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Second GEF Assembly  
Beijing, China  
October 16-18, 2002

Agenda Item 18

## PROPOSED AMENDMENTS TO THE INSTRUMENT

## INTRODUCTION

1. Pursuant to paragraph 34 of the Instrument, amendments to the Instrument are to 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.
2. At its meeting in December 2001, the Council requested the Secretariat to prepare proposed textual amendments to the Instrument for Council consideration. At its meeting in May 2002, the Council agreed with the proposed amendments set forth in this document and recommended that the Assembly approves them at its second meeting in Beijing, China, October 16-18, 2002.
3. The proposed amendments to the Instrument address two matters:
  - (a) designation of land degradation, primarily desertification and deforestation, as a GEF focal area, as a means of enhancing GEF support for the successful implementation of the UN Convention to Combat Desertification; and
  - (b) designation of persistent organic pollutants as a GEF focal area and confirmation of the availability of the GEF to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants

### *Designation of land degradation, primarily desertification and deforestation, as a GEF focal area*

4. At its meeting in May 2001, the Council considered options presented by the Secretariat to enhance GEF support for the implementation of the UN Convention to Combat Desertification (UNCCD),<sup>1</sup> and it agreed that "...the designation of land degradation (desertification and deforestation) as a GEF focal area should be pursued as a means of enhancing GEF support for the successful implementation of the UN Convention to Combat Desertification (CCD)". This approach to land degradation prevention and control would enhance the GEF's ability to catalyze more predictable financial resources, including co-financing, for sustainable land management activities that have both global environment and sustainable development benefits.
5. The fifth session of the Conference of the Parties (COP) to the UN Convention to Combat Desertification was held in Geneva, October 1-12, 2001, and the Parties approved a decision regarding the GEF which:

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<sup>1</sup> *Options to Enhance GEF support for the implementation of the United Nations Convention to Combat Desertification* GEF/C.17/5.

- (a) welcomes the decision of the GEF Council at its May 2001 meeting to pursue the designation of land degradation as a GEF focal area;
- (b) encourages the GEF Council to take the necessary steps in pursuit of designating land degradation as a focal area;
- (c) requests the Executive Secretary of the UNCCD and the Managing Director of the Global Mechanism to continue to cooperate with the GEF Secretariat on its work on modalities for designating land degradation as a focal area;
- (d) encourages further meetings of the Third Replenishment of the GEF to consider the need for new and additional financial resources to assist in achieving the objectives of the UNCCD; and
- (e) encourages the GEF at its forthcoming replenishment meetings to consider the needs arising from the possible designation of land degradation as a GEF focal area.

6. At its meeting in December 2001, the Council considered a *Note on the Proposed Designation of Land Degradation as a GEF Focal Area*, GEF/C.18/4, and agreed to consider proposed amendments to the Instrument to designate land degradation, primarily desertification and deforestation, as a GEF focal area, as a means of enhancing GEF support for the successful implementation of the UN Convention to Combat Desertification.

7. To achieve such designation, the Council proposes that the Instrument be amended as follows:

- (a) Amend paragraph 2 by adding a new subparagraph (e), which reads:  
“Land degradation, primarily desertification and deforestation; and”
- (b) Amend paragraph 21(f) to read:  
“Coordinate with the Secretariats of other relevant international bodies, in particular the Secretariats of the conventions referred to in paragraph 6, the Secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund and the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa .”

*Designation of persistent organic pollutants as a GEF focal area*

8. At its meeting in November 2000, the Council reviewed document GEF/C.16/6, *Draft Elements of an Operational Program for Reducing and Eliminating Releases of Persistent Organic Pollutants*, and took note of the elements as a basis for preparing an operational

program, subject to the conclusions and decisions of the International Negotiating Committee (INC) for an International Legally Binding Instrument for Implementing International Action on Certain Organic Pollutants.

9. At its meeting in May 2001, the Council approved initial guidelines for enabling activities of the Stockholm Convention on Persistent Organic Pollutants as an early response for assisting developing countries and countries with economies in transition to implement measures to fulfill their obligations under the Convention.

10. The Stockholm Convention was opened for signature in May 2001. Article 15 of the Convention states that the GEF shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13 of the Convention for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13 of the Convention. Article 13(6) states that the mechanism shall function under the authority of the Conference of the Parties to the Convention.

11. Further, pursuant to Resolution of the Stockholm Convention, the GEF is requested to considering establishing a new focal area to support the implementation of the Convention.<sup>2</sup>

12. In order to designate persistent organic pollutants as a focal area of the GEF and to enable the GEF to serve as the entity entrusted with the operation of the financial mechanism, the following amendments to the Instrument are proposed:

(a) Amend paragraph 2 by adding a new sub-paragraph which reads:

“(f) Persistent organic pollutants.”

(b) Revise paragraph 3 to read:

“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 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.”

(c) Insert a new sentence before the penultimate sentence of paragraph 6, which would read:

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<sup>2</sup> UNEP/POPs/Conf/4

“The GEF shall also be available to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants.”

(d) Amend the penultimate sentence of paragraph 6 to read:

“In such respects, the GEF shall function under the guidance of, and be accountable to, the Conferences of the Parties which shall decide on policies, program priorities and eligibility criteria for the purposes of the conventions.”

13. A complete listing of the proposed amendments agreed by the Council at its meeting in May 2002 is included in the annex to this paper.

## ANNEX: PROPOSED AMENDMENTS TO THE INSTRUMENT

- (1) Amend paragraph 2 by adding two new subparagraphs (e) and (f), which reads:

“(e) Land degradation, primarily desertification and deforestation; and

(f) Persistent organic pollutants.”

- (2) Revise paragraph 3 to read:

“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 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.”

- (3) Insert a new sentence before the penultimate sentence of paragraph 6, which reads:

“The GEF shall also be available to serve as an entity entrusted with the operation of the financial mechanism of the Stockholm Convention on Persistent Organic Pollutants.”

- (4) Amend the penultimate sentence of paragraph 6 to read:

“In such respects, the GEF shall function under the guidance of, and be accountable to, the Conferences of the Parties which shall decide on policies, program priorities and eligibility criteria for the purposes of the conventions.”

- (5) Amend paragraph 21(f) to read:

“Coordinate with the Secretariats of other relevant international bodies, in particular the Secretariats of the conventions referred to in paragraph 6, the Secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund and the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa .”