development](#) that may be agreed by the Council shall also be eligible for funding insofar as they achieve global environmental benefits by protecting the global environment in the focal areas.
4. The GEF shall ensure the cost-effectiveness of its activities in addressing the targeted global environmental issues, shall fund programs and projects which are country-driven and based on national priorities designed to support sustainable development and shall maintain sufficient flexibility to respond to changing circumstances in order to achieve its purposes.
5. The GEF operational policies shall be determined by the Council in accordance with paragraph 20(f) and with respect to GEF-financed projects shall provide for full disclosure of all non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle.

6. In partial fulfillment of its purposes, the GEF shall:
- (a) Operate the financial mechanism for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), on an interim basis, in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28~~7~~ and 32~~4~~ of this Instrument. The GEF shall also be available to meet the agreed full costs of activities described in Article 12, paragraph 1, of the UNFCCC. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the UNFCCC if it is requested to do so by the Conference of the Parties pursuant to its Article 11, paragraph 4. In such respects, the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria related to the UNFCCC pursuant to its Article 11, paragraph 1;
 - (b) Be, on an interim basis, the institutional structure which carries out the operation of the financial mechanism for the implementation of the Convention on Biological Diversity (CBD), in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28~~7~~ and 32~~4~~ of this Instrument. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the CBD if it is requested to do so by the Conference of the Parties pursuant to its Article 21, paragraph 3. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria for the purposes of the CBD pursuant to its Article 21, paragraph 1;
 - (c) Be available to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, strategy, program priorities and eligibility criteria for the purposes of this Convention pursuant to its Article 13, paragraph 7(a);
 - (d) Be available to serve as a financial mechanism of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD), pursuant to Article 20, paragraph 2 (b), and Article 21 of the UNCCD. The Council shall consider and approve arrangements to facilitate collaboration between the GEF and the UNCCD and among countries with respect to affected countries, particularly Africa; and

- (e) Operate as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, pursuant to its Article 13, paragraphs 5, 6 and 8. In such respects, the GEF shall operate under the guidance of, and be accountable to the Conference of the Parties, which shall provide guidance on overall strategies, policies, program priorities and eligibility for access to and utilization of financial resources. In addition, the GEF shall receive guidance from the Conference of the Parties on an indicative list of categories of activities that could receive support; and shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities, pursuant to Article 13, paragraph 7, of the Minamata Convention on Mercury.

Participation

7. Any State member of the United Nations or of any of its specialized agencies may become a Participant in the GEF by depositing with the Secretariat an instrument of participation substantially in the form set out in Annex A. In the case of a State contributing to the GEF Trust Fund, an instrument of commitment shall be deemed to serve as an instrument of participation. Any Participant may withdraw from the GEF by depositing with the Secretariat an instrument of termination of participation substantially in the form set out in Annex A.

Establishment of GEF Trust Fund

8. The new GEF Trust Fund shall be established, and the World Bank shall be invited to serve as the Trustee of the Fund. The GEF Trust Fund shall consist of the contributions received in accordance with the present Instrument, the balance of funds transferred from the GET pursuant to paragraph 332, and any other assets and receipts of the Fund. In serving as the Trustee of the Fund, the World Bank shall serve in a fiduciary and administrative capacity, and shall be bound by its Articles of Agreement, by-laws, rules and decisions, as specified in Annex B.

Eligibility

9. GEF funding shall be made available for activities within the focal areas defined in paragraphs 2 and 3 of this Instrument in accordance with the following eligibility criteria:
 - (a) GEF grants that are made available within the framework of the financial mechanisms of the conventions referred to in paragraph 6 shall be in conformity with the eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 287.

- (b) All other GEF grants shall be made available to eligible recipient countries and, where appropriate, for other activities promoting the purposes of the Facility in accordance with this paragraph and any additional eligibility criteria determined by the Council. A country shall be an eligible recipient of GEF grants if it is eligible to receive World Bank (IBRD and/or IDA) financing or if it is an eligible recipient of UNDP technical assistance through its target for resource assignments from the core (specifically TRAC-1 and/or TRAC-2). GEF grants for activities within a focal area addressed by a convention referred to in paragraph 6 but outside the framework of the financial mechanism of the convention, shall only be made available to eligible recipient countries that are party to the convention concerned.
- (c) GEF concessional financing in a form other than grants that is made available within the framework of the financial mechanism of the conventions referred to in paragraph 6 shall be in conformity with eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 287. GEF concessional financing in a form other than grants may also be made available outside those frameworks on terms to be determined by the Council.

II. CONTRIBUTIONS AND OTHER FINANCIAL PROVISIONS FOR REPLENISHMENT

- 10. Contributions to the GEF Trust Fund for the first replenishment period shall be made to the Trustee by Contributing Participants in accordance with the financial provisions for replenishment as specified in Annex C. The Trustee's responsibility for mobilization of resources pursuant to paragraph 20(e) of this Instrument and paragraph 4(a) of Annex B shall be initiated for subsequent replenishments at the request of the Council.

III. GOVERNANCE AND STRUCTURE

- 11. The GEF shall have an Assembly, a Council, and a Secretariat including and an independent Evaluation Office. In accordance with paragraph 254, a Scientific and Technical Advisory Panel (STAP) shall provide appropriate advice.
- 12. The Implementing Agencies shall establish a process for their collaboration in accordance with an interagency agreement to be concluded on the basis of the principles set forth in Annex D.

Assembly

13. The Assembly shall consist of Representatives of all Participants. The Assembly shall meet once every ~~three~~ **four** years. Each Participant may appoint one Representative and one Alternate to the Assembly in such manner as it may determine. Each Representative and each Alternate shall serve until replaced. The Assembly shall elect its Chairperson from among the Representatives.
14. The Assembly shall:
 - (a) review the general policies of the Facility;
 - (b) review and evaluate the operation of the Facility on the basis of reports submitted by the Council;
 - (c) keep under review the membership of the Facility; and
 - (d) consider, for approval by consensus, amendments to the present Instrument on the basis of recommendations by the Council.

Council

15. The Council shall be responsible for developing, adopting and evaluating the operational policies and programs for GEF-financed activities, in conformity with the present Instrument and fully taking into account reviews carried out by the Assembly. Where the GEF serves for the purposes of the financial mechanisms of the conventions referred to in paragraph 6, the Council shall act in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties for the purposes of the convention concerned.
16. 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.

17. The Council shall meet semi-annually or as frequently as necessary to enable it to discharge its responsibilities. The Council shall meet at the seat of the Secretariat unless the Council decides otherwise. Two-thirds of the Members of the Council shall constitute a quorum.

18. Council meetings shall be co-chaired by an elected Council Member (“Co-Chairperson”) and the Chief Executive Officer of the Facility (CEO) in accordance with the following: At every other meeting, the Council shall elect a Co-Chairperson from among its Members for a period of one year following the conclusion of that meeting. The elected Co-Chairperson shall act in a neutral manner. The position of Co-Chairperson shall alternate from one year to the next between recipient and non-recipient Council Members. The Co-Chairperson shall conduct deliberations of the Council at that meeting on issues related to Council responsibilities listed in paragraphs 20(b), (i), (j) and (k). The CEO shall conduct deliberations of the Council on issues related to Council responsibilities listed in paragraphs 20(c) and (e). The Co-Chairperson and the CEO shall jointly conduct deliberations of the Council related to all other issues in paragraph 20, ensuring an equal distribution of labor between the elected Co-Chairperson and the CEO. At each meeting, the Council shall elect a Chairperson from among its Members for the duration of that meeting. 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).

~~18-19.~~ Costs of Council meetings, including travel and subsistence of Council Members from developing countries, in particular the Least Developed Countries, shall be disbursed from the administrative budget of the Secretariat as necessary.

~~19-20.~~ 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 ~~30~~29, monitor and evaluate progress in the implementation of the work program and provide related guidance to the Secretariat, the Implementing Agencies and the Council accredited agencies ~~other bodies referred to in~~

~~paragraph 298~~, recognizing that ~~all such 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 or the Council accredited 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 298, additional 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 276 and 287, 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)~~ (i) in accordance with paragraph 22, appoint the director of the ~~independent eEvaluation eOffice~~, oversee the work of the ~~independent eEvaluation eOffice~~, and assign specific tasks and responsibilities to the ~~independent eEvaluation eOffice~~;
- ~~(j)~~ (k) review and approve the administrative budget of the GEF and arrange for periodic financial and performance audits of the Secretariat, ~~and~~ the Implementing Agencies and the Council accredited agencies with regard to activities undertaken for the Facility;
- ~~(k)~~ (l) in accordance with paragraph 324, approve ~~an annual reports and keep the UN Commission on Sustainable Development apprised of its activities~~; and
- ~~(l)~~ (m) exercise such other operational functions as may be appropriate to fulfill the purposes of the Facility.

~~20-21.~~ The GEF Secretariat shall service and report to the Assembly and the Council. The Secretariat, which shall be headed by the CEO/Chairperson of the Facility, shall be support-ed administratively by the World Bank and shall operate in a functionally independent and effective manner. The CEO shall be appointed to serve for four years on a full time basis bythe Council. The CEO may be reappointed by the Council for one additional four year term.The CEO may be removed by the Council only for cause. The staff of the Secretariat shall include staff members seconded from the Implementing Agencies as well as individuals hired competitively on an as needed basis by one of the Implementing Agencies. The CEO shall be responsible for the organization, appointment and dismissal of Secretariat staff. The CEO shall be accountable for the performance of the Secretariat functions to the Council. The Secretariat shall, on behalf of the Council, exercise the following functions:

- (a) implement effectively the decisions of the Assembly and the Council;
- (b) coordinate the formulation and oversee the implementation of program activities pur-suant to the joint work program, ensuring liaison with other bodies as required, par- ticularly in the context of the cooperative arrangements or agreements referred to in paragraph ~~287~~;
- (c) in consultation with the Implementing Agencies and the Council accredited agencies, ensure the implementation of the operational policies adopted by the Council through the preparation of common guidelines on the project cycle. Such guidelines shall address project identification and development, including the proper and adequate review of project and work program proposals, consultation with and participation of local communities and other interested parties, monitoring of project implementation and evaluation of project results;
- (d) review and report to the Council on the adequacy of arrangements made by the Implementing Agencies and the Council accredited agencies in accordance with the guidelines referred to in paragraph (c) above, and if warranted, recommend to the Council, ~~and~~ the Implementing Agencies and the Council accredited agencies addi-tional arrangements for project preparation and execution under paragraphs 20(f) and ~~298~~;
- (e) chair interagency group meetings to ensure the effective execution of the Council's decisions and to facilitate coordination and collaboration among the Implementing Agencies and the Council accredited agencies;
- (f) coordinate with the Secretariats of other international bodies, in particular, the Secretariats of the conventions referred to in paragraph 6 and the Secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund;
- (g) report to the Assembly, the Council and other institutions as directed by the Council;
- (h) provide the Trustee with all relevant information to enable it to carry out its responsi-bilities;
- ~~(i) there shall be an independent evaluation office headed by a director, appointed by and reporting to the Council, whose responsibility it is to carry out independent evalu- ations~~

consistent with decisions of the Council; and

(j)(i) perform any other functions assigned to the Secretariat by the Council.

Independent Evaluation Office

22. There shall be an independent evaluation office co-located with the Secretariat, headed by a director, appointed by and reporting to the Council, whose responsibility it is to carry out independent evaluations consistent with decisions of the Council

Implementing Agencies

21-23. The Implementing Agencies of the GEF shall be UNDP, UNEP, and the World Bank. The Implementing Agencies shall be accountable to the Council for their GEF-financed activities, including the preparation and cost-effectiveness of GEF projects, and for the implementation of the operational policies, strategies and decisions of the Council within their respective areas of competence and in accordance with an interagency agreement to be concluded on the basis of the principles of cooperation set forth in Annex D to the present Instrument. The Implementing Agencies shall cooperate with the Participants, the Secretariat, parties receiving assistance under the GEF, and other interested parties, including local communities and non-governmental organizations, to promote the purposes of the Facility.

22-24. The CEO shall periodically convene meetings with the heads of the Implementing Agencies to promote interagency collaboration and communication, and to review operational policy issues regarding the implementation of GEF-financed activities. The CEO shall transmit their conclusions and recommendations to the Council for its consideration.

Scientific and Technical Advisory Panel (STAP)

23-25. UNEP shall establish, in consultation with UNDP and the World Bank and on the basis of guidelines and criteria established by the Council, the Scientific and Technical Advisory Panel (STAP) as an advisory body to the Facility. UNEP shall provide the STAP's Secretariat and shall operate as the liaison between the Facility and the STAP.

IV. PRINCIPLES OF DECISION-MAKING

24, 26. (a) **Procedure**

The Assembly and the Council shall each adopt by consensus regulations as may be necessary or appropriate to perform their respective functions transparently; in particular, they shall determine any aspect of their respective procedures, including the admission of observers and, in the case of the Council, provision for executive sessions.

(b) Consensus

Decisions of the Assembly and 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.

(c) Formal Vote

- (i) Unless otherwise provided in this 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.
- (ii) Each Member of the Council shall cast the votes of the Participant or Participant she/he 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.
- (iii) 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 (Attachment 1) 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 shall be deemed to be contributions to the GET.

V. RELATIONSHIP AND COOPERATION WITH CONVENTIONS

25-27. The Council shall ensure the effective operation of the GEF as a source of funding activities under the conventions referred to in paragraph 6. The use of the GEF resources for purposes of such conventions shall be in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties of each of those conventions.

26-28. The Council shall consider and approve cooperative arrangements or agreements with the Conferences of the Parties to the conventions referred to in paragraph 6, including reciprocal arrangements for representation in meetings. Such arrangements or agreements shall be in conformity with the relevant provisions of the convention concerned regarding its financial mechanism and shall include procedures for determining jointly the aggregate GEF funding requirements for the purpose of the convention. With regard to each convention referred to in paragraph 6, until the first meeting of its Conference of the Parties, the Council shall consult the convention's interim body.

VI. COOPERATION WITH OTHER BODIES

~~27-29.~~ The Secretariat, ~~and~~ the Implementing Agencies and the Council accredited agencies, under the guidance of the Council, shall cooperate with other international organizations to promote achievement of the purposes of the GEF. The Implementing Agencies and the Council accredited agencies may make arrangements for GEF project preparation and execution by an other institutions or organizations, multilateral development banks, specialized agencies and programs of the United Nations, other international organizations, bilateral development agencies, national institutions, non-governmental organizations, private sector entities and academic institutions, taking into account their comparative advantages in efficient and cost-effective project execution. Such arrangements shall be made in accordance with national priorities. Pursuant to paragraph 20(f), the Council may request the Secretariat to make similar arrangements in accordance with national priorities. In the event of disagreements among the Implementing Agencies and Council accredited agencies or between such agencies an Implementing Agency and any entity concerning project preparation or execution, an Implementing Agency or any entity referred to in this paragraph may request the Secretariat to seek to resolve such disagreements.

VII. OPERATIONAL MODALITIES

~~28-30.~~ The Secretariat shall coordinate the preparation of and determine the content of a joint work program for the GEF among the Implementing Agencies, including an indication of the financial resources required for the program, for approval by the Council. The work program shall be prepared in accordance with paragraph 4 and in cooperation with eligible recipients and any executing agency referred to in paragraph ~~29~~.

~~29-31.~~ GEF projects shall be subject to endorsement by the CEO before final project approval. If at least four Council Members request that a project be reviewed at a Council meeting because in their view the project is not consistent with the Instrument or GEF policies and procedures, the CEO shall submit the project document to the next Council meeting, and shall only endorse the project for final approval by the Implementing Agency if the Council finds that the project is consistent with the Instrument and GEF policies and procedures.

VIII. REPORTING

~~30-32.~~ The Council shall approve an annual periodic reports, including reports from the GEF to the Conference of the Parties to the Conventions referred to in paragraph 6 on the activities of the GEF. The reports shall be prepared by the Secretariat and circulated made available to all Participants. These reports shall contain information on the activities carried out under the GEF, including the GEF's response to the respective Conference of the Parties guidance, the status of portfolio implementation, achievements in the programming of resources, portfolio monitoring, and

~~evaluations, a list of project ideas submitted for consideration and a review of the project activities funded by the Facility and their outcomes.~~ The reports shall contain all the information necessary to meet the principles of accountability and transparency that shall characterize the Facility as well as the requirements arising from the reporting arrangements agreed with each Conference of the Parties to the conventions referred to in paragraph 6. The reports shall be conveyed to each of these Conferences of the Parties, ~~the United Nations Commission on Sustainable Development~~ and any other international organization deemed appropriate by the Council.

IX. TRANSITIONAL AND FINAL PROVISIONS

Termination of the GET

~~31-33.~~ The World Bank shall be invited to terminate the existing Global Environment Trust Fund (GET) on the effective date of the establishment of the new GEF Trust Fund, and any funds, receipts, assets and liabilities held in the GET upon termination, including the administration of any cofinancing by the Trustee in accordance with the provisions of Resolution No. 91-5 of the Executive Directors of the World Bank, shall be transferred to the new GEF Trust Fund. Pending the termination of the GET under this provision, projects financed from the GET resources shall continue to be processed and approved subject to the rules and procedures applicable to the GET.

Interim Period

~~32-34.~~ The Council may, pursuant to the provisions of this Instrument, be convened during the period from the adoption of this Instrument and its annexes by the Implementing Agencies until the effective date of the establishment of the new GEF Trust Fund: (a) to appoint, by consensus, the CEO in order to enable him/her to assume the work of the Secretariat; and (b) to prepare the Council's rules of procedure and the operational modalities for the Facility. The first meeting of the Council shall be organized by the secretariat of the GEF pilot program. Administrative expenses during this interim period shall be covered by the existing GET.

Amendment and Termination

~~33-35.~~ Amendment or termination of the present Instrument may be approved by consensus by the Assembly upon the recommendation of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and procedural requirements. This paragraph shall apply to the amendment of any annex to this Instrument unless the annex concerned provides otherwise.

~~34-36.~~ The Trustee may at any time terminate its role as trustee in accordance with paragraph 14 of Annex B, and an Implementing Agency may at any time terminate its role as implementing agency, after consultation with the other Implementing Agencies and after giving the Council six months' notice in writing

**ANNEX II: UPDATED INSTRUMENT FOR THE ESTABLISHMENT OF THE RESTRUCTURED
GEF – Clean version without track changes**

Instrument for the

**Establishment of the Restructured
Global Environment Facility**

PREAMBLE

Whereas:

- (g) The Global Environment Facility (GEF or the Facility) was established in the International Bank for Reconstruction and Development (IBRD or World Bank) as a pilot program in order to assist in the protection of the global environment and promote thereby environmentally sound and sustainable economic development, by resolution of the Executive Directors of the World Bank and related interagency arrangements between the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the World Bank;
- (h) In April 1992, Participants in the GEF agreed that its structure and modalities should be modified. Agenda 21 (the action plan of the 1992 United Nations Conference on Environment and Development), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity subsequently called for the restructuring of the Facility;
- (i) Representatives of the States participating at present in the Facility and of other States wishing to participate in it have requested that the Facility be restructured in order to take account of these developments, to establish the GEF as one of the principal mechanisms for global environment funding, to ensure a governance that is transparent and democratic in nature, to promote universality in its participation and to provide for full cooperation in its implementation among UNDP, UNEP and the World Bank (together referred to hereinafter as the Implementing Agencies), and to benefit from the evaluation of experience with the operation of the Facility since its establishment;
- (j) It is necessary to replenish the resources for these purposes under a restructured Facility which includes a new GEF Trust Fund on the basis of this Instrument;
- (k) It is desirable to terminate the existing Global Environment Trust Fund (GET) and to transfer any funds, receipts, assets and liabilities held in it upon termination to the new GEF Trust Fund;
- (l) The Implementing Agencies have reached a common understanding of principles for cooperation as set forth in the present Instrument, subject to approval of their participation by their respective governing bodies;

It is resolved as follows:

I. BASIC PROVISIONS

Restructuring and Purpose of GEF

1. The restructured GEF shall be established in accordance with the present Instrument. This Instrument, having been accepted by representatives of the States participating in the GEFat their meeting in Geneva, Switzerland, from March 14 to 16, 1994, shall be adopted by the Implementing Agencies in accordance with their respective rules and procedural requirements.
2. The GEF shall operate, on the basis of collaboration and partnership among the Implementing Agencies, as a mechanism for international cooperation for the purpose of providing new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits in the following focal areas:
 - (a) biological diversity;
 - (b) climate change;
 - (c) international waters;
 - (d) land degradation, primarily desertification and deforestation; and
 - (e) chemicals and waste.
3. The agreed incremental costs of activities to achieve global environmental benefits concerning chemicals management as they relate to the above focal areas shall be eligible for funding. The agreed incremental costs of other relevant activities under the 2030 Agenda for Sustainable Development that may be agreed by the Council shall also be eligible for funding insofar as they achieve global environmental benefits by protecting the global environment in the focal areas.
4. The GEF shall ensure the cost-effectiveness of its activities in addressing the targeted global environmental issues, shall fund programs and projects which are country-driven and based on national priorities designed to support sustainable development and shall maintain sufficient flexibility to respond to changing circumstances in order to achieve its purposes.
5. The GEF operational policies shall be determined by the Council in accordance with paragraph 20(f) and with respect to GEF-financed projects shall provide for full disclosure of all non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle.

6. In partial fulfillment of its purposes, the GEF shall:
- (a) Operate the financial mechanism for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), on an interim basis, in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28 and 32 of this Instrument. The GEF shall also be available to meet the agreed full costs of activities described in Article 12, paragraph 1, of the UNFCCC. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the UNFCCC if it is requested to do so by the Conference of the Parties pursuant to its Article 11, paragraph 4. In such respects, the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria related to the UNFCCC pursuant to its Article 11, paragraph 1;
 - (b) Be, on an interim basis, the institutional structure which carries out the operation of the financial mechanism for the implementation of the Convention on Biological Diversity (CBD), in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28 and 32 of this Instrument. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the CBD if it is requested to do so by the Conference of the Parties pursuant to its Article 21, paragraph 3. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria for the purposes of the CBD pursuant to its Article 21, paragraph 1;
 - (c) Be available to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, strategy, program priorities and eligibility criteria for the purposes of this Convention pursuant to its Article 13, paragraph 7(a);
 - (d) Be available to serve as a financial mechanism of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD), pursuant to Article 20, paragraph 2 (b), and Article 21 of the UNCCD. The Council shall consider and approve arrangements to facilitate collaboration between the GEF and the UNCCD and among countries with respect to affected countries, particularly Africa; and

- (e) Operate as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, pursuant to its Article 13, paragraphs 5, 6 and 8. In such respects, the GEF shall operate under the guidance of, and be accountable to the Conference of the Parties, which shall provide guidance on overall strategies, policies, program priorities and eligibility for access to and utilization of financial resources. In addition, the GEF shall receive guidance from the Conference of the Parties on an indicative list of categories of activities that could receive support; and shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities, pursuant to Article 13, paragraph 7, of the Minamata Convention on Mercury.

Participation

7. Any State member of the United Nations or of any of its specialized agencies may become a Participant in the GEF by depositing with the Secretariat an instrument of participation substantially in the form set out in Annex A. In the case of a State contributing to the GEF Trust Fund, an instrument of commitment shall be deemed to serve as an instrument of participation. Any Participant may withdraw from the GEF by depositing with the Secretariat an instrument of termination of participation substantially in the form set out in Annex A.

Establishment of GEF Trust Fund

8. The new GEF Trust Fund shall be established, and the World Bank shall be invited to serve as the Trustee of the Fund. The GEF Trust Fund shall consist of the contributions received in accordance with the present Instrument, the balance of funds transferred from the GET pursuant to paragraph 33, and any other assets and receipts of the Fund. In serving as the Trustee of the Fund, the World Bank shall serve in a fiduciary and administrative capacity, and shall be bound by its Articles of Agreement, by-laws, rules and decisions, as specified in Annex B.

Eligibility

9. GEF funding shall be made available for activities within the focal areas defined in paragraphs 2 and 3 of this Instrument in accordance with the following eligibility criteria:
 - (a) GEF grants that are made available within the framework of the financial mechanisms of the conventions referred to in paragraph 6 shall be in conformity with the eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 28.

- (b) All other GEF grants shall be made available to eligible recipient countries and, where appropriate, for other activities promoting the purposes of the Facility in accordance with this paragraph and any additional eligibility criteria determined by the Council. A country shall be an eligible recipient of GEF grants if it is eligible to receive World Bank (IBRD and/or IDA) financing or if it is an eligible recipient of UNDP technical assistance through its target for resource assignments from the core (specifically TRAC-1 and/or TRAC-2). GEF grants for activities within a focal area addressed by a convention referred to in paragraph 6 but outside the framework of the financial mechanism of the convention, shall only be made available to eligible recipient countries that are party to the convention concerned.
- (c) GEF concessional financing in a form other than grants that is made available within the framework of the financial mechanism of the conventions referred to in paragraph 6 shall be in conformity with eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 28. GEF concessional financing in a form other than grants may also be made available outside those frameworks on terms to be determined by the Council.

II. CONTRIBUTIONS AND OTHER FINANCIAL PROVISIONS FOR REPLENISHMENT

- 10. Contributions to the GEF Trust Fund for the first replenishment period shall be made to the Trustee by Contributing Participants in accordance with the financial provisions for replenishment as specified in Annex C. The Trustee's responsibility for mobilization of resources pursuant to paragraph 20(e) of this Instrument and paragraph 4(a) of Annex B shall be initiated for subsequent replenishments at the request of the Council.

III. GOVERNANCE AND STRUCTURE

- 11. The GEF shall have an Assembly, a Council, a Secretariat and an Independent Evaluation Office. In accordance with paragraph 25, a Scientific and Technical Advisory Panel (STAP) shall provide appropriate advice.
- 12. The Implementing Agencies shall establish a process for their collaboration in accordance with an interagency agreement to be concluded on the basis of the principles set forth in Annex D.

Assembly

13. The Assembly shall consist of Representatives of all Participants. The Assembly shall meet once every four years. Each Participant may appoint one Representative and one Alternate to the Assembly in such manner as it may determine. Each Representative and each Alternate shall serve until replaced. The Assembly shall elect its Chairperson from among the Representatives.
14. The Assembly shall:
 - (a) review the general policies of the Facility;
 - (b) review and evaluate the operation of the Facility on the basis of reports submitted by the Council;
 - (c) keep under review the membership of the Facility; and
 - (d) consider, for approval by consensus, amendments to the present Instrument on the basis of recommendations by the Council.

Council

15. The Council shall be responsible for developing, adopting and evaluating the operational policies and programs for GEF-financed activities, in conformity with the present Instrument and fully taking into account reviews carried out by the Assembly. Where the GEF serves for the purposes of the financial mechanisms of the conventions referred to in paragraph 6, the Council shall act in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties for the purposes of the convention concerned.
16. 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.

17. The Council shall meet semi-annually or as frequently as necessary to enable it to discharge its responsibilities. The Council shall meet at the seat of the Secretariat unless the Council decides otherwise. Two-thirds of the Members of the Council shall constitute a quorum.
18. Council meetings shall be co-chaired by an elected Council Member (“Co-Chairperson”) and the Chief Executive Officer of the Facility (CEO) in accordance with the following: At every other meeting, the Council shall elect a Co-Chairperson from among its Members for a period of one year following the conclusion of that meeting. The elected Co-Chairperson shall act in a neutral manner. The position of Co-Chairperson shall alternate from one year to the next between recipient and non-recipient Council Members. The Co-Chairperson shall conduct deliberations of the Council at that meeting on issues related to Council responsibilities listed in paragraphs 20(b), (i), (j) and (k). The CEO shall conduct deliberations of the Council on issues related to Council responsibilities listed in paragraphs 20(c) and (e). The Co-Chairperson and the CEO shall jointly conduct deliberations of the Council related to all other issues in paragraph 20, ensuring an equal distribution of labor between the elected Co-Chairperson and the CEO.
19. Costs of Council meetings, including travel and subsistence of Council Members from developing countries, in particular the Least Developed Countries, shall be disbursed from the administrative budget of the Secretariat as necessary.
20. 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 30, monitor and evaluate progress in the implementation of the work program and provide related guidance to the Secretariat, the Implementing Agencies and the Council accredited agencies, recognizing that all such 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 or the Council accredited agency;

- (e) direct the utilization of GEF funds, review the availability of resources from the GEFTrust 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 29, additional 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 27 and 28, 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) in accordance with paragraph 22, appoint the director of the Independent Evaluation Office, oversee the work of the Independent Evaluation Office, and assign specific tasks and responsibilities to the Independent Evaluation Office;
- (k) review and approve the administrative budget of the GEF and arrange for periodic financial and performance audits of the Secretariat, the Implementing Agencies and the Council accredited agencies with regard to activities undertaken for the Facility;
- (l) in accordance with paragraph 32, approve reports; and
- (m) exercise such other operational functions as may be appropriate to fulfill the purposes of the Facility.

Secretariat

21. The GEF Secretariat shall service and report to the Assembly and the Council. The Secretariat, which shall be headed by the CEO/Chairperson of the Facility, shall be supported administratively by the World Bank and shall operate in a functionally independent and effective manner. The CEO shall be appointed to serve for four years on a full time basis by the Council. The CEO may be reappointed by the Council for one additional four year term. The CEO may be removed by the Council only for cause. The staff of the Secretariat shall include staff members seconded from the Implementing Agencies as well as individuals hired competitively on an as needed basis by one of the Implementing Agencies.

The CEO shall be responsible for the organization, appointment and dismissal of Secretariat staff. The CEO shall be accountable for the performance of the Secretariat functions to the Council. The Secretariat shall, on behalf of the Council, exercise the following functions:

- (a) implement effectively the decisions of the Assembly and the Council;
- (b) coordinate the formulation and oversee the implementation of program activities pursuant to the joint work program, ensuring liaison with other bodies as required, particularly in the context of the cooperative arrangements or agreements referred to in paragraph 28;
- (c) in consultation with the Implementing Agencies and the Council accredited agencies, ensure the implementation of the operational policies adopted by the Council through the preparation of common guidelines on the project cycle. Such guidelines shall address project identification and development, including the proper and adequate review of project and work program proposals, consultation with and participation of local communities and other interested parties, monitoring of project implementation and evaluation of project results;
- (d) review and report to the Council on the adequacy of arrangements made by the Implementing Agencies and the Council accredited agencies in accordance with the guidelines referred to in paragraph (c) above, and if warranted, recommend to the Council, the Implementing Agencies and the Council accredited agencies additional arrangements for project preparation and execution under paragraphs 20(f) and 29;
- (e) chair interagency group meetings to ensure the effective execution of the Council's decisions and to facilitate coordination and collaboration among the Implementing Agencies and the Council accredited agencies;
- (f) coordinate with the Secretariats of other international bodies, in particular, the Secretariats of the conventions referred to in paragraph 6 and the Secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund;
- (g) report to the Assembly, the Council and other institutions as directed by the Council;
- (h) provide the Trustee with all relevant information to enable it to carry out its responsibilities;
- (i) perform any other functions assigned to the Secretariat by the Council.

Independent Evaluation Office

22. There shall be an independent evaluation office co-located with the Secretariat, headed by a director, appointed by and reporting to the Council, whose responsibility it is to carry out independent evaluations consistent with decisions of the Council

Implementing Agencies

23. The Implementing Agencies of the GEF shall be UNDP, UNEP, and the World Bank. The Implementing Agencies shall be accountable to the Council for their GEF-financed activities, including the preparation and cost-effectiveness of GEF projects, and for the implementation of the operational policies, strategies and decisions of the Council within their respective areas of competence and in accordance with an interagency agreement to be concluded on the basis of the principles of cooperation set forth in Annex D to the present Instrument. The Implementing Agencies shall cooperate with the Participants, the Secretariat, parties receiving assistance under the GEF, and other interested parties, including local communities and non-governmental organizations, to promote the purposes of the Facility.
24. The CEO shall periodically convene meetings with the heads of the Implementing Agencies to promote interagency collaboration and communication, and to review operational policy issues regarding the implementation of GEF-financed activities. The CEO shall transmit their conclusions and recommendations to the Council for its consideration.

Scientific and Technical Advisory Panel (STAP)

25. UNEP shall establish, in consultation with UNDP and the World Bank and on the basis of guidelines and criteria established by the Council, the Scientific and Technical Advisory Panel (STAP) as an advisory body to the Facility. UNEP shall provide the STAP's Secretariat and shall operate as the liaison between the Facility and the STAP.

IV. PRINCIPLES OF DECISION-MAKING

26. (a) Procedure

The Assembly and the Council shall each adopt by consensus regulations as may be necessary or appropriate to perform their respective functions transparently; in particular, they shall determine any aspect of their respective procedures, including the admission of observers and, in the case of the Council, provision for executive sessions.

(d) Consensus

Decisions of the Assembly and 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.

(e) Formal Vote

- (i) Unless otherwise provided in this 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.

- (ii) Each Member of the Council shall cast the votes of the Participant or Participantshe/she represents. A Member of the Council appointed by a group of Participantsmay cast separately the votes of each Participant in the constituency he/she represents.
- (iii) 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 (Attachment 1) and in subsequent replenishments of the GEF Trust Fund, contribu-tions 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 shall be deemed to be contributions to the GET.

V. RELATIONSHIP AND COOPERATION WITH CONVENTIONS

- 27. The Council shall ensure the effective operation of the GEF as a source of funding activitiesunder the conventions referred to in paragraph 6. The use of the GEF resources for pur- poses of such conventions shall be in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties of each of those conventions.
- 28. The Council shall consider and approve cooperative arrangements or agreements with the Conferences of the Parties to the conventions referred to in paragraph 6, including recipro-cal arrangements for representation in meetings. Such arrangements or agreements shall be in conformity with the relevant provisions of the convention concerned regarding its financial mechanism and shall include procedures for determining jointly the aggregate GEF funding requirements for the purpose of the convention. With regard to each conven- tion referred to in paragraph 6, until the first meeting of its Conference of the Parties, the Council shall consult the convention's interim body.

VI. COOPERATION WITH OTHER BODIES

29. The Secretariat, the Implementing Agencies and the Council accredited agencies, under the guidance of the Council, shall cooperate with other international organizations to promote achievement of the purposes of the GEF. The Implementing Agencies and the Council accredited agencies may make arrangements for GEF project preparation and execution by other institutions or organizations, taking into account their comparative advantages in efficient and cost-effective project execution. Such arrangements shall be made in accordance with national priorities. Pursuant to paragraph 20(f), the Council may request the Secretariat to make similar arrangements in accordance with national priorities. In the event of disagreements among the Implementing Agencies and Council accredited agencies or between such agencies and any entity concerning project preparation or execution, an Implementing Agency or any entity referred to in this paragraph may request the Secretariat to seek to resolve such disagreements.

VII. OPERATIONAL MODALITIES

30. The Secretariat shall coordinate the preparation of and determine the content of a joint work program for the GEF among the Implementing Agencies, including an indication of the financial resources required for the program, for approval by the Council. The work program shall be prepared in accordance with paragraph 4 and in cooperation with eligible recipients and any executing agency referred to in paragraph 29.
31. GEF projects shall be subject to endorsement by the CEO before final project approval. If at least four Council Members request that a project be reviewed at a Council meeting because in their view the project is not consistent with the Instrument or GEF policies and procedures, the CEO shall submit the project document to the next Council meeting, and shall only endorse the project for final approval by the Implementing Agency if the Council finds that the project is consistent with the Instrument and GEF policies and procedures.

VIII. REPORTING

32. The Council shall approve periodic reports, including reports from the GEF to the Conference of the Parties to the Conventions referred to in paragraph 6. The reports shall be prepared by the Secretariat and made available to all Participants. These reports shall contain information on the activities carried out under the GEF, including the GEF's response to the respective Conference of the Parties guidance, the status of portfolio implementation, achievements in the programming of resources, portfolio monitoring, and evaluations. The reports shall contain all the information necessary to meet the principles of accountability and transparency that shall characterize the Facility as well as the requirements arising from the reporting arrangements agreed with each Conference of the Parties to the conventions referred to in paragraph 6. The reports shall be conveyed to each of these Conferences of the Parties and any other international organization deemed appropriate by the Council.

IX. TRANSITIONAL AND FINAL PROVISIONS

Termination of the GET

33. The World Bank shall be invited to terminate the existing Global Environment Trust Fund (GET) on the effective date of the establishment of the new GEF Trust Fund, and any funds, receipts, assets and liabilities held in the GET upon termination, including the administration of any cofinancing by the Trustee in accordance with the provisions of Resolution No. 91-5 of the Executive Directors of the World Bank, shall be transferred to the new GEF Trust Fund. Pending the termination of the GET

under this provision, projects financed from the GET resources shall continue to be processed and approved subject to the rules and procedures applicable to the GET.

Interim Period

34. The Council may, pursuant to the provisions of this Instrument, be convened during the period from the adoption of this Instrument and its annexes by the Implementing Agencies until the effective date of the establishment of the new GEF Trust Fund: (a) to appoint, by consensus, the CEO in order to enable him/her to assume the work of the Secretariat; and (b) to prepare the Council's rules of procedure and the operational modalities for the Facility. The first meeting of the Council shall be organized by the secretariat of the GEF pilot program. Administrative expenses during this interim period shall be covered by the existing GET.

Amendment and Termination

35. Amendment or termination of the present Instrument may be approved by consensus by the Assembly upon the recommendation of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and procedural requirements. This paragraph shall apply to the amendment of any annex to this Instrument unless the annex concerned provides otherwise.
36. The Trustee may at any time terminate its role as trustee in accordance with paragraph 14 of Annex B, and an Implementing Agency may at any time terminate its role as implementing agency, after consultation with the other Implementing Agencies and after giving the Council six months' notice in writing.



June 29, 2023

64TH GEF COUNCIL MEETING
JUNE 26 –29, 2023
BRASILIA, BRAZIL

Agenda Item 20

JOINT SUMMARY OF THE GEF COUNCIL CO-CHAIRS

OPENING OF THE MEETING

1. The meeting was opened by Carlos Manuel Rodriguez, Chief Executive Officer/Chairperson of the Facility. Tom Bui, Council Member for Canada acted as Elected Chairperson, as per Decision 2/2023 adopted on March 06, 2023.

ADOPTION OF THE AGENDA

2. The Council adopted the provisional agenda set forth in document GEF/C.64/01/Rev.03.

REPORT OF THE CHAIRPERSON OF THE SCIENTIFIC AND TECHNICAL ADVISORY PANEL

3. Ms. Rosina Bierbaum, the Chairperson of the Scientific and Technical Advisory Panel, made a statement to the Council on the activities undertaken by the Panel.

DECISIONS APPROVED

4. The Council approves the following decisions with respect to its agenda items:

Decision 07/2023 *GEF Business Plan and Corporate Budget for FY24*

5. The Council, having considered document GEF/C.64/03/Rev.02, *GEF Business Plan and Corporate Budget for FY24*, takes note of the business plan, and approves an FY24 corporate budget from the GEF Trust Fund of US\$37.201 million, comprised of:

- (a) US\$30.534 million for the GEF Secretariat, of which US\$2 million will be paid from GEF-7 administrative budget underruns
- (b) US\$3.135 million for STAP; and
- (c) US\$3.532 million for the Trustee

6. The Council also approves a total FY24 administrative budget for the Nagoya Protocol Implementation Fund (NPIF) of US\$22,400, comprised of the following allocations from the NPIF to cover the Secretariat's and Trustee's expenses for NPIF administration and implementation:

- (a) US\$17,500 for the GEF Secretariat; and
- (b) US\$4,900 for the Trustee

7. The Council also approves a total FY24 administrative budget for the Capacity Building Initiative for Transparency (CBIT) from the CBIT Trust Fund of US\$0.436 million, comprised of:

- (a) US\$0.412 million for the GEF Secretariat; and
- (b) US\$0.024 million for the Trustee

8. The Council calls upon the IBRD as administrative host of the GEF to work with the GEF Secretariat to speedily resolve the GEF office space lease, enabling the Secretariat and the IEO to remain in the current office premises to ensure that the GEF work and administrative budget is not further disrupted by temporary measures.

9. The Council decides that, in the context of the Secretariat's analysis, the level of 11% indirect charge as set out in this document is the upper limit for the GEF, provided that the World Bank provides a sufficient justification for this level, and otherwise may be adjusted to the level of 7%.

10. The Council requests the World Bank to provide a written report setting out the justification and basis for the proposed increase in indirect costs by no later than 30 September 2023, preferably earlier if possible, and attend a subsequent Council meeting to enable a discussion with Council on the matter.

11. The Council requests the Secretariat to report to Council on the status of the above-mentioned elements of this Decision on office space and indirect charge.

12. The Council requests the Secretariat, in consultation with STAP and the Trustee, to present a combined FY25 corporate budget and business plan for discussion at its June 2024 meeting.

Decision 08/2023

Work Program for GEF Trust Fund

13. The Council, having considered document GEF/C64/04/Rev.01, *Work Program for GEF Trust Fund*, approves the Work Program comprising 45 projects and programs, subject to comments made during the Council meeting and additional comments that may be submitted in writing to the Secretariat by July 27, 2023¹.

¹ The United States, in light of its policies for certain development projects in countries that are state sponsors of terrorism; in light of its policies for certain development projects in countries whose governments (i) are not addressing trafficking in persons; (ii) have engaged in a pattern of gross violations of internationally recognized human rights; or (iii) do not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces; and in light of its policies related to development projects in China and Cuba; and in light of its concerns related to project implementation risks in Venezuela, opposes and therefore does not join a Council decision that would support GEF project 11286 in China, Cuba, and Venezuela.

The United States, in light of its policies for certain development projects in countries that are state sponsors of terrorism; in light of its policies for certain development projects in countries whose governments are not addressing trafficking in persons; and in light of its policies related to development projects in Cuba, opposes and therefore does not join a Council decision that would support GEF projects 11285 and 11250 in Cuba.

The United States, in light of its policies for certain development projects in countries whose governments are not addressing trafficking in persons, and in light of its policies related to development projects in Nicaragua, opposes and therefore does not join a Council decision that would support GEF project 11273 in Nicaragua.

14. Total GEF resources approved in this Work Program amounted to \$1.397 billion, including GEF project financing and Agency fees. The Work Program is comprised of the following Project Identification Forms (PIFs) and Program Framework Documents (PFD):
15. Regional (El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama). Mesoamerica Critical Forest Biome Integrated Program (GEFID: 11273). Agency: FAO, IUCN; GEF Project Financing: \$58,147,493; Co-financing: \$438,166,265.
16. Global (Belize, Cabo Verde, Comoros, Cuba, Maldives, Mauritius, Micronesia, Palau, Papua New Guinea, Samoa, Seychelles, St. Lucia, Timor Leste, Trinidad and Tobago, Vanuatu). Blue and Green Island Integrated Programme. (GEFID: 11250). Agency: FAO, WWF-US, IUCN, UNDP, World Bank, UNEP. GEF Project Financing: \$121,183,945; Co-financing: \$733,790,102.
17. Regional (Angola, Cameroon, Central African Republic, Congo DR, Equatorial Guinea, Sao Tome and Principe). Congo Critical Forest Biome Integrated Program. (GEFID: 11241) Agency: IFAD, CI, IUCN, UNEP. GEF Project Financing: \$56,259,439. Co-financing: \$428,640,177.
18. Regional (Bolivia, Brazil, Colombia, Ecuador, Peru, Suriname, Venezuela). Amazon Sustainable Landscapes Program Phase 3. (GEFID: 11198) Agency: WWF-US, CI, World Bank, FAO, UNDP. GEF Project Financing: \$88,644,185. Co-financing: \$557,827,180.
19. Global (Brazil, Burkina Faso, Cambodia, Cook Islands, Costa Rica, Dominican Republic, India, Jordan, Lao PDR, Morocco, Nigeria, Peru, Philippines, Senegal, South Africa). Circular Solutions to Plastic Pollution . (GEFID: 11181) Agency: WWF-US, UNIDO, UNEP, UNDP. GEF Project Financing: \$96,280,581. Co-financing: \$595,778,545.
20. Global (Cambodia, Cambodia, Costa Rica, Costa Rica, Ecuador, Ecuador, India, India, Mongolia, Mongolia, Pakistan, Pakistan, Peru, Peru, Trinidad and Tobago, Trinidad and Tobago). Eliminating hazardous chemicals from supply chains. (GEFID: 11169). Agency: FAO, UNEP, UNDP, UNIDO. GEF Project Financing: \$45,674,998. Co-financing: \$295,245,000.

The United States, in light of its policies for certain development projects in countries whose governments (i) are not addressing trafficking in persons; (ii) have engaged in a pattern of gross violations of internationally recognized human rights; or (iii) do not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces, and in light of its policies related to development projects in China, opposes and therefore does not join a Council decision that would support GEF project 11271 in China.

The United States, in light of its policies for certain development projects in countries that have engaged in a pattern of gross violations of internationally recognized human rights, opposes and therefore does not join a Council decision that would support GEF project 11110 in Ethiopia.

The United States, in light of its concerns related to project implementation risks, opposes and therefore does not join a Council decision that would support GEF projects 11115, 11198, and 11108 in Venezuela.

21. Regional (Guinea, Liberia, Sierra Leone). Guinean Forests (GEF-8 Amazon, Congo and Critical Forest Biomes Integrated Program). (GEFID: 11142) Agency: FAO, CI, IUCN. GEF Project Financing: \$20,077,828. Co-financing: \$59,664,406.
22. Global (Angola, Brazil, Cambodia, Chad, Congo DR, Cote d'Ivoire, Haiti, Madagascar, Mali, Mauritania, Mexico, Mozambique, Nepal, Peru, Rwanda, Sao Tome and Principe, Sierra Leone, South Africa, Uzbekistan, Viet Nam). Ecosystem Restoration. (GEFID: 11118) Agency: UNDP, CI, IFAD, UNEP, World Bank, FAO, IUCN. GEF Project Financing: \$183,859,244. Co-financing: \$1,627,501,995.
23. Regional (Lao PDR, Papua New Guinea, Thailand). Indo-Malaya Critical Forest Biome Integrated Program. (GEFID: 11102). Agency: FAO, IUCN, UNDP. GEF Project Financing: \$38,216,208. Co-financing: \$185,597,817.
24. Global (Chile, Costa Rica, Cote d'Ivoire, Indonesia, Mauritius, Mexico, Morocco, Nigeria, Tanzania, Thailand, Trinidad and Tobago, Viet Nam). Net-Zero Nature-Positive Accelerator Integrated Programme. (GEFID: 11085). Agency: UNIDO, ADB, UNDP, UNEP, CAF, FAO. GEF Project Financing: \$98,678,187. Co-financing: \$695,182,970.
25. Global. Global Programme to Support Countries to Upscale Integrated Electric Mobility Systems (GEF ID 11074). Agency: UNEP, ADB, World Bank, EBRD; GEF Project Financing: \$22,257,385; Co-financing: \$129,356,667.
26. India. Guarantee Mechanism for Renewable Biogas Initiative (GEF ID: 11068). World Bank; GEF Project financing: \$13,761,468; Co-financing: \$705,000,000.
27. Regional. LAC. Yield Lab Opportunity Fund I: Accelerating technology and local innovation for sustainable and decarbonized food systems in Latin America and the Caribbean (GEF ID: 11066). Agency: IADB; GEF Project financing: \$6,000,000; Co-financing: \$44,000,000.
28. Chile. Green Hydrogen Facility to Support a Green, Resilient and Inclusive Economic Development (GEF ID: 11065). Agency: World Bank; GEF Project financing: 13,761,469; Co-financing: \$450,000,000.
29. Regional: Asia and Pacific. Natural Capital Fund (NCF): Investing in Nature-Positive Agri-Food Enterprises in Asia and the Pacific (GEF ID: 11062) Agency: ADB; GEF Project financing: \$13,761,469; Co-financing: \$646,350,000.
30. Brazil. Empowering Indigenous Peoples and Local Communities (IPLCs) to manage biodiversity data and information as a strategy to conserve their territories, safeguard traditional knowledge, and promote integrated biodiversity management (GEF ID: 11269). Agency: UNEP; GEF Project Financing: \$6,192,695; Co-financing: \$49,450,000.
31. Brazil. Biodiversity Wildlife Territories (GEF ID: 11268). Agency: FUNBIO; GEF Project Financing: \$16,872,477; Co-financing: \$51,000,000.

32. Chile. Strengthening inter-institutional coordination for the mainstreaming of biodiversity conservation in national, regional and local public policies in Chile (GEF ID: 11208). Agency: FAO; GEF Project Financing: \$3,776,941; Co-financing: 25,681,614.
33. Venezuela. Strengthening management to combat threats from Aquatic Invasive Alien Species in Venezuela (GEF ID: 11115). Agency: FAO; GEF Project Financing: \$6,000,000; Co-financing: \$35,940,000.
34. China. Green hydrogen energy integrated demonstration application project in China (GEF ID: 11271). Agency: UNIDO; GEF project financing: \$16,000,000; Co-financing: \$160,900,000.
35. Argentina. Accelerating low-emission and resilient community energy in Argentina. (GEF ID: 11073). Agency: UNEP; GEF Project Financing: \$4,701,497; Co-financing: \$32,000,000.
36. Brazil. Promoting zero-emission buildings in Brazil through climate technologies and policies (EDinova) (GEF ID11072). Agency: UNEP; GEF Project Financing: \$9,167,443; Co-financing: \$66,657,355.
37. Chile. Supporting the shift to a low-emission, circular construction in Chile. (GEF ID: 11071). Agency: UNEP; GEF Project Financing: \$2,963,699; Co-financing: \$20,200,000.
38. Eswatini. Reduced risks on human health & the environment through reduction of POPs & U-POPs in Eswatini (GEF ID: 11272) Agency: UNDP; GEF project financing: \$4,935,000; co-financing: \$31,140,000.
39. Global (Sierra Leone, Tunisia, Türkiye, Uruguay). Shifting to Zero Waste Against Pollution (SWAP) Initiative (GEF ID: 11211). Agency UNDP; GEF project financing: \$26,700,000; Co-financing: \$216,691,545.
40. Regional (Africa, Egypt, Ethiopia, Kenya, Nigeria, South Africa). Fortifying Infrastructure for Responsible Extinguishments (FIRE): (GEF ID: 11110). Agency UNEP; GEF project financing: \$10,000,000; Co-financing: \$45,000,000.
41. Regional (Ecuador, Costa Rica, Colombia, and Panama). Beyond 30x30: Securing resilience in the Eastern Tropical Pacific through enhanced transboundary cooperation (GEF ID: 11267). Agency: CI; GEF Project Financing: \$14,378,899; Co-financing: \$53,383,037.
42. Regional (Eswatini, Mozambique, South Africa). Strengthening integrated transboundary management of the Incomati and Maputo river basins (GEF ID. 11180). Agency: UNDP; GEF project financing: \$7,105,936; Co-financing: \$23,600,000.
43. Global (Costa Rica, Kenya and Vanuatu). Plastic Reduction in the Oceans: Sustaining and Enhancing Actions on Sea-based Sources (PRO-SEAS). (GEF ID: 11166). Agency: FAO; GEF project financing: \$7,105,936; Co-financing: \$49,151,264.

44. Regional (Djibouti, Egypt, Eritrea, Jordan, Sudan, and Yemen). Promoting sustainable fisheries management in the Red Sea Large Marine Ecosystem (RedSeaFish project). (GEF ID 11113). Agency: FAO; GEF project financing: \$6,192,694; Co-financing: \$40,300,000.
45. Regional (Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, Venezuela). Towards a Better Understanding of the Amazon Aquifer Systems for its Protection and Sustainable Management (GEF ID 11108). Agency: UNEP and IADB; GEF Project Financing: \$13,461,468; Co-Financing: \$131,236,473.
46. Regional (Angola, Namibia, South Africa). Mainstreaming Climate-Resilient Blue Economy in the Benguela Current Large Marine Ecosystem (BCLME) Region (GEF ID: 11282). Agency: UNDP; GEF project financing: \$10,484,931; Co-financing: \$25,000,000.
47. Mexico. Ecosystem restoration and sustainable livelihoods in the Biocultural Corridor of the Central West of Mexico (COBIOCOM) (GEF ID: 11249). Agency: FAO; GEF Project Financing: \$8,932,420; Co-financing: \$51,156,135.
48. Honduras. Generating opportunities for livelihoods and biodiversity through participatory governance of natural resources and the economic diversification of the communities of the central forest corridor of Honduras (GEF ID: 11213). Agency: FAO; GEF Project Financing: \$5,329,453; Co-financing: \$39,900,000.
49. Panama. Strengthening ecological connectivity in natural and productive landscapes between the Amistad and Darien biomes (GEF ID: 11209). Agency: UNDP; GEF Project Financing: \$6,585,388; Co-financing: \$42,800,000.
50. Georgia. Transforming Policy and Investment through Improving Ecosystem Management and Restoration of Degraded Drylands of Dedoplistskaro Biosphere Reserve in Georgia to Generate Multiple Environmental and Socio-Economic Benefits (GEF ID 11141). Agency: UNEP; GEF Project Financing: \$3,552,970; Co-financing: \$24,875,000.
51. Lebanon. Community-based Wildfire Risk Management in Lebanon's Vulnerable Landscapes (GEF ID 11117). Agency: World Bank; GEF Project Financing: \$3,458,000; Co-financing: \$126,000,000.
52. Djibouti. Sustainable management of water and rangeland resources for enhanced climate resilience of rural communities in Djibouti (GEF ID 11284); GEF Agency: UNDP; GEF project financing: \$2,977,523 (GEF Trust Fund) and \$18,048,624 (LDCF); Co-financing: \$66,300,000.
53. Zambia. Climate-resilient ecosystem restoration and sustainable land management in the Central and Southern Provinces of Zambia (GEF ID 11212); GEF Agency: FAO; GEF project financing: \$8,265,283 (LDCF) and \$3,544,809 (GEF Trust Fund); Co-financing: \$91,200,000.
54. Global. Eighth Operational Phase of the GEF Small Grants Programme (GEFID: 11285). Agency: UNDP; GEF project financing \$126,186,603; Co-financing: \$126,187,000.

55. Global (Algeria, Antigua and Barbuda, Argentina, Bahrain, Belize, Bhutan, Bolivia, Brazil, Cambodia, Chile, China, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guyana, Haiti, Iraq, Jamaica, Jordan, Lao PDR, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Morocco, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Saint Lucia, Samoa, Seychelles, Somalia, Sri Lanka, St Vincent & Grenadines, St. Kitts and Nevis, Suriname, Tajikistan, Thailand, Timor Leste, Trinidad & Tobago, Tunisia, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Venezuela). Umbrella Programme to Support NBSAP Update and the 7th National Reports (GEF ID: 11286). Agency: UNDP; GEF Project Financing: \$28,400,000.
56. Global (Albania, Armenia, Azerbaijan, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros,
57. Congo, Congo DR, Cook Islands, Djibouti, Equatorial Guinea, Eritrea, Eswatini, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Moldova, Montenegro, Mozambique, Niger, Nigeria, Niue, Palau, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, South Africa, South Sudan, Sudan, Tanzania, Togo, Tonga, Türkiye, Tuvalu, Vanuatu, Zambia, Angola, Bosnia-Herzegovina, Cote d'Ivoire, Ethiopia, Fiji, Gabon, Micronesia, Namibia, Nauru, Nicaragua, North Macedonia, Qatar, Serbia, Uganda, Zimbabwe). Umbrella Programme to Support NBSAP Update and the 7th National Reports (GEF ID: 11281). Agency: UNEP; GEF Project Financing: \$36,435,000
58. Global (Azerbaijan, Bahrain, Cook Islands, Eritrea, Ghana, Mali, Micronesia, Mongolia, Morocco, Peru, Philippines, Senegal, Sierra Leone, Tunisia, Venezuela, Cote d'Ivoire, Thailand). Technology Needs Assessment Phase V Project (GEF ID11099). Agency: UNEP; GEF Project Financing: \$5,100,000.
59. With respect to the following 2 projects, the Council requested the Secretariat to arrange for Council members to receive draft final project documents and to transmit to the CEO within four weeks any concerns they may have prior to the CEO's endorsing the project document for final approval by the GEF Agency:
60. Haiti. Land degradation neutrality initiative in Southern Haiti (GEF ID: 11238). Agency: FAO; GEF Project Financing: \$5,417,361.00; Co-financing: \$20,175,990.00.
61. Paraguay. Global Opportunities for the Long-Term Development of the Artisanal and Small-Scale Gold Mining Sector in Paraguay - planetGOLD Paraguay (GEF ID 11112). Agency: UNEP; GEF Project Financing: \$3,000,000; Co-financing: \$22,000,000.
62. With respect to the PIFs and PFDs approved as part of the Work Program, the Council finds that each of these PIFs and PFDs (i) is, or would be, consistent with the Instrument and GEF policies and procedures, and (ii) may be endorsed by the CEO for final approval by the GEF Agency, provided that the final project documents fully incorporate and address the Council's

and the STAP reviewer's comments on the Work Program, and that the CEO confirms that the project continues to be consistent with the Instrument and GEF policies and procedures.

63. With respect to any PIF approved in this Work Program, the final project document will be posted on the GEF website for information after CEO endorsement. If there are major changes to the project objectives or scope since PIF approval, the final project document shall be posted on the web for Council review for four weeks prior to CEO endorsement.

64. Following previous Council decisions related to UNDP GEF Management, all projects included in the Work Program implemented by UNDP shall be circulated by email for Council review at least four weeks prior to CEO endorsement/approval. Project reviews will take into consideration the relevant findings of the external audit and management responses and note them in the endorsement review sheet that will be made available to the Council during the 4-week review period.

65. The Council, recalling its decision 9/2022 and having considered the report on Lead Agency Selection Process for the Clean and Healthy Ocean Integrated Program, notes the technical and analytical steps taken by the GEF Secretariat and endorses the agency selection to lead the Clean and Healthy Ocean Integrated Program

Decision 09/2023 *Establishment of a new trust fund: Global Biodiversity Framework Fund*

66. The Council, having considered document GEF/C.64/05/Rev.01, *Establishment of a New Trust Fund: The Global Biodiversity Framework Fund*, approves the arrangements proposed for the establishment of a new trust fund, with the aim to support the Kunming-Montreal Global Biodiversity Framework.

67. The Council invites the World Bank to act as Trustee for the new Global Biodiversity Framework Fund.

Decision 10/2023 *Programming Directions for the Global Biodiversity Framework Fund*

68. The Council, having considered document GEF/C.64/06/Rev/01, the *Programming Directions of the Global Biodiversity Framework Fund*, approves the programming directions, with the aim to support the Kunming-Montreal Global Biodiversity Framework, including the principles set forth therein by which resources will be allocated.

Decision 11/2023 *Evaluation of The GEF's Approach and Interventions in Water Security and Management Response*

69. The Council, having considered document GEF/E/C.64/01, *Evaluation of The GEF's Approach and Interventions in Water Security*, and GEF/C.64/13, the *Management Response*, takes note of the related evaluation recommendations and endorses the management response to address them.

Decision 12/2023 *Strategic Country Cluster Evaluation of the Lower Mekong River Basin Ecosystem and Management Response*

70. The Council, having considered document GEF/E/C.64/02, the *Strategic Country Cluster Evaluation of the Lower Mekong River Basin Ecosystem* and document GEF/C.64/14, the *Management Response*, takes note of the related evaluation recommendations and endorses the management response to address them.

Decision 13/2023 *Four-Year Work Program and Budget of the GEF Independent Evaluation Office*

71. The Council, having considered document GEF/ME/C.64/03/Rev.01, *the Four-Year Work Program and Budget of the GEF Independent Evaluation Office: GEF-8*:

(1) Approves the annual IEO budget for FY24 for a total of \$8.34 million, which includes the Indirect overhead charge of 11% applied by the World Bank Group.

(2) Approves the work program for GEF-8 including the preparations for the Eighth Comprehensive Evaluation of the GEF.

Decision 14/2023 *Preparing the GEF to serve as part of the financial mechanism of the internationally legally binding instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ)*

72. The Council, having considered document GEF/C.64/12/Rev.02, *Preparing the GEF to serve as part of the Financial Mechanism of the international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction (BBNJ)*:

73. Welcomes the invitation from the Intergovernmental Conference on BBNJ to the GEF to be part of the Financial Mechanism of the BBNJ agreement as reflected in part VII “Financial Resources and Mechanism” of the agreement adopted at the further resumed fifth session of the Intergovernmental Conference on June 19, 2023;

74. Authorizes the use of up to \$34 million for the funding of ratification support and early action activities for the BBNJ Agreement to be programmed during GEF-8;

75. Requests the GEF Secretariat to develop initial guidelines for enabling activities and ratification support projects and present them as a decision document at the 66th Council Meeting;

76. Recommends to the Assembly the following amendment to the Instrument:

To add a new subparagraph (f) under paragraph 6 that would read:

(f) Operate as one of the entities comprising the financial mechanism of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, pursuant to its Article 52, paragraphs 3, 4, 6, 9 and 10. In such respects, the GEF shall function under the guidance of and shall be accountable to the Conference of the Parties. In addition, the GEF shall receive guidance from the Conference of the Parties on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.

Decision 15/2023 *Improving the visibility of the GEF: New communication and visibility policy*

77. The Council, having considered document GEF/C.64/11, *Improving the Visibility of the GEF: New Communication and Visibility Policy*, approves the GEF Communication and Visibility Policy attached as Annex I and requests that all GEF Agencies and others in the GEF Partnership to implement the Policy, including the GEF Brand Guidelines developed by the Secretariat as necessary, where applicable to any GEF-funded activity.

Decision 16/2023 *Assessing the Strength of the GEF Partnership: Coverage by GEF Agencies*

78. The Council, having considered document, GEF/C.64/10, *Assessing the Strength of the GEF Partnership: Coverage by Agencies*, takes note of the report and decides:

- i. to request the Secretariat to continue to monitor the strength of the GEF Partnership along the five dimensions of geographic coverage, thematic coverage, efficiency, effectiveness and engagement and present an analysis to the 67th Council in advance of the commencement of the GEF-9 Replenishment negotiations;
- ii. to request the Secretariat to take the necessary actions to remove the geographic restrictions applicable for the Development Bank of South Africa to

enable it to implement GEF projects or programs in any country in accordance with its mandate

Decision 17/2023

Report of the Selection and Review Committee

79. The Council notes with regret that Mr. Uitto's term as Director of the Evaluation Office finishes on April 2024. In order to ensure a smooth transition, his successor will need to be appointed by the GEF Council, preferably at its second session in 2023.

80. Having considered document GEF/C.64/15, *the Report of the Selection and Review Committee*, the Council:

(i) Agrees to launch the recruitment process for the Director of the Evaluation Office as soon as possible, based on the attached terms of reference, and in accordance with the recommended "hybrid" process;

(ii) Takes note of the estimated costs of the recruitment process for the Director of the Evaluation Office, and approves a budget of up to US\$50,000 for the Special Initiative to complete the recruitment of a new Director of the Evaluation Office;

(iii) Takes note of the FY23 mid-term assessment for the IEO Director and the GEF CEO and, recalling its decision 42/2022, requests the SRC to present the performance evaluations of the GEF CEO and IEO Director for the Council's review at its 65th meeting.

CLOSURE OF THE MEETING

The meeting closed on June 29, 2023.

Global Environment Facility

**Table 1: Record of GEF/NPIF/CBIT Trust Fund Resources Requested for Corporate Budget and Special Initiative, NPIF and CBIT Administration, and GEF IEO Budget and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023**

	Amounts Requested for Funding in US\$	Amounts Approved by Council in US\$
	Core Budget and Special Initiative	Core Budget and Special Initiative
FY24 Corporate Budget and Special Initiative		
GEF Secretariat	30,534,000	30,534,000
STAP	3,135,000	3,135,000
Trustee	3,532,000	3,532,000
Sub-total Corporate Budget	37,201,000	37,201,000
Nagoya Protocol Implementation Fund (NPIF) - Administration		
GEF Secretariat	17,500	17,500
STAP	-	-
Trustee	4,900	4,900
Sub-total NPIF Administration	22,400	22,400
Capacity-building Initiative for Transparency (CBIT) - Administration		
GEF Secretariat	412,000	412,000
STAP	-	-
Trustee	24,000	24,000
Sub-total CBIT Administration	436,000	436,000
FY24 Budget for the GEF Independent Evaluation Office		
GEF Independent Evaluation Office	8,340,000	8,340,000
Sub-total GEF Independent Evaluation Office	8,340,000	8,340,000
GRAND TOTAL	45,999,400	45,999,400

Global Environment Facility
Table 2: Record of GEF Trust Fund Resources Requested for Projects/Programs and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
Impact Programs												
1	11273	FAO, IUCN	Mesoamerica Critical Forest Biome Integrated Program	El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Regional	Multi Focal Area	58,147,493	5,233,267	63,380,760	58,147,493	5,233,267	63,380,760	1,046,653
2	11250	FAO, WWF-US, IUCN, UNDP, World Bank, UNEP	Blue and Green Island Integrated Programme	Belize, Cabo Verde, Comoros, Cuba, Maldives, Mauritius, Micronesia, Palau, Papua New Guinea, Samoa, Seychelles, St. Lucia, Timor Leste, Trinidad and Tobago, Vanuatu, Global	Multi Focal Area	121,183,945	10,906,541	132,090,486	121,183,945	10,906,541	132,090,486	2,181,308
3	11241	IFAD, CI, IUCN, UNEP	Congo Critical Forest Biome Integrated Program	Angola, Cameroon, Central African Republic, Congo DR, Equatorial Guinea, Sao Tome and Principe, Regional	Multi Focal Area	56,259,439	5,063,349	61,322,788	56,259,439	5,063,349	61,322,788	1,012,670
4	11198	WWF-US, CI, World Bank, FAO, UNDP	Amazon Sustainable Landscapes Program Phase 3	Bolivia, Brazil, Colombia, Ecuador, Peru, Suriname, Venezuela, Regional	Multi Focal Area	88,644,185	7,977,973	96,622,158	88,644,185	7,977,973	96,622,158	1,595,595
5	11181	WWF-US, UNIDO, UNEP, UNDP	Circular Solutions to Plastic Pollution	Brazil, Burkina Faso, Cambodia, Cook Islands, Costa Rica, Dominican Republic, India, Jordan, Lao PDR, Morocco, Nigeria, Peru, Philippines, Senegal, South Africa, Global	Multi Focal Area	96,280,581	8,665,252	104,945,833	96,280,581	8,665,252	104,945,833	1,733,050
6	11169	FAO, UNEP, UNDP, UNIDO	Eliminating hazardous chemicals from supply chains	Cambodia, Cambodia, Costa Rica, Costa Rica, Ecuador, Ecuador, India, India, Mongolia, Mongolia, Pakistan, Pakistan, Peru,	Multi Focal Area	45,674,998	4,110,750	49,785,748	45,674,998	4,110,750	49,785,748	822,150

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
				Peru, Trinidad and Tobago, Trinidad and Tobago, Global								
7	11142	FAO, CI, IUCN	Guinean Forests (GEF-8 Amazon, Congo and Critical Forest Biomes Integrated Program)	Guinea, Liberia, Sierra Leone, Regional	Multi Focal Area	20,077,828	1,807,001	21,884,829	20,077,828	1,807,001	21,884,829	361,400
8	11118	UNDP, CI, IFAD, UNEP, World Bank, FAO, IUCN	Ecosystem Restoration	Angola, Brazil, Cambodia, Chad, Congo DR, Cote d'Ivoire, Haiti, Madagascar, Mali, Mauritania, Mexico, Mozambique, Nepal, Peru, Rwanda, Sao Tome and Principe, Sierra Leone, South Africa, Uzbekistan, Viet Nam, Global	Multi Focal Area	183,859,244	16,547,322	200,406,566	183,859,244	16,547,322	200,406,566	3,309,464
9	11102	FAO, IUCN, UNDP	Indo-Malaya Critical Forest Biome Integrated Program	Lao PDR, Papua New Guinea, Thailand, Viet Nam, Regional	Multi Focal Area	38,216,208	3,439,456	41,655,664	38,216,208	3,439,456	41,655,664	687,891
10	11085	UNIDO, ADB, UNDP, UNEP, CAF, FAO	Net-Zero Nature-Positive Accelerator Integrated Programme	Chile, Costa Rica, Cote d'Ivoire, Indonesia, Mauritius, Mexico, Morocco, Nigeria, Tanzania, Thailand, Trinidad and Tobago, Viet Nam, Global	Multi Focal Area	98,678,187	8,881,023	107,559,210	98,678,187	8,881,023	107,559,210	1,776,205
Sub-total Impact Programs						807,022,108	72,631,934	879,654,042	807,022,108	72,631,934	879,654,042	14,526,387
Other Programs												
11	11074	World Bank, UNEP, ADB, EBRD	Global Programme to Support Countries to Upscale Integrated Electric Mobility Systems	Azerbaijan, Fiji, Senegal, Solomon Islands, Vanuatu, Zambia, Zimbabwe, Global	Multi Focal Area	22,257,385	2,003,165	24,260,550	22,257,385	2,003,165	24,260,550	400,633
Sub-total Other Programs						22,257,385	2,003,165	24,260,550	22,257,385	2,003,165	24,260,550	400,633

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
<u>Non-Grant Instrument</u>												
12	11068	World Bank	Guarantee Mechanism for Renewable Biogas in India	India	Climate Change	13,761,468	1,238,532	15,000,000	13,761,468	1,238,532	15,000,000	247,706
13	11066	IADB	Yield Lab Opportunity Fund I: Accelerating technology and local innovation for sustainable and decarbonized food systems in Latin America and the Caribbean	Regional	Multi Focal Area	6,000,000	570,000	6,570,000	6,000,000	570,000	6,570,000	114,000
14	11065	World Bank	Chile Green Hydrogen Facility Project	Chile	Climate Change	13,761,468	1,238,532	15,000,000	13,761,468	1,238,532	15,000,000	247,706
15	11062	ADB	Natural Capital Fund (NCF): Investing in Nature-Positive Agri-Food Enterprises in Asia and the Pacific	Regional	Multi Focal Area	13,761,469	1,238,531	15,000,000	13,761,469	1,238,531	15,000,000	247,706
<u>Sub-total Non-Grant Instrument</u>						47,284,405	4,285,595	51,570,000	47,284,405	4,285,595	51,570,000	857,119
<u>Stand-Alone Full-sized Projects</u>												
<u>Biodiversity</u>												
16	11269	UNEP	Empowering Indigenous Peoples and Local Communities (IPLCs) to manage biodiversity data and information as a strategy to conserve their	Brazil	Biodiversity	6,192,695	588,305	6,781,000	6,192,695	588,305	6,781,000	117,661

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
			territories, safeguard traditional knowledge, and promote integrated biodiversity management									
17	11268	Funbio	Biodiversity Wildlife Territories	Brazil	Biodiversity	16,872,477	1,518,523	18,391,000	16,872,477	1,518,523	18,391,000	303,705
18	11208	FAO	Strengthening inter-institutional coordination for the mainstreaming of biodiversity conservation in national, regional and local public policies in Chile	Chile	Biodiversity	3,776,941	358,809	4,135,750	3,776,941	358,809	4,135,750	71,762
19	11115	FAO	Strengthening management to combat threats from Aquatic Invasive Alien Species in Venezuela	Venezuela	Biodiversity	6,000,000	570,000	6,570,000	6,000,000	570,000	6,570,000	114,000
Sub-total Biodiversity Projects						32,842,113	3,035,637	35,877,750	32,842,113	3,035,637	35,877,750	607,127
Climate Change Mitigation Projects												
20	11271	UNIDO	Green hydrogen energy integrated demonstration application project in China	China	Climate Change	16,000,000	1,440,000	17,440,000	16,000,000	1,440,000	17,440,000	288,000
21	11073	UNEP	Accelerating low-emission and resilient community energy in Argentina	Argentina	Climate Change	4,701,497	446,642	5,148,139	4,701,497	446,642	5,148,139	89,328
22	11072	UNEP	Promoting zero-emission buildings	Brazil	Climate Change	9,167,443	870,907	10,038,350	9,167,443	870,907	10,038,350	174,181

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
			in Brazil through climate technologies and policies (EDinova)									
23	11071	UNEP	Supporting the shift to a low-emission, circular construction in Chile	Chile	Climate Change	2,963,699	281,551	3,245,250	2,963,699	281,551	3,245,250	56,310
Sub-total Climate Change Mitigation Projects						32,832,639	3,039,100	35,871,739	32,832,639	3,039,100	35,871,739	607,820
Land Degradation Projects												
24	11238	FAO	Land degradation neutrality initiative in Southern Haiti	Haiti	Land Degradation	5,417,361	514,649	5,932,010	5,417,361	514,649	5,932,010	102,930
Sub-total Land Degradation Projects						5,417,361	514,649	5,932,010	5,417,361	514,649	5,932,010	102,930
Chemicals and Waste Projects												
25	11272	UNDP	Reduced risks on human health & the environment through reduction of POPs & U-POPs in Eswatini	Eswatini	Chemicals and Waste	4,935,000	468,825	5,403,825	4,935,000	468,825	5,403,825	93,765
26	11211	UNDP	Shifting to Zero Waste Against Pollution (SWAP) Initiative	Sierra Leone, Tunisia, Türkiye, Uruguay, Global	Chemicals and Waste	26,700,000	2,403,000	29,103,000	26,700,000	2,403,000	29,103,000	480,600
27	11112	UNEP	Global Opportunities for the Long-Term Development of the Artisanal and Small-Scale Gold Mining Sector in Paraguay - planetGOLD Paraguay	Paraguay	Chemicals and Waste	3,000,000	285,000	3,285,000	3,000,000	285,000	3,285,000	57,000

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
28	11110	UNEP	Fortifying Infrastructure for Responsible Extinguishments (FIRE)	Africa, Egypt, Ethiopia, Kenya, Nigeria, South Africa, Regional	Chemicals and Waste	10,000,000	900,000	10,900,000	10,000,000	900,000	10,900,000	180,000
Sub-total Chemicals and Waste Projects						44,635,000	4,056,825	48,691,825	44,635,000	4,056,825	48,691,825	811,365
International Waters Projects												
29	11267	CI	Beyond 30x30: Securing resilience in the Eastern Tropical Pacific through enhanced transboundary cooperation	Colombia, Costa Rica, Ecuador, Panama, Regional	International Waters	14,378,899	1,294,101	15,673,000	14,378,899	1,294,101	15,673,000	258,820
30	11180	UNDP	Strengthening integrated transboundary management of the Incomati and Maputo river basins	Eswatini, Mozambique, South Africa, Regional	International Waters	7,105,936	675,064	7,781,000	7,105,936	675,064	7,781,000	135,013
31	11166	FAO	Plastic Reduction in the Oceans: Sustaining and Enhancing Actions on Sea-based Sources (PRO-SEAS)	Costa Rica, Kenya, Vanuatu, Global	International Waters	7,105,936	675,064	7,781,000	7,105,936	675,064	7,781,000	135,013
32	11113	FAO	Promoting sustainable fisheries management in the Red Sea Large Marine Ecosystem (RedSeaFish project)	Djibouti, Egypt, Eritrea, Jordan, Yemen, Regional	International Waters	6,192,694	588,306	6,781,000	6,192,694	588,306	6,781,000	117,661
33	11108	IADB, UNEP	Towards a better understanding of the Amazon Aquifer Systems	Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, Venezuela, Regional	International Waters	13,461,468	1,211,532	14,673,000	13,461,468	1,211,532	14,673,000	242,306

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
			for its protection and sustainable management									
Sub-total International Waters Projects						48,244,933	4,444,067	52,689,000	48,244,933	4,444,067	52,689,000	888,813
Multi Focal Area Projects												
34	11282	UNDP	Mainstreaming Climate-Resilient Blue Economy in the BCLME Region (BCLME IV Project)	Angola, Namibia, South Africa, Regional	Multi Focal Area	10,484,931	943,445	11,428,376	10,484,931	943,445	11,428,376	188,689
35	11249	FAO	Ecosystem restoration and sustainable livelihoods in the Biocultural Corridor of the Central West of Mexico (COBIOCOM)	Mexico	Multi Focal Area	8,932,420	848,580	9,781,000	8,932,420	848,580	9,781,000	169,716
36	11213	FAO	Generating opportunities for livelihoods and biodiversity through participatory governance of natural resources and the economic diversification of the communities of the central forest corridor of Honduras	Honduras	Multi Focal Area	5,329,453	506,298	5,835,751	5,329,453	506,298	5,835,751	101,260
37	11209	UNDP	Strengthening ecological connectivity in natural and productive landscapes	Panama	Multi Focal Area	6,585,388	625,612	7,211,000	6,585,388	625,612	7,211,000	125,122

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
			between the Amistad and Darien biomes									
38	11141	UNEP	Transforming Policy and Investment through Improving Ecosystem Management and Restoration of Degraded Drylands of Dedoplistskaro Biosphere Reserve in Georgia to Generate Multiple Environmental and Socio-Economic Benefits	Georgia	Multi Focal Area	3,552,970	337,530	3,890,500	3,552,970	337,530	3,890,500	67,506
39	11117	World Bank	Community-based Wildfire Risk Management in Lebanon's Vulnerable Landscapes	Lebanon	Multi Focal Area	3,458,000	328,510	3,786,510	3,458,000	328,510	3,786,510	65,702
Sub-total Multi Focal Area Projects						38,343,162	3,589,975	41,933,137	38,343,162	3,589,975	41,933,137	717,995
Multi-Trust Fund Projects¹												
40	11284	UNDP	Sustainable management of water and rangeland resources for enhanced climate resilience of rural communities in Djibouti	Djibouti	Multi Focal Area	2,977,523	267,977	3,245,500	2,977,523	267,977	3,245,500	53,595

¹ For Multi-Trust Fund projects, only GEFTF allocation is included in this Annex, the LDCF/SCCF allocation is included in the LDCF/SCCF Annex A accordingly.

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
41	11212	FAO	Resilient communities, land restoration and sustainable ecosystem management	Zambia	Multi Focal Area	3,544,809	319,033	3,863,842	3,544,809	319,033	3,863,842	63,807
Sub-total Multi-Trust Fund Projects						6,522,332	587,010	7,109,342	6,522,332	587,010	7,109,342	117,402
Small Grants Programme												
42	11285	UNDP	Eighth Operational Phase of the GEF Small Grants Programme (Part 1)	Albania, Algeria, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Colombia, Comoros, Congo, Congo DR, Costa Rica, Cote d'Ivoire, Cuba, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, India, Jamaica, Jordan, Kiribati, Kyrgyz Republic, Lao PDR, Lebanon, Lesotho, Liberia, Madagascar, Maldives, Mali, Mauritania, Mauritius, Micronesia, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, North Macedonia, Palau, Palestinian Authority, Panama, Paraguay, Philippines, Rwanda, Samoa, Senegal, Seychelles, Sierra		126,186,603	11,356,794	137,543,397	126,186,603	11,356,794	137,543,397	2,271,359

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
				Leone, Solomon Islands, South Africa, St. Lucia, Suriname, Tanzania, Thailand, Timor Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Uganda, Ukraine, Uruguay, Vanuatu, Venezuela, Zambia, Zimbabwe, Global								
Sub-total Small Grants Programme						126,186,603	11,356,794	137,543,397	126,186,603	11,356,794	137,543,397	2,271,359
Non-expedited Enabling Activity												
43	11286	UNDP	Umbrella Programme to Support NBSAP Update and the 7th National Reports	Algeria, Antigua and Barbuda, Argentina, Bahrain, Belize, Bhutan, Bolivia, Brazil, Cambodia, Chile, China, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guyana, Haiti, Iraq, Jamaica, Jordan, Lao PDR, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Morocco, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Seychelles, Somalia, Sri Lanka, St. Kitts and Nevis, St. Lucia, St. Vincent and Grenadines, Suriname, Tajikistan, Thailand, Timor Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Venezuela, Global	Biodiversity	28,400,000	2,556,000	30,956,000	28,400,000	2,556,000	30,956,000	-
44	11281	UNEP	Umbrella Programme to Support NBSAP Update and the 7th National Reports	Albania, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bosnia-Herzegovina, Botswana, Burkina Faso, Burundi, Cabo Verde,	Biodiversity	36,435,000	3,279,150	39,714,150	36,435,000	3,279,150	39,714,150	-

	GEF ID	Agency	Title	Country	Focal Area	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
				Cameroon, Central African Republic, Chad, Comoros, Congo, Congo DR, Cook Islands, Cote d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Micronesia, Moldova, Montenegro, Mozambique, Namibia, Nauru, Nicaragua, Niger, Nigeria, Niue, North Macedonia, Palau, Qatar, Rwanda, Sao Tome and Principe, Senegal, Serbia, Sierra Leone, Solomon Islands, South Africa, South Sudan, Sudan, Tanzania, Togo, Tonga, Türkiye, Tuvalu, Uganda, Vanuatu, Zambia, Zimbabwe, Global								
45	11099	UNEP	Technology Needs Assessment Phase V Project	Azerbaijan, Bahrain, Cook Islands, Cote d'Ivoire, Eritrea, Ghana, Mali, Micronesia, Mongolia, Morocco, Peru, Philippines, Senegal, Sierra Leone, Thailand, Tunisia, Venezuela, Global	Climate Change	5,100,000	484,498	5,584,498	5,100,000	484,498	5,584,498	-
Sub-total Non-expedited Enabling Activity						69,935,000	6,319,648	76,254,648	69,935,000	6,319,648	76,254,648	-
GRAND TOTAL						1,281,523,041	115,864,399	1,397,387,440	1,281,523,041	115,864,399	1,397,387,440	21,908,950

Global Environment Facility
Table 3: Record of Multi Trust Fund Resources Requested and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023

	GEF ID	Agency	Title	Country	Trust Fund	Project Amounts Requested for Funding In US\$			Project Amounts Approved by Council In US\$			
						Project Financing Requested	Agency Fee Requested	Total Amount Requested	Project Financing Approved	Agency Fee Approved	Total Amount Approved	20% of Agency fee to be committed by Trustee
1	11284	UNDP	Sustainable management of water and rangeland resources for enhanced climate resilience of rural communities in Djibouti	Djibouti	GEFTF	2,977,523	267,977	3,245,500	2,977,523	267,977	3,245,500	53,595
					LDCF	18,098,624	1,628,876	19,727,500	18,098,624	1,628,876	19,727,500	325,775
					Sub-total	21,076,147	1,896,853	22,973,000	21,076,147	1,896,853	22,973,000	379,371
2	11212	FAO	Resilient communities, land restoration and sustainable ecosystem management	Zambia	GEFTF	3,544,809	319,033	3,863,842	3,544,809	319,033	3,863,842	63,807
					LDCF	8,265,283	743,875	9,009,158	8,265,283	743,875	9,009,158	148,775
					Sub-total	11,810,092	1,062,908	12,873,000	11,810,092	1,062,908	12,873,000	212,582
GRAND TOTAL						32,886,239	2,959,761	35,846,000	32,886,239	2,959,761	35,846,000	591,952

Global Environment Facility
Table 4: Record of GEF Trust Fund Resources Requested and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023
Summary of Council Decisions

GEFTF

Funding status as of 6/23/2023 \$ 1,642,050,774
Approvals by Council \$ 1,442,928,440
Funding status after Council Meeting \$ 199,122,334

Agency	GEFTF Amounts Requested for Funding in US\$			GEFTF Amounts Approved by Council in US\$			
	Project Financing	Agency Fee	Total	Project Financing	Agency Fee	Total	20% of Agency fee to be committed by Trustee
Project/Programs funding							
ADB	15,120,552	1,360,848	16,481,400	15,120,552	1,360,848	16,481,400	272,170
AfDB	-	-	-	-	-	-	-
BOAD	-	-	-	-	-	-	-
CAF	909,083	81,817	990,900	909,083	81,817	990,900	16,363
CI	83,737,002	7,536,327	91,273,329	83,737,002	7,536,327	91,273,329	1,507,265
DBSA	-	-	-	-	-	-	-
EBRD	450,000	40,500	490,500	450,000	40,500	490,500	8,100
FAO	163,838,459	14,959,223	178,797,682	163,838,459	14,959,223	178,797,682	2,991,845
FECO	-	-	-	-	-	-	-
FUNBIO	16,872,477	1,518,523	18,391,000	16,872,477	1,518,523	18,391,000	303,705
IADB	12,596,119	1,163,651	13,759,770	12,596,119	1,163,651	13,759,770	232,730
IFAD	15,752,170	1,417,695	17,169,865	15,752,170	1,417,695	17,169,865	283,539
IUCN	81,303,826	7,317,338	88,621,164	81,303,826	7,317,338	88,621,164	1,463,468
UNDP	423,543,160	38,211,802	461,754,962	423,543,160	38,211,802	461,754,962	7,131,160
UNEP	276,561,981	25,063,953	301,625,934	276,561,981	25,063,953	301,625,934	4,260,061

Agency	GEFTF Amounts Requested for Funding in US\$			GEFTF Amounts Approved by Council in US\$			
	Project Financing	Agency Fee	Total	Project Financing	Agency Fee	Total	20% of Agency fee to be committed by Trustee
UNIDO	55,218,105	4,969,629	60,187,734	55,218,105	4,969,629	60,187,734	993,926
World Bank	107,133,929	9,659,338	116,793,267	107,133,929	9,659,338	116,793,267	1,931,868
WWF-US	28,486,178	2,563,755	31,049,933	28,486,178	2,563,755	31,049,933	512,751
Sub-total	1,281,523,041	115,864,399	1,397,387,440	1,281,523,041	115,864,399	1,397,387,440	21,908,950
	Core Budget & Special Initiative		Total	Core Budget & Special Initiative		Total	
Corporate Budget and GEF IEO Budget							
GEF Secretariat	30,534,000	-	30,534,000	30,534,000	-	30,534,000	-
STAP	3,135,000	-	3,135,000	3,135,000	-	3,135,000	-
Trustee	3,532,000	-	3,532,000	3,532,000	-	3,532,000	-
GEF Evaluation Office	8,340,000	-	8,340,000	8,340,000	-	8,340,000	-
Sub-total	45,541,000	-	45,541,000	45,541,000	-	45,541,000	-
GRAND TOTAL	1,327,064,041	115,864,399	1,442,928,440	1,327,064,041	115,864,399	1,442,928,440	21,908,950

Global Environment Facility
Table 5: Record of NPIF Trust Fund Resources Requested and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023
Summary of Council Decisions

NPIF

Funding status as of 6/23/2023 \$ 787,186
Approvals by Council \$ 22,400
Funding status after Council Meeting \$ 764,786

	NPIF Amounts Requested for Funding in US\$	NPIF Amounts Approved by Council in US\$
	Administrative Budget	Administrative Budget
NPIF Administration		
GEF Secretariat	17,500	17,500
STAP	-	-
Trustee	4,900	4,900
GEF Evaluation Office	-	-
Sub-total	22,400	22,400
GRAND TOTAL	22,400	22,400

Global Environment Facility
Table 6: Record of CBIT Trust Fund Resources Requested and Resulting Council Decisions
Council Meeting, June 26 - 29, 2023
Summary of Council Decisions

CBIT

Funding status as of 6/23/2023 \$ 4,132,891
Approvals by Council \$ 436,000
Funding status after Council Meeting \$ 3,696,891

	CBIT Amounts Requested for Funding in US\$	CBIT Amounts Approved by Council in US\$
	Administrative Budget	Administrative Budget
CBIT Administration		
GEF Secretariat	412,000	412,000
STAP	-	-
Trustee	24,000	24,000
GEF Evaluation Office	-	-
Sub-total	436,000	436,000
GRAND TOTAL	436,000	436,000



GEF/C.64/12/Rev.02

June 29, 2023

64th GEF Council Meeting
June 26 – June 29, 2023
Brasilia, Brazil

Agenda Item 15

**PREPARING THE GEF TO SERVE AS PART OF THE FINANCIAL MECHANISM OF THE
INTERNATIONALLY LEGALLY BINDING INSTRUMENT UNDER THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA ON THE CONSERVATION AND SUSTAINABLE
USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL
JURISDICTION (BBNJ)¹**

¹ This Council document and its recommended Council decision have been revised to reflect the outcomes of the further resumed fifth session of the intergovernmental conference (IGC-5) on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdictions (BBNJ) held on June 19 and 20, 2023, after the posting of the original Council document GEF/C.64/12.

Recommended Council Decision

The Council, having considered document GEF/C.64/12/Rev.02 *Preparing the GEF to serve as part of the Financial Mechanism of the international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction (BBNJ)*,

Welcomes the invitation from the Intergovernmental Conference on BBNJ to the GEF to be part of the Financial Mechanism of the BBNJ agreement as reflected in part VII “Financial Resources and Mechanism” of the agreement adopted at the further resumed fifth session of the Intergovernmental Conference on June 19, 2023;

Authorizes the use of up to \$34 million for the funding of ratification support and early action activities for the BBNJ Agreement to be programed during GEF-8;

Requests the GEF Secretariat to develop initial guidelines for enabling activities and ratification support projects and present them as a decision document at the 66th Council Meeting;

Recommends to the Assembly the following amendment to the Instrument:

To add a new subparagraph (f) under paragraph 6 that would read:

(f) Operate as one of the entities comprising the financial mechanism of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, pursuant to its Article 52, paragraphs 3, 4, 6, 9 and 10. In such respects, the GEF shall function under the guidance of and shall be accountable to the Conference of the Parties. In addition, the GEF shall receive guidance from the Conference of the Parties on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.

EXECUTIVE SUMMARY

1. At its resumed session of June 19 and 20, 2023, the fifth session of the Intergovernmental Conference (IGC-5) on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction adopted by consensus the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (“BBNJ”).²
2. The agreement identifies the GEF as part of its Financial Mechanism, which also includes a special fund and a voluntary trust fund. The voluntary trust fund is to facilitate participation of representatives of developing States Parties in the meetings of the bodies under the agreement. The special fund and the Global Environment Facility trust fund shall be utilized in order to:
 - (a) Fund capacity-building projects under the agreement, including effective projects on the conservation and sustainable use of marine biological diversity and activities and programmes, including training related to the transfer of marine technology;
 - (b) Assist developing States Parties in implementing the agreement;
 - (c) Support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge;
 - (d) Support public consultations at the national, subregional and regional levels; and
 - (e) Fund the undertaking of any other activities as decided by the Conference of the Parties.
3. Building on Council document GEF/C.63/10³ and Council Decision 36/2022⁴, this document provides the Council with a proposal to operationalize the provisions of the GEF-8 programming directions related to BBNJ and enable the GEF to fund activities to support early entry into force and implementation of the BBNJ Agreement, including projects aimed at ratification, for up to \$34 million in the remainder of GEF-8.

² A/CONF.232/2023/4, [Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction](#)

³ GEF, 2022, [Proposed Framework for GEF’s Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction \(BBNJ\)](#), p179. Council document GEF/C.63/10.

⁴ “The Council, having considered document GEF/C.63/10 [Proposed Framework for GEF’s Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction \(BBNJ\)](#), takes note of the progress of the Intergovernmental Conference (IGC) to prepare a legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine BBNJ; and, if requested by the IGC, would welcome the GEF becoming the Financial Mechanism or part of the Financial Mechanism of the instrument, within the framework of the GEF”.

4. The document also summarizes the implications for the GEF to be part of the BBNJ Financial Mechanism and proposes corresponding amendments to the GEF Instrument.

TABLE OF CONTENTS

Executive Summary.....	ii
Introduction	1
GEF as part of the BBNJ Financial Mechanism	2
Amendment to the GEF Instrument	3
Memorandum of Understanding.....	4
Support to Implementation	5
GEF Support To National Ratification and Early Action for the BBNJ Agreement.....	5
The GEF’s Past and Current Engagement in the Conservation and Sustainable Use of BBNJ.....	7
Capacity-building	8
BBNJ Implementation	9
Conservation and Sustainable Use Programmes by Indigenous Peoples and Local Communities.....	11
Public Consultations.....	11
BBNJ Alignment with the International Waters Focal Area.....	12
Annex I. Article 52 “Funding” of the BBNJ Agreement	13

INTRODUCTION

1. Areas beyond national jurisdiction (ABNJ)⁵ make up 40 percent of the surface of our planet, 64 percent of the surface of the oceans and nearly 95 percent of its volume. This vast global common contains marine resources and biodiversity of immense ecological, socioeconomic, and cultural importance. Yet, the biodiversity and ecosystems of ABNJ are subject to multiple anthropogenic threats, including overfishing, illegal, unreported and unregulated (IUU) fishing, pollution, habitat loss and degradation, and climate change.

2. Accordingly, work on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) was initiated under the United Nations General Assembly (UNGA) in 2004 through a dedicated Ad Hoc Open-ended Informal Working Group (UNGA resolution 59/24). Building on the nine sessions of the Working Group and four sessions of a dedicated Preparatory Committee, the United Nations General Assembly resolution 72/249 launched in 2017 a negotiation process and convened an Intergovernmental Conference (IGC) with the mandate “to elaborate the text of an international legally binding instrument under the UN Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible.” Five sessions of the IGC were convened between 2018 and 2023.

3. At its 63rd meeting, the Council, having considered document GEF/C.63/10 [Proposed Framework for GEF’s Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction \(BBNJ\)](#), took note of the progress of the IGC; and decided that “if requested by the IGC, would welcome the GEF becoming the Financial Mechanism or part of the Financial Mechanism of the instrument, within the framework of the GEF” (Council Decision 36/2022).

4. During the resumed fifth session of the IGC, held from February 20 to March 4, 2023, in New York, the draft BBNJ agreement was finalized. The Conference then decided to suspend its work on March 4, 2023, to proceed with the editing with a view to ensuring the uniformity of terminology throughout the text of the draft agreement and with harmonizing the versions in the six official languages of the United Nations. It also decided to further resume the fifth session to formally adopt the agreement in all official languages, and to consider agenda item 5 “General exchange of views”. The further resumed IGC-5 session met and concluded its work on June 19 and 20, 2023 with the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (A/CONF.232/2023/4)⁶.

⁵ In the context of the BBNJ agreement, ABNJ mean the high seas and the Area as defined by UNCLOS, i.e. (i) all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State, and (ii) the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

⁶ A/CONF.232/2023/4, [Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction](#)

5. The general objective of the BBNJ agreement “is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination” (Article 2).
6. The agreement contains twelve parts, including substantive parts related to:
- Marine genetic resources, including the fair and equitable sharing of benefits (Part II);
 - Measures such as area-based management tools, including marine protected areas (Part III);
 - Environmental impact assessments (Part IV);
 - Capacity-building and the transfer of marine technology (Part V).
7. Part VII “Financial Resources and Mechanism” of the agreement establishes “a mechanism for the provision of adequate, accessible, new and additional and predictable financial resources under [the] Agreement [...]” It designates the GEF Trust Fund as part of the Financial Mechanism, along with a special fund, and a voluntary trust fund to facilitate participation of representatives of developing States Parties in the meetings of the bodies under the Agreement.
8. This document presents the implications for the GEF to be part of the BBNJ Financial Mechanism, puts forward a proposal to operationalize GEF support to national ratification and early implementation of the Agreement, and summarizes the GEF’s past and ongoing support for topics relevant to the BBNJ.

GEF AS PART OF THE BBNJ FINANCIAL MECHANISM

9. Article 52 “Funding” of the BBNJ agreement finalized during IGC-5 includes the following paragraphs that are of direct relevance to the GEF:

“3: A mechanism for the provision of adequate, accessible, new and additional and predictable financial resources under this Agreement is hereby established. The mechanism shall assist developing States Parties in implementing this Agreement, including through funding in support of capacity-building and the transfer of marine technology, and perform other functions as set out in this article for the conservation and sustainable use of marine biological diversity.

4: The mechanism shall include:

(a) A voluntary trust fund established by the Conference of the Parties to facilitate the participation of representatives of developing States Parties, in particular least developed countries, landlocked developing countries and small island developing States, in the meetings of the bodies established under this Agreement;

(b) A special fund that shall be funded through the following sources:

- (i) Annual contributions in accordance with article 14, paragraph 6;*
- (ii) Payments in accordance with article 14, paragraph 7;*
- (iii) Additional contributions from Parties and private entities wishing to provide financial resources to support the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.*

(c) The Global Environment Facility trust fund.

7: The financial mechanism should seek to ensure that duplication is avoided, and complementarity and coherence promoted, among the utilization of the funds within the mechanism.

9: For the purposes of this Agreement, the mechanism shall function under the authority, where appropriate, and guidance of the Conference of the Parties and shall be accountable thereto. The Conference of the Parties shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.”

10. Furthermore, paragraph 6 of Article 52 included activities to be supported by the GEF trust fund as well as the special fund, including the following:

- (a) “Fund capacity-building projects under this Agreement, including effective projects on the conservation and sustainable use of marine biological diversity and activities and programmes, including training related to the transfer of marine technology;*
- (b) Assist developing States Parties in implementing this Agreement;*
- (c) Support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge;*
- (d) Support public consultations at the national, subregional and regional levels;*
- (e) Fund the undertaking of any other activities as decided by the Conference of the Parties.”*

11. Article 52 also includes the establishment of a finance committee in paragraph 14 to make recommendations on the identification and mobilization of funds under the mechanism, and to consider needs assessments, availability and timeliness of disbursements, transparency of decision-making, and others.

12. Article 52 is reprinted in its entirety as Annex 1 to this document.

Amendment to the GEF Instrument

13. Paragraph 6 of the GEF Instrument lists the Multilateral Environmental Agreements (MEA)

the GEF serves and clarifies the relationship between the GEF and the governing bodies of the MEAs. In line with the amendments to the GEF Instrument made in 2002, 2010 and 2014 to add the Stockholm Convention on Persistent Organic Pollutants, the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD), and the Minamata Convention on Mercury, respectively, to paragraph 6, the GEF Council may wish to consider an amendment to the GEF Instrument to include the BBNJ Agreement in the list of MEAs served by the GEF.

14. According to paragraph 34 of the GEF Instrument, an amendment to the Instrument “may be approved by consensus by the Assembly upon the recommendation of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and procedural requirements.”

15. With a view to the upcoming seventh GEF Assembly, the GEF Council may thus wish to recommend to the Assembly the following amendment to the Instrument:

To add a new subparagraph (f) under paragraph 6 that would read:

(f) Operate as one of the entities comprising the financial mechanism of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, pursuant to its Article 52, paragraphs 3, 4, 6 and 9. In such respects, the GEF shall function under the guidance of and shall be accountable to the Conference of the Parties. In addition, the GEF shall receive guidance from the Conference of the Parties on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.

Memorandum of Understanding

16. Article 52, paragraph 10 of the BBNJ agreement stipulates that “The Conference of the Parties and the Global Environment Facility shall agree upon arrangements to give effect to the above paragraphs at the first meeting of the Conference of the Parties.”

17. The GEF Council may thus consider developing a Memorandum of Understanding to further clarify its relationship with the Conference of the Parties (COP) to Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). Similar to other Memoranda of Understanding between the GEF Council and COPs to Conventions that the GEF serves as the financial mechanism, the Memorandum of Understanding would be adopted by the BBNJ COP and the GEF Council. It will clarify *inter alia* the type of guidance to be provided by the COP to the GEF, modalities to ensure conformity with such guidance, reporting requirements and modalities from the GEF to the COP, monitoring and evaluation, and inter-secretariat cooperation.

18. The specific timing of the consideration of such Memorandum of Understanding, and

adoption by, the GEF Council and the COP will be determined after the entry into force of the agreement and the scheduling of the first COP.

Support to Implementation

19. As foreseen in the GEF-8 Programming Directions, support will be provided to the BBNJ agreement for national ratification and capacity building. A proposal for such early action support is included in section GEF Support To National Ratification and Early Action for the BBNJ Agreement of this document.

20. Full-fledged support to implementation is expected to start upon entry into force of the agreement. Article 68 of the agreement provides that the BBNJ Agreement shall enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession.

21. The time period from adoption to entry into force varies among treaties. It took less than seven months for the Paris Agreement (from signature on April 22 to entry into force on November 4, 2016), four years for the Minamata Convention (text agreed in January 2013, entry into force in August 2017) and six years for the United Nations Fish Stocks Agreement under UNCLOS (1995 to 2001).

22. The GEF-9 Replenishment process, which is due to start in the spring of 2025 and conclude in June 2026, is expected to consider GEF support to the implementation of the BBNJ agreement over the 2026-2030 period. Specific activities to be supported by the GEF, in line with activities stated in paragraph 6 of Article 52 of the BBNJ agreement, may be further informed by guidance from the BBNJ COP, or relevant interim process, to the GEF. It will also depend on the establishment and role assigned to the special fund to avoid duplication, and ensure that complementarity and coherence are promoted.

GEF SUPPORT TO NATIONAL RATIFICATION AND EARLY ACTION FOR THE BBNJ AGREEMENT

23. In GEF-8, the International Water (IW) Focal Area has an allocation of \$565 million, of which \$34 million is notionally allocated to ABNJ under Objective 2 of the IW Focal Area Strategy. Activities related to the BBNJ were included under this Objective, as the relevance of the GEF on BBNJ issues was already recognized by the Replenishment Participants. The strategy includes a sentence that indicates the contingent readiness of the GEF to support BBNJ, including in the pre-ratification phase: *“At the request of the negotiating parties to an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction, once negotiations have concluded, and with the agreement of the GEF Council, support national ratification and implementation of the instrument.”*⁷

24. Timely support to national ratification will be critical for its rapid entry into force. The GEF

⁷ GEF, 2022, [Summary of Negotiations of the Eighth Replenishment of the GEF Trust Fund](#), GEF/C.62/03.

has provided national ratification support to developing countries for several MEAs, including the Nagoya Protocol to the CBD and the Minamata Convention on Mercury. The GEF has also supported some countries, as part of regular projects and programs for the IW focal area, on their efforts to join the UN Fish Stocks Agreement, and the Port State Measures Agreement, as well as legal endorsement of regional Strategic Action Programmes for large marine ecosystems and transboundary river basins, lakes and aquifers.⁸

25. Based on these experiences, GEF-8 national-level assistance for ratification will be specifically targeted to help countries:

- Determine national situation with respect to the conservation and sustainable use of BBNJ and potential impact thereon (e.g., mapping of stakeholders; of traditional knowledge of Indigenous People and Local communities; inventory of repositories and databases; and assessment of national research capacities associated with marine genetic resources in the ABNJ; of capacity to submit proposals on area-based management tools, including marine protected areas; and to undertake environmental impact assessments and enforce regulations).
- Conduct national legal and policy gap assessments.
- Assess existing baseline and identify national institutional and capacity needs required to implement the Agreement.
- Draft national legislation, including through inclusive national stakeholder consultation processes, as required for ratification, approval, acceptance or accession.
- Raise awareness and conduct targeted outreach efforts (opportunities and obligations under the Agreement) within government and parliament.
- As appropriate, develop national implementation strategies, including facilitation with stakeholders, for addressing identified needs and gaps.

26. GEF support will enable countries to recruit, as necessary, legal and technical expertise to carry out these activities.

27. In parallel to national-level activities, regional and global activities will be supported to achieve economies of scale and foster international cooperation towards the swift entry into force of BBNJ agreement, and to promote implementation readiness among key stakeholders. Supported activities at the regional or global level may include:

- Capacity building and training modules, and awareness raising and outreach material on the BBNJ agreement.
- Development of legislative templates to assist countries with national ratification, approval, acceptance or accession.

⁸ <https://iwlearn.net/documents/sap>

- Creation of rosters of regional technical and legal expertise.
- Regional training workshops to build awareness and capacity for ratification, approval, acceptance or accession.
- Establishing/strengthening knowledge management and community/ies of practice as resource for countries.
- Awareness raising of relevant global, regional, subregional, and sectoral bodies.
- As appropriate, development of regional implementation strategies, including facilitation with stakeholders, for addressing identified needs and gaps.

28. The GEF Secretariat will develop initial guidelines for enabling activities and ratification support projects and present them as a decision document at the 66th Council meeting. The GEF Secretariat will then notify all GEF Participants, and eligible countries can start submitting proposals through a GEF Agency.

29. The BBNJ agreement provides that “Eligibility for access to funding under this Agreement shall be open to developing States Parties on the basis of need” (Article 52, paragraph 12). Until the BBNJ COP or a relevant interim process, if any, provides guidance to the GEF on eligibility criteria to be applied for the purpose of the BBNJ agreement, GEF grants are to be in accordance with eligibility criteria stated in paragraph 9(b) of the GEF Instrument. Support to ratification will thus be provided on request, as expressed through a Letter of Endorsement signed by the GEF Operational Focal Point, to developing countries that:

- have signed the BBNJ agreement, or have taken meaningful steps towards becoming a Party to the Convention as evidenced by a letter from the relevant minister to the head of the BBNJ Secretariat and to the CEO and Chairperson of the GEF; and
- are eligible for World Bank (IBRD and/or IDA) financing or eligible recipients of UNDP technical assistance through its target for resource assignments from the core (TRAC).

30. The proposed areas of investment outlined above are estimated to cost up to \$34 million. This envelope will enable responding to all potential eligible country demand with a combination of national and regional activities representing at least \$200,000 per country (exclusive of agency fees).

THE GEF’S PAST AND CURRENT ENGAGEMENT IN THE CONSERVATION AND SUSTAINABLE USE OF BBNJ

31. The GEF has a strong track record of supporting conservation and sustainable use of BBNJ, based on the mandate to provide grants and concessional funding to achieve global environmental benefits in international waters. To date, the GEF has invested \$1.2 billion in the management of shared marine resources through its IW focal area. Most of these investments

were regional and multi-country projects, supporting countries in improving governance in shared large marine ecosystems.

32. The GEF has invested over \$80 million in GEF-4, GEF-5, and GEF-7 to directly address management of biodiversity in ABNJ, leveraging over \$500 million in co-financing, including \$85 million from the private sector. GEF ABNJ programs have supported Regional Fisheries Management Organizations (RFMOs) and other regional ocean governance institutions, as well as more than 100 GEF recipient countries. The GEF notably supported countries in ratifying the Port State Measures Agreement (PSMA) to prevent, deter and eliminate illegal, unreported and unregulated fishing. Additional information on past ABNJ investments have been provided in Council document GEF/C.63/10.⁹

33. The GEF's past and current support aligns closely with the functions identified in the BBNJ agreement for the special fund and the GEF Trust Fund (Article 52, paragraph 6). With the history of supporting BBNJ-relevant initiatives, as well as experiences in supporting other agreements' early entry into force and implementation at the national level, the GEF stands ready to provide timely and focused support utilizing the resources made available in the GEF-8 period.

Capacity-building

34. Article 52, paragraph 6(a) of the BBNJ agreement provides that the special fund and the Global Environment Facility trust fund shall be utilized in order to fund capacity-building projects under the agreement, including effective projects on the conservation and sustainable use of marine biological diversity and activities and programmes, including training related to the transfer of marine technology.

35. Capacity-building is a core element of all GEF projects, consisting of both targeted technical activities as well as general capacity-building for project management. It is a special focus of the Capacity-building Initiative for Transparency (CBIT) that supports developing countries in building institutional and technical capacity to meet enhanced transparency requirements as defined in Article 13 of the Paris Agreement.

36. More related to BBNJ, the GEF International Waters Learning Exchange and Resources Network (IW:LEARN) strengthens global knowledge management and country capacity, and promotes the scaling-up of learning, disseminated experiences, tools and methodologies from across the GEF International Waters portfolio. This includes the many activities related to conservation and sustainable use of marine biological diversity and training related to the transfer of marine technology. For example, supporting technical workshops or project-to-project "twinning" on topics like marine spatial planning, establishing marine protected areas networks, and sustainable fisheries management.

⁹ GEF, 2022, [*Proposed Framework for GEF's Role in a Financial Mechanism for the International Legally Binding Instrument under Negotiation under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction \(BBNJ\)*](#), GEF/C.63.10.

BBNJ Implementation

37. Following article 52, paragraph 6(b) of the BBNJ agreement, the special fund and the Global Environment Facility trust fund will assist developing States Parties in implementing the BBNJ Agreement. This most notably includes support related to the substantive parts of the agreement, i.e., marine genetic resources, area-based management tools, environmental impact assessments, and capacity building and the transfer of marine technology.

38. In relation to marine genetic resources, including the fair and equitable sharing of benefits (Part II of the BBNJ agreement), the GEF already funds capacity building in the area of genetic resources from the Biodiversity Focal Area, as part of its support of the implementation of the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

39. Since 2003, the GEF has invested more than \$72 million to build the capacity of countries to implement activities in support of access and benefit sharing (ABS) from genetic resources. These funds have leveraged over \$181 million from more than 108 countries. Before the Nagoya Protocol was adopted, the GEF helped 22 countries assess their capacity to implement ABS measures. Through national and regional projects, the GEF also built the capacity of governments in 42 countries to meet their obligations under the convention and to engage with stakeholders such as IPLCs.

40. With adoption of the Nagoya protocol adoption in 2010, the GEF continued to invest in capacity building through multiple projects to accelerate ratification and to set up pilot agreements between providers and users of genetic resources. Since 2014, GEF's support to the Nagoya Protocol has facilitated the equitable use of innovations in, for example, agriculture, crop-protection, pharmaceuticals, food and beverages, and cosmetics. As per the CBD's mandate, current GEF funding is focused on genetic resources under national jurisdictions, but the underlying capacity needs largely overlap with those required for handling and use of genetic resources of the ABNJ. \$82 million is notionally allocated for the support of the Nagoya and Cartagena Protocols in the Biodiversity Focal Area, which may offer complementary capacity building opportunities for handling and use of genetic resources in ABNJ.

41. GEF has a long history of supporting area-based management tools (Part III of the BBNJ agreement), especially support for establishing new and strengthening management of existing marine protected areas. Since its inception in 1991, the GEF has been the largest public funder for marine protected areas through the Biodiversity and IW focal areas.

42. GEF support ranges from individual marine protected areas to national marine protected area networks to transboundary MPA networks. In GEF-7 alone, the GEF approved \$370 million for 56 projects to support the creation or improved management of 1.4 billion ha of marine protected areas. Over the past 30 years, the GEF has financed hundreds of projects to create and maintain marine protected areas spanning more than 23 of the world's large marine ecosystems, helping 124 countries manage shared marine resources. Over the past several GEF cycles, marine protected areas have been used as a tool to advance national and regional sustainable blue

economy development plans, including ecosystem-based fisheries management. This is often accomplished through conducting marine spatial planning to identify and seek cooperation among various stakeholders in the marine environment.

43. With respect to environmental impact assessments (Part IV of the BBNJ agreement), the GEF has supported national institutional strengthening for conducting Environmental Impact Assessments (EIA). For example, in Solomon Islands, the GEF supported the development of a cumulative EIA on coastal environmental impacts of the highly developed and built-up area of Honiara¹⁰. Several GEF projects have supported the establishment or strengthening of EIA legislation, such as in Tajikistan¹¹, Jamaica¹², and Belize¹³. The GEF has also supported the development of EIA knowledge management projects through IW:LEARN¹⁴.

44. With respect to capacity-building and the transfer of marine technology (Part V of the BBNJ agreement), in addition to its cross-cutting support to capacity building described above, the GEF has played a vital role in reducing the impact on biodiversity of the marine shipping sector through the transfer of marine technology. The GEF notably enabled the transfer of ballast water treatment technologies and vessel bottom paints to address ballast water¹⁵ and hull fouling issues¹⁶.

45. The GEF has also facilitated the transfer of advanced technologies for improving sustainable fisheries management, like satellite-based vessel monitoring, on-board video monitoring, and access to new types of fishing gear.^{17,18,19} More generally, the GEF has a mandate from the UNFCCC to finance the transfer of Environmentally Sound Technologies.

46. In addition to support to the implementation of substantive parts of the BBNJ agreement, the GEF may support, as for the other MEAs it serves, Enabling Activities (EAs). EAs are projects for the preparation of a plan, strategy, or report to fulfil commitments under a Convention²⁰. They represent basic building blocks of GEF assistance to countries. They are either fulfilling essential communication requirements to a convention or providing basic and essential level of information to enable policy and strategic decisions to be made or assisting planning that identifies priority activities within a country.

¹⁰ SPC, 2021, *Honiara Coastal Environment Impact Assessment, Solomon islands*.

¹¹ UNDP, 2017, *Terminal Evaluation of GEF Project: Strengthening capacity for an environmental information management and monitoring system in Tajikistan*.

¹² UNDP, 2013, *Terminal Evaluation of GEF Project: Piloting Natural Resource Valuation within Environmental Impact Assessments, Jamaica*.

¹³ UNDP, 2019, *Terminal Evaluation of GEF Project: Capacity-building for the strategic planning and management of natural resources in Belize*.

¹⁴ GEF LME:LEARN, 2018, *Chapter 3: Impact Assessment*, in *Environmental Economics for Marine Ecosystem Management Toolkit*. Paris, France.

¹⁵ <https://www.thegef.org/projects-operations/projects/610>

¹⁶ <https://www.thegef.org/projects-operations/projects/9605>

¹⁷ <https://www.thegef.org/projects-operations/projects/2131>

¹⁸ <https://www.thegef.org/projects-operations/projects/4581>

¹⁹ <https://www.thegef.org/projects-operations/projects/3558>

²⁰ GEF, 2018, *Project and Program Cycle Policy* (OP/PL/01).

47. The BBNJ agreement notably creates several periodic reporting requirements for Parties, including aggregate reports on access to marine genetic resources and digital sequence information from the repositories and databases under their jurisdiction (article 12.7), report to the access and benefit-sharing committee (article 16.2), report to the COP on the implementation of area-based management tools (article 26.1), report on the impacts of the activities in ABNJ that they permit or in which they engage activity and the results of monitoring thereof (article 36.1), reports to the capacity- building and transfer of marine technology committee (article 45.3), and report on measures taken to implement the BBNJ agreement (article 54).

Conservation and Sustainable Use Programmes by Indigenous Peoples and Local Communities

48. Article 52 paragraph 6(c) of the BBNJ agreement provides that the special fund and the Global Environment Facility trust fund shall be utilized to support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge. The GEF was one of the first international financial institutions to develop an independent policy to engage with civil society, including Indigenous Peoples. The GEF Principles and Guidelines for Engagement with Indigenous Peoples²¹, GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards²², and Indigenous Peoples Advisory Group (IPAG) all guide the GEF Partnership in supporting IPLCs. In GEF-7, the Inclusive Conservation Initiative (ICI) was also launched with \$25 million of GEF funding and over \$90 million in co-financing to enhance efforts to steward land, waters, and natural resources to deliver global environmental benefits.

Public Consultations

49. According to the BBNJ agreement, the special fund and the Global Environment Facility trust fund are also to support public consultations at the national, subregional, and regional levels (article 52, paragraph 6(d)). Consultations processes are part of the GEF project cycle and many GEF project activities. The GEF Instrument provides that all GEF-Financed Activities should have "full disclosure of all non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle".

50. Hence the GEF project cycle explicitly stresses stakeholder engagement and the GEF provides funding for facilitating such engagement through Project Preparation Grants (PPG). It is also covered under the GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards that includes Free, Prior and Informed Consent (FPIC).

51. Beyond the GEF Project Cycle and more relevant to BBNJ, a major focus of all GEF IW projects is supporting stakeholders to jointly manage resources across ministries, sectors, and national borders. For example, the GEF Transboundary Diagnostic Analysis and Strategic Action Programme (TDA/SAP) approach is a highly collaborative process that has proven to be a major

²¹ GEF, 2012, [Principles and Guidelines for Engagement with Indigenous Peoples](#).

²² GEF, 2019, [Policy on Environmental and Social Safeguards](#). GEF Policy: SD/PL/03.

strategic planning tool for GEF IW Projects²³.

52. Additionally, many GEF IW projects support the use of national, subregional, and regional marine spatial planning activities to bring various stakeholders together through a collaborative process to identify and agree on the sustainable use of the marine environment. As applicable to national contexts, this may also include facilitating mandatory general commenting and other consultations with the broader public within the framework of relevant projects delivering global environmental benefits.

BBNJ Alignment with the International Waters Focal Area

53. The GEF IW Focal Area supports nations in transboundary cooperation in shared marine and freshwater ecosystems. This can happen on many scales, including global, regional, and national projects. While most GEF IW projects in marine ecosystems support Large Marine Ecosystems, Regional Seas, and other multi-country efforts for cooperative management, the specific GEF project modality can take many forms, based on a sound Theory of Change to best address the global challenge.

54. National GEF IW projects fit within the IW Focal Area by operating through a coordinated effort to address broader marine issues that span national boundaries, including ABNJ. Because national ratification support will require designing custom approaches to fit national needs, a certain level of GEF IW support will naturally occur at the national level, while also taking advantage of opportunities to coordinate at regional and global scales.

55. Several GEF IW Focal Area projects have included the participation of regional economic integration organizations, including ASEAN²⁴, SICA²⁵ and CARICOM²⁶. As requested by member states of regional economic integration organizations and following GEF's country-driven approach, ratification and early implementation support could also be directed through such entities to support multiple countries in a more efficient and coordinated manner.

²³ <https://iwlearn.net/manuals/tda-sap-methodology>

²⁴ <https://www.thegef.org/projects-operations/projects/10873>

²⁵ <https://www.thegef.org/projects-operations/projects/5765>

²⁶ <https://www.thegef.org/projects-operations/projects/105>

ANNEX I. ARTICLE 52 “FUNDING” OF THE BBNJ AGREEMENT

Article 52

Funding

1. Each Party shall provide, within its capabilities, resources in respect of those activities that are intended to achieve the objectives of this Agreement, taking into account its national policies, priorities, plans and programmes.
2. The institutions established under this Agreement shall be funded through assessed contributions of the Parties.
3. A mechanism for the provision of adequate, accessible, new and additional and predictable financial resources under this Agreement is hereby established. The mechanism shall assist developing States Parties in implementing this Agreement, including through funding in support of capacity-building and the transfer of marine technology, and perform other functions as set out in this article for the conservation and sustainable use of marine biological diversity.
4. The mechanism shall include:
 - (a) A voluntary trust fund established by the Conference of the Parties to facilitate the participation of representatives of developing States Parties, in particular least developed countries, landlocked developing countries and small island developing States, in the meetings of the bodies established under this Agreement;
 - (b) A special fund that shall be funded through the following sources:
 - (I) Annual contributions in accordance with article 14, paragraph 6;
 - (II) Payments in accordance with article 14, paragraph 7;
 - (III) Additional contributions from Parties and private entities wishing to provide financial resources to support the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
 - (c) The Global Environment Facility trust fund.
5. The Conference of the Parties may consider the possibility of establishing additional funds, as part of the financial mechanism, to support the conservation and sustainable use of marine

biological diversity of areas beyond national jurisdiction, to finance rehabilitation and ecological restoration of marine biological diversity of areas beyond national jurisdiction.

6. The special fund and the Global Environment Facility trust fund shall be utilized in order to:
 - (a) Fund capacity-building projects under this Agreement, including effective projects on the conservation and sustainable use of marine biological diversity and activities and programmes, including training related to the transfer of marine technology;
 - (b) Assist developing States Parties in implementing this Agreement;
 - (c) Support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge;
 - (d) Support public consultations at the national, subregional and regional levels;
 - (e) Fund the undertaking of any other activities as decided by the Conference of the Parties.
7. The financial mechanism should seek to ensure that duplication is avoided, and complementarity and coherence promoted, among the utilization of the funds within the mechanism.
8. Financial resources mobilized in support of the implementation of this Agreement may include funding provided through public and private sources, both national and international, including, but not limited to, contributions from States, international financial institutions, existing funding mechanisms under global and regional instruments, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons, and through public-private partnerships.
9. For the purposes of this Agreement, the mechanism shall function under the authority, where appropriate, and guidance of the Conference of the Parties and shall be accountable thereto. The Conference of the Parties shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.
10. The Conference of the Parties and the Global Environment Facility shall agree upon arrangements to give effect to the above paragraphs at the first meeting of the Conference of the Parties.
11. In recognition of the urgency to address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, the Conference of the Parties shall determine an initial resource mobilization goal through 2030 for the special fund from all sources, taking into account, inter alia, the institutional modalities of the special fund and the information provided through the capacity-building and transfer of marine technology committee.

12. Eligibility for access to funding under this Agreement shall be open to developing States Parties on the basis of need. Funding under the special fund shall be distributed according to equitable sharing criteria, taking into account the needs for assistance of Parties with special requirements, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States and coastal African States, archipelagic States and developing middle-income countries, and taking into account the special circumstances of small island developing States and of least developed countries. The special fund shall be aimed at ensuring efficient access to funding through simplified application and approval procedures and enhanced readiness of support for such developing States Parties.
13. In the light of capacity constraints, Parties shall encourage international organizations to grant preferential treatment to, and consider the specific needs and special requirements of developing States Parties, in particular the least developed countries, landlocked developing countries and small island developing States, and taking into account the special circumstances of small island developing States and of least developed countries, in the allocation of appropriate funds and technical assistance and the utilization of their specialized services for the purposes of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.
14. The Conference of the Parties shall establish a finance committee on financial resources. It shall be composed of members possessing appropriate qualifications and expertise, taking into account gender balance and equitable geographical distribution. The terms of reference and modalities for the operation of the committee shall be decided by the Conference of the Parties. The committee shall periodically report and make recommendations on the identification and mobilization of funds under the mechanism. It shall also collect information and report on funding under other mechanisms and instruments contributing directly or indirectly to the achievement of the objectives of this Agreement. In addition to the considerations provided in this article, the committee shall consider, inter alia:
 - (a) The assessment of the needs of the Parties, in particular developing States Parties;
 - (b) The availability and timely disbursement of funds;
 - (c) The transparency of decision-making and management processes concerning fundraising and allocations;
 - (d) The accountability of the recipient developing States Parties with respect to the agreed use of funds.

15. The Conference of the Parties shall consider the reports and recommendations of the finance committee and take appropriate action.
16. The Conference of the Parties shall, in addition, undertake a periodic review of the financial mechanism to assess the adequacy, effectiveness and accessibility of financial resources, including for the delivery of capacity-building and the transfer of marine technology, in particular for developing States Parties.



Chair's Summary of the Seventh GEF Assembly

Vancouver, Canada

August 22-25, 2023

Agenda Item 1. Election of the Chair

1. The Assembly elected H.E. Mr. Ahmed Hussen, Minister of International Development of Canada as its Chair.

Agenda Item 2. Election of the Vice-Chairs

2. The Assembly elected Mr. Prakash Mahat, Minister of Finance of Nepal and Mr Takao Matsuzawa, Vice-Minister of Global Environmental of Japan, as its Vice-Chairs.

Agenda Item 3. Adoption of the Agenda and Organization of Work

3. The Assembly approved the provisional agenda circulated as document GEF/A.7/01/Rev.01. The organization of work was approved as described by the Chair.

Agenda Item 5. First High-Level Plenary Session: Solutions for a Healthy Planet: Integrated Responses to Global Environmental Degradation.

4. The Chair of STAP, Dr. Rosina Bierbaum, moderated a panel of distinguished guest speakers.

5. The ecosystems, biomes, and processes that regulate the stability and resilience of the Earth system are being stretched to a breaking point. Our future depends on how well we understand and reverse the degradation of the global environment. We must maintain and restore the health of the planet as a necessary condition and basis for sustainable resilient societies. Doing this requires developing integrated responses to address the multiple and inter-linked environmental and development challenges.

6. Panelists reflected on their experiences implementing these kinds of responses, identifying successes, failures and trade-offs, and highlighting future directions and approaches the GEF might take and support as it continues to evolve its own programming and investment strategies.

Agenda item 6. Second High-Level Plenary Session: Solutions for a Healthy Planet: Partnerships for Financing.

7. Ms. Chizuru Aoki of the GEF Secretariat, moderated a panel of distinguished guest speakers.

8. New and inclusive strategies that combine conservation action with engagement of development organizations, the private sector, and civil society will be needed if we are to transform the major economic systems that are driving environmental degradation. The development of a new trust fund under the GEF, the GBF Fund, provides one example of how the public and private sectors can come together to leverage funding towards positive environmental outcomes.

9. Panelists presented their experiences implementing strategies to unlock financing beyond simply more ODA to implement global agreements, including examples of successful re-purposing of subsidies and harmful incentives, structuring of green bonds, PES, and blended finance, highlighting innovations for GEF engagement and future investment.

Agenda Item 7. Third High-Level Plenary Session: Solutions for a Healthy Planet: Responsible, Inclusive and Transformative Governance

10. Mr. Peter Seligmann, CEO of Nia Tero moderated a panel of distinguished speakers.

11. Reversing the global environmental degradation trend will require a concerted effort to include many of the stakeholders that have been historically neglected and negatively affected by development. Without strong and inclusive governance, sophisticated integrated solutions and robust financing will not result in the outcomes we seek as a community. In advancing development goals and aspirations, governments must increasingly strive to promote coherence and consistency in policy options that underpin environmental sustainability. At the same time, providing a voice and engaging a broad set of actors in the future stewardship of the environment will allow for a different and more sustainable pathway to a healthy planet.

12. Speakers in this plenary, Governments and IPLCs presented examples of successful environmental governance systems and identify how GEF can best support governance reforms in the pursuit of achieving a Healthy Planet and Healthy People.

Agenda Item 8. Amendments to Instrument for the Establishment of a Restructured Global Environment Facility.

13. The Council proposed amendments to the Instrument in its Decisions 37/2022 and 14/2023.

14. The proposed text of the amended Instrument was included in Document GEF/A.7/08.

15. The Assembly adopted the following decision:

The Seventh GEF Assembly, recalling paragraph 34 of the Instrument for the Establishment of the Restructured Global Environment Facility, and having considered the recommendations of

the GEF Council for proposed amendments to the Instrument in its Decisions 37/2022 and 14/2023, approves by consensus the amended text of the Instrument contained in Document GEF/A.7/08.

Invites the CEO/Chairperson of the Facility to submit this amended text to the Implementing Agencies and the Trustee and to request that they adopt it in accordance with their respective rules and procedural requirements.

Invites the CEO/Chairperson of the Facility to inform all Participants of the effectiveness of the amended Instrument once the Implementing Agencies and the Trustee have approved it.

Agenda item 9. Assembly Ratification of the Council Decisions of the Global Biodiversity Framework Fund

16. At its 64th meeting, the GEF Council adopted Decision 09/2023 whereby it established the Global Biodiversity Framework Fund.

17. The Assembly adopted the following Decision:

The Assembly, having considered document GEF/A.7/09 endorses Council Decision 09/2023.

Agenda Item 10. Report on the GEF Trust Fund

18. The Assembly took note of the Trustee Report, GEF-7 Funding Retrospective (GEF/A.7/06).

Agenda Item 11. Report on the Eighth Replenishment of the GEF Trust Fund

19. The Assembly took note of the Summary of Negotiations of the Eighth Replenishment of the GEF Trust Fund (GEF/A.7/04).

Agenda Item 12. Statement by the GEF Evaluation Office (IEO)

20. The Assembly welcomed the document Seventh Comprehensive Evaluation of the GEF (OPS7) (GEF/A.7/06) *Working Toward a Greener Global Recovery*.

Agenda Item 13. Statement by the GEF Scientific and Technical Advisory Panel (STAP)

21. The Assembly welcomed the Report of the Scientific and Technical Advisory Panel: *Catalyzing transformational change through GEF investment*, contained in document GEF/A.7/07.

Agenda Item 14. Statement by a Representative of Civil Society Organizations

22. The Assembly received a report on the Partnership Forum that took place on August 23, 2023. The Report was delivered by Akhteruzzaman Sano, Chair, CSO network; Youth representatives: Fabiola Monzon Ahmad Bassam and Manal Bidar; and women's representatives: Ana di Pangracio and Siddika Sultana.

23. The Assembly took note of the report

Agenda item 16: Report on GEF Participants

24. The Assembly took note of the Report on GEF Participants (GEF/A.7/03/Rev.01).

Agenda Item 17. Report on Credentials

25. The Bureau presented its report on credentials to the plenary (GEF/A.7/10). The Assembly took note of the report.

Agenda item 18. Summary of High-Level Round Table Discussions

26. A document about the GEF Assembly Round Tables, Round Table Discussions, was submitted to the Assembly as document GEF/A.7/Inf.02/Rev.01

27. Round table discussions were key features of the GEF Assembly. They debated the sessions will debate how the GEF and countries could better address challenges to the global environment. Round tables were composed of speakers from different sectors including government, international organizations, and private sector.

28. A report on their conclusions was presented by Mr. Richard Bontjer of Australia.

29. The Assembly took note of the report.

Agenda item 19: Summary of Chair

30. In accordance with paragraph 24 of the Rules of Procedure, the Assembly approved the Summary of the Proceedings submitted by the Chair.

Agenda item 20: Closing of the Assembly

31. The CEO and Chairperson of the Facility, Carlos Manuel Rodrigues and the Vice-Chair of the Assembly Mr. Yutaka Matsuzawa made closing remarks.



GEF/A.7/08
July 18, 2023

Seventh GEF Assembly
August 24 – 25, 2023
Vancouver, Canada

Agenda Item 08

**AMENDMENTS TO INSTRUMENT FOR THE
ESTABLISHMENT OF A RESTRUCTURED
GLOBAL ENVIRONMENT FACILITY**

Draft Assembly Decision

The Seventh GEF Assembly, recalling paragraph 34 of the Instrument for the Establishment of the Restructured Global Environment Facility, and having considered the recommendations of the GEF Council for proposed amendments to the Instrument in its Decisions 37/2022 and 14/2023, approves by consensus the amended text of the Instrument contained in Document GEF/A.7/ 08.

Invites the CEO/Chairperson of the Facility to submit this amended text to the Implementing Agencies and the Trustee and to request that they adopt it in accordance with their respective rules and procedural requirements.

Invites the CEO/Chairperson of the Facility to inform all Participants of the effectiveness of the amended Instrument once the Implementing Agencies and the Trustee have approved it.

Instrument for the

Establishment of the Restructured Global Environment Facility

PREAMBLE

Whereas:

- (a) The Global Environment Facility (GEF or the Facility) was established in the International Bank for Reconstruction and Development (IBRD or World Bank) as a pilot program in order to assist in the protection of the global environment and promote thereby environmentally sound and sustainable economic development, by resolution of the Executive Directors of the World Bank and related interagency arrangements between the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the World Bank;
- (b) In April 1992, Participants in the GEF agreed that its structure and modalities should be modified. Agenda 21 (the action plan of the 1992 United Nations Conference on Environment and Development), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity subsequently called for the restructuring of the Facility;
- (c) Representatives of the States participating at present in the Facility and of other States wishing to participate in it have requested that the Facility be restructured in order to take account of these developments, to establish the GEF as one of the principal mechanisms for global environment funding, to ensure a governance that is transparent and democratic in nature, to promote universality in its participation and to provide for full cooperation in its implementation among UNDP, UNEP and the World Bank (together referred to hereinafter as the Implementing Agencies), and to benefit from the evaluation of experience with the operation of the Facility since its establishment;
- (d) It is necessary to replenish the resources for these purposes under a restructured Facility which includes a new GEF Trust Fund on the basis of this Instrument;
- (e) It is desirable to terminate the existing Global Environment Trust Fund (GET) and to transfer any funds, receipts, assets and liabilities held in it upon termination to the new GEF Trust Fund;
- (f) The Implementing Agencies have reached a common understanding of principles for cooperation as set forth in the present Instrument, subject to approval of their participation by their respective governing bodies;

It is resolved as follows:

I.

BASIC PROVISIONS

Restructuring and Purpose of GEF

1. The restructured GEF shall be established in accordance with the present Instrument. This Instrument, having been accepted by representatives of the States participating in the GEF at their meeting in Geneva, Switzerland, from March 14 to 16, 1994, shall be adopted by the Implementing Agencies in accordance with their respective rules and procedural requirements.
2. The GEF shall operate, on the basis of collaboration and partnership among the Implementing Agencies, as a mechanism for international cooperation for the purpose of providing new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits in the following focal areas:
 - (a) biological diversity;
 - (b) climate change;
 - (c) international waters;
 - (d) land degradation, primarily desertification and deforestation; and
 - (e) chemicals and waste.
3. The agreed incremental costs of activities to achieve global environmental benefits concerning chemicals management as they relate to the above focal areas shall be eligible for funding. The agreed incremental costs of other relevant activities under the 2030 Agenda for Sustainable Development that may be agreed by the Council shall also be eligible for funding insofar as they achieve global environmental benefits by protecting the global environment in the focal areas.
4. The GEF shall ensure the cost-effectiveness of its activities in addressing the targeted global environmental issues, shall fund programs and projects which are country-driven and based on national priorities designed to support sustainable development and shall maintain sufficient flexibility to respond to changing circumstances in order to achieve its purposes.
5. The GEF operational policies shall be determined by the Council in accordance with paragraph 20(f) and with respect to GEF-financed projects shall provide for full disclosure of all non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle.

6. In partial fulfillment of its purposes, the GEF shall:
- (a) Operate the financial mechanism for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), on an interim basis, in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28 and 32 of this Instrument. The GEF shall also be available to meet the agreed full costs of activities described in Article 12, paragraph 1, of the UNFCCC. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the UNFCCC if it is requested to do so by the Conference of the Parties pursuant to its Article 11, paragraph 4. In such respects, the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria related to the UNFCCC pursuant to its Article 11, paragraph 1;
 - (b) Be, on an interim basis, the institutional structure which carries out the operation of the financial mechanism for the implementation of the Convention on Biological Diversity (CBD), in accordance with such cooperative arrangements or agreements as may be made pursuant to paragraphs 28 and 32 of this Instrument. The GEF shall be available to continue to serve for the purposes of the financial mechanism for the implementation of the CBD if it is requested to do so by the Conference of the Parties pursuant to its Article 21, paragraph 3. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, program priorities and eligibility criteria for the purposes of the CBD pursuant to its Article 21, paragraph 1;
 - (c) Be available to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants. In such respects the GEF shall function under the guidance of, and be accountable to, the Conference of the Parties which shall decide on policies, strategy, program priorities and eligibility criteria for the purposes of this Convention pursuant to its Article 13, paragraph 7(a);
 - (d) Be available to serve as a financial mechanism of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD), pursuant to Article 20, paragraph 2 (b), and Article 21 of the UNCCD. The Council shall consider and approve arrangements to facilitate collaboration between the GEF and the UNCCD and among countries with respect to affected countries, particularly Africa; and

- (e) Operate as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, pursuant to its Article 13, paragraphs 5, 6 and 8. In such respects, the GEF shall operate under the guidance of, and be accountable to the Conference of the Parties, which shall provide guidance on overall strategies, policies, program priorities and eligibility for access to and utilization of financial resources. In addition, the GEF shall receive guidance from the Conference of the Parties on an indicative list of categories of activities that could receive support; and shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities, pursuant to Article 13, paragraph 7, of the Minamata Convention on Mercury.

- (f) Operate as one of the entities comprising the financial mechanism of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, pursuant to its Article 52, paragraphs 3, 4, 6, 9 and 10. In such respects, the GEF shall function under the guidance of and shall be accountable to the Conference of the Parties. In addition, the GEF shall receive guidance from the Conference of the Parties on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.

Participation

- 7. Any State member of the United Nations or of any of its specialized agencies may become a Participant in the GEF by depositing with the Secretariat an instrument of participation substantially in the form set out in Annex A. In the case of a State contributing to the GEF Trust Fund, an instrument of commitment shall be deemed to serve as an instrument of participation. Any Participant may withdraw from the GEF by depositing with the Secretariat an instrument of termination of participation substantially in the form set out in Annex A.

Establishment of GEF Trust Fund

- 8. The new GEF Trust Fund shall be established, and the World Bank shall be invited to serve as the Trustee of the Fund. The GEF Trust Fund shall consist of the contributions received in accordance with the present Instrument, the balance of funds transferred from the GET pursuant to paragraph 33, and any other assets and receipts of the Fund. In serving as the Trustee of the Fund, the World Bank shall serve in a fiduciary and administrative capacity, and shall be bound by its Articles of Agreement, by-laws, rules and decisions, as specified in Annex B.

Eligibility

9. GEF funding shall be made available for activities within the focal areas defined in paragraphs 2 and 3 of this Instrument in accordance with the following eligibility criteria:
 - (a) GEF grants that are made available within the framework of the financial mechanisms of the conventions referred to in paragraph 6 shall be in conformity with the eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 28.
 - (b) All other GEF grants shall be made available to eligible recipient countries and, where appropriate, for other activities promoting the purposes of the Facility in accordance with this paragraph and any additional eligibility criteria determined by the Council. A country shall be an eligible recipient of GEF grants if it is eligible to receive World Bank (IBRD and/or IDA) financing or if it is an eligible recipient of UNDP technical assistance through its target for resource assignments from the core (specifically TRAC-1 and/or TRAC-2). GEF grants for activities within a focal area addressed by a convention referred to in paragraph 6 but outside the framework of the financial mechanism of the convention, shall only be made available to eligible recipient countries that are party to the convention concerned.
 - (c) GEF concessional financing in a form other than grants that is made available within the framework of the financial mechanism of the conventions referred to in paragraph 6 shall be in conformity with eligibility criteria decided by the Conference of the Parties of each convention, as provided under the arrangements or agreements referred to in paragraph 28. GEF concessional financing in a form other than grants may also be made available outside those frameworks on terms to be determined by the Council.

II. CONTRIBUTIONS AND OTHER FINANCIAL PROVISIONS FOR REPLENISHMENT

10. Contributions to the GEF Trust Fund for the first replenishment period shall be made to the Trustee by Contributing Participants in accordance with the financial provisions for replenishment as specified in Annex C. The Trustee's responsibility for mobilization of resources pursuant to paragraph 20(e) of this Instrument and paragraph 4(a) of Annex B shall be initiated for subsequent replenishments at the request of the Council.

III. GOVERNANCE AND STRUCTURE

11. The GEF shall have an Assembly, a Council, a Secretariat and an Independent Evaluation Office. In accordance with paragraph 25, a Scientific and Technical Advisory Panel (STAP) shall provide appropriate advice.
12. The Implementing Agencies shall establish a process for their collaboration in accordance with an interagency agreement to be concluded on the basis of the principles set forth in Annex D.

Assembly

13. The Assembly shall consist of Representatives of all Participants. The Assembly shall meet once every four years. Each Participant may appoint one Representative and one Alternate to the Assembly in such manner as it may determine. Each Representative and each Alternate shall serve until replaced. The Assembly shall elect its Chairperson from among the Representatives.
14. The Assembly shall:
 - (a) review the general policies of the Facility;
 - (b) review and evaluate the operation of the Facility on the basis of reports submitted by the Council;
 - (c) keep under review the membership of the Facility; and
 - (d) consider, for approval by consensus, amendments to the present Instrument on the basis of recommendations by the Council.

Council

15. The Council shall be responsible for developing, adopting and evaluating the operational policies and programs for GEF-financed activities, in conformity with the present Instrument and fully taking into account reviews carried out by the Assembly. Where the GEF serves for the purposes of the financial mechanisms of the conventions referred to in paragraph 6, the Council shall act in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties for the purposes of the convention concerned.
16. 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.

17. The Council shall meet semi-annually or as frequently as necessary to enable it to discharge its responsibilities. The Council shall meet at the seat of the Secretariat unless the Council decides otherwise. Two-thirds of the Members of the Council shall constitute a quorum.
18. Council meetings shall be co-chaired by an elected Council Member (“Co-Chairperson”) and the Chief Executive Officer of the Facility (CEO) in accordance with the following: At every other meeting, the Council shall elect a Co-Chairperson from among its Members for a period of one year following the conclusion of that meeting. The elected Co-Chairperson shall act in a neutral manner. The position of Co-Chairperson shall alternate from one year to the next between recipient and non-recipient Council Members. The Co-Chairperson shall conduct deliberations of the Council at that meeting on issues related to Council responsibilities listed in paragraphs 20(b), (i), (j) and (k). The CEO shall conduct deliberations of the Council on issues related to Council responsibilities listed in paragraphs 20(c) and (e). The Co-Chairperson and the CEO shall jointly conduct deliberations of the Council related to all other issues in paragraph 20, ensuring an equal distribution of labor between the elected Co-Chairperson and the CEO.
19. Costs of Council meetings, including travel and subsistence of Council Members from developing countries, in particular the Least Developed Countries, shall be disbursed from the administrative budget of the Secretariat as necessary.
20. 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 30, monitor and evaluate progress in the implementation of the work program and provide related guidance to the Secretariat, the Implementing Agencies and the Council accredited agencies, recognizing that all such 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 or the Council accredited 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 29, additional 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 27 and 28, 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) in accordance with paragraph 22, appoint the director of the Independent Evaluation Office, oversee the work of the Independent Evaluation Office, and assign specific tasks and responsibilities to the Independent Evaluation Office;
- (k) review and approve the administrative budget of the GEF and arrange for periodic financial and performance audits of the Secretariat, the Implementing Agencies and the Council accredited agencies with regard to activities undertaken for the Facility;
- (l) in accordance with paragraph 32, approve reports; and
- (m) exercise such other operational functions as may be appropriate to fulfill the purposes of the Facility.

Secretariat

21. The GEF Secretariat shall service and report to the Assembly and the Council. The Secretariat, which shall be headed by the CEO/Chairperson of the Facility, shall be supported administratively by the World Bank and shall operate in a functionally independent and effective manner. The CEO shall be appointed to serve for four years on a full time basis by the Council. The CEO may be reappointed by the Council for one additional four year term. The CEO may be removed by the Council only for cause. The staff of the Secretariat shall include staff members seconded from the Implementing Agencies as well as individuals hired competitively on an as needed basis by one of the Implementing Agencies. The CEO shall be responsible for the organization, appointment and dismissal of Secretariat staff. The CEO shall be accountable for the performance of the Secretariat functions to the Council. The

Secretariat shall, on behalf of the Council, exercise the following functions:

- (a) implement effectively the decisions of the Assembly and the Council;
- (b) coordinate the formulation and oversee the implementation of program activities pursuant to the joint work program, ensuring liaison with other bodies as required, particularly in the context of the cooperative arrangements or agreements referred to in paragraph 28;
- (c) in consultation with the Implementing Agencies and the Council accredited agencies, ensure the implementation of the operational policies adopted by the Council through the preparation of common guidelines on the project cycle. Such guidelines shall address project identification and development, including the proper and adequate review of project and work program proposals, consultation with and participation of local communities and other interested parties, monitoring of project implementation and evaluation of project results;
- (d) review and report to the Council on the adequacy of arrangements made by the Implementing Agencies and the Council accredited agencies in accordance with the guidelines referred to in paragraph (c) above, and if warranted, recommend to the Council, the Implementing Agencies and the Council accredited agencies additional arrangements for project preparation and execution under paragraphs 20(f) and 29;
- (e) chair interagency group meetings to ensure the effective execution of the Council's decisions and to facilitate coordination and collaboration among the Implementing Agencies and the Council accredited agencies;
- (f) coordinate with the Secretariats of other international bodies, in particular, the Secretariats of the conventions referred to in paragraph 6 and the Secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund;
- (g) report to the Assembly, the Council and other institutions as directed by the Council;
- (h) provide the Trustee with all relevant information to enable it to carry out its responsibilities;
- (i) perform any other functions assigned to the Secretariat by the Council.

Independent Evaluation Office

22. There shall be an independent evaluation office co-located with the Secretariat, headed by a director, appointed by and reporting to the Council, whose responsibility it is to carry out independent evaluations consistent with decisions of the Council.

Implementing Agencies

23. The Implementing Agencies of the GEF shall be UNDP, UNEP, and the World Bank. The Implementing Agencies shall be accountable to the Council for their GEF-financed activities, including the preparation and cost-effectiveness of GEF projects, and for the implementation of the operational policies, strategies and decisions of the Council within their respective areas of competence and in accordance with an interagency agreement to be concluded on the basis of the principles of cooperation set forth in Annex D to the present Instrument. The Implementing Agencies shall cooperate with the Participants, the Secretariat, parties receiving assistance under the GEF, and other interested parties, including local communities and non-governmental organizations, to promote the purposes of the Facility.
24. The CEO shall periodically convene meetings with the heads of the Implementing Agencies to promote interagency collaboration and communication, and to review operational policy issues regarding the implementation of GEF-financed activities. The CEO shall transmit their conclusions and recommendations to the Council for its consideration.

Scientific and Technical Advisory Panel (STAP)

25. UNEP shall establish, in consultation with UNDP and the World Bank and on the basis of guidelines and criteria established by the Council, the Scientific and Technical Advisory Panel (STAP) as an advisory body to the Facility. UNEP shall provide the STAP's Secretariat and shall operate as the liaison between the Facility and the STAP.

IV. PRINCIPLES OF DECISION-MAKING

26. (a) Procedure

The Assembly and the Council shall each adopt by consensus regulations as may be necessary or appropriate to perform their respective functions transparently; in particular, they shall determine any aspect of their respective procedures, including the admission of observers and, in the case of the Council, provision for executive sessions.

(b) Consensus

Decisions of the Assembly and 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.

(c) Formal Vote

- (i) Unless otherwise provided in this 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.

- (ii) 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.
- (iii) 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 (Attachment 1) 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 shall be deemed to be contributions to the GET.

V. RELATIONSHIP AND COOPERATION WITH CONVENTIONS

- 27. The Council shall ensure the effective operation of the GEF as a source of funding activities under the conventions referred to in paragraph 6. The use of the GEF resources for purposes of such conventions shall be in conformity with the policies, program priorities and eligibility criteria decided by the Conference of the Parties of each of those conventions.
- 28. The Council shall consider and approve cooperative arrangements or agreements with the Conferences of the Parties to the conventions referred to in paragraph 6, including reciprocal arrangements for representation in meetings. Such arrangements or agreements shall be in conformity with the relevant provisions of the convention concerned regarding its financial mechanism and shall include procedures for determining jointly the aggregate GEF funding requirements for the purpose of the convention. With regard to each convention referred to in paragraph 6, until the first meeting of its Conference of the Parties, the Council shall consult the convention's interim body.

VI. COOPERATION WITH OTHER BODIES

- 29. The Secretariat, the Implementing Agencies and the Council accredited agencies, under the guidance of the Council, shall cooperate with other international organizations to promote achievement of the purposes of the GEF. The Implementing Agencies and the Council accredited agencies may make arrangements for GEF project preparation and execution by other institutions or organizations, taking into account their comparative advantages in efficient and cost-effective project execution. Such arrangements shall be made in accordance with national priorities. Pursuant to paragraph 20(f), the Council may request the Secretariat to make similar arrangements in accordance with national priorities. In the event of disagreements among the Implementing Agencies and Council accredited agencies or between such agencies and any entity concerning project preparation or execution, an Implementing Agency or any entity referred to in this paragraph may request the Secretariat to seek to resolve such disagreements.

VII. OPERATIONAL MODALITIES

30. The Secretariat shall coordinate the preparation of and determine the content of a joint work program for the GEF among the Implementing Agencies, including an indication of the financial resources required for the program, for approval by the Council. The work program shall be prepared in accordance with paragraph 4 and in cooperation with eligible recipients and any executing agency referred to in paragraph 29.
31. GEF projects shall be subject to endorsement by the CEO before final project approval. If at least four Council Members request that a project be reviewed at a Council meeting because in their view the project is not consistent with the Instrument or GEF policies and procedures, the CEO shall submit the project document to the next Council meeting, and shall only endorse the project for final approval by the Implementing Agency if the Council finds that the project is consistent with the Instrument and GEF policies and procedures.

VIII. REPORTING

32. The Council shall approve periodic reports, including reports from the GEF to the Conference of the Parties to the Conventions referred to in paragraph 6. The reports shall be prepared by the Secretariat and made available to all Participants. These reports shall contain information on the activities carried out under the GEF, including the GEF's response to the respective Conference of the Parties guidance, the status of portfolio implementation, achievements in the programming of resources, portfolio monitoring, and evaluations. The reports shall contain all the information necessary to meet the principles of accountability and transparency that shall characterize the Facility as well as the requirements arising from the reporting arrangements agreed with each Conference of the Parties to the conventions referred to in paragraph 6. The reports shall be conveyed to each of these Conferences of the Parties and any other international organization deemed appropriate by the Council.

IX. TRANSITIONAL AND FINAL PROVISIONS

Termination of the GET

33. The World Bank shall be invited to terminate the existing Global Environment Trust Fund (GET) on the effective date of the establishment of the new GEF Trust Fund, and any funds, receipts, assets and liabilities held in the GET upon termination, including the administration of any cofinancing by the Trustee in accordance with the provisions of Resolution No. 91-5 of the Executive Directors of the World Bank, shall be transferred to the new GEF Trust Fund. Pending the termination of the GET under this provision, projects financed from the GET resources shall continue to be processed and approved subject to the rules and procedures applicable to the GET.

Interim Period

34. The Council may, pursuant to the provisions of this Instrument, be convened during the period from the adoption of this Instrument and its annexes by the Implementing Agencies until the effective date of the establishment of the new GEF Trust Fund: (a) to appoint, by consensus, the CEO in order to enable him/her to assume the work of the Secretariat; and (b) to prepare the Council's rules of procedure and the operational modalities for the Facility. The first meeting of the Council shall be organized by the secretariat of the GEF pilot program. Administrative expenses during this interim period shall be covered by the existing GET.

Amendment and Termination

35. Amendment or termination of the present Instrument may be approved by consensus by the Assembly upon the recommendation of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and procedural requirements. This paragraph shall apply to the amendment of any annex to this Instrument unless the annex concerned provides otherwise.
36. The Trustee may at any time terminate its role as trustee in accordance with paragraph 14 of Annex B, and an Implementing Agency may at any time terminate its role as implementing agency, after consultation with the other Implementing Agencies and after giving the Council six months' notice in writing.