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# Report on the activities of the Information Appeals Panel

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## **Summary**

This report provides an update on the activities of the Information Appeals Panel (IAP) constituted under the GCF Information Disclosure Policy (decisions B.12/35 and B.BM-2018/05). This report on the activities of the IAP covers the period from 1 June 2024 to 31 October 2024.

## I. Introduction

1. The Information Appeals Panel (IAP) is constituted under paragraph 28 of the GCF Information Disclosure Policy (IDP) (decision B.12/35) and subsequent Board decision B.BM-2018/05 of 6 April 2018. The IAP entertains and decides appeals filed under the IDP of the Green Climate Fund (GCF) with regard to decisions made by the GCF Secretariat on information requests.
2. This report on the activities of the IAP covers the period from 01 June 2024 to 31 October 2024.

## II. IAP Chair

3. Paragraph 28 of the IDP states that the “*IAP Chair will be selected from amongst, and by, the IAP members*”. The members of the IAP are the Heads of the GCF Independent Integrity Unit (IIU), the Independent Redress Mechanism (IRM), and the Independent Evaluation Unit (IEU).
4. As decided by the IAP Members, the Chair of the IAP rotates amongst them following a fixed annual term. The Head of the IIU assumed office as the Chair on 12 July 2023. However, in view of an appeal received in June 2024 and to maximize efficiency with respect to this appeal, the IAP agreed in July 2024 to extend the IAP chairpersonship of the Head of the IIU until 31 October 2024. As a result, the Head of the IRM will assume the IAP chairpersonship from 1 November 2024 until 31 October 2025.
5. The Secretary to the IAP remains the Registrar and Case Officer of the IRM whose function involves managing the processing of information appeals via the IRM’s Case Management System.

## III. Appeals to the IAP

6. The IAP received one appeal during the reporting period, which was filed with the IAP on 10 June 2024 (case reference IDP/2024/C004). The appeal relates to a request for disclosure of a midterm evaluation report <sup>1</sup>pertaining to GCF project FP089 to which the GCF Secretariat denied access, as the appellant has argued.
7. In handling and deciding on this appeal, the IAP applied the [IAP Guidelines](#) as adopted by the Ethics and Audit Committee in October 2019. The IAP forwarded the above appeal to the Secretariat which responded by arguing that access to the requested midterm evaluation report had been granted. Following the IAP’s submission of the response to the appellant, the latter submitted a rebuttal where the original position that access to the requested midterm evaluation report had not been granted in accordance with the IDP was further reinforced.
8. On 26 July, the IAP rendered its decision and put forward a number of recommendations pertaining to the handling of information disclosure requests by the GCF Secretariat and the strengthening of the Information Disclosure Policy.
9. The original information disclosure request, appeal and subsequent IAP decision are available on the GCF IAP website: [IDP Appeals](#). A summary of the appeal is available in Annex I of this document, and the IAP’s reasoning and recommendations are contained in Annex II.

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<sup>1</sup> The midterm evaluation report refers to interim evaluation report, as per GCF policies and legal instruments between the GCF and Accredited Entities.

## Annex I

### GCF Information Disclosure Policy (IDP) Information Appeals Panel (IAP)

#### *Summary of Appeal No: IDP/2024/C004*

<b>Date of appeal</b>	10 June 2024
<b>Appellant</b>	Interamerican Association for Environmental Defense
<b>Responding party</b>	Secretariat of the Green Climate Fund (GCF Secretariat)
<b>Authority receiving the IAP decision</b>	The Ethics and Audit Committee (EAC) of the Green Climate Fund (GCF)
<b>Issues raised in the appeal</b>	<p><u>Substantive issues:</u></p> <ol style="list-style-type: none"> <li>1. Timeliness of responses to information disclosure requests under the IDP.</li> <li>2. Methods of disclosure of GCF project midterm evaluation reports and disclosing authority.</li> <li>3. Ambiguity regarding disclosure of GCF Monitoring and Evaluation Reports.</li> </ol>
<b>IAP decision of 26/07/2024</b>	<p><u>Key components of the decision:</u></p> <ol style="list-style-type: none"> <li>1. The Secretariat's actions did not constitute a denial of information. In accordance with paragraph 7, sentence 4 of the IDP, access was granted to the requested midterm evaluation report for the FP089 through a link to the report on the Food and Agriculture Organization (FAO) website.</li> <li>2. The IAP acknowledged that delays in the response to the disclosure request of the respective midterm evaluation report might have caused unintended consequences for the appellant and the wider community involved in addressing climate change challenges.</li> <li>3. The IAP highlighted that disclosure of information should be considered in light of the four principles of the IDP, in this case in particular Principle 1: Maximizing access to information. In the IAP's view, this would require strengthening and clarification of the present IDP in terms of the different stakeholders making available GCF-related documents, whereby it is understood that it is ultimately the GCF which is responsible and accountable for information disclosure.</li> </ol>
<b>IAP recommendations</b>	<ol style="list-style-type: none"> <li>1. Timely responding to information disclosure requests should occur through the allocation of adequate human resources along with a clear delineation of responsibilities between the GCF and other stakeholders involved (e.g., AEs) in the disclosure process.</li> <li>2. The IDP should be strengthened to establish under which circumstances monitoring and evaluation reports are to be disclosed in order to allow communities which are supposed to benefit from Fund-related activity to monitor a project's implementation.</li> </ol>

## Annex II

### IAP Decision

1. By decision of 19 July 2024 the IAP ruled the Secretariat's actions did not constitute a denial of information. In accordance with paragraph 7, sentence 4 of the IDP, access was granted to the requested midterm evaluation report for the FP089 through a link to the report on the Food and Agriculture Organization (FAO) website. The Secretariat had communicated this to the appellant through the Office of Governance Affairs on 11 April 2024.
2. However, the IAP took note of the appellant's concern regarding the delay in response by the GCF through the Secretariat. Specifically, the IAP acknowledged that delays and the approach to communication might have caused unintended consequences for the appellant and the wider community involved in addressing climate change challenges. The IAP also shared with the appellant the concern of the delay in responding to the latter's information disclosure request as this delay is not in accordance with the IDP.
3. Furthermore, the IAP highlighted the four principles of the IDP, in particular Principle 1: Maximizing access to information. In this respect the IAP noted that it would recommend to the GCF to consider all such requests in light of the four disclosure principles. In the IAP's view, this would require strengthening and clarification of the present IDP in terms of the different stakeholders making available GCF-related documents, whereby it is understood that it is ultimately the GCF which is responsible and accountable for information disclosure.
4. The full decision is available on the IAP's website: [C004](#).

### Reasoning

#### A. The Secretariat's responsiveness to the information disclosure request

5. The Secretariat sent its first reply to the requester on 9 August 2023 and informed the requester that due to the scope and complexity of the request, a substantive response would be provided beyond the 30-day deadline as provided for under the IDP.
6. As per paragraph 25 of the IDP, the IAP notes that "*The Secretariat shall endeavor to respond to requests for information within 30 working days of receipt of a written request for information, unless additional time is required because of the scope or complexity of the information requested*".
7. Considering the above obligation, the IAP notes that the Secretariat's first response to the requester was significantly delayed. The Secretariat acknowledged this but explained that its delay in response was due to the lack of human resources.
8. While the IAP recognizes the predicament, the IAP underscores that non-compliance with the obligations under the IDP by the Secretariat, such as significantly missing the prescribed deadline for responding to information disclosure request, poses an integrity risk and undermines the GCF and its reputation.

#### B. Methods of Disclosure of Information

9. The Secretariat further argued that already the respective Accredited Entity (FAO) had published the requested mid-term project report for FP089 on its website and that a publication of the requested information via means other than the GCF website would meet the IDP requirement under paragraph 7 of the IDP.

10. Paragraph 7 of the IDP indeed establishes that “All documents in the GCF’s possession subject to disclosure as per this Policy, will be released on the GCF’s website or through other appropriate means (...)”. However, the IAP finds that all information disclosure under the IDP must be seen in the context of the IDP principles, in this case in particular of Principle 1 stipulating “Maximize access to information. The GCF reaffirms its commitment to transparency in all of its activities and therefore seeks to maximize access to any documents and information that it produces and to information in its possession that is not on the list of exceptions as set out in Chapter V of this Policy. Furthermore, so long as the GCF is not legally obligated to confidentiality, information on the list of exceptions will be disclosed in accordance with timelines and procedures specified for that purpose.”
11. In light of this Principle 1 and related GCF’s commitment, the IAP notes that it is ultimately the GCF that is accountable for ensuring information disclosure. This means that while it is recognized that under the IDP mid-term evaluation reports may be disclosed on the website of an Accredited Entity, the GCF should also publish such reports on its website to ensure its accountability under the IDP.

### **C. Ambiguity regarding disclosure of Monitoring and Evaluation Reports**

12. The IAP notes that the mid-term evaluation report falls in the category of “Monitoring and Evaluation Report” under Chapter X of the IDP that would have to be disclosed in parallel to its submission to the GCF Board. However, as explained by the Secretariat, such monitoring and evaluation reports are not submitted to the GCF Board in the first place which puts the Secretariat in an unclear position.
13. The IAP agrees that this situation is not clear and notes that also the IEU has expressed similar concerns in its evaluation of the GCF country ownership approach, as follows: “*The Information Disclosure Policy is also insufficient in addressing transparency issues. Specifically, it is not clear whether [APRs] [Annual Performance Reports] will be publicly disclosed. The policy states that monitoring and evaluation reports will be posted on the GCF and AE websites, simultaneously with submission to the Board. Transparency and sharing of results for mutual accountability – and accountability to the intended beneficiaries and citizens, organizations and constituents – are key requirements under the accountability dimension of country ownership.*”<sup>2</sup> The IAP is aware that this ambiguity is on the Secretariat’s radar and expects that it will be addressed during the policy review exercise, planned for 2026, with a view to allow access by respective communities and stakeholders to reports pertaining to a GCF project during its implementation.
14. The IAP also draws attention to paragraph 36 of the GCF Monitoring and Accountability Framework, which stipulates that the Secretariat should have “*an interactive portal, in compliance with the current GCF information disclosure policy, designed to facilitate: a knowledge management platform designed to organize, validate and publish all documents that are disclosable under the current GCF information disclosure policy to all stakeholders and the public at large*”<sup>3</sup>. In the IAP’s view, these elements are in alignment with the spirit of the IDP, in particular with the principles of maximizing access to information and simple and broad access to information.

### **Recommendations**

15. The IAP finds that this appeal has brought to light a number of issues pertaining to the handling of information disclosure requests and the IDP itself. In this respect, the IAP recommends the following:

<sup>2</sup> <https://ieu.greenclimate.fund/sites/default/files/document/230322-coa-final-report-top-web-isbn.pdf>

<sup>3</sup> <https://www.greenclimate.fund/sites/default/files/document/monitoring-accountability-framework-ae.pdf>

- a. More timely responses to information disclosure requests: the IAP recommends allocating sufficient human resources to the information disclosure function. This should entail at minimum two headcounts so that information disclosure services are provided in accordance with the timeline prescribed under the IDP.
- b. Strengthening of the IDP to better fulfil the IDP Principles, including the:
  - i. Clear delineation of responsibilities between the GCF and external stakeholders (e.g., AEs) where it is clear that the ultimate responsibility and accountability rests with the GCF; and
  - ii. Clarification with respect to access by communities and stakeholders to Monitoring and Evaluation Reports pertaining to GCF projects in order for such communities and stakeholders to be able to monitor a project's implementation throughout the project's lifecycle.

The IAP is aware of the ongoing exercise to revise and strengthen the Fund's Information Disclosure Policy in many aspects, and it strongly recommends to the Secretariat to include in this exercise the elements highlighted in this appeal. The IAP is ready to continue supporting the Secretariat in the strengthening of the IDP.

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