

Redress

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

17 April 2018



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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.

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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 communities 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 environmental and social safeguards, 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.
Focal Point	Focal Point is an official or an organisation appointed by the GCF in a developing country 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 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 communities 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 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.
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 environmental and social safeguards.
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.
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 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 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 greivances and complains through problems solving methods, have been implemented, and report on that monitoring [to the Board and others].
- (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 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.

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 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.

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 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 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, 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) 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 its 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 communities 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.
3. The IRM 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.

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, unless the complainant has submitted new material information that was unavailable 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) year has elapsed from the date of closure of the GCF project or programme as notified by the GCF Secretariat;
- (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 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; and
- (g) grievances or complaints solely regarding the adequacy of GCF's policies and procedures.

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;
 - (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.
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.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.
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.
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. The IRM shall register the grievance or complaint in the IRM register.
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.
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 on the IRM website, 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 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, including but not limited to 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.

The IRM will also engage with other relevant stakeholders, generally comprising of the GCF, NDA, AE and Implementing 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.

2. If problem solving is declined by the complainant and/or any of the other relevant stakeholders and 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.
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 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, 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 seek or consider input from other parties in reaching such a determination.

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.
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 by the parties. Absent consent, the IRM will record the result of problem solving on the IRM register and publish a notification of the agreement.
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.

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 IRM to be necessary for problem solving.

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 environmental and social safeguards, 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. In its response, the GCF Secretariat should:
 - (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 environmental and social safeguards by a GCF project or programme, and shall prepare a compliance appraisal report.
- 5. 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.
- 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 environmental and social safeguards, 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 the complainant, 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, 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, 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.
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.

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, 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 complainants and, where appropriate, the AE and the Implementing Entity.
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 and published on the IRM website.
17. 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 with regard to the grievance or complaint referred to in the final compliance report.

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; 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.

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.
3. The methods for monitoring may include:
 - (a) consultations with the complainant, 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 and other stakeholders in this regard.

4. *Monitoring implementation of agreements concluded through problem solving:*
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, prior to 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. 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, the GCF Secretariat and the AE, giving them a period of thirty (30) calendar days to provide comments, prior to submitting the monitoring report to the Board.
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 of the complainant.

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, 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.
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, 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.

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 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 participating or has/have participated in problem solving, compliance review or monitoring in some manner other than as the complainant(s).

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, 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 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 to its stakeholders, including potentially affected people, 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, through such activities as meetings and the production of written and electronic information and publications.
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.

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

3. 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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