

## ESMF Accountability and Grievance Mechanisms for GCF-Funded Projects

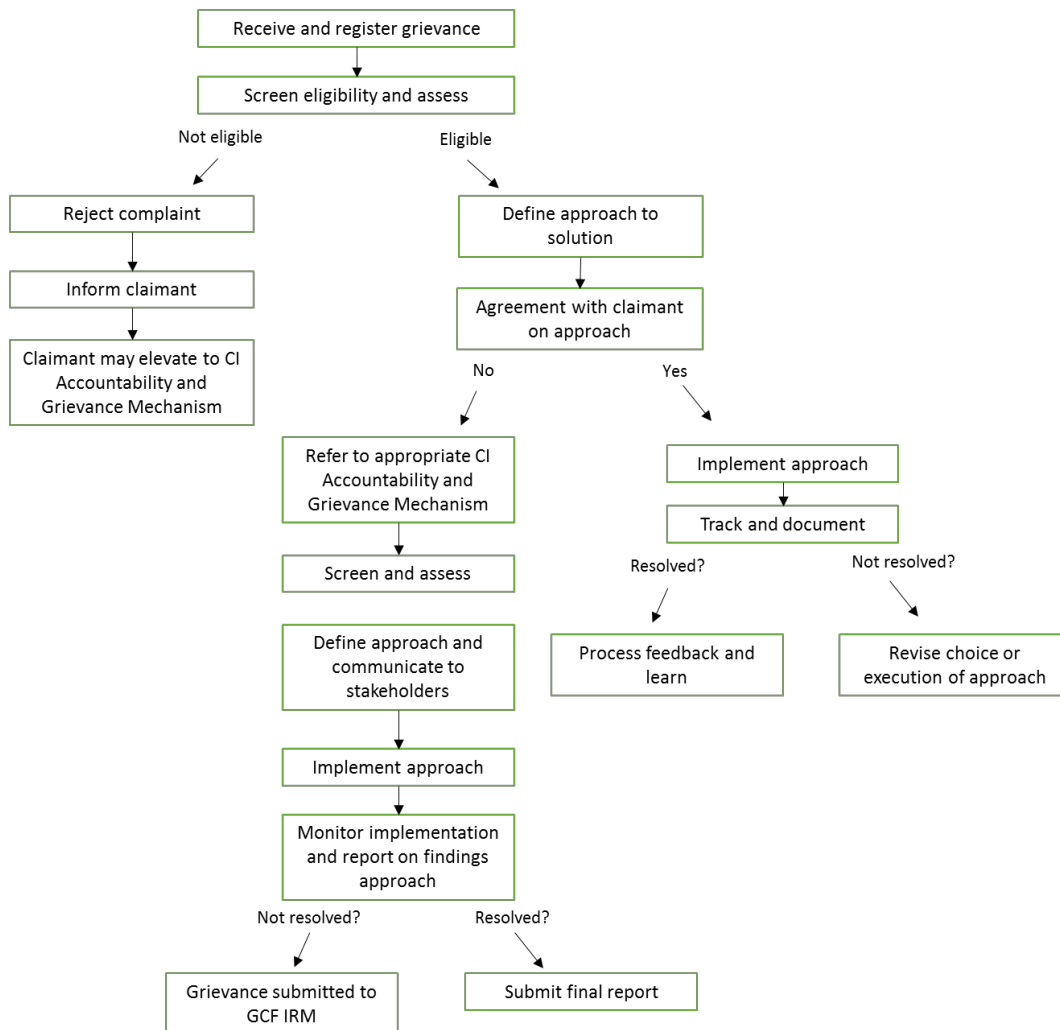
### Context

1. Based on the requirements of accreditation as an Accredited Entity (AE) of the GCF, CI must have a system of accountability to ensure enforcement of its environmental and social safeguard policies and related systems. In addition, CI is required to have measures for the receipt of and timely response to complaints from parties affected by the implementation of GCF-funded projects and which seek resolution of complaints.
2. CI, as an Accredited Entity, has devised Accountability and Grievance Mechanisms so that project-affected communities and other stakeholders may raise a grievance at all times to the Executing Entity, CI or the GCF about any issues covered in the Environmental and Social Management Framework (ESMF). The Grievance Mechanism, including information on where and how to file a grievance is disclosed to all stakeholders at the start and throughout the implementation of the project.
3. These Accountability and Grievance Mechanisms are to be used to address any ESMF grievances related to a GCF-funded project. Additional project-related grievances not related to the ESMF may be reported to CI's Ethics Hotline at [www.ci.ethicspoint.com](http://www.ci.ethicspoint.com), which will be addressed using a separate process.

### CI Organizational Structure and Staffing

4. CI as an Accredited Entity must ensure that project design, implementation, and learning mechanisms are continuously strengthened to prevent problems and ensure compliance from the onset and to deal with the legitimate concerns of project-affected people at the project and operational levels wherever possible. It is the responsibility of CI to monitor any mitigating measures noted from the implementation of the GCF Environmental and Social Safeguards.
5. Recognizing that the accountability and grievance system needs to be separate from all divisions in CI that (potentially) implement and/or execute GCF funding, the Accountability and Grievance Mechanism sits within the General Counsel's Office. The Senior Director of Compliance and Risk Management manages all activities and processes related to the Accountability and Grievance Mechanisms.

## Overview of Grievance Mechanism



## Conflict Resolution on a Project-by-Project basis

- The Executing Entity should be the first point of contact in the Grievance Mechanism. The Executing Entity will be responsible for informing Affected stakeholders about the project commitments and ESMF provisions. Contact information of the Executing Entity, CI, and the GCF must be made publicly available to all involved stakeholders in an understandable format and in all relevant languages. Complaints to the Executing Entity can be made through many different channels including, but not limited to face-to-face meetings, written complaints, telephone conversations, or e-mail.
- A Grievance Mechanism must be put in place by the Executing Entity as early as possible – ideally at the project design phase – and may be modified for later project phases as necessary. The project design must include a process for hearing, responding to and resolving community and other stakeholder grievances within a reasonable time period, as well as a register of grievances received. The Grievance Mechanism must be designed to facilitate a resolution without retribution to the parties that raised the concern or issue. This grievance process must be publicized to communities and other stakeholders and

may be managed by a third party or mediator to prevent any conflict of interest. Executing Entities must attempt to resolve all reasonable grievances raised and provide a written response to grievances within 30 days. Grievances and Executing Entity responses must be well documented.

8. The register of grievances must be maintained in electronic format and contain all relevant information of the complaint received. Details should include the date, time, and location where the complaint was made and by whom, if possible, as well as the steps taken to resolve the issues, the parties' decisions, and the parties' agreement, if any.
9. If this process does not result in resolution of the grievance, the grievant may file a claim through CI's EthicsPoint Hotline at [www.ci.ethicspoint.com](http://www.ci.ethicspoint.com)
10. Through EthicsPoint, CI will respond within 15 calendar days of receipt, and claims will be filed and included in project monitoring processes.
11. Alternatively, the grievant may file a claim with the Senior Director of Compliance (DOC) who is responsible for the CI Accountability and Grievance Mechanism and who can be reached at:

**Electronic email:** GCFAccountability@conservation.org

**Mailing address:** Senior Director of Compliance  
Conservation  
International 2011  
Crystal Drive, Suite  
500 Arlington, VA  
22202, USA.

#### Specific activities in grievance review process

12. Upon receiving complaints, the Senior Director of Compliance and Risk Management will determine eligibility of requests. Eligibility requirements for complaints will include that the complaint:
  - a) Relates to a project or program in which CI is implementing or executing;
  - b) Complainant has informed the Executing Entity of complaint and has worked with the Executing Entity towards identifying a solution by following the conflict resolution framework;
  - c) Is submitted by or on behalf of a person or people affected by the project or program; and
  - d) Raises potential issues relating to compliance with the GCF's Environmental and Social Safeguard Policy, Indigenous Peoples Policy, and Gender Policy.
13. Based on determination, the Senior Director of Compliance and Risk Management will either process the complaint or designate a person or panel to conduct a thorough and objective review of grievance as needed. Any designated person or panel will report to the Senior Director of Compliance and Risk Management. This review can include in-country inspections, interviews of project-affected people, and comprehensive information gathering to allow a factual determination of the issues raised and a reliable basis for any recommendations made.
14. The Senior Director of Compliance and Risk Management will issue reports with findings to requesters and all stakeholders involved, in compliance with GCF's Information Disclosure Policy.
15. Based on reports, the Senior Director of Compliance and Risk Management or designated Person/Panel will assist parties to engage in resolving the problem. This may include: facilitating a consultative dialogue,

promoting information sharing, undertaking joint fact-finding, facilitating establishment of a mediation mechanism, and/or using other approaches to problem solving. Remedial actions involving a change in the project require approval from the CI-GCF Agency division who will then inform the GCF Secretariat.

16. Upon completion of step 13 (with or without agreement), the Senior Director of Compliance and Risk Management or designated person/panel creates a report summarizing the complaint, steps to resolve the issues, the parties' decisions, and the parties' agreement, if any. This report will be made available to all parties involved.
17. The Senior Director of Compliance and Risk Management will monitor implementation of decisions. As part of the monitoring process all parties involved will be consulted and the Senior Director of Compliance and Risk Management will prepare monitoring reports on implementation of remedial actions to be sent to involved parties and submits them to them for information.
18. Conclusion of the process occurs after monitoring of remedial actions is completed. The person/panel prepares a final report and submits report to all parties involved.
19. If the claimant is not satisfied with the response from CI, the grievance may be submitted to the [GCF Independent Redress Mechanism](#), Green Climate Fund, Songdo Business District, 175 Art center-daero,

#### **Accountability Mechanism for Non-Compliance with CI-GCF Safeguards and Gender Policy by CI**

20. For cases related to non-compliance on the part of the CI as an AE in the implementation of environmental and social safeguards, the Senior Director of Compliance and Risk Management does an initial determination of the eligibility of request based on the Exclusion Criteria as described below.
21. Based on determination, the Senior Director of Compliance and Risk Management will either follow up on complaint (reject complaint based on exclusion criteria) or designate a panel to conduct as needed a thorough and objective review of the grievance. The panel should consist of 2-5 members with technical expertise in environmental and social safeguards and should have at least one member with knowledge and experience of working in the country where the grievance took place.
22. The panel will review the case looking at eligibility criteria, etc. Based on the initial review, the panel will send findings to the Senior Director of Compliance and Risk Management.
23. If the case is not eligible for the grievance review process, the panel will notify the Senior Director of Compliance and Risk Management.
24. If the panel determines that the case warrants further review through the grievance process, the Senior Director of Compliance and Risk Management will notify the CI-GCF Agency and CI Leadership Group on panel findings. The Senior Director of Compliance and Risk Management will also convene a meeting of CI Leadership Group to discuss the panel review with the head of the CI-GCF Agency. The purpose of this meeting is two-fold: 1) the head of the CI-GCF Agency division will explain the actions of the team in relation to the complaint and 2) can serve as a mitigation measure.
25. CI Leadership Group including the head of the CI-GCF Agency division will draft a management response to the complaint which the Senior Director of Compliance and Risk Management will provide to the panel.
26. The Panel will notify all parties involved and will draft a Terms of Reference (TOR) for a full review and provide to all parties for comments. The Senior Director of Compliance and Risk Management will authorize the TOR for the review.
27. The Panel will conduct the full review based on the approved TOR. The review can include desk reviews,

meetings, discussions, and site visits.

28. The Panel will provide a draft report to the complainants and the Senior Director of Compliance and Risk Management for comments. The Senior Director of Compliance and Risk Management will ensure that CI's Leadership Group provides comments to the report.
29. The Panel will issue a final report based on comments received from complainants and CI Leadership Group (including CI-GCF Agency division).
30. If the report concludes that CI-GCF Agency noncompliance caused direct and material harm, CI Leadership Group will propose remedial actions.
31. The Senior Director of Compliance and Risk Management will communicate remedial actions to the Panel who will then communicate these actions along with the final report to the complainants involved.
32. The Senior Director of Compliance and Risk Management will monitor implementation of remedial actions and will prepare annual monitoring reports for submission to CI Leadership Group.
33. Monitoring and final reports will be included in the Complaints Registry (available online) and will be available to all parties involved.
34. Compliance review will not investigate the country or executing entities. The conduct of these parties will be considered only when relevant to the assessment of CI's, compliance, as the Accredited Entity, with all policies related to the GCF process, including Environmental and Social Safeguards. Compliance review does not provide judicial-type remedies such as injunctions or monetary damages.

#### **Who can submit?**

35. Any group of two or more people (such as an organization, association, society, or other grouping of individuals) residing in the country where the GCF-funded project is located.

#### **To start the accountability review process**

36. Complainants must submit a letter specifying the following:
  - a) names, designations, addresses, and contact information of the complainants and their representative(s);
  - b) if a complaint is made through a representative, identification of the project- affected people on whose behalf the complaint is made and evidence of the authority to represent them;
  - c) whether the complainants choose to keep their identities confidential;
  - d) a brief description of the GCF-funded project with the project name and location;
  - e) an explanation of the complainants' claim that the alleged direct and material harm is, or will be, caused by CI- GCF Agency division alleged failure to follow its operational policies and procedures during the formulating, processing, or implementing the GCF-funded project;
  - f) a description of the operational policies and procedures that have not been complied with by CI- GCF Agency division during the formulating, processing, or implementing the GCF-funded project;
  - g) a description of the complainants' good faith efforts to address the problems first with the operations department concerned, and the results of these efforts; and
  - h) a description of the complainants' efforts to address the problems with the project-level grievance redress mechanisms concerned, and the results of these.

## Exclusions

37. Complaints will be excluded from accountability, problem solving and compliance review functions if:

- a) It is not related to the CI-GCF Agency's actions or omissions during formulating, processing, or implementing GCF-funded projects;
- b) Complainants have not made good faith efforts to address the problem with the Executing Entity or CI-GCF Agency;
- c) Two or more years have passed since the grant closing date of the CI-GCF project;
- d) It is frivolous, malicious, trivial, or generated to gain competitive advantage;
- e) It is about the procurement of goods and services, including consulting services;
- f) It is about fraud or corruption in GCF-funded projects or by CI staff;
- g) It is about the adequacy or suitability of CI's existing policies and procedures;
- h) It is not within the jurisdiction of CI's Accountability and Grievance Mechanisms, or related to CI personnel matters; and/or
- i) It is about CI non-operational housekeeping matters, such as finance and administration.

38. Any integrity related grievance may be reported through CI's EthicsPoint hotline at:

[www.ci.ethicspoint.com](http://www.ci.ethicspoint.com)

39. The grievance review function also excludes complaints that:

- a) Are the responsibility of other parties such as the National Government or Executing Entity, unless the conduct of these other parties is directly relevant to the assessment of CI-GCF Agency division compliance with its operational policies and procedures;
- b) Do not involve CI's non-compliance with its operational policies and procedures;
- c) Relate to the laws, policies, and regulations of the country, unless this directly relates to CI-GCF Agency compliance with its operational policies and procedures; and/or
- d) Are about matters already considered by the Compliance Team unless new evidence is presented and unless the subsequent complaint can be readily consolidated with the earlier complaint.

## Remedial actions to mitigate the non-compliance

40. Recognizing that each situation regarding non-compliance will be project specific, the following actions are proposed steps to mitigate the lack of compliance. The Senior Director of Compliance and Risk Management (with direction from the General Counsel) will conduct the following actions:

- a) Work with the CI-GCF Agency division to understand any deviations from CI-GCF Policies and the ESMF;
- b) Propose corrective actions (adaptive management) with a corresponding timeline;
- c) Ensure that compliance issues are included in the CI Financial Management and Control Framework (related to managing institutional risk).

41. **In cases of non-compliance on GCF funded projects**, the head of the CI-GCF Agency division will be accountable to the President and the General Counsel at Conservation International. The role of the head of the CI-GCF Agency division is to ensure that all CI-GCF policies and procedures were followed in the implementation of GCF-funded projects.

42. **In case of continuous non-compliance actions to be taken by CI.** As outlined in CI's Criteria for Cancellation or Suspension or Termination of Projects, if the Compliance Review process determines that the CI-GCF Agency is in continuous non-compliance, the Office of the General Counsel will have the authority to cancel, suspend or terminate the project, and will notify the GCF Secretariat
43. **Information disclosure:** Printed materials about the accountability and grievance review process will be distributed as widely as possible, specifically at the field program where the project is being implemented and/or executed. The accountability and grievance review process will also be made publicly available on the CI-GCF Agency's website. The stakeholder consultation process is one of the mechanisms that can be used to resolve conflicts. The CI/GCF Operations Manual details the ESMF that includes the Accountability and Grievance Mechanism as part of the implementation of the safeguards
- a) Basic information about the complaint review procedures;
  - b) Instructions for how to file a complaint;
  - c) Detailed rules of procedure;
  - d) A registry of complaints, including basic information about the complaint and the complaint's status;
  - e) Draft and final terms of reference and investigation reports as discussed above; and
  - f) Annual reports describing the compliance review activities.