

Joint Comments by a Group of Civil Society Organizations on the Draft Procedures and Guidelines of the Independent Redress Mechanism

Thank you for the opportunity to comment on the Draft Procedures and Guidelines of the Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF). The IRM plays a critical role in the GCF, as accountability is a key element to the GCF's success. As such we are pleased to be able to comment to ensure the development of a responsive, legitimate, accessible, predictable, equitable, transparent, and rights-compatible IRM.

In addition to the comments below, we have attached a red-line of the Draft Procedures and Guidelines to this submission as Annex I. Additionally, in the Annex, we have also included explanations for the suggested changes, where relevant.

The IRM's Draft Procedures and Guidelines represent best practice in many places, for example being independent of the GCF Secretariat, being able to initiate proceedings, having the ability to provide lessons learned and advice to the Board, and providing compensation for costs incurred in filing requests, complaints, and grievances, and we appreciate that they include many provisions designed to make the mechanism transparent, legitimate, accessible to communities, predictable, responsive, equitable, and rights-compatible. However, there also remains some room for improvement.

Accessibility

Affected people and communities often face a number of challenges in getting remedy or holding financiers accountable when they are harmed by projects and programmes designed, in theory, to help them. These challenges include difficulties in accessing redress mechanisms, including independent accountability mechanisms like the IRM. Though accessibility issues are due to a variety of factors, it is important that the mechanisms themselves take steps to try and ensure that they are as accessible as possible to potentially affected peoples.

In the Draft Procedures and Guidelines, the IRM has taken several critical steps to increasing people's and communities' ability to access it. For example, it is encouraging that the IRM specifies that complaints or grievances can be submitted in any language or by video or voice message, among other methods. Communities, and often marginalized population groups within affected communities such as women or Indigenous Peoples, have trouble accessing accountability mechanisms because they do not speak the "official" language or because they are illiterate, so these gender-responsive provisions are quite positive. Additionally, the Draft Procedures and Guidelines, in paragraph C.4(1) indicate that the IRM will accept complaints "through any means." Accepting complaints through a wide-variety of media is quite positive and should be interpreted broadly to allow complainants to submit complaints in the manner they wish to and not necessarily only in the ways included in the indicative list. It is also positive that grievances and complaints can be filed throughout the project or programme lifecycle including during project design and while it is under consideration by the GCF Board (*IRM Terms of Reference (TOR), Footnote 3*).

However, there are several provisions that would likely hinder the ability of affected people to seek redress. First, paragraph C.2(1(c)) of the Draft Procedures and Guidelines says that complaints submitted one year after the project or programme is closed by the GCF are ineligible. While we recognize the difficulties of having an open-ended time period, one year is too short. Both the full implementation of applicable environmental and social safeguards

and the realization of their objectives as well as the environmental and social impacts on people or communities of a project or programme may not be felt until after it is closed. Given that project and programme effects do not necessarily take place immediately and can be felt long after the project or programme is “closed,” communities’ access to the IRM would be hindered if complaints submitted more than a year after official closure are declared ineligible. As such the IRM should extend this time period to be at least two years. For best practice examples, the IRM can look to the United Nations Development Programme (UNDP) Social & Environmental Compliance Unit (SECU) and the Asian Development Bank (ADB) Accountability Mechanism (AM). UNDP SECU’s guidelines (sec. 1.1) exclude complaints “relating to projects or programmes [...] for which UNDP’s support has ended and its role can no longer reasonably be considered a cause of the concerns raised in the claim.” However, “when UNDP’s support has ended, but impacts can fairly and reasonably be traced to UNDP’s involvement, the SECU will accept complaints that are likely to provide institutional learning, prevent future mistakes and abuses, or support resolution of concerns of communities.” While ADB AM’s procedures (para. 142(iv)) state “Complaints will be excluded if they are: ... about an ADB-assisted project for which 2 or more years have passed since the loan or grant closing date.”

There remains some uncertainty about how the GCF will determine when a project or programme is “closed” or what the closing date is. This should be clarified and a shared understanding should be established between the GCF Secretariat and the IRM that is cognizant of and takes into account the specific characteristics of the GCF’s financial instruments used (present and future). The present potential ambiguity of an understanding of “closing date” is particularly concerning related to different types of financial arrangements (other than directly funding a project or programme) such as through financial intermediaries, especially in fund-of-fund approaches, where often significant upfront financing is provided by the GCF, or via long-term equity investments, among others. In those instances, the IRM may have to take a more flexible approach. For example, if the GCF has equity in a project or programme, the IRM should be able to accept complaints related to it until the GCF sells its equity. In these instances, the IRM may require an alternate standard. For example, in paragraph 2.2.1(1) of the IFC Compliance Advisor/Ombudsman’s (CAO’s) Operational Guidelines, it states that complaints may be eligible for consideration by the CAO if “[t]he complaint pertains to a project that IFC/MIGA is participating in, or is actively considering.”

Additionally, it is good that the IRM’s Draft Procedures and Guidelines state in paragraph C.3(1) that there are “no requirements” for a complaint or grievance. However, it then goes on to provide a list of potential information and materials to include. While it can be useful to provide this indicative list of what to include in the complaint, this can also hinder access to the IRM as potentially affected communities may think that they have to include all of these elements in order to present a “solid case.” Of particular concern, is subparagraph (f) which states that “a complainant shall endeavour to provide ... (f) A description of the relevant operational policies and procedures including environmental and social safeguards of the GCF that the complainant alleges have not been complied with.” Complainants should not have to list the policies that the project or programme has violated when they submit their complaints or grievances. Often complainants do not know the details of GCF policies, but only know that they are being harmed. Therefore, to remove this potential confusion, subparagraph (f) should be deleted or, at least, it should be moved to paragraph C.3(2) and the phrase “if they are known” should be added to the last part of the sentence. We also recommend that the IRM develop a model complaint letter to guide complainants in the filing process.

Scope

The IRM rightly can accept complaints and grievances related to harms or potential harms caused by GCF-funded projects and programmes. The current Draft Procedures and Guidelines reference GCF policies, including the “environmental and social safeguards,” but does not specify other critical policies that must be met. As such, the draft should be amended so that in addition to environmental and social safeguards, the Procedures and Guidelines reference the Indigenous Peoples’ Policy and Gender Policy. These are critical policies designed to ensure that people’s rights are respected and protected in GCF-funded projects and programmes, and as such, the IRM Procedures and Guidelines should not be seen as excluding them even if that is not what is meant. This would also give affected and potentially affected people and communities looking at the Guidelines reassurance that gender and Indigenous Peoples’ concerns and rights-violations are explicitly part of the IRM’s mandate.

Responsiveness

To be effective, the IRM must be responsive to the complaints, grievances, and requests it receives. Paragraph A.2(4)(c) is an important part of the IRM’s ability to do this as the IRM should have the full power or authority to investigate, gather evidence, and provide redress to the complainant(s) to remedy the harms raised in the complaint. Alongside responding to complaints and grievances, initiating investigations is key to the effectiveness of this mechanism.

Problem Solving

The IRM’s Draft Procedures and Guidelines include important provisions to define the problem solving phase and to provide greater clarity on time-frames and methods.

While in some instances complainants may wish to go through problem-solving or dispute resolution as a way to seek redress, the decision about whether to pursue dispute resolution or compliance should be up to the complainant. Problem-solving should not be seen as preferred or being pushed by the IRM. As such several changes should be made to the IRM’s Procedures and Guidelines to ensure that there is not a perceived preference for dispute resolution. For example, in paragraph C.1(3), the specification that complainant(s) should be involved in IRM processes especially in problem-solving or mediation should be deleted as the IRM may wish to include complainants in all its processes both compliance and problem-solving. Additionally, it is extremely problematic that in paragraph C.6(1), the Draft Procedures say that the IRM may offer problem-solving “including when the complainant has requested or indicated a preference for compliance review as the method for processing the grievance or complaint.” While it would be best to delete the entire sentence in which that phrase is contained, at a minimum, this phrase should be deleted. The IRM should respect the requests or preferences of the complainant(s) and should not force, or even give the perception of forcing, the complainant(s) into problem-solving. The IRM TOR explicitly says that there is no sequencing and the Procedures and Guidelines should not suggest otherwise.

Additionally, paragraph C.7(4), should be amended to specify from whom the IRM will seek inputs to determine whether to terminate the problem solving process. There may be instances in which a problem solving process cannot continue for a variety of reasons. In determining whether it can terminate the process, the IRM should consult with the parties who are material to the process, including, for example, the complainants, the accredited entity, or the executing entity.

Compliance

The Draft Procedures and Guidelines include positive provisions in relation to compliance review, such as the reference to the role of both the GCF Secretariat and the complainants. In a compliance review process, it is critically important that the GCF Secretariat responds to the findings of non-compliance and that it takes action to remedy the non-compliance. We welcome that the Draft Procedures and Guidelines include details on how the GCF Secretariat should respond during the eligibility phase (C.8, para. 3). Though the responses in other phases of the compliance review would be different, this is reflective of the responsiveness the GCF Secretariat should have throughout the process including in responding and acting on findings of non-compliance. Perhaps the Draft Procedures and Guidelines could make an effort to refer to GCF Secretariat responsibility to respond and act more explicitly in other phases of the compliance review as well.

Another positive element is the IRM's ability to provide recommendations to address areas of non-compliance. However, the Draft Procedures and Guidelines in paragraph C.10(2) limit the monitoring of cases, stating that monitoring will "ordinarily not exceed three (03) years." The duration of the monitoring should not be prescribed by the Procedures and Guidelines. Instead, the IRM should monitor the case until all instances of non-compliance have been remedied.

Additionally, the IRM's Draft Procedures and Guidelines include important provisions regarding the participation of complainants in the compliance review process. Sharing the draft compliance report with the complainants as well as the Secretariat as specified in paragraph C.8(11) is welcome. However, the IRM should share the entire draft compliance report and as such "excluding the recommendations" should be deleted from this paragraph. This is in line with best practice. For example, paragraph 44 of the Inter-American Development Bank (IDB) Independent Consultation and Investigation Mechanism's (MICI's) policy says "Once the MICI has completed its investigation, it will issue a draft report including a review of its main findings of fact and recommendations, and forward them to Management and the Requesters for their comments. Management and the Requesters will have a term of 21 Business Days to send comments on the draft report." Further, paragraph C.8(12) should include that the final compliance report will be shared with the complainants at the same time as it is shared with the Board. For example of best practice on this, the African Development Bank's (AfDB's) Independent Review Mechanism's policy states in paragraph 63 that "... the Compliance Review Report shall be made available to the Requestors at the same time as it is submitted for consideration and decision [by the President or Board]."

Lastly, as the Draft Procedures and Guidelines rightly include in paragraph C.8(15), development of the remedial action plan should be done in consultation with the complainant(s). This consultation should be done in a gender responsive and culturally appropriate way and in a manner that allows for all complainants to participate freely, including taking steps to ensure that marginalized or vulnerable groups, including women and girls, Indigenous Peoples, and the disabled, among others, within complainant populations are able to participate. Additionally, these consultations should be documented and publicly disclosed, and the GCF Secretariat should also document and disclose the views that it has heard from the complainant(s) and whether and how it has addressed them in developing the remedial action plan.

Measures Related to Retaliation

In the Draft Guidelines and Procedures, the IRM rightly recognizes that ensuring the safety of complainants and protecting them from threats and retaliation is critical. It should be noted that preventing retaliation is not only the job of the IRM or other independent units, such as the Independent Integrity Unit, which is in the process of developing a Whistleblower and Witness Protection Policy, but also of the GCF itself. We also look forward to the IRM's development of their retaliation policy and look forward to participating in the process.

Protecting complainants must start from the time that a complaint is submitted. The Draft Procedures and Guidelines do take important steps to protect against retaliation, such as allowing complainants to request confidentiality or file through a representative. However, this may not be enough to ensure complainants safety. Additionally, the Draft Procedures and Guidelines should in the initial steps described in paragraph C.6, ensure that complainants are protected. As such paragraph C.6(1) should be amended to say that when engaging with the complainant(s) the IRM will do so in "in a way that does not compromise the safety of the complainant(s) and in line with requests, if any, for confidentiality of the complainant(s)."

As civil society space shrinks worldwide, the IRM and the GCF should take steps to make sure that people and communities affected or potentially affected by GCF projects and programmes are not subject to retaliation or harassment. For the IRM, this is a critical piece of making sure the IRM is accessible.

Monitoring

Monitoring is critical as it helps ensure that the harms and areas of non-compliance do not continue after an IRM proceeding. As such the IRM should monitor how harms and non-compliance are being addressed and remedied.

Monitoring can take a variety of forms and the methods for monitoring should be determined on a case-by-case basis. The indicative list in paragraph C.10(3) is positive. Additionally, including the complainants and local communities in monitoring is key. Consultations with the complainant(s) should be gender-responsive and culturally aware, as well as done in a way that allows for the participation of marginalized and vulnerable groups within the community, including but not limited to women and girls, Indigenous Peoples, the elderly, and disabled people, among others. Additionally, participatory monitoring can help the IRM to gather information that it may not be able to through site visits, consultations, or by conducting reviews of documents and information provided. As such participatory monitoring should be encouraged.

Communications and Outreach

Critical to the IRM's success is ensuring that people and communities, especially affected and potentially-affected people and communities, know that the IRM exists, how it works, and how to contact it. It is especially important that the IRM looks for ways to reach sectors of the population that are marginalized, vulnerable, or often difficult to reach, for example women and girls, Indigenous Peoples, the elderly, and disabled people, among others. As such, paragraph J(1) should be amended to say that the IRM will raise awareness and provide information in a gender-responsive and culturally appropriate manner. The IRM should also make sure that it distributes information in multiple languages.

As mentioned above, the IRM should also develop a model complaint letter, which should be made available on its website in multiple languages. We also encourage the IRM to follow up

on the activity listed in paragraph J(3) and to disseminate information about its functions in ways that are easily understandable, gender-responsive, and culturally appropriate.

Based on its 2018 workplan, we know that the IRM is also going to be developing a more comprehensive communications and outreach strategy. In doing so, the IRM should keep in mind these elements, including that the strategy and outreach plans should be gender-responsive and culturally appropriate.

Thank you for the opportunity to comment on the IRM's Draft Procedures and Guidelines. If you have any questions, please do not hesitate to contact us.

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The following civil society organizations (CSOs) have provided input for this submission in addition to CIEL (in alphabetical order):

Accountability Counsel (USA)

Both ENDS (the Netherlands)

Centre for Research in Multinational Corporations (SOMO) (the Netherlands)

Heinrich Böll Stiftung North America

Tebtebba Foundation (Philippines)

Transparency International - Korea Chapter

Additionally, the following civil society organizations (CSOs) have signed on to this submission (in alphabetical order):

Abibiman Foundation (Ghana)

Asian-Pacific Resource & Research Centre for Women (ARROW)

Bank Information Center (USA)

Buliisa Initiative for Rural Development Organisation (BIRUDO) (Uganda)

Carbon Market Watch

Centre for 21st Century Issues (Nigeria)

Costa Rica Integra (Costa Rica)

Foundation for GAIA (United Kingdom)

Friends with Environment in Development (FED) (Uganda)

Gender CC – Women for Climate Justice e.V. (South Africa & Germany)

Global Ecovillage Network (Scotland – UK)

International Rivers

Labour, Health and Human Rights Development Center (Nigeria)

Mouvement International ATD Quart Monde

Observatoire d'Etudes et d'Appui à la Responsabilité Sociale et Environnementale
(OEARSE) (Democratic Republic of Congo)

Planetary Association for Clean Energy (Canada)

Rainforest Foundation Norway
The Bretton Woods Project (United Kingdom)
Transparency International – Kenya
Women’s Environment and Development Organization (WEDO) (USA)

ANNEX I

Red-line of the Draft Procedures and Guidelines of the IRM.

Redress

Call for Public Comments: Draft Procedures and Guidelines of the Independent Redress Mechanism

17 April 2018





GREEN
CLIMATE
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INDEPENDENT
REDRESS
MECHANISM

I. Context

1. At its thirteenth and fifteenth meetings in 2016, the GCF Board requested the Head of the Independent Redress Mechanism (IRM) to prepare for consideration by the Board the detailed guidelines and procedures for the Independent Redress Mechanism referred to in the Terms of Reference (TOR) of the IRM in close consultation with similar or equivalent mechanisms of accredited entities and other stakeholders.
2. In 2017, between its 17th and 18th meeting, the Board adopted an updated Terms of Reference of the IRM which may be accessed at <https://g.cf/2HDWyqq>.
3. Paragraph 18 of this Terms of Reference states that “the detailed guidelines and procedures governing the work of the IRM will be approved by the Board. The procedures to be followed will be iterative.”
4. Based on public and stakeholder comments received during consultations on the development of the TOR and guidance provided in it, the IRM has developed draft Procedures and Guidelines attached following this call.
5. This call for public comments is part of the ongoing consultative process. Comments from the public are called for, on any matter related to the draft Procedures and Guidelines. Any individual or organization may send comments.

II. Deadline

6. The deadline for public comments is 15 June 2018 at 23:59 Korean Standard Time.

III. Comments

7. Comments, in Microsoft Word format, should be sent via email as one document with the subject line "Draft Procedures & Guidelines of IRM – Public comments" to irm@gcfund.org. Comments should clearly indicate:

Full Name of the individual or organization
Title/Position
Organization/Affiliation
Contact details including telephone and e-mail address
Organization's Focal Point (name, surname and position)

8. Comments must indicate whether they are provided on behalf of an individual or a group of individuals or an organization or a group of organizations. In the case where the comments are provided on behalf of a groups of individuals or organizations, the list of individuals or organizations must be included in the comments.

IV. Disclaimer

9. Comments provided may be publicly disclosed, made available on the GCF's website, and/or incorporated in whole or in part in documents presented at consultations and to the Board. If any portion of the comments is to be kept confidential: (a) the confidential text should be clearly indicated, and (b) redaction prior to disclosure should be expressly requested in the comments.

GREEN CLIMATE FUND
INDEPENDENT REDRESS MECHANISM

PROCEDURES & GUIDELINES

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ORGANIZATION OF THE PROCEDURES AND GUIDELINES

These procedures and guidelines (PGs) are organised under 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 by GCF projects or programmes.

Part IV contains general provisions applicable to the IRM.

GLOSSARY

AE	Accredited Entity of the GCF
Board	The 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; or (b) a grievance of or complaint by a complainant
Complainant	A person, group of persons or community(ies) filing a grievance or complaint with the IRM or on whose behalf a grievance or complaint is filed with the IRM
Compliance Review	Compliance -review is the process of compliance appraisal, investigation and reporting by the IRM as to whether there has

been any violation and/or noncompliance with GCF's operational policies or procedures, including [but not limited to](#) environmental and social safeguards, [the Gender Policy, and the Indigenous Peoples Policy](#), when actively considering or implementing a GCF funded project or programme and whether such a violation and/or noncompliance has caused or may cause adverse impacts to a complainant.

CMS

Case management system of the IRM

COP

Conference of the Parties, the supreme decision-making body of the United Nations Framework Convention on Climate Change (UNFCCC)

DAE

DAE means a “direct access” AE, that is, an AE which is a sub-national, national or regional organisation that can use the GCF's direct access modality.

[Environmental and Social Safeguards](#) [Environmental and Social Safeguards are the set of policies containing standards to be met by GCF projects and programmes. It includes the Environmental and Social Policy as well as underlying safeguards and related policies.](#)

Focal Point

Focal Point is an official ~~or an organisation~~ appointed by the GCF ~~in a developing country~~ [as a liaison to the GCF in countries](#) where there is no NDA

GCF

The Green Climate Fund

GCF Secretariat

The Secretariat of the GCF

Governing Instrument

The Governing Instrument of the Green Climate Fund approved by the COP of the United Nations Framework Convention on

Comment [LS1]: This definition is wrong. A focal point is always determined/appointed by the recipient country government. It is not GCF/Secretariat determined. Also, at least to my understanding, the focal point is a single person, vs. the NDA, which is an organization, although the NDA might designate/name a contact person within...

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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

Grievance or Complaint

A grievance or complaint is an assertion pursuant to the TOR by a person ~~has~~ or a group of persons, or community(ies) that s/he

has/they have been or may be affected by adverse impacts due to a project or programme of the GCF.

IDP Information Disclosure Policy of the GCF

Implementing/Executing Entity A public or private organisation or agency that is implementing a GCF project or programme or a part of such project or programme under the authority of an AE.

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Comment [LS2]: This is also not correct, at least in the parlance of the GCF. The AE is the Implementing Entity, which is often a financial intermediary. The implementers in the GCF jargon are called "executing entities". So what is described here are actually for GCF speak "executing entities"

IRM Independent Redress Mechanism of the GCF

NDA National Designated Authority of a developing country

PGs Procedures and Guidelines of the IRM approved by the Board under paragraph 18 of section IV, of the TOR of the IRM, as amended from time to time

Project(s) or Programme(s) means project(s) or programme(s) for which funding has been approved by the Board and includes project(s) or programme(s) being actively considered for funding by the GCF.

Redress Redress means to set right or remedy an adverse impact that has been or may be caused by a project or programme funded by the GCF, including bringing such project or programme into compliance with the GCF operational policies and procedures, including, but not limited to, environmental and social safeguards, Gender Policy, and Indigenous Peoples Policy, among others.

Request A request is an application for reconsideration of a project or programme denied funding by the Board

Requester	The NDA or Focal Point or any agency of the State duly authorized by a developing country requesting reconsideration of a project or programme denied funding by the Board
SOPs	Supporting Operating Procedures of the IRM
TOR	Terms of Reference of the IRM

PART I

INTRODUCTION

A.1 Context

1. Paragraph 69 of the Governing Instrument of the 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 TOR of the IRM which sets out various matters, including the role and functions, governance and administrative arrangements of the IRM.

A.2 The IRM and Its Functions

1. 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.
2. The staff and consultants of the IRM are appointed by the Head of the IRM to carry out such functions as may be allocated to them, and to support the IRM in discharging its functions. GCF staff, consultants and Board members shall not be eligible for employment at the IRM until at least five years have elapsed from their time of employment with the GCF. Staff and consultants shall not be eligible for any type of employment by the GCF for a period of two years after they end their engagement with the IRM. If an IRM staff member or consultant has a conflict of interest in relation to a particular case, that person will withdraw from involvement in that case.
3. Consistent with the TOR and the PGs, the Head of the IRM may develop and issue Supporting Operating Procedures (SOPs) for the IRM to facilitate implementation of the TOR and PGs, and to ensure the effective and efficient operation of the IRM.

4. In accordance with its TOR, the IRM is mandated to carry out the following functions:
 - (a) to review requests for reconsideration of a project or programme that has been denied funding by the GCF Board and, as appropriate, make recommendations to the Board;

- (b) to address grievances and complaints by a person, a group of persons or a community(ies) who/which have been or may be adversely impacted by a project or programme funded by the GCF through problem-solving methods and/or compliance review, as appropriate;
- (c) to initiate proceedings on its own to investigate grievances of a person, a group of persons or a community(ies) who/which have been or may be adversely impacted by a project or programme funded by the GCF;
- (d) monitor whether decisions taken by the GCF Board based on recommendations made by the IRM, or agreements reached in connection with grievances and complaints through problems solving methods, have been implemented, and report on that monitoring [to the Board and other stakeholders] and publicly disclose the monitoring report.
- (e) to 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) to share best practices and give general guidance that can be helpful for the GCF's readiness activities, ~~and~~ accreditation process, and proposal approval process and for supporting the strengthening of the capacities of accountability/redress mechanisms of DAEs; and
- (g) to provide education and outreach to relevant stakeholders and the public.

Comment [EL 3]: The monitoring reports should be publicly disclosed.

Comment [LS4]: The project cycle/proposal approval process are core to ensuring that lessons from accountability/redress are learned and should be added here.

A.3 Objectives and Approaches

1. The objectives of the IRM, as set out in the TOR are to:
 - (a) increase the effectiveness of the GCF's operations;
 - (b) be responsive to the concerns of people adversely affected by projects and programmes funded by the GCF;
 - (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.

2. In addressing cases and in making recommendations to the Board, the IRM shall
- (a) ~~aim to~~ adopt participatory and conciliatory approaches ~~as far as possible to~~ ensure that practical solutions can be found through dispute prevention, dispute management and dispute resolution.
- 2.(b) conduct independent compliance reviews to ensure accountability and provide redress for instances of non-compliance and accompanying harm.

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Comment [EL 5]: As the IRM also makes recommendations to the Board following a compliance review, that should be included here and it should not be limited to problem solving.

PART II

REQUESTS FOR RECONSIDERATION OF FUNDING DECISIONS

B.1 Who Can Make a Request

1. 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 COP in relation to matters of policies, programme priorities and eligibility criteria.
2. A request on behalf of a developing country can be filed by the NDA or a Focal Point or any agency of the State duly authorized by that developing country.

B.2 Information to be Contained in a Request

1. 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

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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 AE which submitted the proposal is committed to implementing the project or programme, should the same be funded by the Board.

B.3 The Procedure for Submitting a Request

1. The requester may submit a request to the IRM, by sending it to the publicly notified mailing address or email address of the IRM. The requester may submit such request in any UN language, provided that submissions in a language other than English must be accompanied by an English translation of the same. The [original language](#) ~~English~~ version will prevail in the event of a conflict.
2. A request will be reviewed by the IRM only if it is received within sixty (60) calendar days from the date on which the relevant NDA or Focal Point was notified by the Secretariat of the Board's decision to deny funding for a specific project or programme.

B.4 Request Review Process and Timelines

1. 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.
2. After acknowledgement is sent, the IRM shall consider whether the request meets the eligibility requirements set out in B.1, B.2 and B.3 above.

3. 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 requirements. 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 publish the determination on its website, report it to the Board through its co-chairs and shall not take any further steps concerning the matter.
4. 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, redacting information as appropriate in accordance with the IDP, and shall report it to the Board through its co-chairs.
5. 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.
6. If the request is eligible, the IRM will take the following steps:
 - (a) Within ninety (90) calendar days from sending a notice of eligibility 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 and NDA involved in the relevant project or programme, [as well as any local communities that could be impacted by the proposed project as appropriate](#), 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.

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The report shall recommend, with reasons, whether the Board should

reconsider its previous funding decision concerning the relevant project or programme.

(d) When submitting the report, the following information shall be included:

- 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;
- iv. Details of any resolution; and
- v. If not resolved, the IRM's findings in relation to the request together with its recommendations.

7. 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 communicate its decision to the Head of the IRM, who will then communicate the same to the requester and other relevant stakeholders, if any. On reconsideration of its decision, if the Board decides to fund the project or programme, the IRM will close the case and the Secretariat will resume processing the project or programme in the same fashion as all other funded projects or programmes of the Fund. If the Board on reconsideration of its funding decision refuses to ~~reconsider~~ reverse its original funding decision, or rejects or does not approve the project or programme, the IRM will close the case.

PART III

GRIEVANCES OF OR COMPLAINTS BY THOSE ADVERSELY AFFECTED BY GCF PROJECTS AND PROGRAMMES

C.1 Who can submit a Grievance or Complaint

1. A grievance or complaint can be submitted to the IRM by a person or a group of persons, or community(ies) who has/have been or may be affected by adverse impacts of a project or programme funded by the GCF.¹
2. A grievance or complaint may be filed and pursued on the complainant's behalf by the complainant's government or a representative, duly authorized by the complainant to act in that capacity. This authorization could come in the form of a letter from the complainant(s) acknowledging the CSO or other person(s) as the representative(s), as appropriate.
3. The IRM ~~will~~may seek to involve the complainants in its processes, ~~particularly in problem solving and/or mediation,~~ recognizing that typically complainants have a direct stake in the benefits and adverse impacts of a project or programme. However, the IRM may be limited in involving certain complainants due to risk of retaliation and reprisals. In this, and all processes, the IRM will respect complainant(s)'s request for confidentiality.

Comment [EL 6]: The IRM should involve the complainants in both problem solving and compliance review. Specifying problem solving, which by its nature would likely need to involve the complainants, here makes it seem like there is a preference for problem solving over compliance and that should not be implicit or explicit in the IRM's Procedures and Guidelines as there is no sequencing between processes.

C.2 Scope and Exclusions

1. Grievances or complaints received by the IRM will not be processed beyond eligibility (see Section C.5), if they fall in to any one or more of the following categories:
 - (a) grievances or complaints regarding projects or programmes which do not have any involvement by the GCF;
 - (b) grievances or complaints regarding matters already concluded by the IRM,

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unless the complainant has submitted new ~~material~~ information that was unavailable or unknown at the time the matter was previously considered by the IRM;

¹ Projects and programmes funded by the GCF includes projects and programmes being actively considered for funding by the GCF.

- (c) grievances or complaints regarding GCF projects or programmes where more than one (01) two (02) years has elapsed from the date of closure of the GCF project or programme as notified by the GCF Secretariat and publicly disclosed;
- (d) malicious, frivolous and/or fraudulent grievances or complaints to gain competitive advantage;
- (e) grievances or complaints regarding matters relating to the GCF's activities which are unconnected to projects or programmes funded by the GCF, such as matters relating to the AE's general (project/programme-unrelated) administration and human resource management;
- (f) complaints concerning allegations of corruption and misprocurement that are handled by separate units associated with the GCF, including the Independent Integrity Unit;¹ and
- (g) grievances or complaints solely regarding the adequacy of GCF's policies and procedures and without any actual or potential harm.

Comment [EL 7]: This should be at least 2 years from closure as harms from projects and programmes may not be felt or known immediately. Best practice examples can be found in the accompanying cover letter to this redline.

Comment [EL 8]: Different financing structures and instruments may require a more flexible approach. Grievances and complaints should be allowed for as long as the GCF is involved in the project or programme and for a two year period beyond that. For example, if the GCF approves an equity investment in a project or programme, then complaints should be eligible for at least as long as the GCF has equity.

C.3 Information to be Contained in a Grievance or Complaint

1. There are no formal requirements for filing a grievance or complaint. However, a complainant shall endeavour to provide the following information:
 - (a) The name, address, designation (if any), telephone number, email, and other contact information of the complainant;
 - (b) If the grievance or complaint is submitted on behalf of a complainant, identification of the complainant on whose behalf the grievance or complaint is being submitted and evidence of authorisation by the complainant for the grievance or complaint to be submitted;
 - (c) An indication of whether confidentiality is requested by the complainant and if requested, an explanation of the reasons why;
 - (d) The name, location, and nature of the project or programme that has caused or may cause adverse impacts;

Comment [EL 9]: It should be as explicitly clear as possible that there are no formal requirements. Accessibility of affected and potentially affected people to the IRM is critical for ensuring that they can get remedy when harmed by GCF-funded projects and programmes. Having as few requirements as possible for what needs to be in a grievance or complaint is therefore crucial. Thus, putting "no formal requirements" in bold or otherwise highlighting this point would be beneficial.

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Comment [EL 10]: While this may be asked of a complainant who requests confidentiality, this seems overburdensome to include here and could deter people who are being harmed from seeking redress through the IRM

¹ While the IRM will not handle corruption complaints, the IRM can hear complaints stemming out of projects that also are being reviewed separately by the IIU.

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- (e) A brief explanation as to how the complainant has been, or may be, adversely affected by the GCF project or programme; and

~~(f) A description of the relevant operational policies and procedures, including environmental and social safeguards of the GCF that the complainant alleges have not been complied with.~~

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Comment [EL 11]: While we recognize and appreciate that there are no formal requirements for submitting a complaint, including this paragraph in a list of elements that a complainant should "endeavor to provide" makes it seem like a requirement and could deter potentially affected and affected people and communities from submitting complaints especially because it may often be the case that communities do not know the policies. If this paragraph is included, it should incorporate the suggested changes and should be under paragraph 2.

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

(a) 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 relief, if any, already received from such efforts;

(b) 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.

(c) ~~A description of the relevant operational policies and procedures, including environmental and social safeguards, the Gender Policy, and Indigenous Peoples Policy of the GCF, among others, that the complainant alleges have not been complied with, if they are known by the complainant(s) or duly authorized representative(s).~~

Comment [EL 12]: Affected people and communities do not often know specifics about policies and procedures, but only that they are being harmed. As such including this in para. C.3(1) could undermine people's ability to access the IRM. As such it should be deleted entirely from the IRM's Procedures and Guidelines or at least moved here so that it is explicitly clear that this is not a requirement.

C.4 Submission of Grievances and Complaints

1. A grievance or complaint can be submitted to the IRM through any means ~~specified by the IRM~~, such as submissions through an online complaints form, mail, email, voice or video recording, or by calling a toll-free hotline where such is designated by the IRM.

Comment [EL 13]: We appreciate that the IRM has provided numerous examples and a wide-variety of formats through which complaints and grievances can be submitted to the IRM. However, there may be other means for filing a grievance or complaint beyond this indicative list that may be preferred or more accessible to the affected people and should also be accepted by the IRM. As such "specified by the IRM" should be deleted so as to make sure that submissions are not limited to only the means specified in this paragraph.

2. A grievance or complaint may be submitted in English or any other 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 in the PGs to enable it to fulfil this requirement.

Comment [EL 14]: The IRM should have the burden of translating the complaint and it should not be implied that this is the duty of the complainant.

3. The IRM shall provide confidentiality to complainants or those acting on their behalf, if so requested by the complainants, 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 Section H below).

C.5 Eligibility Determination of a Grievance or Complaint

1. 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 authorized, an acknowledgment of receipt. The IRM shall register the grievance or complaint in the public IRM register, redacting information as appropriate in accordance with the IDP and respecting requests for confidentiality, if any.
2. After an acknowledgment is sent, the IRM shall consider whether the grievance or complaint meets the eligibility requirements set out in Sections C1 and C2 above.
3. 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 requirements. The IRM will communicate to the complainant its determination on eligibility, together with reasons. If the IRM determines that the grievance or complaint is not eligible the IRM shall not take any further steps concerning the matter, though on issues related to procurement or corruption the IRM may, with the consent of the complainants, forward the grievance or complaint to the IIU or other relevant unit in the GCF.
4. The IRM will inform the GCF Secretariat of the eligible grievance or complaint. The IRM will report the eligibility determination to the Board in the IRM's periodic reports.
5. The IRM will publish its eligibility determination, including the rationale for the determination reached, on the IRM website and, and when a complaint has been determined to be eligible, shall additionally upload the grievance or complaint, redacting information as appropriate in accordance with the IDP and respecting requests for confidentiality, if any.
6. 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

Comment [EL 15]: It should be explicitly clear here that if the complainant(s) has requested confidentiality, this request will be respected and identifying information will not be included in the public registry.

Comment [AC16]: The rationale for the eligibility determination should also be published and it should not just state whether the complaint or grievance is "ineligible" or "eligible."

Comment [AC17]: Ineligible complaints should also be posted online (or at least that they were received, were determined to be ineligible, and why).

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complaint.

C.6 Initial Steps for Addressing a Grievance or Complaint

1. Where a grievance or complaint has been found eligible, the IRM will within sixty (60) calendar days engage with the complainant, in a way that does not compromise the safety of the complainant(s) and in line with requests, if any, for confidentiality of the complainant(s). This includes, but is not limited to, a site visit ~~to including but not limited to~~ and/or meetings at the place the complainant or the project or programme is located:
 - (a) to understand the issues in the complaint;
 - (b) to ascertain whether the complainant would like to pursue a problem solving or compliance review process;
 - (c) to provide further information regarding the two processes; and
 - (d) to ensure that the complainant is able to make an informed decision.

Comment [EL 18]: At all stages, including the initial steps, the IRM should take steps to ensure the safety of the complainant(s) as at this stage the complainant(s) could be facing retaliation or threats. This should include doing what the IRM can to ensure the complainants' confidentiality, where requested, when engaging with them to gather more information.

The IRM will also engage with other relevant stakeholders, generally comprising of including but not limited to, the GCF, NDA, AE and Implementing-Executing Entities to understand better the issues and the context, as appropriate. ~~The IRM may, where appropriate, offer problem solving to the complainant and other relevant stakeholders with a view to developing a practical solution that may address the grievance or complaint, including when the complainant has requested or indicated a preference for compliance review as the method for processing the grievance or complaint.~~

Comment [LS19]: To avoid confusion, in the GCF parlance this would be the "executing entities"

2. Complainants may choose to pursue a problem solving or compliance review process. Complainants can exit or disengage from either the problem solving or compliance review process at any time. If problem solving is declined by the complainant and/or any of the other relevant stakeholders ~~and-or~~ becomes unviable, or where problem solving is wholly or partially unsuccessful, the IRM shall proceed to compliance review in accordance with the provisions in Section C.7 below. The IRM will publish a report on its website of the outcome, in consultation with the parties.

Comment [EL 20]: Nothing in the procedures should be seen as the IRM preferencing or pushing complainants to use problem solving. The TOR says that it will "offer, and when, appropriate, use problem-solving methods ..." but it does not require problem-solving before compliance nor does it have explicit sequencing. As such, the procedures and guidelines should not include an implicit reference that problem-solving is preferred even where the complainant has explicitly indicated that compliance review is what they want.

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3. If problem solving is successful and results in an agreement or a series of agreements between the parties, the IRM shall monitor the implementation of the agreement and conclude proceedings in accordance with Section C.10 below.

C.7 Problem Solving

1. Where there is willingness to participate in a problem solving process by the complainant and, as appropriate, other relevant stakeholders,² the IRM will employ 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 not on determining responsibility, but addressing the concern that gave rise to the grievance or complaint in a way that meets the interests of the complainant and the other relevant stakeholders and is mutually satisfactory.
2. Problem solving is a voluntary process, and will be used with the agreement of the complainant(s) and other relevant stakeholders. In consultation with the parties, the IRM will publish a report on its website of the agreement to pursue problem solving,
3. Problem solving processes vary in duration, according to the nature, complexity, urgency, 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 within that timetable. 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 year of the parties' agreement to pursue problem solving.
4. Where the IRM determines that progress is no longer possible or where the process is not an efficient use of its resources, the IRM may terminate the process, after providing written notification to the parties. The IRM ~~may~~will seek or consider input from other parties, including the complainants, the accredited entity, or other parties who are instrumental to the process, in reaching such a determination.

Comment [EL 21]: IRM should specify which parties it will seek inputs from to determine whether to terminate the process.

² For a definition of “relevant stakeholder”, see Section C.7.12 below.

5. The methods or approaches that may be applied by the IRM when problem solving include (i) consultative dialogue; (ii) information sharing with the relevant stakeholders; (iii) joint fact-finding, and (iv) conciliation or mediation by a neutral third-party appointed by the IRM in consultation with the parties involved.
6. The outcome of successful problem solving will be reflected in a written agreement or a series of written agreements between the parties to the process, as appropriate.
7. Subject to paragraph 8 of Section C.7 below, the IRM shall, within seven (07) calendar days from the conclusion of the agreement or series of agreements inform the Board of the result of 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 stakeholders.
8. If the agreement(s) reached through problem solving necessitate a Board decision concerning any project or programme, such agreement(s) shall be submitted to the Board and shall have effect only upon their approval by the Board. Where the GCF is a party to an agreement(s), the IRM shall submit the agreements(s) to the Board for its information.
9. Agreements reached through problem solving will be recorded by the IRM on the IRM register and the contents of problem solving agreements shall be published by the IRM, if consented to absent objection by the parties. Absent consent/objection, the IRM will record the result of problem solving on the IRM register and publish both a notification of the agreement and the agreement itself with the redactions necessary to protect the security and private information of the parties.
10. When reaching an agreement pursuant to problem solving, the parties to the agreement shall ensure that it does not violate GCF policies or domestic laws³ of the parties or international commitments of the country (ies) concerned.

Comment [EL 22]: Agreements that are reached as a result of a process that is supported with public funds should be transparent. It helps other communities know what is possible. Unless there is a very compelling reason to keep it confidential – or parts of it confidential, the presumption should be that they are published.

³ Violating domestic law does not refer to those instances where GCF requirements set a higher standard than domestic law.

11. If problem solving does not result in an agreement, the grievance or complaint will be referred for compliance review within seven (7) calendar days of the conclusion of problem solving. In consultation with the parties, the IRM will publish a report of such a reference on its website.
12. For purposes of problem solving in Sections C6 and C.7, “relevant stakeholder” refers to individuals or organisations who have an interest in the issues of the case, or ability or power to influence a GCF project or programme, and whose participation is considered by the [involved parties IRM](#) to be necessary for problem solving.

Comment [EL 23]: The parties involved in the problem solving, for example, in some instances, the complainants and the executing entity, should be involved in determining who is necessary for the problem solving rather than the IRM deciding on its own.

C.8 Compliance Review

1. When using compliance review, the IRM will focus on examining whether there is a failure of the GCF funded project or programme to comply with applicable GCF operational policies and procedures, including [but not limited to](#), environmental and social safeguards, [the Gender Policy, and the Indigenous Peoples Policy, among others](#), when developing and/or implementing a GCF funded project or programme and whether such non-compliance has caused or may cause adverse impacts to the complainant.
2. 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 the agreed confidentiality arrangements, if any, together with any information on non-compliance with GCF 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.
3. The Executive Director of the GCF Secretariat, in consultation with the relevant AE, as appropriate, shall submit to the IRM a response within twenty-one (21) calendar days from the request for a response. A copy of this response shall be provided by the IRM to the complainant [\(s\) in a language understood by the complainant\(s\)](#). In its response, the GCF Secretariat should:

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- (a) Provide information related to the factual statements and allegations contained in the grievance or complaint;

- (b) Provide information about the steps taken by the GCF Secretariat to ensure compliance with applicable policies and procedures, including those identified by the complainant or the IRM;
 - (c) Provide information 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.
4. 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 of adverse impacts and/or non-compliance with GCF's operational policies and procedures, including but not limited to, the environmental and social safeguards, the Gender Policy, and Indigenous Peoples Policy, among others, by a GCF project or programme, and shall prepare a compliance appraisal report.
 5. The compliance appraisal report shall be provided to the complainant(s), in a language understood by complainant(s), as well as the Executive Director of the GCF Secretariat and made public on the IRM's website.
 6. If the compliance appraisal concludes that there is *prima facie* evidence of adverse impacts and/or non-compliance with GCF's operational policies and procedures, including but not limited to, the environmental and social safeguards, the Gender Policy, and Indigenous Peoples Policy, among others, by a GCF 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.
 7. As part of its compliance investigation, the IRM may gather information, as appropriate, from all relevant stakeholders and witnesses concerned, including but not limited to, the complainant(s), the GCF Secretariat and staff, the AE, the NDA, Implementing Entities, and other independent panels and functionaries of the GCF.
 8. A compliance investigation may include document review, meetings, discussions,

site visits, evidence gathering, and expert opinions, as appropriate.

9. Following compliance investigation, the IRM will prepare a draft compliance report. It 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 process and investigative methods followed by IRM;
 - (e) a summary and evaluation of the relevant evidence;
 - (f) the findings of the IRM on the issues raised in the grievance or complaint;
 - (g) recommendations on remedial actions as appropriate; and
 - (h) additional information and recommendations as appropriate and in accordance with the TOR.
10. The draft compliance report of the IRM shall have as annexures the grievance or complaint and the response of the GCF Secretariat.
11. The draft compliance report of the IRM, excluding the recommendations, will be provided to the complainant(s), the Executive Director of the GCF Secretariat and, when appropriate, to the relevant AE for their comments, if any, to be provided within twenty-one (21) calendar days. The main purpose of this opportunity to comment is to enable the complainant(s), the GCF Secretariat and the AE to provide feedback on statements of facts and factual findings in the draft compliance report.
12. The IRM shall take the comments received into consideration and shall prepare a final compliance report with recommendations, if any, for consideration by the Board. The final compliance report shall be made available to the complainant(s) at the same time that it is submitted to the Board for its consideration.
13. 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 (01) year.
14. The Board shall consider the final compliance report and may make a decision based on the recommendations, if any, as it sees appropriate. The Board will do so within thirty (30) calendar days on a no objection basis, or at the request of a Board member, at its next Board meeting.

Comment [EL 24]: Best practice among IAMS is to disclose the draft compliance report, including the draft recommendations, to these parties simultaneously for comment. For example, paragraph 44 of the MICI's policy says "Once the MICI has completed its investigation, it will issue a draft report including a review of its main findings of fact and recommendations, and forward them to Management and the Requesters for their comments. Management and the Requesters will have a term of 21 Business Days to send comments on the draft report." The EBRD's PCM includes a similar provision. UNDP's SECU also releases the draft compliance report, including the recommendations, for comments by UNDP staff, the complainants, and the public.

Comment [EL 25]: The final compliance report should be disclosed to the complainants at the same time that it is disclosed to the requestors. The AfDB's IRM provides a best practice example as paragraph 63 of its policy states: "... the Compliance Review Report shall be made available to the Requestors at the same time as it is submitted for consideration and decision [by the President or Board]."

Comment [EL 26]: Delaying a decision to the next Board meeting may mean that a decision is delayed for 3 months or more depending on the timing of the Board meeting. Given that there may be ongoing harm to communities, this would ideally not happen in the majority of instances.

15. 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 take the lead and develop a remedial action plan addressing the non-compliance and taking into consideration the recommendations in the compliance report, jointly with the IRM. The remedial action plan shall be published on the IRM website. ~~and the~~ GCF Secretariat shall take reasonable steps expeditiously to implement the agreed remedial action plan. Development of any remedial action plan shall include consultation with the complainant(s) and, where appropriate, the AE and the Implementing Executing Entity(ies). Consultations with the complainants should be documented and publicly disclosed and the GCF Secretariat should also create and publicly disclose a document that documents the views it heard from the complainant(s) and whether and how it has addressed them in developing the remedial action plan.
16. Within ten (10) calendar days from the day the Board considers the final compliance report submitted by the IRM, a copy of the final compliance report, together with a record of the outcome of the Board's consideration of the final compliance report, shall be made available to the complainant(s) and published on the IRM website.
17. There shall be no right of appeal and/or review by the complainant and/or other person(s) to the IRM or other GCF entity regarding the final compliance report submitted by the IRM to the Board and/or any decisions taken by the Board with regard to the grievance or complaint referred to in the final compliance report. However, this does not preclude the complainant from filing a judicial or non-judicial grievance related to the project at another appropriate venue.

Comment [EL 27]: Consulting with the complainants on development of the remedial action plan is good. Moreover this should be documented, and the GCF secretariat should document the views it has heard from complainants and whether/how it has addressed them.

Comment [EL 28]: The IRM cannot or should not dictate whether the complainant goes to another non-judicial or judicial mechanism because they are unhappy with the outcome of a compliance process at the IRM. While another process at a different judicial or non-judicial redress mechanism wouldn't be reviewing or hearing a direct appeal on the IRM compliance report, this provision could be difficult for people to understand and it should be clear that using the IRM does not prevent you from seeking other avenues of redress.

C.9 Proceedings Initiated by the IRM

1. If the IRM:
 - (a) receives information from a credible source that a project or programme

funded by the GCF has adversely impacted or may impact a person, a group of persons or a community(ies); and

- (b) where 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;

the IRM may determine, on the basis of *prima facie* evidence, to initiate proceedings under this modality.

2. Upon the IRM deciding to initiate proceedings according to the criteria set out above, the information received shall be treated as an eligible grievance or complaint 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, and paying particular attention and making adjustments to the process based on the fact that the inability to access the IRM may be due to fear of retaliation and need to remain confidential, or even anonymous.

C.10 Monitoring

1. The IRM will monitor implementation of:
 - (a) agreements concluded through problem solving;
 - (b) agreed remedial action plans; and
 - (c) decisions of the Board taken on the recommendations of the IRM in relation to grievances and complaints.
2. The monitoring time frame shall be project or programme specific and will ordinarily not exceed three (03) years in problem solving cases. For compliance review cases, the IRM will monitor until all instances of non-compliance and harm have been remedied.
3. The methods for monitoring may include:
 - (a) consultations with the complainant(s), GCF Secretariat, NDA, AE, Implementing Entity, and other stakeholders;
 - (b) review of documents;
 - (c) expert opinions; and
 - (d) site visits.

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

4. *Monitoring implementation of agreements concluded through problem solving:*

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The relevant parties to the agreement/s concluded through problem solving will implement the agreed actions. The IRM will monitor the implementation of the agreed actions, 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 its website. The IRM will make a draft

of the monitoring reports available to the parties to the agreement, giving them a reasonable time to provide comments [to the IRM](#), prior to [the IRM](#) submitting monitoring reports to the Board.

5. *Monitoring implementation of Board decisions, including any remedial action plans, following compliance review:* The GCF Secretariat will submit progress reports to the IRM as set out in the agreed remedial action plan. The IRM will report to the Board concerning the implementation of Board decisions and agreed remedial action plans, including its observations and/or findings on the progress in bringing the projects or programmes into compliance with the policies and procedures of the GCF. [If necessary or in instances of ongoing non-compliance, the Board will approve additional measures needed to bring the projects and programmes into compliance and to address the ongoing harm.](#) Unless the Board or the IRM specifies a different timeline, the IRM will submit monitoring reports to the Board annually and shall make them public through its website. 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(s), the GCF Secretariat and the AE, giving them a period of thirty (30) calendar days to provide comments, prior to [the IRM](#) submitting the monitoring report to the Board. [The IRM will monitor until all instances of non-compliance and harm have been remedied.](#)
6. 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.

C.11 Local Language of the Complainant

1. All publicly disclosed IRM reports relating to grievances or complaints, including eligibility determinations, problem solving agreements, compliance appraisals, compliance investigation reports, and monitoring reports, along with other relevant documentation needed to facilitate communication, will be translated

into the local language(s) of the complainant(s).

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- 1.2. All draft documents, be it in compliance review or during monitoring, related to the grievances or complaints that are sent to the complainant(s) for comment prior to the IRM finalizing and submitting to the Board will be translated into the local language(s) of the complainant(s).

Comment [EL 29]: We fully support that draft compliance reports and draft monitoring documents are sent to the complainant(s) and others prior to their finalization and being sent to the Board. However, to be truly effective, these documents will need to be translated into local language(s) so that the complainant(s) can understand them.

C.12 Retaliation

1. The GCF does not countenance retaliation against a complainant or any other person involved in an IRM process.
2. The IRM acknowledges that complainants, witnesses and other parties involved may face risks of retaliation associated with a grievance or complaint being processed by the IRM. The IRM shall endeavour to minimize the risk of retaliation in relation to implementation of its functions while recognizing that there are limits to its ability to protect complainants. 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.
3. The IRM ~~may~~will, 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 grievances or complaints processed by the IRM at all stages of the process.
4. The IRM shall develop supporting operating procedures that are consistent with the IRM's TOR and these PGs to facilitate the implementation of the provisions relating to retaliation.

PART IV

GENERAL PROVISIONS

D. IRM Register and Case Management System

1. The IRM shall establish and maintain an effective case management system (CMS).
2. 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's website.
3. 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 policies and procedures of the GCF.
4. The registration of any grievance or complaint in the CMS or the register is an administrative step and does not mean that the grievance or the complaint is eligible for problem solving or compliance review. Similarly, the registration of a request in the CMS or the register does not mean that it is eligible for reconsideration by the Board.

E. Access to the IRM and Costs of Participation

1. Any person or entity may contact the IRM through any means, on a confidential basis if requested, prior to filing a request or grievance or complaint for clarification or guidance on the PGs or on how to access the IRM.

Comment [AC30]: Up above, this document specified several ways that complaints can be filed: via email, over the telephone, in written letters, and so on. Explicitly offering that variety of means of contact methods would be helpful in promoting accessibility here as well.

2. 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 for reconsideration of a project or programme denied funding by the Board, 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.
3. The IRM shall cover the costs of conducting problem solving, compliance review and monitoring, including where appropriate, out-of-pocket expenses and reasonable professional costs borne by complainants, stakeholders and witnesses in meaningfully participating in grievance or complaint processes.
4. For purposes of the cost provisions in this Section, “stakeholder” refers to a person or persons who are or may be directly affected by the implementation or outcome of a GCF project or programme under consideration in a grievance or complaint, and who is/are participating or has/have participated in problem solving, compliance review or monitoring in some manner other than as the complainant(s).

Comment [EL 31]: People and communities submitting complaints or grievances may, like developing countries referenced in paragraph 1 of this section, have “reasonable professional costs” as part of the out-of-pocket expenses associated with filing a complaint and those should be covered as well

Comment [AC32]: “Meaningfully” should be deleted or should be further defined.

F. Standard of Evidence

1. Unless otherwise stated 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.
2. 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 investigation reports and reports on requests for reconsideration of funding decisions submitted to the Board, the IRM will identify difficulties in accessing relevant information.

G. Time Limits

1. The time limits given in these PGs shall be adhered to unless they are extended by the IRM (and 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 cases. Extensions shall be made in consultation with the relevant stakeholders during problem solving. Any extensions of time limits shall be made in writing with reasons and noted on the IRM register and communicated to the requester, complainant(s), the GCF Secretariat and other relevant stakeholders, as appropriate.

H. Access to Information, Confidentiality and Disclosure

1. Subject to paragraph 2 of Section H below, the IRM's use and disclosure of information shall be in accordance with the IDP of the GCF.
2. The IRM recognizes and respects a complainant's right to confidentiality (which extends to the confidentiality of an authorized representative when requested by the complainant), including confidentiality of identities and disclosure of

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 the name or identity](#)~~do so~~ 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.

3. 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.

I. Access to GCF Staff and Documents

1. When implementing its functions, the IRM shall have access to GCF staff and consultants, and to all GCF records that the IRM deems relevant, except personal information that is typically restricted.
2. If requested by the Head of the IRM, the General Counsel of the GCF or a counsel delegated by the General Counsel will provide legal advice to the IRM on matters relating to a request for reconsideration of a funding decision, grievance or complaint, specifically regarding the GCF's rights and obligations and the GCF's policies and procedures relevant to the request, grievance or complaint. The Head of the IRM may also, at any time, 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, the issues (including any

legal advice) will be included in the IRM's report to the Board. However, with respect to interpretation of the TOR, the IRM will apply the TOR as it understands it, subject to the Board's review.

J. Communications and Outreach

1. The IRM will take a proactive approach to raising awareness and providing information about the IRM in a gender-responsive and culturally appropriate way to its stakeholders, including potentially affected people, local community(ies), civil society organizations, national designated authorities, accredited entities, 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.
2. The IRM will ~~seek to~~ conduct outreach and enhance interactions with its stakeholders, including, but not limited to, through such activities as meetings and the production of written and electronic information and publications. The IRM will also make a model complaint letter in multiple languages available on its website.
3. Subject to the IDP and any confidentiality considerations, the IRM may issue public communications, as appropriate, on the discharge of its functions under the TOR.

Comment [LS33]: This should not be an exclusive list, but an open listing to allow for an indefinite number of outreach forms and opportunities.

K. Lessons Learned and Capacity Building

1. 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 policies, procedures, guidelines and systems of the GCF, including, but not limited to, the environmental and social safeguards, the Gender Policy, and Indigenous Peoples

Policy, among others. The IRM will disclose these lessons learned reports publicly on the IRM's website.

2. The IRM will focus on providing systemic advice on policies, procedures, guidelines and systems, rather than project specific advice.

2. This advice shall be made public on the IRM's website.

3. The GCF Secretariat shall respond to the IRM's lessons learned and systemic advice to indicate how they will address these recommendations.

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3.4. 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 direct access accredited entities.

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