



**GREEN  
CLIMATE  
FUND**

**Meeting of the Board**  
26 - 28 February 2019  
Songdo, Incheon, Republic of Korea  
Provisional agenda item 32

**GCF/B.22/11**

1 February 2019

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# Procedures and Guidelines of the Independent Redress Mechanism

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## Annex I: Draft decision of the Board

The Board, having considered document GCF/B.22/11 titled “Procedures and Guidelines of the Independent Redress Mechanism”:

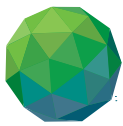
- (a) Adopts the Procedures and Guidelines of the Independent Redress Mechanism (Procedures and Guidelines), as set out in annex II to this document;
- (b) Decides that such Procedures and Guidelines shall take effect from the date of this Decision, and shall replace the interim procedures for the reconsideration of funding decisions adopted by decision B.13/24, paragraph (a), from the date of this decision in respect of requests for reconsideration of funding decisions submitted to the Independent Redress Mechanism (IRM) following the date hereof;
- (c) Decides to designate the Ethics and Audit Committee of the Board as the “Board Committee” under the Procedures and Guidelines and entrusts the said Committee with responsibility for matters relating to the Procedures and Guidelines of the IRM; and
- (d) Requests the Head of the IRM, in consultation with the Ethics and Audit Committee, to consider options to facilitate the Board’s consideration of reports from the IRM containing its findings and recommendations relating to requests for reconsideration of funding decisions and grievances or complaints by those adversely affected or who may be affected by GCF projects or programmes, and to prepare appropriate guidelines for consideration by the Board by its twenty-fourth meeting.

## Annex II:

# GREEN CLIMATE FUND INDEPENDENT REDRESS MECHANISM PROCEDURES AND GUIDELINES

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## ORGANIZATION OF THE PROCEDURES AND GUIDELINES

These Procedures and Guidelines (PGs) are organised in four parts:

**Part I** introduces the Independent Redress Mechanism (IRM) and its key objectives;

**Part II** addresses requests for reconsideration of funding decisions by the GCF Board;

**Part III** addresses grievances and complaints by those affected or who may be affected by GCF projects or programmes; and

**Part IV** contains general provisions applicable to the IRM.

## GLOSSARY

AE	Accredited Entity of the GCF.
Board	Board of the GCF.
Board Committee	The committee of the Board entrusted with responsibility for matters relating to these PGs.
case	A case is (a) a request by a requester, (b) a grievance or complaint by a complainant, or (c) proceedings initiated by the IRM under paragraphs 71 and 72 of these PGs.
complainant	A person, group of persons or community filing a grievance or complaint, or on whose behalf a

grievance or complaint is filed, with the IRM, or on whose behalf the IRM initiates proceedings under paragraph 12 of the ToR and paragraphs 71 and 72 of these PGs.

compliance appraisal

The initial phase of a compliance review, where the IRM considers whether there is *prima facie* evidence that the complainant has been or may be adversely impacted by a GCF funded project or programme, as a result of non-compliance with GCF operational policies or procedures.

compliance investigation

The second phase of a compliance review, where IRM investigates in depth and determines if the complainant has been or may be adversely impacted by a GCF funded project or programme, as a result of non-compliance with GCF operational policies or procedures.

compliance review

The process of compliance appraisal, investigation and reporting by the IRM as to whether a GCF funded project or programme has been in violation of, and/or in non-compliance with, GCF operational policies or procedures, and whether such a violation and/or non-compliance has caused or may cause adverse impacts to a complainant.

CMS

Case management system of the IRM.

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COP	Conference of the Parties, the supreme decision-making body of the United Nations Framework Convention on Climate Change (UNFCCC).
DAE	A Direct Access Entity; that is, a sub-national, national or regional entity nominated by a developing country NDA or Focal Point.
Executing Entity	Any entity, which includes, as the case may be, a developing country which is a party to the UNFCCC, through which GCF proceeds are channelled or used for the purposes of a funded activity or part thereof, and/or any entity that executes, carries out or implements a funded activity, or any part thereof. For the avoidance of doubt, an Accredited Entity may also carry out the functions of an Executing Entity.
Focal Point	An individual or entity designated by a developing country party to the United Nations Framework Convention on Climate Change (UNFCCC) to fulfil all functions of an NDA on a temporary basis, until the developing country party has designated an NDA.
GCF	The Green Climate Fund.
GCF funded project or programme	Project or programme wholly or partly funded by the GCF, or for which funding has been approved by the Board, and includes a project or

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	<p>programme being actively considered for funding by the GCF.</p>
<p>GCF operational policies and procedures</p>	<p>Policies and procedures adopted by the Board or issued by the Secretariat pursuant to a mandate by the Board, including environmental and social safeguards, environmental and social management system, indigenous peoples' policy, and gender policy.</p>
<p>Governing Instrument</p>	<p>The Governing Instrument for the Green Climate Fund approved by the COP of the United Nations Framework Convention on Climate Change (UNFCCC) at its seventeenth session on 11 December 2011 in Durban, South Africa, and annexed to decision 3/CP.17 presented in UNFCCC document FCCC/CP/2011/9/Add.1.</p>
<p>grievance or complaint</p>	<p>A grievance or complaint is an assertion pursuant to the Terms of References (TOR) by a person, group of persons or community that s/he has/they have been or may be affected by adverse impacts due to a GCF funded project or programme.</p>
<p>IDP</p>	<p>Information Disclosure Policy of the GCF.</p>
<p>IRM</p>	<p>Independent Redress Mechanism of the GCF.</p>
<p>NDA</p>	<p>National Designated Authority designated by a developing country.</p>



PGs	Procedures and Guidelines of the IRM approved by the Board under paragraph 18 of the TOR of the IRM, as amended from time to time.
problem solving	Problem solving is a participatory and flexible process, focused on assisting the parties in finding and/or developing an effective solution to the concerns raised by the complainant. The focus of a problem-solving process is on addressing the concerns that gave rise to the grievance or complaint in a way that meets the interests of the complainant and all or some of the other parties in the process, and is mutually satisfactory. While a problem-solving process may seek to identify who can take constructive action, a problem-solving process does not seek to determine culpability, nor is it a compliance review.
redress	To set right or remedy an adverse impact that has been or may be caused by a GCF funded project or programme. When such a project or programme has been found to be not in compliance with GCF operational policies and procedures, redress includes bringing the project or program into compliance.
request	An application for reconsideration of a project or programme denied funding by the Board.

requester	The NDA or Focal Point or any entity duly authorised by a developing country requesting reconsideration of a project or programme denied funding by the Board.
Secretariat	The Secretariat of the GCF.
SOPs	Supporting Operating Procedures of the IRM.
TOR	Terms of Reference of the IRM.

## PART I - INTRODUCTION

### Context

1. Paragraph 69 of the Governing Instrument of the Green Climate Fund (GCF) requires the Board to establish an Independent Redress Mechanism (IRM) that will report to the Board. The Board established the IRM through the adoption of the Terms of Reference (TOR) of the IRM which sets out various matters, including the role and functions, governance and administrative arrangements of the IRM.

### Role, Objectives and Approaches

2. In accordance with its TOR, the IRM is mandated to carry out the following functions:
  - (a) Review requests for reconsideration of a project or programme that has been denied funding by the Board and, as appropriate, make recommendations to the Board;
  - (b) Address grievances or complaints by a person, group of persons or community who/which have been or may be adversely impacted by a GCF funded project or programme through problem solving and/or compliance review, as appropriate;
  - (c) Initiate proceedings on its own to investigate grievances of a person, group of persons or community who/which have been or may be adversely impacted by a GCF funded project or programme;
  - (d) Monitor whether decisions taken by the Board based on recommendations made by the IRM, or agreements reached in connection with grievances or complaints through problem solving, have been implemented, and report on that monitoring to the Board;
  - (e) Recommend to the Board the reconsideration of existing policies, procedures, guidelines and systems of the GCF based on lessons learned or good international practices;

- (f) Share best practices and give general guidance that can be helpful for the GCF's readiness activities and accreditation process and for supporting the strengthening of the capacities of accountability/redress mechanisms of the DAEs; and
  - (g) Provide education and outreach to GCF staff, relevant stakeholders and the public.
3. The objectives of the IRM, as set out in its TOR are to:
- (a) increase the effectiveness of the GCF's operations;
  - (b) be responsive to the concerns of people adversely affected by GCF funded projects or programmes;
  - (c) be fair and equitable to all stakeholders;
  - (d) be independent and transparent;
  - (e) be cost-effective and expeditious in the delivery of just redress;
  - (f) be complementary to other supervision, audit, quality control and evaluation systems of the GCF; and
  - (g) follow international best practices, consistent with the TOR and the PGs of the IRM.
4. In addressing cases and in making recommendations to the Board, the IRM shall aim to adopt participatory and conciliatory approaches as far as possible to ensure that practical solutions can be found through problem solving, compliance review and remedial action, as appropriate.

### **Governance and Management Structure of the IRM**

5. The IRM consists of the Head of the IRM, its staff and consultants. The Head of the IRM reports to the Board and is accountable and responsible for the effective and efficient operation of the IRM.
6. The staff and consultants of the IRM are appointed by the Head of the IRM to carry out such functions as may be assigned to them, and to support the IRM in discharging its

functions. The Head of the IRM shall ensure a separation through appropriate allocation of duties and/or other arrangements between the staff and/or consultants involved in problem solving and those involved in compliance review under these PGs.

7. Consistent with its TOR and these PGs, the Head of the IRM may develop and issue Supporting Operating Procedures (SOPs) for the IRM to facilitate implementation of its TOR and PGs, and to ensure the effective and efficient operation of the IRM. In the event of a conflict between the provisions of the TOR and the PGs, the TOR shall prevail.

## **PART II - REQUESTS FOR RECONSIDERATION OF PROJECTS OR PROGRAMMES**

### **DENIED FUNDING**

#### **Making a Request for Reconsideration**

8. A request can be filed by a developing country that has been denied funding for a specific project or programme in that country by the Board for reasons other than lack of available resources, when the denial was based on a non-compliance by the GCF with a policy or procedure adopted by the Board, including those adopted in response to guidance from the Conference of the Parties (COP) in relation to matters of policies, programme priorities and eligibility criteria.
9. A request on behalf of a developing country can be filed by the National Designated Authority (NDA) or a Focal Point or any entity duly authorised by that developing country under the country's laws and regulations.

#### **Information to be Contained in a Request**

10. The requester shall ensure that any request submitted shall contain the following:
  - (a) identification by reference to the number and title of the project or programme that has been denied funding;
  - (b) reasons, if any, that have been communicated to the requester for the denial of funding by the Board;
  - (c) the circumstances of non-compliance with a policy or procedure adopted by the Board that could have resulted in the Board's decision to deny funding to the relevant project or programme, together with supporting evidence; and

- (d) a confirmation that the Accredited Entity (AE) which submitted the proposal is committed to implementing the project or programme, should the same be funded by the Board.

## The Procedure for Submitting a Request

11. A request may be submitted to the IRM, by sending it to the mailing address or email address of the IRM as published on its website. A request may be submitted in any of the six official languages of the United Nations (UN), provided that where a request is in a language other than English, it must be accompanied by an English translation. The English version will prevail in the event of a conflict.
12. A request will be reviewed by the IRM only if it is received by the IRM before the expiry of sixty (60) calendar days from the date on which the GCF Secretariat sends a notification to the relevant NDA or Focal Point of the Board's decision to deny funding for a specific project or programme.

## Request Review Process and Timelines

13. Within five (5) calendar days of receipt of a request, the IRM shall send a written communication to the requester acknowledging its receipt. The IRM shall register the request in the IRM register.
14. After acknowledgement is sent, the IRM shall consider whether the request meets the eligibility criteria set out in paragraphs 8 - 12 above.
15. The eligibility determination shall be made within thirty (30) calendar days from the date of acknowledgment. During this phase, the IRM may offer the requester an opportunity to provide additional information to meet the eligibility criteria. The IRM will communicate to the requester its determination on eligibility, together with reasons. If

the IRM determines that the request is not eligible, it shall, within five (5) calendar days of the determination, publish the determination on the IRM website, together with the reasons. It shall also report its determination to the Board and shall not take any further steps concerning the matter.

16. If the IRM determines that the request is eligible, the IRM will inform the GCF Secretariat of such request and will publish the request together with the eligibility determination on the IRM website within five (5) calendar days of the determination, redacting information as appropriate in accordance with the Information Disclosure Policy (IDP), and shall report it to the Board.
17. An eligibility determination by the IRM is procedural in nature. It does not represent a judgment on the merits or the substance of the request.
18. If the request is eligible, the IRM will take the following steps:
  - (a) Within ninety (90) calendar days from sending the eligibility determination to the requester, the IRM shall consider the substance of the request, and if necessary, hold meetings and/or discussions with the requester as well as with relevant GCF staff and consultants and/or with any other stakeholder, including the AE, NDA or Focal Point involved in the relevant project or programme, in order to seek clarifications and/or obtain additional information required to pursue the possibility of finding a resolution.
  - (b) If a resolution is reached, the IRM shall, within twenty-one (21) calendar days, submit a report to the Board for its consideration, together with a description of the resolution and recommendations, as appropriate.
  - (c) At the end of the said ninety (90) calendar day period, if a resolution is not reached, the IRM shall, within a further sixty (60) calendar days from thereof, investigate the request and submit a report to the Board for its consideration. The report shall recommend, with reasons, whether the Board should reconsider its previous funding decision concerning the relevant project or programme.



(d) The following information shall be included in the report referred to in paragraph 18 (c) above:

- i. The original Board decision denying funding;
- ii. A summary of the request;
- iii. A summary of the steps taken, and decisions made by the IRM; and
- iv. The IRM's findings in relation to the request together with its recommendations.

19. The Board shall consider such report as soon as possible or at the next Board meeting following the submission of the report by the IRM and, in view of such report, may consider the request and may then take steps to implement the recommendation of the IRM. If the Board considers the request, it shall communicate its decision to the Head of the IRM, who will then communicate the same to the requester and other relevant stakeholders, if any. If, following its consideration of the request, the Board decides to fund the project or programme, the IRM will close the case and the GCF Secretariat will resume processing the project or programme in accordance with the relevant rules and procedures. If the Board refuses to reconsider its funding decision or rejects or does not approve funding for the project or programme, the IRM will close the case.

## **PART III - GRIEVANCES OF OR COMPLAINTS BY THOSE ADVERSELY AFFECTED OR WHO MAY BE AFFECTED BY GCF FUNDED PROJECTS OR PROGRAMMES**

### **Submitting a Grievance or Complaint**

20. A grievance or complaint can be submitted to the IRM by a person or group of persons or community who has/have been or who may be affected by adverse impacts of a GCF funded project or programme.<sup>1</sup>
21. A grievance or complaint may be submitted on the complainant's behalf by the complainant's government or a representative, duly authorised by the complainant to act in that capacity.
22. In every case, the IRM will facilitate the involvement of a complainant in its processes under Part III of these PGs, recognising that typically a complainant has a direct stake in the benefits and adverse impacts of a GCF funded project or programme.

### **Exclusions**

23. The IRM shall not process a grievance or complaint regarding a GCF funded project or programme submitted to the IRM on or after whichever is the later of the following two dates: (a) within two (2) years from the date the complainant became aware of the adverse impacts referred to in paragraph 20 above or (b) within two (2) years from the closure of the GCF funded project or programme.
24. A grievance or complaint received by the IRM will not be eligible (see paragraphs 30 – 35 below), if it falls into any one or more of the following exclusions:

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<sup>1</sup> GCF funded project or programme includes a project or programme being actively considered for funding by the GCF.

- (a) a grievance or complaint regarding a project or programme in which the GCF had no financial involvement;
- (b) a grievance or complaint regarding matters already concluded by the IRM, unless the complainant has submitted new material information or evidence that was unavailable at the time the matter was previously considered by the IRM;
- (c) a malicious, frivolous, or fraudulent grievance or complaint;
- (d) a grievance or complaint to gain competitive advantage;
- (e) a grievance or complaint regarding matters relating to the GCF's activities which are unconnected to a GCF funded project or programme, such as matters relating to administration and human resource management;
- (f) a grievance or complaint concerning allegations of prohibited practices that are handled by other units of the GCF, including the Independent Integrity Unit;
- (g) An anonymous grievance or complaint; and
- (h) A grievance or complaint solely regarding the adequacy of GCF operational policies and procedures.

## Information Provided in a Grievance or Complaint

25. There are no formal requirements for filing a grievance or complaint. However, the name, address, telephone number, email, and other contact information of the complainant must be provided. If a grievance or complaint is submitted on behalf of a complainant by a different person or entity, the identification of the complainant on whose behalf the grievance or complaint is being submitted should be provided. In addition, evidence of authorisation by the complainant for the grievance or complaint to be submitted, and acknowledgment of that authorisation by the person or entity concerned should be provided. In addition, a complainant should provide the following information:
- (a) The name, location, and nature of the project or programme that has caused or may cause adverse impacts;

- (b) A brief explanation as to how the complainant has been, or may be, adversely affected by the GCF funded project or programme; and
- (c) An indication of whether confidentiality is requested by the complainant.

26. In addition, where possible a complainant may wish to include:

- (a) A description of the relevant GCF operational policies and procedures, if known, that the complainant alleges have not been complied with;
- (b) A description of other efforts including access to grievance/redress mechanisms of AEs or other dispute resolution processes, if any, that the complainant has pursued or intends to pursue to resolve the concerns, and redress, if any, already received from such efforts; and
- (c) Other relevant information including documents, media reports, photographs, videos and recordings, if any, which might assist and/or facilitate the IRM's processing of the grievance or complaint.

### **Submission of a Grievance or Complaint**

- 27. A grievance or complaint can be submitted to the IRM through any means such as submission through an online complaints form, mail, email, voice or video recording, or by calling a toll-free hotline where one has been designated for that purpose by the IRM.
- 28. A grievance or complaint may be submitted in any language the complainant uses. Where the grievance or complaint is in a language other than English and the complainant is unable to submit a translation, the IRM will have it translated into English. The IRM may extend any deadlines set out in these PGs to enable it to fulfil this requirement.
- 29. The IRM shall provide confidentiality to a complainant or to a representative, if so requested by the complainant, provided that in the case of a representative the IRM is satisfied that the confidentiality request is justified in the circumstances of the case (see paragraphs 96 - 98 below).

## Eligibility Determination of a Grievance or Complaint

30. Within five (5) calendar days from the receipt of a grievance or complaint, the IRM shall send the complainant or representative, where one has been duly authorised, an acknowledgment and register the grievance or complaint in the IRM register.
31. After an acknowledgment is sent, the IRM shall consider whether the grievance or complaint meets the eligibility criteria set out in paragraphs 20-21 and 23–24 above.
32. The eligibility determination shall be made within thirty (30) calendar days from the date of acknowledgment. During this phase, the IRM shall allow the complainant an opportunity to provide further information to meet the eligibility criteria. The IRM will communicate to the complainant its eligibility determination which shall include reasons. If the IRM determines that the grievance or complaint is not eligible, the IRM shall not take any further steps concerning the matter.
33. The IRM will inform the GCF Secretariat of an eligible grievance or complaint. The IRM will also report its eligibility determination to the Board in the IRM's periodic activity reports to the Board.
34. The IRM will publish its eligibility determination on the IRM website within five (5) calendar days of making its determination. Additionally, when a grievance or complaint has been determined to be eligible, the IRM shall within five (5) calendar days of making its eligibility determination publish the grievance or complaint on the IRM website, redacting information as appropriate in accordance with the IDP and respecting requests for confidentiality, if any.
35. An eligibility determination by the IRM is procedural in nature. It does not represent a judgment on the merits or the substance of the grievance or complaint.

## Initial Steps for Addressing a Grievance or Complaint

36. Where a grievance or complaint has been found eligible, the IRM will within sixty (60) calendar days engage with the complainant, including but not limited to meetings at the place the complainant or the project or programme is located, to:
- (a) understand the issues in the complaint;
  - (b) provide further information regarding problem solving and compliance review;
  - (c) ascertain whether the complainant would like to pursue problem solving and/or compliance review; and
  - (d) ensure that the complainant is able to make an informed decision.

If during its engagement with the complainants, other similarly affected people are interested in joining the complaint and the original complainant has no objection, the IRM may add them as complainants. If the original complainant objects, the IRM will inform the other affected people that they may file a separate grievance or complaint as provided in the TOR.

The IRM will also engage with other stakeholders, generally comprising of the GCF, NDA or Focal Point, AE and Executing Entity, to understand better the issues and the context, as appropriate. During such engagement, the IRM will also seek information from the GCF, NDA or Focal Point, AE and Executing Entity as to whether any steps have been taken or will be taken to address the grievance or complaint. The IRM may, where appropriate, offer problem solving to the complainant and other stakeholders<sup>2</sup> with a view to developing a practical solution that may address the grievance or complaint. In consultation with the parties,<sup>3</sup> the IRM will publish a report on the IRM website of the

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<sup>2</sup> For a definition of “stakeholder”, see paragraph 49 below.

<sup>3</sup> For a definition of “parties”, see paragraph 49 below.

agreement to pursue problem solving within five (5) calendar days of such agreement being reached.

37. If problem solving is declined by the complainant, or if problem solving becomes unviable because it is declined by any of the other stakeholders, the IRM shall within five (5) calendar days of that event refer the grievance or complaint to compliance review in accordance with the provisions in paragraphs 50 - 70 below. Within five (5) calendar days of the decision to refer to compliance review, in consultation with the other stakeholders, the IRM shall publish a report on the IRM website of this decision and the outcome of problem solving.

## Problem Solving

38. Problem solving is a participatory and flexible approach, focused on assisting the parties in finding and/or developing an effective solution to the concerns raised by the complainant. The focus of problem solving is on addressing the concern that gave rise to the grievance or complaint in a way that meets the interests of the complainant and the other parties, and is mutually satisfactory. While a problem-solving process may seek to identify who can take constructive action, a problem-solving process does not seek to determine culpability.
39. Problem solving is a voluntary process and will be used by the IRM only with the agreement of the complainant and other parties.
40. Problem solving processes vary in duration, according to the nature, complexity, and scope of the issues, and other factors. The IRM will work with the parties in establishing a reasonable timetable for the process and will endeavour to work efficiently and expeditiously in assisting the parties in finding solutions to the concerns raised. The timetable for the process may be extended by agreement of the parties and the IRM. However, problem solving should ordinarily be completed within one (1) year of the parties' agreement to pursue it.

41. Where the IRM decides that progress is no longer possible or where problem solving is not an efficient use of its resources, the IRM may terminate the process after providing written notification to the parties. The IRM shall consult the parties in reaching such a decision.
42. The methods or approaches that may be applied by the IRM when conducting problem solving include (i) consultative dialogue, (ii) information sharing with the parties, (iii) joint fact-finding, and (iv) conciliation or mediation by a neutral third party appointed by the IRM.
43. The outcome of successful problem solving will be reflected in a written agreement or a series of written agreements as appropriate between some or all of the parties to the problem solving process. The parties to the agreement will implement the agreed actions, as appropriate.
44. Subject to paragraph 46 below, the IRM shall, within seven (7) calendar days from the conclusion of the agreement or series of agreements inform the Board of the result of the problem solving, and where consented to by the parties, submit a copy of the agreement(s) to the Board. Agreements shall generally come into effect on the date they are entered into by the parties.
45. If an agreement reached through problem solving necessitate a Board decision concerning any project or programme, such agreement shall be submitted to the Board for approval. Where the GCF is a party to an agreement, the IRM shall submit the agreement to the Board for its information.
46. Agreements reached through problem solving will be recorded by the IRM on the IRM register and the contents of the agreements shall be published by the IRM, if consented to by the parties. Absent consent, the IRM will record the result of problem solving on the IRM register and publish a notification of the entering into of the agreement.



47. When reaching an agreement pursuant to problem solving, the parties to the agreement shall ensure that the agreement does not violate GCF policies or domestic laws of the parties, or international commitments of the country concerned under bilateral or international treaties or agreements to which the country is a party.
48. If problem solving does not result in an agreement, or if problem solving is wholly or partially unsuccessful, the grievance or complaint or any part of the grievance or complaint that remains unaddressed will be referred for compliance review within seven (7) calendar days of the conclusion of problem solving and the IRM website shall be updated accordingly within five (5) calendar days of the decision to refer the grievance or complaint for compliance review.
49. For purposes of problem solving in paragraphs 36-37 above and paragraphs 56 and 95 below, 'stakeholders' refers to individuals or entities who have an interest in the issues of the case, or ability or power to influence a GCF project or programme. For the purposes of paragraphs 36-48 above and paragraph 95 below, stakeholders who are necessary to the successful outcome of a problem solving process and are participating in such a process are designated as 'parties'.

## Compliance Review

50. When conducting compliance review, the IRM will focus on examining whether the GCF funded project or programme has not complied with applicable GCF operational policies and procedures and whether such non-compliance has caused or may cause adverse impacts to the complainant.
51. Within fourteen (14) calendar days of the referral of a grievance or complaint for compliance review, the IRM will send the grievance or complaint, redacted as necessary to respect agreed confidentiality arrangements, if any, together with any information on non-compliance with GCF operational policies or procedures provided by the complainant

or identified by the IRM, to the Executive Director of the GCF Secretariat with a request for a response.

52. The Executive Director of the GCF Secretariat, in consultation with the relevant AE, as appropriate, shall submit a response to the IRM within twenty-one (21) calendar days from the IRM's request for a response. A copy of this response shall be provided by the IRM to the complainant. In its response, the GCF Secretariat should provide information:
  - (a) related to the factual statements and allegations contained in the grievance or complaint;
  - (b) about the steps taken by the GCF Secretariat to ensure compliance with applicable GCF operational policies and procedures, including those identified by the complainant or the IRM; and
  - (c) about remedial actions, if any, that the GCF Secretariat may have taken or intends to take to ensure compliance with such policies or procedures, as appropriate.
53. Within twenty-one (21) calendar days of the receipt of such response, the IRM shall carry out a compliance appraisal to consider whether there is *prima facie* evidence that the complainant has been affected or may be affected by adverse impacts through non-compliance of the GCF funded project or programme with GCF operational policies and procedures, and prepare a compliance appraisal report.
54. The compliance appraisal report shall be provided to the complainant as well as the Executive Director of the GCF Secretariat, and made public on the IRM's website within five (5) calendar days thereafter.
55. If the compliance appraisal report concludes that there is *prima facie* evidence of adverse impacts and/or non-compliance with GCF operational policies and procedures, by a GCF funded project or programme, the IRM will commence a compliance investigation. In such

a case, the compliance appraisal report shall also set out the scope of the compliance investigation.

56. As part of its compliance investigation, the IRM will gather information, as appropriate, from all stakeholders and witnesses concerned, including the complainant, the GCF Secretariat and staff, the NDA or Focal Point, AE, Executing Entity, and other independent panels of the GCF.
57. A compliance investigation may include document review, meetings, discussions, site visits, evidence gathering, and obtaining expert opinions, as appropriate.
58. Following compliance investigation, the IRM will prepare a draft compliance report which shall ordinarily include the following:
  - (a) A summary of the grievance or complaint and the issues raised;
  - (b) A summary of the response from the GCF Secretariat;
  - (c) A summary of applicable GCF operational policies and procedures;
  - (d) A description of the procedures and investigative methods followed by the IRM;
  - (e) A summary and evaluation of the relevant evidence;
  - (f) The findings of the IRM on issues raised in the grievance or complaint;
  - (g) Recommendations on remedial actions as appropriate; and
  - (h) Additional information, lessons learned and recommendations as appropriate and in accordance with its TOR.
59. The draft compliance report of the IRM shall have as annexures the grievance or complaint and the response of the GCF Secretariat.
60. The draft compliance report of the IRM will be provided to the complainant and the Executive Director of the GCF Secretariat for their comments, if any, to be provided within twenty-one (21) calendar days of the receipt of the report. The draft compliance report of the IRM will also be provided to the relevant AE where the report contains recommendations concerning the AE. The main purposes of this opportunity to comment

are to enable the complainant, the GCF Secretariat and the AE to provide feedback on statements of facts and factual findings, and on the recommendations, in the draft compliance report.

61. The IRM shall take the comments received into consideration and shall submit a final compliance report with findings, and recommendations if any, for consideration by the Board.
62. The time required for the IRM's compliance investigation will vary depending on the nature, complexity and scope of the GCF funded project or programme and the alleged adverse impacts and non-compliance. However, a compliance investigation should ordinarily be completed within one (1) year of the publication of the IRM's compliance appraisal report on its website as referred to in paragraph 54 above.
63. The Board shall consider the final compliance report and may make such decision as it sees appropriate, based on the findings and any recommendations contained in the final compliance report. If the Board decides to consider the grievance or complaint in light of the final compliance report, it may also take steps to implement the recommendations of the IRM. Any such steps should be taken by the Board within thirty (30) calendar days from the date of circulation of the report to the Board on a no objection basis in accordance with the relevant provisions of the rules of procedure of the Board.
64. Within ten (10) calendar days from the day the Board takes a decision on the final compliance report submitted by the IRM, a copy of the final compliance report shall be made available to the complainant and published on the IRM website. A copy of the Board's decision on the final compliance report shall be made available to the complainant and shall be published on the IRM website within five (5) calendar days from the date on which the Secretariat publishes the Board decision.
65. There shall be no right of appeal and/or review by the complainant and/or other person regarding the final compliance report submitted by the IRM to the Board and/or any

decisions taken by the Board regarding the grievance or complaint referred to in the final compliance report.

66. Where the decision of the Board incorporates the development of a remedial action plan, it shall be the obligation of the GCF Secretariat, within sixty (60) calendar days of that Board decision, to develop a draft remedial action plan. The draft remedial action plan shall propose appropriate steps to be taken by the GCF, AE or the Executing Entity to bring the GCF funded project or programme into compliance with the GCF operational policies and procedures and/or to provide redress as set out in the decision of the Board.
67. The development of the draft remedial action plan shall take place through a process that includes consultation with the IRM (and through the IRM, the complainant), AE and/or (as appropriate through the AE) with the Executing Entity. A draft remedial action plan shall be provided to the IRM, complainant, AE or the Executing Entity, giving them a minimum of ten (10) calendar days to comment. The GCF Secretariat shall take into account the comments received and prepare a final remedial action plan within ten (10) calendar days of receiving the comments, with the agreement of the IRM. The IRM shall report to the Board for further guidance any cases where, following the consultations referred to above, the GCF Secretariat cannot reach agreement with the IRM on the final remedial action plan.
68. The GCF Secretariat, shall implement the final remedial action plan, to the extent within its control, expeditiously and take reasonable steps to require that the AE itself or, through the AE exercising any relevant rights under its agreements with the Executing Entity, the Executing Entity, as appropriate, implement relevant remedial actions specified within the final remedial action plan which are within their control. The IRM shall report to the Board any cases of which it becomes aware where a final remedial action plan, or any part thereof, cannot be or is not being implemented.
69. After the IRM agrees to the final remedial action plan, it shall be published on the IRM website within five (5) calendar days of that agreement.

70. Reaching an agreement with the IRM as stated in paragraph 67 above regarding the final remedial action plan shall not prevent the IRM from recommending improvements to the final remedial action plan, if necessary, during its implementation. Where the IRM recommends improvements to a final remedial action plan, the Secretariat shall take appropriate steps to amend such final remedial action plan, and paragraphs 67-69 above shall apply *mutatis mutandis* with respect to any such amendment.

### Proceedings Initiated by the IRM

71. If the IRM:
- (a) receives information from a credible source that a GCF funded project or programme funded has adversely impacted or may impact a person, group of persons or community; and
  - (b) such information, if true, would pose a significant reputational risk to the GCF; and
  - (c) if the person(s) adversely impacted is/are unable to access the IRM;

it may decide, on the basis of *prima facie* evidence, to initiate proceedings under this paragraph. The IRM's decision shall contain the details required under (a) to (c) of this paragraph and shall set out the *prima facie* evidence on which the decision is based. This decision shall be published on the IRM website within five (5) calendar days.

72. If the IRM decides to initiate proceedings according to the criteria set out above, the information received shall be treated as an eligible grievance or complaint under paragraph 31 above, and will be processed as such. For this purpose, the IRM may adapt the problem solving and/or compliance review processes set out above, as needed.

### Monitoring

73. The IRM will monitor the implementation of:
- (a) agreements concluded through problem solving;
  - (b) final remedial action plans; and

(c) decisions of the Board taken on the recommendations of the IRM in relation to grievances or complaints.

74. The monitoring time frame shall be project or programme specific, and unless extended by the IRM, will not exceed three (3) years.

75. The methods for monitoring may include:

(a) consultations with the complainant, GCF Secretariat, NDA or Focal Point, AE, Executing Entity, and other stakeholders;

(b) review of documents;

(c) obtaining expert opinions; and

(d) site visits.

The IRM may also consider any information received from the complainant and other stakeholders in this regard.

76. When the IRM monitors the implementation of agreements referred to in paragraph 73 (a), it will do so in consultation with the parties. Unless the Board or the IRM specifies a different timeline, the IRM will submit monitoring reports to the Board annually and shall make these public through the IRM website within five (5) calendar days. The IRM will make a draft of the monitoring report available to the parties to the agreement, giving them a reasonable time to provide comments, prior to submitting monitoring report to the Board.

77. When the IRM monitors the implementation of the final remedial action plan referred to in paragraph 73 (b), the GCF Secretariat will submit progress reports to the IRM as set out in the final remedial action plan. The IRM will report to the Board concerning the implementation of the Board decision and final remedial action plan, including its observations and/or findings on the progress in bringing the GCF funded project or programme into compliance with the GCF operational policies and procedures. Unless the Board or the IRM specifies a different timeline, the IRM will submit a monitoring report to

the Board annually and shall make it public through the IRM website within five (5) calendar days. Other than in a situation when a monitoring report requires the urgent attention of the Board, the IRM will make a draft of the monitoring report available to the complainant, the GCF Secretariat, AE and/or Executing Entity, giving them a period of thirty (30) calendar days to provide comments, prior to submitting the monitoring report to the Board.

78. At the conclusion of the monitoring period, the last monitoring report submitted by the IRM will bring the problem solving or compliance review process, as the case may be, to an end.

### **Local Language of the Complainant**

79. All publicly disclosed IRM reports relating to a grievance or complaint, including eligibility determinations, agreements reached through problem solving, compliance appraisal reports, compliance investigation reports, and monitoring reports, along with other relevant documentation needed to facilitate communication, will be translated into the local language of the complainant.

### **Retaliation**

80. The GCF does not countenance retaliation against a complainant or any other person involved in an IRM process.
81. The IRM acknowledges that a complainant, witnesses and other parties associated with a grievance or complaint being processed by the IRM may face risks of retaliation. The IRM shall endeavour to minimise the risk of retaliation in relation to implementation of its functions while recognising that there are limits to its ability to protect those who face risks of retaliation. The IRM does not purport to replace national or international judicial



bodies, protective services and law enforcement agencies whose functions include protecting the public in such situations.

82. The IRM shall, together with the GCF Secretariat, take all possible steps within its means to protect the complainant, witnesses and other involved parties from retaliation associated with a grievance or complaint processed by the IRM.
83. The IRM shall develop SOPs that are consistent with the IRM's TOR and these PGs to facilitate the implementation of the provisions relating to retaliation.

## **Cooperation between the IRM and the Accountability and/or Grievance**

### **Redress Mechanisms of AEs**

84. The IRM will cooperate and collaborate with the accountability and/or grievance mechanisms of AEs in the discharge of its functions, as follows:
  - (a) The IRM on the one hand, and the accountability and/or grievance redress mechanisms of the respective AEs on the other, will each perform their duties and exercise their powers and functions, in accordance with the policies and procedures applicable to them. To this end, the respective AEs and the GCF shall promote cooperation between the IRM and the accountability and/or grievance redress mechanisms of the respective AEs and provide them with reasonable assistance in carrying out their functions.
  - (b) A complainant affected by a GCF funded project or programme may file a grievance or complaint with the IRM and/or the accountability and/or grievance redress mechanism of an AE. In such a situation, the IRM and the accountability and/or grievance redress mechanism of the AE will handle the grievance or complaint as follows:

- i. The IRM will handle a grievance or complaint pertaining to action or inaction by the GCF and/or an alleged non-compliance with GCF operational policies and procedures;
- ii. The accountability and/or grievance redress mechanisms of the AEs will handle a grievance or complaint regarding non-compliance with the AE's operational policies and procedures; and
- iii. In the event of a similar grievance or complaint being submitted by the same complainant or different complainants to the IRM and to one or more accountability or grievance redress mechanisms of AEs, the IRM and the accountability or grievance redress mechanisms of the AEs may come to working arrangements on how to address those grievances or complaints expeditiously and efficiently in a cost-effective manner.

## **PART IV - GENERAL PROVISIONS**

### **IRM Register and Case Management System (CMS)**

85. The IRM shall establish and maintain an effective CMS.
86. The IRM shall maintain a searchable, user-friendly, publicly accessible, web-based register of cases (the register). The register shall be appropriately integrated with the CMS and made accessible through the IRM website.
87. Unless otherwise stated in these PGs, all key procedural steps relating to each case will be promptly publicly disclosed via the register and IRM website, together with related information and documentation required to be disclosed under these PGs or other GCF operational policies and procedures.
88. The registration of any grievance or complaint in the register is an administrative step and does not mean that the grievance or complaint is eligible for problem solving or compliance review. Similarly, the registration of a request in the register does not mean that it is eligible for reconsideration by the Board.

### **Access to the IRM and Costs of Participation**

89. Any person or entity may contact the IRM, on a confidential basis if requested, prior to filing a request or grievance or complaint, for clarification or guidance on these PGs or on how to access the IRM.
90. A developing country may, on a decision of the Board made on the recommendation of the IRM, be reimbursed the reasonable costs of filing a request with the IRM, if the request is successful. Such reimbursement shall take place at the end of the proceedings subject

to verification of the costs claimed. Costs may cover out-of-pocket expenses and reasonable professional costs directly associated with filing and pursuing a request.

91. The IRM shall bear the costs of conducting problem solving, compliance review and monitoring as well as the costs of ensuring the meaningful participation of complainants, witnesses and stakeholders in problem solving, compliance review or monitoring.
92. For purposes of the cost provisions in paragraph 91, 'stakeholders' refers to a person, group of persons or community who is/are or may be directly affected by the implementation or outcome of a GCF funded project or programme under consideration in a grievance or complaint, and who is participating or has participated in problem solving, compliance review or monitoring in some manner other than as the complainant.

### Standard of Evidence

93. Unless otherwise stated or necessarily implied in these PGs, whenever the IRM is required to make a finding on a fact, state of facts or matter in connection with a request, or a grievance or complaint, the IRM shall use the balance of probabilities evidentiary standard. This is an assessment of whether a fact or matter under consideration is more likely to be true than not true.
94. If the IRM is prevented, obstructed or hindered in gathering evidence and information for addressing a request, or a grievance or complaint, or if information that is relevant to the case being processed by the IRM is otherwise withheld, the IRM may make findings of fact based on the best available evidence. In such a case, the IRM will use all available information, and may make appropriate assumptions and draw appropriate inferences in completing its work. The IRM will present the best and most detailed analysis possible after exhausting the most cost-effective and logical alternative means to acquire the necessary information. In the situations described above, the IRM may give reduced weight to the evidence, information and views of those preventing, obstructing or hindering the IRM or withholding information and evidence from the IRM. In its report

submitted to the Board on a request or a grievance or complaint, the IRM will identify difficulties in accessing relevant information and the actors, if any, who have made it difficult to do so.

## Time Limits

95. The time limits given in these PGs shall be adhered to unless they are extended by the IRM or, in the case of time limits applicable to the Board or the Board Committee, by themselves, for good reasons necessary to ensure the full and proper processing of a case. Extensions shall be made in consultation with the parties during problem solving. Any extensions of time limits by the IRM shall be made in writing with reasons and noted on the IRM register and communicated to the requester, complainant, the GCF Secretariat and other parties, as relevant.

## Access to Information, Confidentiality and Disclosure

96. Subject to these PGs, the IRM's use and disclosure of information shall be in accordance with the IDP and other Board policies and procedures governing information disclosure and confidentiality.
97. The IRM recognises and respects a complainant's right to confidentiality (which extends to the confidentiality of an authorised representative when requested by the complainant, but subject to the IRM's consideration of the justification) including confidentiality of identities and information provided to the IRM. In situations where the name and identity of a complainant or representative may need to be disclosed to process the grievance or complaint or to provide redress, the IRM will proactively consult with the complainant and/or the representative and will only disclose such information with their consent. Where substantive information relating to a grievance or complaint cannot be made available to the GCF Secretariat during a compliance review or monitoring due to a confidentiality request, the IRM shall determine the relative weight such information will

be given during the compliance review or monitoring. Pending consultations with the complainant and/or the representative with regard to confidentiality, the IRM shall keep the identities of the complainant and the representative, and the information provided by them to the IRM, confidential.

98. Where the IRM has received confidential information during problem solving, such information will not be used during any subsequent compliance review and/or monitoring unless express permission to do so is given by the provider of the information or the information is otherwise in the public domain or is available to the IRM through other non-confidential means.

### **Roles and Responsibilities of GCF Staff and Access to Documents**

99. When implementing its functions, the IRM shall have access to GCF staff and consultants, and to all records produced or possessed by GCF that the IRM deems relevant, except personal information that is typically restricted.
100. If requested by the Head of the IRM, the General Counsel of the GCF or a counsel designated by the General Counsel will provide legal advice to the IRM on the GCF's rights and obligations and GCF operational policies and procedures relevant to a request, grievance or complaint. The Head of the IRM may also seek external legal advice on a request-, grievance- or complaint- related matter or with regard to any other matters concerning the IRM. Where legal issues are materially relevant to the findings or recommendations of the IRM in a report to the Board, those issues (including any legal advice) will be included in the IRM's report to the Board. With respect to interpretation of its TOR, the IRM will apply the TOR as it understands them, subject to the Board's review.
101. It shall be the duty of the GCF Secretariat to be reflective and responsive in connection with all processes and phases related to a grievance or complaint to ensure that the GCF

funded project or programme concerned is in compliance with GCF operational policies and procedures. It shall also be the duty of the GCF Secretariat to cooperate with the IRM in the discharge of its functions under its TOR.

102. All documents, reports, notifications and other communications from the Head of the IRM to the Board shall be channelled through the Secretary to the Board or the latter's designated focal point from within the Office of Governance Affairs. The Head of the IRM shall first bring any such document, report, notification or other communication to the attention of the Co-Chairs of the Board for clearance prior to distribution to the Board and/or as the case may be inclusion in the provisional agenda of a Board meeting or notification for Board decision between meetings.
103. In the event that the Head of the IRM designates a document, report, notification or other communication to the Board as strictly confidential (i.e. marked for limited distribution to members of the Board, alternate members of the Board, and advisers having signed the requisite declaration), the Secretary to the Board or the focal point referred to in paragraph 102 above shall treat it in strict confidence and shall not disclose it to anyone other than the said persons, whether inside or outside the GCF Secretariat, until such time as its designation is changed by the Head of the IRM or the Board. These duties of confidentiality and non-disclosure shall apply notwithstanding anything to the contrary in a policy or administrative instruction or other rule, procedure or practice of the GCF.

## Communications and Outreach

104. The IRM will take a proactive approach to raising awareness and providing information about the IRM in a gender responsive and culturally appropriate manner to its stakeholders, including potentially affected people, civil society organizations, NDAs or Focal Points, AEs, GCF staff and others, so that they may have the information they may need about its mandate, objectives and functioning, and so that the IRM can be effective in fulfilling its functions.

105. The IRM will seek to conduct outreach and enhance interactions with its stakeholders through activities such as meetings and the production of written and electronic information and publications.
106. Subject to the IDP and any confidentiality considerations, the IRM may issue public communications, as appropriate, on the discharge of its functions under its TOR.

### **Lessons Learned and Capacity Building**

107. The IRM will report to the Board, through the Board Committee, on lessons learned and insights gained from handling cases and from good international practices, and may recommend reconsideration of relevant GCF operational policies and procedures, guidelines and systems. Such a report will be published on the IRM website within five (5) calendar days of it being submitted to the Board.
108. In its report to the Board, the IRM will focus on providing systemic advice on GCF operational policies, procedures, guidelines and systems, rather than project-specific advice.
109. The IRM will share best practices and give guidance that can be helpful for the GCF's readiness activities and accreditation process and for supporting the strengthening of capacities of the accountability/redress mechanisms of DAEs.

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