

Accountability and Grievance Mechanisms

Context

1. Based on the requirements of accreditation as a Project Agency of the GEF, 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 GEF-funded project and which seek resolution of complaints.
2. CI as a Project Agency has devised Accountability and Grievance Mechanisms so that local communities and other stakeholders may raise a grievance at all times to the Executing Entity, CI or the GEF about any issues covered in the ESMF. Affected communities should be informed about this possibility and contact information of the respective organizations at relevant levels should be made available publicly.

CI Organizational Structure and Staffing

3. Recognizing that the accountability and grievance system needs to be separate from all divisions in CI that (potentially) implement and/or execute GEF funding, the Accountability and Grievance Mechanisms sit 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. To implement the Accountability and Grievance Mechanism, CI uses an Ethics Hotline, managed by Navex's Ethicspoint. Ethics Hotline is Safe Harbor Certified through the United States Department of Commerce and is available worldwide.

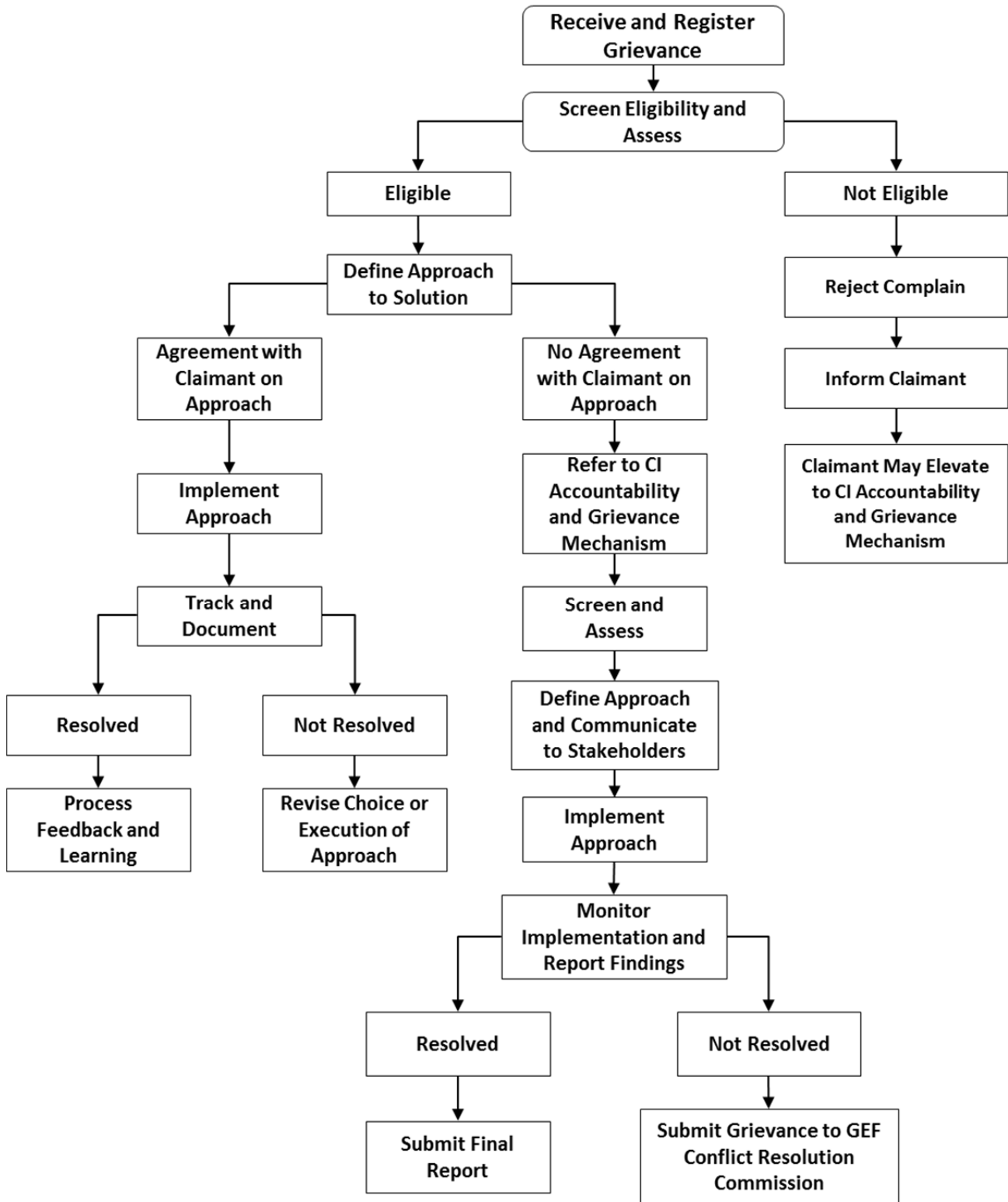


Figure 2: Overview of Grievance Mechanism

Conflict Resolution on a Project-by-Project basis

4. The Executing Entity should be the first point of contact in the Grievance Mechanism. The Executing Entity will be responsible for informing Affected Communities about the project commitments and ESMF provisions. Contact information of the Executing Entity, CI and the GEF will be made publicly available to all involved stakeholders. Complaints to the Executing Agency can be made through many different channels including, but not limited to face-to-face meetings, written complaints, telephone conversations or e-mail.
5. A Grievance Mechanism should 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. Problems are often resolved more easily, cheaply and efficiently when they are dealt with early and locally. The project design must include a process for hearing, responding to and resolving community and other stakeholder grievances within a reasonable time period. 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.
6. If this process does not result in resolution of the grievance, the grievant may file a claim through CI’s EthicsPoint Hotline at <https://secure.ethicspoint.com>
7. Through EthicsPoint, CI will respond within 15 calendar days of receipt, and claims will be filed and included in project monitoring processes.
8. Alternatively, the grievant may file a claim with the Director of Compliance (DOC) who is responsible for the CI Accountability and Grievance Mechanism and who can be reached at:

Mailing address:	Director of Compliance Conservation International 2011 Crystal Drive, Suite 500 Arlington, VA 22202, USA.
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9. CI as a Project Agency 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’s Project Agency to monitor any mitigating measures noted from the implementation of the GEF Environmental and Social Safeguards.
10. **Specific activities in grievance review process.** 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 GEF's Minimum Standards on Environmental and Social Safeguards and Gender Policy.
11. Based on determination, the Senior Director of Compliance and Risk Management will either follow up on complaint or designate a person or panel to conduct, as needed, a thorough and objective review of grievance. 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.
 12. The Senior Director of Compliance and Risk Management will issue reports with findings to requesters and all stakeholders involved.
 13. 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 Project Agency who will then inform the GEF Secretariat.
 14. Upon completion of step 4 (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.
 15. 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 and submit them to the involved parties.
 16. 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.
 17. If the claimant is not satisfied with the response from CI, the grievance may be submitted to the GEF Conflict Resolution Commissioner.

Accountability Mechanism for Non-Compliance with CI-GEF Safeguards and Gender Policy by CI/ CI-GEF Project Agency

18. For cases related to non-compliance on the part of the CI-GEF Project Agency in the implementation of environmental and social safeguards, the Senior Director of Compliance and Risk Management does an initial determination of the eligibility of requests based on the Exclusion Criteria as described below.
19. 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.
20. The panel will review the case looking at eligibility criteria, etc. Based on the initial review, the panel will send the results to the Senior Director of Compliance and Risk Management.

21. If the case is not eligible for the grievance review process, the panel will notify the Senior Director of Compliance and Risk Management.
22. 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 Project Agency and the CI Leadership Group of the results. The Senior Director of Compliance and Risk Management will also convene a meeting of the CI Leadership Group to discuss the panel review results with the head of the GEF Project Agency. The purpose of this meeting is two-fold: 1) the head of the CI-GEF Project Agency Team will explain the actions of the team in relation to the complaint and 2) can serve as a mitigation measure.
23. The CI Leadership Group, including the head of the CI-GEF Project Agency Team, will draft a management response to the complaint which the Senior Director of Compliance and Risk Management will provide to the panel.
24. The Panel will notify all parties involved and will draft a TOR for a full review of the complaint and provide to all parties for comments. The Senior Director of Compliance and Risk Management will authorize the TOR for the review.
25. The Panel will conduct the full review based on the approved TOR. The review can include desk reviews, meetings, discussions and site visits.
26. 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.
27. The Panel issues the final report based on comments received from complainants and the CI Leadership Group (including the CI-GEF Project Agency Team).
28. If the report concludes that the Project Agency noncompliance caused direct and material harm, the CI Leadership Group will propose remedial actions.
29. 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.
30. The Senior Director of Compliance and Risk Management will monitor implementation of remedial actions and will prepare annual monitoring reports for submission to the CI Leadership Group.
31. Monitoring and final reports will be included in the Complaints Registry (available online) and will be available to all parties involved.
32. The 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 as the Project Agency's compliance with all policies related to the GEF process, including Environmental and Social Safeguards. The compliance review does not provide judicial-type remedies such as injunctions or monetary damages.

Who can submit?

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

To start the accountability review process

34. Complainants must submit the following information:

- 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 GEF 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-GEF Project Agency Team alleged failure to follow its operational policies and procedures during the formulating, processing or implementing the GEF funded project;
- f) A description of the operational policies and procedures that have not been complied with by the CI-GEF Project Agency Team during the formulating, processing or implementing of the GEF 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

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

- a) It is not related to the Project Agency's actions or omissions during formulating, processing, or implementing the GEF funded projects;
- b) Complainants have not made good faith efforts to address the problem with the Executing Entity or Project Agency;
- c) Two or more years have passed since the grant closing date of the CI-GEF 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 GEF funded projects or by CI staff;
- g) It is about the adequacy or suitability of CI's existing policies and procedures;
- h) It is 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.

36. 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 the CI-GEF Project Agency Team compliance with its operational policies and procedures;
 - b) Do not involve CI's noncompliance with its operational policies and procedures;
 - c) Relate to the laws, policies and regulations of the country, unless this directly relates to Project 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

37. 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-GEF Project Agency Team to understand any deviations from the CI-GEF Operations Manual 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).
38. **In cases of non-compliance on GEF funded projects**, the head of the CI-GEF Project Agency Team will be accountable to the Chief Operating Officer and the General Counsel at Conservation International. The role of the head of the CI-GEF Project Agency Team is to ensure that all CI-GEF policies and procedures were followed in the implementation of GEF funded projects.
39. **In case of continuous non-compliance actions to be taken by CI**. As outlined in CI's Criteria for Cancellation, Suspension or Termination of Projects, if the Compliance Review process determines that the Project 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 GEF Secretariat and the GEF Trustee.
40. **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 stakeholder consultation process is one of the mechanisms that can be used to resolve conflicts. The CI/GEF Operations Manual details the ESMF that includes the Accountability and Grievance Mechanism as part of the implementation of 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.