

Global Green Growth Institute

Assembly of the GGGI

Written Procedure

28 November 2013

Decision on the terms of office for Members of the Council and subsidiary organs of the Assembly

The Assembly,

Recalling the function of the Assembly to elect Members to the Council provided for under Article 7(5)(a) of the Agreement on the Establishment of the Global Green Growth Institute;

Further recalling Rule 62 of the Rules of Procedure of the Assembly, providing for amendment to the Rules of Procedure of the Assembly;

Recognizing that Rule 56 of the Rules of Procedure of the Assembly, regarding term of office for Council Members, is inconsistent with Article 7(2) of the Agreement on the Establishment of the Global Green Growth Institute and is thereby rendered invalid; and,

Further recognizing that the Global Green Growth Institute operates on the basis of a 1 January to 31 December financial year and the importance of ensuring consistency throughout the GGGI's processes and activities;

Decides:

1. In accordance with Article 8(3) of the Agreement of the Establishment of the Global Green Growth Institute, to amend Rule 56 of the Rules of Procedure of the Assembly to read as follows:

“The term of office of each Member of the Council shall begin on 1 January of the coming calendar year after such Member's election to the Council and shall end on 31 December of the second year of the term of appointment.”

2. That the President of the Assembly shall determine, prior to the holding of an ordinary session of the Assembly, whether elections for vacancies left by Council Members with terms that expire in years in which there is no ordinary session shall be decided at the upcoming ordinary session of the Assembly or via Rule 6, Written Procedure, of the Rules of Procedure of the Assembly; and,

3. Terms of office for members of subsidiary organs established by the Assembly under Rule 30 of the Rules of Procedure of the Assembly shall begin on 1 January and end on 31 December, for the duration stipulated by the Terms of Reference of the subsidiary organ.



Background paper on the term of office for Members of the Council and subsidiary organs of the Assembly

I. Introduction

The proposed decision to amend Rule 56 of the Assembly's Rules of Procedure (ROP) serves two objectives. The first objective is to ensure that Rule 56 of the ROP regarding terms of office of Council members is consistent with the terms of office provided for under Article 8(4) of the Agreement on the Establishment of the Global Green Growth Institute (Establishment Agreement, Article 8(4)). The second objective is to establish consistency in the terms of office of members of the Council and subsidiary organs of the Assembly with the GGGI's 1 January to 31 December calendar year and its overall processes and activities.

II. Discussion

(a) Consistency of Rule 56 with Article 8(4)

Article 8(4) of the Establishment Agreement provides that “[t]he Assembly shall ensure that around half of the initial Council members elected under paragraph 2 a, b and c are elected for an initial term of one year, for the purposes of continuity of Council membership.” Under Article 8(3), Council members serve for two-year terms. As a result of the application of Articles 8(3) and 8(4), in every year the terms of one half of Council members end, and elections must be held to replace them.

Article 7(2) provides that “[t]he Assembly shall meet once every two years in ordinary sessions, or as otherwise decided by the Assembly”. Rule 56 of the ROP provides that “[t]he term of office of each [Council] Member shall begin at the close of the regular session at which it is elected and shall end at the close of the second regular session following that election.”

Rule 56 of the ROP appears to assume that the Assembly meets in ordinary session on an annual basis, because it states that the term of each Member begins “at the close of the regular session at which it is elected and shall end at the close of the second regular session following that election,” which would amount to a two-year term only if “regular sessions” were held each year. However, this is inconsistent with Article 7(2) of the Establishment Agreement, which provides that the Assembly “shall meet once every two years in ordinary [i.e., “regular”] sessions.” For this reason, Rule 56 conflicts with the Establishment Agreement and is thereby rendered invalid, in accordance with Article 7(3) of the Establishment Agreement, which states that “...this Agreement prevails to the extent of any inconsistency between this Agreement and the rules of procedure.”

(b) Consistency of Rule 56 with GGGI's financial year

The current timing of ordinary Assembly sessions, which have been held in October 2012 in regular session and September 2013 in extraordinary session, would require Council

membership to change in Q3 of the GGGI financial year. This is inconsistent with the GGGI's 1 January to 31 December financial year and the programming of the GGGI's processes and activities. For this reason, the proposed amendment of Rule 56 would provide for terms of Council members to begin and end at the beginning and end of the GGGI's financial year, i.e., on 1 January and 31 December. Term dates of 1 January and 31 December would also be applied to subsidiary organs established by the Assembly to ensure continuity throughout the GGGI's organs and programmatic activity.

(c) Consequences of amendment of Rule 56

As a result of this proposed amendment of Rule 56, the terms of current Council members, e.g., those appointed at the first session of the Assembly on 23 October 2012, would extend beyond two years for an additional two months to reflect the change in scheduling of the start of Council terms from October to January. Also, because ordinary sessions are held only once every two years, we propose that the President of the Assembly determine whether elections would be held either via Written Procedure, as provided for under Rule 6 of the ROP, or if the Assembly would take a multi-year decision during its ordinary sessions, for vacancies left by those Council members whose terms begin and end in years when ordinary session are not held.

III. Conclusion

The proposed amendment of Rule 56 of the Assembly Rules of Procedure would ensure consistency of its application with Article 8(4) of the Establishment Agreement. It would also provide for terms of office of Council members and members of subsidiary organs that are consistent with the GGGI's 1 January to 31 December financial year and the programming of GGGI processes and activities.