

PROTECTING CLIMATE FINANCE

PROGRESS UPDATE ON THE GLOBAL ENVIRONMENT
FACILITY'S ANTI-CORRUPTION POLICIES AND PRACTICES

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DRAFT

EXECUTIVE SUMMARY

INTRODUCTION

In 2014, Transparency International¹ published its Anti-Corruption Assessment of the Global Environment Facility's Least Developed Countries Fund and the Special Climate Change Fund.² This study was conducted in conjunction with assessments of other major climate funds operational at the time including the Adaptation Fund and the Climate Investment Funds. While climate finance is only a part of the Global Environment Facility's entire funding portfolio, as the Facility is also a financial mechanism under the United National Framework Convention on Climate Change and now currently under the Paris Agreement, it was and remains included in Transparency International climate finance integrity assessments. The 2014 assessment reviewed the Funds' governance design and transparency, accountability and integrity policies and procedures with a view to identifying and promoting best practices for the effective governance models for climate finance. The Assessment recognised a number of best practices exhibited by the Global Environment Facility (GEF) including its fiduciary, access to information and public participation policies. It also recommended areas where GEF policies and practices could be strengthened.

This Progress Report recognises progress achieved by the GEF Council and the Secretariat in responding to those recommendations. Additionally, it includes an assessment and rating of three new indicators regarding the Fund's access to information, anti-money laundering and procurement safeguards policies and practices. The report is based on a desk review of Council decisions and Secretariat actions demonstrated in reports, information documents and website updates until March 2017. The report also takes into account comments provided by the GEF Secretariat to this draft report.

MAIN FINDINGS

The GEF Secretariat's transparency rating is high. Numerous efforts to improve knowledge management and increase transparency of GEF project and programme information are positive. Once fully operational, the GEF's project database should be a best practice model that other Funds may wish to replicate. The newly launched website is user-friendly and will enhance information access. Likewise, the GEF has taken considerable steps in demonstrating that GEF Partner Agencies are in compliance with GEF fiduciary standards and have related policies in place. Efforts to improve the GEF's Public Involvement Policy and support national level capacity-building initiatives are also advanced and have the potential to be model examples for other institutions.

However, over the two year period following TI's initial recommendations, less progress was observed in other transparency, accountability and integrity policy and practice areas. All main findings are summarised in the table below. The methodology for the study along with the detailed assessment are attached in Annex I to this report.

PROGRESS UPDATE ON KEY 2014 RECOMMENDATIONS

TRANSPARENCY



SUFFICIENT PROGRESS

- The GEF has taken steps to ensure sufficient transparency of reporting and public access to project cycle documents.



MEDIUM PROGRESS

- The GEF is taking steps to ensure that key accountability policies of GEF Partner Agencies – grievance handling and investigations, whistleblower protection, sanctions in response to cases of corruption, financial audits and procurement – are easily accessible to the public on or through the GEF website. However, more needs to be done to ensure that the Agencies' access to information policies are also accessible.
- The GEF is taking steps to strengthen its Public Involvement Policy to include timelines for disclosure, procedures for requesting non-disclosed information, and consolidated its transparency policies in a clear, coherent and easily accessible way on the GEF's website
- Most of the legal agreements which specify anti-corruption terms and corrective actions concluded between the GEF or its Trustee and the GEF Partner Agencies are now easily accessible on the GEF website. However, some agreements are missing.



NO/LITTLE PROGRESS

- GEF policy does not yet require that the GEF Council explain reasons for holding executive sessions.
- Key accountability information of Operational Focal Points is not yet available through the GEF website.

ACCOUNTABILITY AND INTEGRITY



SUFFICIENT PROGRESS

- The GEF now publishes on its Conflict Resolution Commissioner webpage comprehensive information on its complaints handling function including who can file a complaint and how, and the review and resolution procedures. On the same site, information on the statistics and types of complaints received and resolved is now publicly available. In addition, the GEF also now clarifies that it can hire independent investigation services to fulfil the independent investigation function on a needs basis.



MEDIUM PROGRESS

- The GEF Council decided in October 2016 to adopt a Policy on Ethics and Conflict of Interest for Council Members, Alternates, and Advisers for Council. That draft Policy will be reviewed by the Council at its 52nd Session in May 2017.
- The GEF demonstrates that most GEF Agencies have adopted adequate fiduciary and accountability policies and procedures. However, the degree to which these policies are effective and enforced is not sufficiently shown.
- The GEF making efforts to strengthen its Public Involvement Policy which is intended to provide guidelines for civil society engagement at the country level with respect to GEF projects and programmes as well as their role in Agency accreditation and accreditation review processes. The new policy should also aim to improve observer participation at Council meetings. While on track, the strengthened policy has not yet been adopted.
- The GEF is increasingly sponsoring stakeholder capacity building. Trainings on GEF integrity and stakeholder engagement policies would also be useful.

NEW RECOMMENDATIONS

Accordingly, the following new recommendations are put forward for the consideration of the Council and the Secretariat. In particular, the GEF Council should:

- ❖ Follow through on its decision to adopt an ethics and conflict of interest policy for the Council
- ❖ Follow through on its commitment to ensure to provide for timelines for disclosure and procedures for requesting non-disclosed information and to require that GEF Agencies have access to information policies in its new Public Involvement Policy³
- ❖ Follow through on its commitment to ensure that participation of observers at GEF Council meetings is improved through direct, proactive and relevant engagement similar to the Climate Investment Funds model, where Observers have a seat at the Council members' table and are permitted to intervene on agenda items as issues arise and not restricted to end of agenda item interventions
- ❖ Follow through on its commitment to ensure that civil society may be consulted in the ongoing process of accreditation and accreditation reviews of GEF Partner Agencies
- ❖ Clarify that its policy requires the Council to explain reasons for holding executive sessions
- ❖ Clarify that anti-money laundering preventative actions are covered in its fiduciary standards
- ❖ Strengthen existing GEF policies to require that:
 - A formal appeals procedure is installed to enable that project endorsement and Partner Agency accreditation decisions be explained, reviewed or revoked
 - Appropriate sanctions are in place (disaccreditation, suspension of accreditation) regarding GEF Partner Agencies in cases of financial mismanagement, corruption or fraud
 - GEF Agencies include in their contractual agreements with their Executing Entities specific provisions regarding anti-corruption requirements and related events of default
 - GEF Partner Agencies' whistleblower protection policies apply to any person who reports cases of corruption, fraud or other unethical practices

The GEF Council should also request the Secretariat to ensure that:

- Monitoring and evaluation processes of the GEF adequately assess and report the effectiveness of the GEF fiduciary safeguards
- The fiduciary policies of GEF Partner Agencies including access to information, complaints handling mechanisms, zero tolerance of corruption, anti-money laundering, and procurement policies are easily accessible on or through the GEF's website
- All legal agreements (Memorandums of Understanding and Financial Procedure Agreements) specifying anti-corruption terms and sanctions concluded between the GEF or its Trustee and GEF Partner Agencies are easily accessible on the GEF website
- Key accountability information of Operational Focal Points is available through the GEF website and innovative ways to support best integrity practices of these actors are explored.

ANNEX I: SUBSTANTIVE ASSESSMENT

BACKGROUND

In 2014, Transparency International published its Anti-Corruption Assessment of the Global Environment Facility's Least Developed Countries Fund and the Special Climate Change Fund.⁴ The assessment was one of five Assessments that TI conducted alongside the Adaptation Fund, the Climate Investment Funds, the Forest Carbon Partnership Facility and the UN REDD Programme. The assessments reviewed the Funds' governance design and transparency, accountability and integrity policies and procedures with a view to identifying and promoting best practices for effective governance of climate finance. The GEF Assessment recognised a number of best practices including its fiduciary, access to information and public participation policies. It also recommended areas where GEF policies and practices could be strengthened.⁵

METHODOLOGY

This Progress Update is a follow-up assessment to TI's 2014 report. It aims to track the Global Environment Facility's progress in responding to TI's recommendations in that report. Its purpose is to both recognise best practices and draw attention to key policies and practices which the GEF Council may consider strengthening. The Update also includes an assessment and rating of three new indicators regarding the Facility's access to information, anti-money laundering and procurement safeguards policies and practices. These fiduciary standards are incorporated to ensure a wider view of the overall anti-corruption and integrity fitness of the Facility.

The methodology used for assessing and rating the new indicators is the same as applied in the 2014 report. Performance ratings were assessed as **green/strong** (signalling Fund-wide implementation of sufficient policy), **orange/average** (demonstrating that policies and practices exist but improvements are needed) and **red/weak** (indicating lacking policies and insufficient practices).

The methodology applied to assess progress is similar. The Update was prepared based on a desk review of Council decisions and Secretariat actions demonstrated in reports, information documents and website updates up to March 2017. In addition, a draft version of the present report was submitted to the Facility's Secretariat for review and comment. In response, the Facility provided detailed feedback. The GEF CSO Network was also consulted and provided inputs. This publication incorporates those responses. Progress is measured against three indicators to explain the rationale to action and inaction in response to TI's 2014 recommendations: sufficient, medium and no/little progress.

Progress Indicator	Progress mark
Sufficient progress: Practice by the Fund's secretariat has significantly improved; the governing body has taken a decision to request the Secretariat to improve its work performance or has taken a policy decision with regard to the recommendation.	↑ SUFFICIENT PROGRESS
Medium progress: Practice by the Fund's Secretariat has improved in certain areas but needs to be strengthened to be consistent and coherent; the governing body has reviewed policy and working papers but has not taken a decision on policy or requested the Secretariat to improve its work performance	↗ MEDIUM PROGRESS
No/little progress: Some action may have been initiated but much more needs to be done to address recommendation.	→ NO/LITTLE PROGRESS

ASSESSMENT TABLE

TRANSPARENCY

TRANSPARENCY REPORTING	
Question: Availability of project documents	Progress
<p>Has the GEF Council taken steps to ensure that all reports produced during the project cycle of the Least Developed Countries Fund (LDCF) and Special Climate Change Fund (SCCF) are made available through the GEF’s website?</p>	<p>↑ SUFFICIENT PROGRESS</p>
<p>TI Review</p>	<p>An August 2016 review demonstrated that for most projects funded under the LDCF and SCCF, key project documents were available on the GEF website project database – a search engine to help interested parties locate project information.⁶ Meanwhile, LDCF-financed National Adaptation Plans of Action (NAPAs) are published on the UNFCCC website.⁷</p> <p>However, a spot check of the GEF database revealed that not all relevant project documents were uploaded and there were discrepancies as to what documents were available across projects. Comparing completed project documentation, one only disclosed a terminal evaluation,⁸ while another displayed only pre-CEO endorsement documents,⁹ and yet another seemed to disclose a full range of project cycle papers.¹⁰ In some cases, the hyperlinks to project documents were broken, for example endorsement letters that could not be found.¹¹</p> <p>In a broader effort to consolidate and make publicly available GEF projects and programmes, and an improved repository and information base of lessons learned, the GEF Secretariat and the Council have made progress in elaborating the GEF’s Knowledge Management Approach¹² at the 49th and 50th Council meetings. The GEF Secretariat’s Progress Report on Knowledge Management¹³ highlights efforts to introduce and test new online technologies (Kaleo), including a Project Information Management System (PMIS), which if assessed as successful by the end of 2016 may become operational thereafter. These efforts demonstrate significant progress in addressing TI’s concern. However, as these solutions are not yet available and may take some time to develop fully, TI continues to recommend in the interim that the Council and Secretariat ensure that requisite capacities are available to follow through with the knowledge management reforms, and that the Secretariat remains sensitive and responsive to information requests from the public regarding projects and programmes.</p>

EXECUTIVE DECISION-MAKING TRANSPARENCY

Question: Clarity around executive sessions

Progress

Has the GEF Council taken steps to provide clear explanations for holding executive sessions, i.e. not opening Council meeting sessions to public participation?

→ **NO/LITTLE
PROGRESS**

TI Review

The Rules of Procedure of the GEF Council (2007)¹⁴ that allow the Council to hold executive sessions have not been amended to include a proviso that the GEF Council should publicly explain its reason for doing so. Although in practice the GEF Council does not enter into executive sessions frequently, its policy should nevertheless require that the Council explains its reasons for doing so. TI continues to recommend progress be made in this area.

INFORMATION REQUESTS AND APPEALS

Question: Disclosure of information

Progress

Has the GEF Council taken steps to strengthen its Disclosure of Information Policy by introducing timelines for disclosure and procedures for requesting non-disclosed information?

→ **MEDIUM
PROGRESS**

TI Review

In October 2016, the GEF Council requested the Secretariat to present an updated policy on stakeholder engagement and access to information for consideration at its 53rd meeting in 2017.¹⁵ The Secretariat is facilitating a multistakeholder multi-stakeholder Working Group to advance an improved Public Involvement Policy. It is expected that the Policy will include procedures for requesting non-disclosed information, and timelines for disclosure.

ACCOUNTABILITY POLICY TRANSPARENCY

New Question: Access to Information policies of Implementing Entities

RATING

Does the GEF require that Implementing Entities have access to information policies, that those policies be accessible on the GEF's website and that the effective implementation of those policies is monitored, reported and evaluated?

AVERAGE

TI Review

The GEF does not require that its Agencies have an access to information policy in place in order to be accredited.¹⁶ However, the GEF's Disclosure of Information Policy¹⁷ refers to the access to information policies of certain GEF agencies as a significant component of the overall GEF transparency scheme. The GEF's Public Involvement Policy¹⁸ and Fiduciary Standards¹⁹ do require that the Agencies disclose specific sets of information such as financial audits, procurement information and project evaluations. The GEF has reviewed the policies of the Agencies in relation to those requirements. Those reviews that have been conducted over several years may refer to specific policies of the Agencies. However, such information is heavily imbedded in the GEF archives and difficult to unearth. Further, according to a Review of GEF Agencies' Policies, Procedures, and Guidelines on Stakeholder Engagement,²⁰ half of the GEF Agencies *did have* an information disclosure policy in place (WB, ADB, UNDP, AfDB, EBRD, IDB, UNEP, IFAD and BOAD) but the rest *did not* (FAO, UNIDO, IUCN, CI, WWF-US, DBSA, FUNBIO, FECO and CAF).

The GEF is now preparing to update its Public Involvement Policy which should address the need for GEF Agencies to implement, make publicly available and monitor the effectiveness of access to information policies.

Such policies are important to help stakeholders understand what and how information is to be disclosed and accessed. To the extent that GEF-related information should be accessible through the Agencies, it is important that those policies are visible and easily accessible on the GEF's website. For example, the 18 GEF Agencies are listed on the GEF website²¹ with a brief description of the Agency and its relationship with the GEF link to their corporate websites. This page could link to each Agency's specific fiduciary and access to information policies. Alternatively, such information may be housed under Fiduciary Standards for GEF Partner Agencies²² under the main web page GEF Policies and Guidelines.²³ TI continues to recommend progress be made in this area.

Question: Transparency of accountability and integrity policies of Implementing Entities

Progress

Has the GEF Council taken steps to require that key information on the policies of GEF Agencies and Project Agencies regarding the receipt and handling of grievances or complaints, whistleblower protection, independent investigations of allegations of fraudulent and corrupt practices, sanctions and/or disciplinary measures in response to cases of corruption, fraud or other unethical behaviour, financial audits and procurement is easily accessible to the public and GEF stakeholders on the GEF website?

**MEDIUM
PROGRESS**

Information regarding GEF Agencies' and Project Agencies' policies and procedures on complaints mechanisms, investigatory functions, whistleblower protection, sanctions, financial audits and procurement is available on the GEF website. However, most of that information is located in numerous GEF Council meeting documents and reports over a four- to seven-year period.

However, following TI's recommendation in 2014, the GEF's web page dedicated to explaining the conflict resolution²⁴ functions of the GEF was updated to include a reference to the grievance/complaints mechanisms of GEF Agencies. The hyperlink connects to a PDF document which lists the anti-corruption and grievance mechanisms of the eight GEF Agencies (World Bank, UNDP, UNIDO, ADB, IADB, AfDB, EBRD, and IFAD) and two Project Agencies (WWF and IUCN).²⁵ In mid-2016, the same information was taken out of the PDF file and uploaded directly onto the conflict resolution web page – making it easier to understand and access.

However, this information is incomplete as it excludes the relevant links to two GEF Agencies (UNEP and the FAO) as well as the accredited Project Agencies (CI, BOAD, DBSA, FUNBIO, FECO and CAF). Also missing are complementary fiduciary policies such as those dealing with anti-corruption, conflicts of interest, sanctions, audits and procurement. Through its accreditation and compliance review processes, the GEF Secretariat should have access to all such documentation that is clearly in the public interest, and it should be relatively simple to provide such access. Complete information could be displayed parallel to the 18 GEF Agencies listed on the GEF website²⁶ or under Fiduciary Standards for GEF Partner Agencies²⁷ under the main web page GEF Policies and Guidelines.²⁸

In sum, while some progress has been made, more needs to be achieved and should be a subject of the updated Public Involvement Policy intended for Council approval in November 2017.

TRANSPARENCY OF ACCOUNTABILITY INFORMATION

Question: Complaints received and resolution status

Progress

Has the GEF Council taken steps to ensure that statistics on the number or type of complaints received by the GEF Secretariat's Conflict Resolution Commissioner and information on resolution are reported to the Council and publicly available on the GEF's website?

 SUFFICIENT
PROGRESS

The GEF's track record is mixed regarding how it has provided statistical and other key (non-confidential) information concerning complaints it has received and resolved. In the GEF's Annual Monitoring Review 2014,²⁹ statistics on successfully resolved conflicts and complaints are provided. According to the GEF assessment, no cases were reported to the GEF Conflict Resolution Commissioner in FY13 and FY14. In contrast, in FY11 and FY12, although the review does not specify the number of communications received, it states that respectively 85 per cent and 82 per cent of *conflict cases* reported to the CEO were resolved. Also, in FY11 the percentage of successfully resolved *complaints* amounted to 80 per cent, increasing to 90 per cent in FY12. In the GEF's 2015 Annual Review,³⁰ however, the entire criteria in and under "management efficiency and effectiveness" were omitted.

However, in early 2017, the GEF Secretariat updated its Conflict Resolution Commissioner webpage to provide key information on cases received and resolved. This sufficient progress demonstrates a clear best practice recommendable to other funds.

TRANSPARENCY OF ANTI-CORRUPTION CONTRACTUAL TERMS

Question: Disclosure of contracts

Progress

Has the GEF Council taken steps to require the disclosure of the contractual terms which specify anti-corruption requirements (misuse or abuse of funds and events of default) and penalties existing in contractual agreements between the GEF or its Trustee and the GEF Agencies/Project Agencies?

➔ NO/LITTLE
PROGRESS

TI Review

There are two main contracts which are concluded between the GEF and its Partner Agencies: Memorandums of Understanding (MoUs) and Financial Procedure Agreements (FPAs).

In terms of disclosure, most of the MoUs have been disclosed on the GEF's website. However, as the website was recently revamped, there are some discrepancies between what *was* and what *is* now disclosed. Previously, the MoUs for 15 GEF Agencies were accessible but MoUs concluded with UNDP, UNEP and FAO were not. Now, there are seven disclosed MoUs with ADB, AfDB, IADB, EBRD, IFAD, FAO and UNIDO but the others appear to be missing.³¹

Regarding the FPAs,³² ten are currently disclosed on the new GEF website. These include those agreed with the ADB, AfDB, IBRD, IADB, EBRD, IFAD, FAO, UNIDO, UNDP, and UNEP. However, the Agreements with the eight GEF Project Agencies are not accessible.

TI continues to recommend that all of the MoUs and FPAs concluded between the GEF and its Partner Agencies be disclosed on the GEF's website.

TRANSPARENCY OF OPERATIONAL FOCAL POINT ACCOUNTABILITY

Question: Accountability of Operational Focal Points

Progress

Have steps been taken to provide accountability information regarding Operational Focal Points on or through the GEF website? Such information should include to whom they are accountable in cases of corruption or fraud, what authority is empowered to investigate and penalise them, and according to what rules or standards they may be held accountable?

➔ NO/LITTLE
PROGRESS

In TI's 2014 assessment, the importance of the transparency, accountability and integrity of Operational Focal Points was emphasised. As explained on the GEF's website,³³ the GEF Operational Focal Points (OFPs) are "concerned with the operational aspects of GEF activities, such as endorsing project proposals to affirm that they are consistent with national plans and priorities and facilitating GEF coordination, integration, and consultation at country level." The importance of these roles cannot be underestimated – impacting on their countries, citizens and also the integrity of GEF operations. While it is expected that these Focal Points perform their roles with the highest levels of transparency, accountability and integrity, civil society organisations often report that in some cases the Focal Points were seen to have conflicts of interest affecting project decisions.

As government officials they are accountable to their own governments and citizens, not the GEF. Still, such national level accountability systems are not communicated or explained at the Fund level. At present, the GEF provides a list of names and contact information³⁴ of the Focal Points but does not communicate or explain the national level accountability systems applicable to them. Such information must be sought at the country level. Because that information may be cumbersome to decipher, TI has recommended that such key accountability information be available or easily accessible through the GEF's website.

Still, even if the GEF has no authority over these government officials, it arguably has an interest in supporting efforts to assure their accountability. In that regard, the GEF may wish to explore innovative ways such as through constructive dialogues with the Focal Points and creating a forum or supporting voluntary peer actions for the Focal Points to share best practices and report on their performance on a regular basis.

ACCOUNTABILITY AND INTEGRITY

ANTI-CORRUPTION RULES

Question: Codes of conduct or ethics, conflict of interest policy

Progress

Has the Council taken steps to adopt a code of conduct or ethics and conflict of interest policy applicable to Council Members and their Committees? If so, has the Council further taken steps to adopt an appropriate accountability process for the Council, should individual Council Members behave unethically or have a conflict of interest? If so, has the Council established an independent, impartial body to ensure oversight of Council member ethics?

 **MEDIUM
PROGRESS**

At the GEF's 51st Council meeting, one Council member requested that the Council discuss Transparency International's recent Progress Update on the GEF's Anti-Corruption Policies and Practices. The Secretariat provided a brief summary of the key findings and recommendations of the report, along with proposed follow-actions by the Council and the Secretariat.³⁵ Following an executive session, the Council decided to "set up an Ad-Hoc Working Group of interested Council Members to produce a draft Policy on Ethics and Conflict of Interest for Council Members, Alternates, and Advisers and to present it for Council decision at its next meeting."³⁶ TI commends this progress and encourages that the Council pursues a policy on par with the Green Climate Fund's policies respecting Board Members, Alternate Board Members and their Advisers,³⁷ Board Appointed Officials³⁸ and external members, panels and groups.³⁹

Question: Complaints mechanisms, whistleblowing, investigations, sanctions, audits

Progress

Has the GEF Council taken steps to ensure that GEF Agencies and Project Agencies have adopted and enforce adequate policies and procedures to ensure the effective implementation of anti-corruption complaints mechanisms, whistleblower protection, investigatory functions, sanctions, financial audits and procurement procedures to prevent, mitigate and correct corruption, fraud and other unethical behaviour?

➔ MEDIUM
PROGRESS

TI review

The GEF Minimum Fiduciary Standards for GEF Partner Agencies (updated in 2014)⁴⁰ and the Recommended Minimum Fiduciary Standards for GEF Implementing and Executing Agencies (adopted in 2007)⁴¹ are comprehensive in recommending actions to prevent and respond to potential cases of corruption and fraud. They cover a wide range of integrity protections mirroring international best practices, including “independent oversight, audit and evaluation and investigation functions; external financial audit; financial management and control frameworks; project appraisal standards, including environmental assessments and other safeguards measures, as appropriate; monitoring and project-at-risk systems; procurement; financial disclosure; hotline and whistle-blower protection, and codes of ethics.”

Regarding compliance to the GEF Minimum Fiduciary Standards by GEF Agencies, the GEF Council has been monitoring their progress since 2008, beginning with a Report on the Compliance of the GEF Agencies on the Implementation of the Recommended Minimum Fiduciary Standards (2008)⁴² in conjunction with a compliance review of each Agency: ADB, AfDB, EBRD, FAO, IBRD (World Bank), IADB, IFAD, UNDP, UNEP, UNIDO.⁴³ Annual reports and reviews on compliance progress were made subsequently in 2009, 2010, 2011, 2012, 2013, and 2014.⁴⁴

At its 48th meeting the GEF Council reviewed the document GEF Agency Compliance with Policies on Environmental and Social Safeguards, Gender, and Fiduciary Standards (2015),⁴⁵ which indicated that all ten GEF Agencies “satisfactorily met the requirements of the following Policies: (1) *Agency Minimum Standards on Environmental and Social Safeguards*, and (2) the *Policy on Gender Mainstreaming*, and (3) *Minimum Fiduciary Standards for GEF Partner Agencies*.” The Council then decided⁴⁶ that that no further review would be needed “at this time” but also requested the Secretariat to provide options at the June 2016 Council Meeting on whether and how the Council would monitor Agencies’ ongoing compliance with these policies.

However, at its 50th meeting, the Council agreed “on the need for periodic self- and third party-assessment of Agencies’ on-going compliance to those policies and standards” once per replenishment cycle, starting in the final year of GEF-7 or 2022. As requested by the Council, the Secretariat presented a paper on “effective and efficient implementation modalities for Agencies’ self-assessment which additional information on costs, the periodicity of assessment and modalities, for a possible risk-based independent third-party review of Agencies’ compliance” at the October 2016 Council meeting. At that meeting, the Council approved the Council the proposed Policy on Monitoring Agencies’ Compliance contained in Annex I of GEF/C.51/08/Rev.01. Thereto, the Council agreed to review the Policy following completion of the first round of Agencies’ self-assessments, third-party reviews and reporting, and in time to inform implementation of the subsequent round.

TI’s functional review of the GEF Agency websites concluded that in almost all cases clear policies regarding anti-corruption, complaints reporting and handling, investigative functions, whistleblower protection, financial audits, procurement, and sanctions, almost all GEF Agencies appear to have sufficient policies in place with three notable exceptions. The first two concern the extent of whistleblower protection coverage and the scope of remedial measures applied. Both are discussed respectively below. The third concerns UNEP, where no information regarding any of the above policies was visible on the institution’s website.

Further, it will be important to monitor how effectively such policies are implemented in all Agencies. TI urges the Council to adopt a feasible monitoring plan and process which includes the possibility for civil society and stakeholders to provide inputs.

With regard to GEF Project Agencies, compliance to the GEF Minimum Fiduciary Standards is assessed during their accreditation process,⁴⁷ which is detailed on the GEF's website. Since the process began in 2012, the GEF Council approved the accreditation of five new Project Agencies: the World Wildlife Fund (WWF-US) and Conservation International (CI) in 2013, the Development Bank of Southern Africa (DBSA) and the International Union for Conservation of Nature (IUCN) in 2014⁴⁸ and Fundo Brasileiro para a Biodiversidade (FUNBIO) in June 2015.⁴⁹

TI's functional review of the stated fiduciary policies of these Project Agencies on their websites led to mixed results. First, locating the policies on the Agencies' websites without having a direct web link proved difficult in the cases of WWF and DBSA. The direct links provided in the Progress Report on the Pilot Accreditation of GEF Project Agencies (2015)⁵⁰ proved more direct and time-saving (see FUNBIO,⁵¹ CI,⁵² WWF,⁵³ DBSA,⁵⁴ and IUCN⁵⁵). Yet, even with these links, it was difficult to see the policies of WWF and DBSA. In the case of DBSA, a link to report a case of fraud⁵⁶ is offered but it confusingly connects to a Deloitte website⁵⁷ for reporting such cases. Generally, the policies of IUCN, CI and FUNBIO appeared to be comprehensive yet varied with regard to their policies on remedial measures, while whistleblower protection policies were only explicit on the IUCN and WWF websites, once unearthed.

In sum, some progress has been achieved. However, because the measures to ensure compliance based on self-assessments will only begin in 2022, and because TI's own functional assessment has highlighted some critical weaknesses, TI continues to urge the GEF Council to request the Secretariat to report on compliance matters regularly with attention to actual performance. TI also calls on the Secretariat to report rigorously in its annual reports and reviews on compliance of GEF Agencies with attention to specific policy and practices gaps and with a view to promoting best practices as appropriate.

Question: Scope of whistleblower protections

Progress

Has the GEF Council taken steps to clarify or determine that the GEF Minimum Fiduciary Standards include or should include that GEF Agencies and Project Agencies have whistleblower protection policies which are applicable to any person who reports cases of corruption, fraud or other unethical practices in relation to GEF fund disbursements or GEF funded activities, projects or programmes?

→ NO/LITTLE PROGRESS

TI review

While comprehensive in nature, the GEF Minimum Fiduciary Standards are not prescriptive regarding the scope of whistleblower protection. The current language reads: "A whistleblower protection policy specifies who is protected and defines protected disclosures including violations of law, rule or regulation, abuse of authority, gross waste of funds, gross mismanagement or a substantial and specific danger to public health and safety. The policy defines the standard of protection from retaliation including placing the burden on the agency to provide evidence that the alleged acts of retaliation would have taken place absent the protected disclosure."

In TI's functional assessment of the GEF Agencies' and Project Agencies' policies in place, in most cases only staff of the Agencies were covered. This remains a serious problem in many countries where threats and actual retaliation remain the greatest obstacles for witnesses or victims of corruption to file reports or complaints. While this is not a simple issue to overcome, it should be on the radar of the GEF. The Council should at minimum enlist its support to protect those who speak out and the Secretariat under the Council's direction should investigate and propose protection plans which GEF Agencies and Project Agencies can implement. The former will require the Council to Amend its Minimum Fiduciary Standards

to include a sentence which conveys: “As far as possible, protection from retaliation should be afforded to the widest range of GEF project stakeholders, contractors and others who genuinely report cases of corruption, fraud or other unethical behaviour.” The latter would require that an informational paper is prepared which discusses a range of protection policies and best practices as resources for GEF Agencies and Project Agencies.

APPEALS

Question: Appeals procedure

Progress

Has the GEF Council taken steps to adopt a formal appeals procedure to respond to requests or complaints that project endorsement decisions by the GEF CEO and OFPs be explained, reviewed or revoked?

➔ **NO/LITTLE PROGRESS**

TI review

Since TI’s assessment in 2014, the GEF Council has not taken a decision to adopt or clarify an official appeals policy or procedure where by parties can request that project decisions by the GEF CEO⁵⁸ and Operational Focal Points⁵⁹ may be explained, reviewed or revoked. Equally, an appeal procedure with regard to Council decisions to accredit new GEF Partner Agencies is lacking. Accordingly, we continue to urge that the Council take steps to adopt such relevant procedures. The Green Climate Fund’s Independent Review Mechanism may provide guidance in that effort.

COMPLAINTS MECHANISMS

Question: Improvements to complaints mechanism

Progress

Has the GEF Council taken steps to improve the GEF’s complaint mechanism operated by the GEF CEO and the Conflict Resolution Commissioner? Recommended improvements include enabling an independent investigation function at the GEF, developing terms of reference and providing for a policy regarding anonymity and confidentiality of complainants, types of admissible complaints, required evidence for submitting a complaint, time periods for responses, effective remedies or sanctions, whistleblower protection, and rules on abuse of the mechanism.

⬆ **SUFFICIENT PROGRESS**

TI review

The GEF’s complaints mechanism function is handled under the GEF CEO and the Conflict Resolution Commissioner. Information regarding the role of the conflict is provided on the GEF’s Conflict Resolution webpage.⁶⁰ Since 2014, persons wishing to raise a concern are instructed to contact the Commissioner for further information. Upfront information regarding the terms, conditions, and procedures for filing a complaint have been elaborated and presented on this web page. While GEF itself does not house an independent investigation function, the Secretariat can engage the services of an independent investigator on a needs basis – such as it did to examine a case involving allegations of corruption within the GEF CSO Network.

However, more can be done. Information on how people can file corruption complaints concerning GEF Staff through the World Bank’s anti-corruption hotline as well as applicable whistleblower and witness protection should be exemplified. The same information should be provided regarding similar mechanisms and policies employed by the GEF Agencies.

SANCTIONS

Question: Contractual liabilities

Progress

Has the GEF Council taken steps to ensure that appropriate sanctions are in place for GEF Agencies and Project Agencies in cases of financial mismanagement, corruption or fraud? Has the GEF Council taken steps to require that GEF Agencies include in their contractual agreements with their Executing Entities (or other first recipient of GEF funds disbursed by the Agencies) specific provisions regarding anti-corruption requirements, including misuse or abuse of funds? Do the GEF Agencies make such contracts publicly available?

→ NO/LITTLE
PROGRESS

TI review

The Memorandums of Understanding (MoUs) concluded between the GEF and its Partner Agencies cover a range of contractual obligations including the administration of GEF funds, standard of care, procurement, record and reporting, GEF activities, consultations and communications. However, the MoUs do not cover specific anti-corruption requirements or possible remedial actions in events of default or misuse of funds. The compliance terms of the Financial Procedure Agreements vary according to signatories. The Agreements with UNDP, IADB, EBRD, AfDB, ADB, FAO and IFAD provide that the “Trustee may suspend any further commitment and/or cash transfer of GEF Trust Fund funds to (the Agency) until such time as the non-compliance is resolved to the reasonable satisfaction of the Trustee.”⁶¹ However, such a provision is absent in the Agreements with UNEP and the World Bank.⁶²

Moreover, despite a general article in the FPAs on FPA termination, no specific provision in the FPAs or MoUs stipulate obligations of the GEF Agencies (1) to return funds which were found to have been misused or lost to corruption or fraud and/or (2) to take actions to address such losses or seek the return of such lost funds. Also, neither the FPAs nor the MoUs provide for any specific penalties or sanctions to be taken against the GEF Agency aside from the suspension of funds. However, “the CEO may also cancel a project on the basis of detection of corruption or fraudulent practices during procurement of a contract, if confirmed by the GEF Partner Agencies according to its policies and procedures, where the grantee/borrower has failed to take action acceptable to the GEF to remedy the situation.”⁶³

Also as GEF Partner Agencies have not been accredited, no policy is in place which addresses terms of accreditation suspension or termination in cases of financial mismanagement, corruption or fraud. Likewise, at present, with regard to GEF Project Agencies, there appears to be no policy or procedure regarding the suspension or termination of accreditation termination in cases of financial mismanagement, corruption or fraud. Such a policy was introduced at the Council’s 39th meeting in document Accreditation Procedures for GEF Project Agencies⁶⁴ and at its 40th meeting in the document Draft Procedures Manual for the Accreditation of GEF Project Agencies.⁶⁵ However, the policy issue appears to have been omitted in subsequent Council meeting discussions and decisions (see for example Procedure: Accreditation of GEF Project Agencies [2012]).⁶⁶ Further the Evaluation of the Accreditation Process for Expansion of the GEF Partnership⁶⁷ did not address questions related to periodic accreditation reviews post-accreditation, nor did it touch on the issue of suspending accreditation in specific cases.

While the GEF Council did review and discuss strategic issues regarding whether and if the GEF should accredit new project agencies at its 47th, 49th and 50th meetings,⁶⁸ those debates excluded policy questions regarding terms and conditions for disaccreditation.

Regarding requirements for GEF Agencies to further obligate their Executing Entities or other contractors to implement anti-corruption and integrity safeguards and impose sanctions in events of corrupt misuse or abuse of funds, GEF policy remains silent. The Agencies apply such rules and conditions according to their own corporate policies. However, as such policies are not explained or disclosed on the GEF’s

website, further study would be needed to assess the how well GEF Agencies apply these obligations in their contractual agreements.

Accordingly, TI recommends that the Council seek to adopt a consistent, coherent and reasonable policy which applies appropriate sanctions such as suspension and/or termination of MoU agreements with GEF Agencies in cases of financial mismanagement and gross misconduct or negligence including where corruption and fraud are involved. Further, we recommend a similar policy with regard to the suspension and/or termination of accreditation of GEF Partner Agencies in such circumstances. This would be a fair approach on par with such policies undertaken by the Adaptation Fund, the Green Climate Fund and other global multilateral funds. Accordingly, TI urges the Council to consider amending agreements with its Partner and Project Agencies to include specific anti-corruption requirements, including remedial measures which may be pursued in the event of default due to corruption, fraud or other misuse or abuse of GEF funds. Likewise, the Council should consider requiring anti-corruption safeguards and sanctions in their agreements with Executing Entities and other contractors. The chain of accountability must be maintained when funds are disbursed through multiple channels to multiple actors in downstream project financing arrangements. As an example, the GEF may wish to adopt similar provisions and language as employed by the Green Climate Fund in its Accreditation Master Agreements.⁶⁹

INTEGRITY TRAININGS

Question: Integrity trainings

Progress

Has the GEF Council taken steps to consider integrity trainings for Fund actors, including on key policies related to transparency and stakeholder engagement?

 **MEDIUM PROGRESS**

TI Review

A comprehensive training⁷⁰ was held for new GEF Project Agencies in 2015 which covered issues of transparency, people’s engagement, financial accountability and project monitoring. In addition, the GEF Secretariat organises Expanded Constituency Workshops,⁷¹ which aim, inter alia, to promote civil society engagement in GEF projects and programmes. However, a recent assessment of the GEF’s stakeholder engagement performance highlighted the need for more training and resources at the country level to ensure greater effectiveness. While presumably training⁷² is happening, it is difficult to assess the degree to which it focuses on improving integrity/fiduciary standards and compliance as well as accountability, transparency and stakeholder engagement. TI encourages the GEF to include this information in its forward looking knowledge management approaches and systems – not only to demonstrate progress in this area, but to enable a broader sharing of training tools and resources. This should lead to greater opportunities for increasing capacity development impacts.

CIVIL SOCIETY CONSULTATION AND PARTICIPATION

Question

Progress

Has the GEF Council taken steps to ensure greater active and relevant participation of Observers at GEF Council meetings?

 **MEDIUM PROGRESS**

TI Review

The focus of this question relates specifically to the performance of Observers at GEF Council meetings. In 1996, the GEF Council adopted a policy⁷³ which outlines the terms of participation by Observers from non-governmental organisations. While that policy promotes a principle of openness, it does not reflect current and more desirable practices at Council meetings. For example, the policy stipulates that only five Observers may present in the “board room,” yet in practice many more Observers sit in the room.

Further, the policy is silent regarding when and if Observers can make an intervention in Council meetings. In practice, the GEF CSO Network is provided a name tent and given a third row seat from which a representative Observer may speak once the Council has concluded its discussions on a particular agenda item. As with the policy, the practice is neither modern nor effective. In contrast, the Climate Investment Funds' provide Observers with a seat at the table alongside decision-makers and can contribute to the governing body's debates. This enables fluid, interactive and effective discussions, builds trust and gives appropriate attention and relevance to Observer inputs. Conversely, the current practice which only permits a tail end commentary has become frustrating both for everyone - Council members, the Secretariat and the Observers alike. The former assess the Observers' inputs to be irrelevant and longwinded. However, this is not only due to logistics but also to the need for the Observers' inputs to be representative of all CSO views. The result is that Observers read out verbatim prepared statements which are drafted in advance, usually two days before the Council meeting convenes.

The GEF Council should therefore allow Observer participation at Council meetings similar to the CIF model. In addition, the GEF CSO Network needs to alter its own practices to formulate their interventions no more than two weeks after Council documents have been made public. That way Observer views can be agreed, represented and presented as a written information document, which likewise should be published and made available to Council members. This would allow for Observers at the Council meeting to be more reactive and flexible in their interventions. It would also alleviate the need for and expense of convening a meeting two days prior to Council meetings to enable CSOs to do the same.

Relevant questions also remain on what needs to be done to ensure the quality and representation of Observers at Council meetings, including those recommended by the recent Independent Evaluation of the GEF CSO Network. For example, the Regional Focal Points of the GEF CSO Network's governing body (Coordination Committee)⁷⁴ are usually funded to participate at Council meetings. This includes extra resources paid by the GEF for the Committee to Convene on the side-lines of the Council meetings. While this policy and practice makes sense, the concern that there is not sufficient rotation in participation remains valid. Part of this problem is that the Regional Focal Points are elected for a term of four years and can be re-elected for an additional four years. As a result, some of the same RFPs have been attending GEF Council meetings for eight years. The result is contrary to what the GEF's original policy has intended to avoid by stipulating frequent rotation on Observer participation.

Importantly, the Council determined at its 50th meeting⁷⁵ to establish a working group of Council members to engage with CSO counterparts to map out and pursue relevant reforms of the GEF CSO Network. The working group should develop a strategic plan and set clear deliverables to address critical reforms as identified in the Independent Evaluation with regard to both the network and Observer participation more broadly. Meanwhile, the Network must seriously reflect on the evaluation results and take urgent measures to improve its governance and performance along the lines recommended.

Question	Progress
<p>Has the GEF Council taken steps to update its Public Involvement Policy to incorporate guidelines on how issues raised by civil society can be dealt with and incorporated at specific stages in the project cycle?</p>	<p> MEDIUM PROGRESS</p>

At the 39th Council meeting, the Council adopted a document entitled Enhancing the engagement of civil society organizations in operations of the GEF,⁷⁶ which provides a review of policies and actions implemented by the GEF “to streamline public involvement and Civil Society Organizations (CSO) participation in the GEF funded projects.” While civil society engagement remains a stated priority of the GEF, Guidelines for the Implementation of the Public Involvement Policy⁷⁷ were introduced as an information document but the Council took no decision. The Guidelines are comprehensive and progressive with a plan of action, although penalties for non-compliance were not yet addressed. At the 48th Council meeting an informal working group of selected stakeholders (including governments, GEF Agencies and Project Agencies and civil society) was formed to support the elaboration of the guidelines. Among other issues, the Working Group oversaw the hiring and work of a consultant to assess the existing stakeholder engagement practices of GEF Agencies and Project Agencies and to make recommendations. The assessment report⁷⁸ was completed in June 2016 and presented to the GEF Council (GEF/C.51/09/Rev.01) at its 51st Session in October 2016. The Council welcomed the report and requested the Secretariat to present an updated policy on stakeholder engagement and access to information for consideration at its 53rd meeting in December 2017.

New Question: Anti-money laundering

RATING

Does the Fund have in place an anti-money laundering (AML) policy and/or programme covering its own operations? Does the Fund require that its Agencies have an AML in place? Does the Fund provide guidance for organisations regarding the scope and minimum standards as to what such policies and programmes should include?

AVERAGE

The GEF Secretariat and Trustee are operated by the World Bank. Accordingly, the GEF is obligated to adhere to the Bank’s anti-money laundering policies.

Although the GEF’s policy on anti-money laundering with regard to GEF Agencies is not clearly stated in its Minimum Fiduciary Standards for GEF Partner Agencies,⁷⁹ the risk-based approach and financial management requirements could cover key preventative measures including “know your customer” due diligence procedures, monitoring cash transfers, reporting suspicious transfers, compliance, and staff training. Further, the provisions in the Financial Procedures Agreements and Memorandums of Understanding with GEF Agencies would also prohibit money laundering activities. However, the GEF would benefit from establishing greater clarity regarding what GEF Agencies should be doing to prevent and punish such behaviour, as robust prevention programmes are crucial to stemming the problem. TI recommends that the Board considers updating its fiduciary standards to include anti-money laundering requisites.

New Question: Procurement

RATING

Does the Fund have in place a policy to safeguard against corruption in procurement at fund-level operations? Does the Fund require that its Agencies have sufficient policies and practices to safeguard against corruption in procurement? Does the Fund provide supportive guidelines and demonstrate effectiveness?

STRONG

The GEF is governed by the procurement policies and rules of the World Bank.⁸⁰ This is a comprehensive policy accompanied by internal audit and review functions.

The Fund's fiduciary standards also require that GEF Agencies must have procurement policies and practices that cover "both internal/administrative procurement and procurement by recipients of funds." Agencies' standards must be written and "based on widely recognized processes and an internal control framework to protect against fraudulent and corrupt practices (using widely recognized definitions such as those agreed by the International Financial Institutions Anti-Corruption Task Force) and waste." In addition, the Agencies must demonstrate:

- (a) Specific agency directives promote economy and efficiency in procurement through written standards and procedures that specify procurement requirements, accountability, and authority to take procurement actions.
- (b) Specific procurement guidelines are in place with respect to different types of procurement managed by the agency, such as consultants, contractors and service providers.
- (c) Specific procedures, guidelines and methodologies of assessing the procurement procedures of beneficiary institutions are in place.
- (d) Procurement performance in implemented projects is monitored at periodic intervals, and there are processes in place requiring a response when issues are uncovered.
- (e) Procurement records are easily accessible to procurement staff, and procurement policies and awards are publicly disclosed.

On this level, the Fund demonstrates best practice. However, the Fund could provide more guidance in its supporting materials, publicly report on the overall record of the effectiveness of procurement safeguards, and facilitate access to the procurement policies of GEF Agencies through its website.

¹ Transparency International (TI) in collaboration with the Stockholm Environment Institute conducted desk research and interviews for five anti-corruption assessments of multilateral climate funds including the Climate Investment Funds, the Adaptation Fund, the Forest Carbon Partnership Facility and the UN REDD Programme. All reports were published by TI in 2014.

² http://www.transparency.org/whatwedo/publication/protecting_climate_finance_assessment_gef_ldcf_sccf

³ The latter has been recommended by the Working Group on Public Involvement. The issue will be brought to the Council at the upcoming 51st Council meeting.

⁴ http://www.transparency.org/whatwedo/publication/protecting_climate_finance_assessment_gef_ldcf_sccf

⁵ TI submitted its 2014 Assessment to the GEF LDCF/SCCF Council at its 17th meeting in October 2014. The report was discussed at the meeting and the Council requested the Secretariat to send a response to TI. That response was provided as an information document at the Council's 18th meeting https://www.thegef.org/sites/default/files/council-meeting-documents/Joint_Summary_of_the_Chairs_-_17th_LDCF_SCCF_Council%2C_October_30th_0_4.pdf; https://www.thegef.org/sites/default/files/council-meeting-documents/GEF.LDCF_SCCF_18.Inf_04%2C_GEF_Secretariat_Response_to_Transparency_International%2C_5-29-15_4.pdf

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¹³ https://www.thegef.org/gef/sites/thegef.org/files/documents/EN_GEF.C.50.Inf_06_KM_Progress_Report_0.pdf

¹⁴ https://www.thegef.org/gef/sites/thegef.org/files/publication/11488_English.pdf

¹⁵ <https://www.thegef.org/council-meeting-documents/joint-summary-chairs-30>

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¹⁸ https://www.thegef.org/gef/policies_guidelines/public_involvement

¹⁹ https://www.thegef.org/gef/sites/thegef.org/files/documents/document/GA.PL_02%20Minimum_Fiduciary_Standards.pdf

²⁰ <https://www.thegef.org/council-meetings/gef-51st-council-meeting>

²¹ https://www.thegef.org/gef/gef_agencies

²² https://www.thegef.org/sites/default/files/documents/GA.PL_02_Minimum_Fiduciary_Standards_0.pdf

²³ https://www.thegef.org/gef/policies_guidelines

²⁴ <https://www.thegef.org/about/organization/conflict-resolution-commissioner>

²⁵ https://www.thegef.org/sites/default/files/web-documents/GEF_Agencies_Mechanisms_for_Conflict_Resolution.pdf

²⁶ https://www.thegef.org/gef/gef_agencies

²⁷ <https://www.thegef.org/documents/fiduciary-standards-gef-partner-agencies>

²⁸ https://www.thegef.org/gef/policies_guidelines

²⁹ [https://www.thegef.org/gef/sites/thegef.org/files/documents/10_EN_GEF.C.47.04_Annual_Monitoring_Review_\(AMR\)_FY14_-_Part_1_0.pdf](https://www.thegef.org/gef/sites/thegef.org/files/documents/10_EN_GEF.C.47.04_Annual_Monitoring_Review_(AMR)_FY14_-_Part_1_0.pdf)

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³¹ <http://www.thegef.org/documents/memorandum-understanding-between-adb-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-afdb-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-iadb-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-ebfd-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-ifad-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-fao-and-gef>; <http://www.thegef.org/documents/memorandum-understanding-between-unido-and-gef>

³² <http://www.thegef.org/agency-mob-financial-procedures-agreement>

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³⁵ https://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.51_Highlights.pdf

³⁶ https://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.51_Joint_Summary_of_the_Chairs.pdf

³⁷ http://www.greenclimate.fund/documents/20182/24949/GCF_B.09_23_-_Decisions_of_the_Board_Ninth_Meeting_of_the_Board_24_-_26_March_2015.pdf/2f71ce99-7aef-4b04-8799-15975a1f66ef?version=1.1

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