



**SAHARA
AND SAHEL
OBSERVATORY**

WHISTLEBLOWING AND WITNESS PROTECTION PROCEDURE

June 2023

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ACRONYMS

ESC	Environmental and Social Committee
ES	Executive Secretary
GCGHU	Governance Compliance and Grievance Handling Unit
HRU	Human Resources Unit
IT	Investigative team
MRT	Monitoring and Reporting Team
OSS	Sahara and Sahel Observatory
WWPP	Whistleblowing and witness protection procedure



DEFINITIONS

Board members: Board members of the OSS.

Breach: Failure to comply with OSS rules and standards of conduct.

Conflict of Interest: Any situation in which an individual, group of individuals, or organization involved in the decision-making process may have, could have, or could be seen to have the ability to improperly influence the performance of their official duties and responsibilities.

Corruption: Offering, giving, receiving or soliciting, directly or indirectly, in any capacity, anything of value and/or an improper advantage of any kind, for oneself or for another person or entity to act or refrain from acting in violation of one's official duties or one's legal, contractual or professional obligations, and to influence one's own actions or those of another person or entity.

Counterparty: Any individual, organization, institution, or other entity involved in OSS activities.

Covered individual: Any individual working at any level or grade within the OSS.

Environmental and Social Committee (ESC): Committee responsible for overseeing compliance with procedures related to programs and projects implemented or carried out by the Observatory, ensuring compliance with the Observatory's environmental, social and gender policies. This oversight is exercised through the evaluation of project proposals, the monitoring of their implementation, and the conduct of annual, mid-term and final evaluations. It also collaborates with the Investigative Team (IT) of the Governance Compliance and Grievance Handling Unit (GCGHU) in following up and handling complaints received under its jurisdiction.

Evidence: A physical object, record, document in any form, statement, or other information intended to prove the existence or nonexistence of a claim or fact.

Executive Secretary: The Executive Secretary of the OSS.

External whistleblowers and witnesses: Whistleblowers and witnesses who are not Covered Individuals.

False or Malicious Report: Any inaccurate or misleading report made intentionally or recklessly, to gain an improper advantage and/or cause harm to any person or entity.

Fraud: Any use of deception with the intent to obtain an unfair advantage of any kind for oneself or for a third party through omission, misrepresentation, concealment of facts, or any other method that knowingly or recklessly misleads or avoids an obligation or causes harm to another party.

Governance Compliance and Grievance Handling Unit (GCGHU): Independent body within the OSS directly reporting to the Executive Secretary and responsible for ensuring adherence to governance principles and regulations. The GCGHU oversees the implementation of OSS policies and procedures, and addresses complaints or grievances raised by stakeholders, partners or any individual or entity working or involved in OSS activities. La GCGHU plays a critical role in promoting transparency, accountability and ethical conduct, while effectively managing and resolving any complaints or disputes that may arise within the Observatory.

Human Resources Unit (HRU): A body forming part of the OSS Administrative and Financial Department (AFD). Its duties mainly include recruitment, personnel and benefits management. It also deals with cases of misconduct and unethical behavior falling within its remit.

Investigative Team (IT): A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) charged with conducting investigations in conjunction with the appropriate OSS body.

Monitoring and Reporting Team (MRT): A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) responsible for monitoring and reporting any suspicious activity related to OSS activities.

Prohibited Practices Policy: The OSS' Policy for Prohibited Practices.

Prohibited Practices: Concrete actions that fall under the definition of OSS' Prohibited Practices Policy.

Retaliation against whistleblowers and/or witnesses: Any action, direct or indirect, that causes or is likely to cause harm to a whistleblower or witness (as defined in the OSS Whistleblower and Witness Protection Policy), or anyone associated with them, as a result of reporting suspected wrongdoing or cooperating in an OSS investigation.

Retaliation: Any harmful act, direct or indirect, recommended, threatened, or taken against a person.

Whistleblower: Any person, group of persons or entity who, with knowledge or a good faith belief in its truth, reports or intends to report a concern, allegation or other information indicating that wrongdoing is occurring or has occurred in the activities of OSS.

Witness: Any person, group of persons or entity that cooperates or seeks to cooperate in good faith with an investigation and provides information or evidence.

Wrongdoing: Any behavior or action that violates OSS policies is morally or ethically unacceptable, or is contrary to the standards or policies of the Observatory. Wrongdoing includes, but is not limited to, prohibited practices, unlawful acts or instructions involving violations of law, waste, mismanagement, abuse of power, conflict of interest, etc.

1- INTRODUCTION AND OBJECTIVE

The Sahara and Sahel Observatory (hereinafter OSS or Observatory), recognizing the importance of whistleblowers in bringing to light any wrongdoing or unethical behavior, has established this Whistleblowing and Witness Protection Procedure (hereinafter the Procedure or WWPP) to implement the principles to which it has committed itself in its Whistleblower and Witness Protection Policy.

The WWPP is designed to establish effective measures to meet regulatory requirements^{1,2,3} minimize financial, operational, and reputational risks, safeguard the resources entrusted to it, and ensure that those resources are used effectively and efficiently.

This would enable the Observatory to achieve the objectives set out in its policy on the protection of whistleblowers and witnesses, namely:

- Encourage individuals to report concerns about potential wrongdoing and/or unethical behavior within the Observatory or its activities without fear of retaliation, harassment or other adverse action as a result of reporting concerns.
- Provide clear guidelines for reporting such concerns.
- Ensure that reports are handled promptly and confidentially, with appropriate investigation and follow-up.
- Foster a culture of transparency, accountability, and ethical behavior within the Observatory.
- Enhance the reputation of the OSS by demonstrating a commitment to ethical behavior and responsible governance.

2- SCOPE

The scope of the WWPP includes all members of the OSS Board, staff or other persons working for the Observatory, as well as all counterparties (executing agencies, institutions, organizations, individuals, etc.) involved in the activities of the Observatory, who shall report any act of fraud, corruption or other violation of which they become aware, in accordance with the relevant policies of the Observatory⁴.

In accordance with the OSS Whistleblower and Witness Protection Policy, the Governance, Compliance and Grievance Handling Unit (GCGHU) is responsible for handling reports of suspected wrongdoing and will work with the appropriate authority in conducting the investigation.

¹ <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/18136242-EN-WHISTLE-BLOWING-POLICY-FINAL-FINAL-WKF.PDF>

² <https://www.greenclimate.fund/sites/default/files/document/policy-whistleblower-protection.pdf>

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

⁴ OSS' Protection of Whistleblowers and Witnesses, Anti-Money Laundering, Countering the Financing of Terrorism, and Prohibited Practices Policies

3- PROCEDURE STEPS

3.1. OVERVIEW

In accordance with the Observatory's Whistleblower and Witness Protection Policy, allegations of suspected wrongdoing may be reported by any person or entity to the GCGHU, which, through its Investigative Team (IT), will work with the appropriate body, such as the External and Internal Auditors, the Environmental and Social Committee (ESC) or the Human Resources Unit (HRU), to conduct the investigation.

In order to maximize the effectiveness of investigations, it is important to provide a comprehensive report and to include specific details whenever possible. For example, reports should aim to address the following inquiries to the best of their ability⁵:

- (1) What is the nature of the alleged wrongdoing suspected to take place?
- (2) When, where and how did the alleged wrongdoing occur?
- (3) Who was involved and may have knowledge of the matters being reported?

Relevant documents or other supporting materials should be attached to the report or submitted as soon as possible in person or through the following channels:

Email:	gcghu@oss.org.tn
Hotline:	+216 71 206 633/634
Mailing Address:	Governance Compliance and Grievance Handling Unit Observatoire du Sahara et du Sahel BP 31. Boulevard du Leader Yasser Arafat., Tunis 1080 Republic of Tunisia

Upon request, whistleblowers and witnesses, regardless of their status as Covered Individuals or External Whistleblowers and Witnesses, will receive temporary protection for themselves and their families before, during and after an investigation, as necessary to ensure their safety and well-being.

Full cooperation with GCGHU investigations is expected from all OSS employees, board members, and other individuals associated with OSS. No authorization or approval is required for them to provide such cooperation. Failure to comply or impeding the investigative process may result in disciplinary action, depending on the severity of the case, including one or more of the following:

- Written warning or reprimand,
- Wage deduction,
- Temporary or permanent suspension
- Legal action

⁵ These details are not required for an investigation to commence, and their absence should not prevent a report from being made, nor should it prevent the GCGHU or any other investigating authority from carrying out their duties in relation to reports of suspected wrongdoing.

Any person or entity involved in a report of suspected wrongdoing must be notified within a reasonable time of the allegations made against them, provided that such notification does not interfere with an ongoing investigation of the suspected wrongdoing. In addition, in accordance with the principle of due process, no determination shall be made with respect to a Covered Person or Entity if the Covered Person or Entity has not been given an opportunity to respond to the report of suspected misconduct.

In accordance with the guidelines set forth in the Observatory's Whistleblower and Witness Protection Policy, the GCGHU will establish and make publicly available a case registry of reports of suspected wrongdoing. Disclosure of this registry will be made in accordance with OSS policies and standards regarding disclosure of information.

Any person or entity making a false or malicious report is not protected by the Observatory's Whistleblower and Witness Protection Policy and will be subject to one or more of the following sanctions or disciplinary actions:

- Written warning or reprimand,
- Salary deduction,
- Temporary or permanent suspension,
- Contract suspension,
- Legal action,
- Blacklisting or exclusion.

Covered Individuals who retaliate against external whistleblowers and witnesses, or whistleblowers and witnesses who are Covered Individuals, will be subject to sanctions, which may include one or more of the following:

- Salary deduction,
- Temporary or permanent suspension,
- Legal action.

Similarly, any Counterparty that directly or indirectly disregards, encourages, participates in, or engages in retaliation against whistleblowers or witnesses will be subject to the following sanctions:

- Contract suspension,
- Legal action,
- Blacklisting or exclusion.

3.2. PROCEDURE STEPS

Any report of suspected wrongdoing shall be made to the Monitoring and Reporting Team (MRT) of the Governance Compliance and Grievance Handling Unit (GCGHU). The MRT will acknowledge receipt of the complaint within three (3) working days. Upon receipt of sufficient evidence, the MRT will have five (5) working days to evaluate the validity of the report before deciding whether to conduct an investigation or close the case.

If the preliminary assessment reveals concrete and credible information in line with the acts covered by the Whistleblowing Policy, a proper investigation will be launched within two (2)

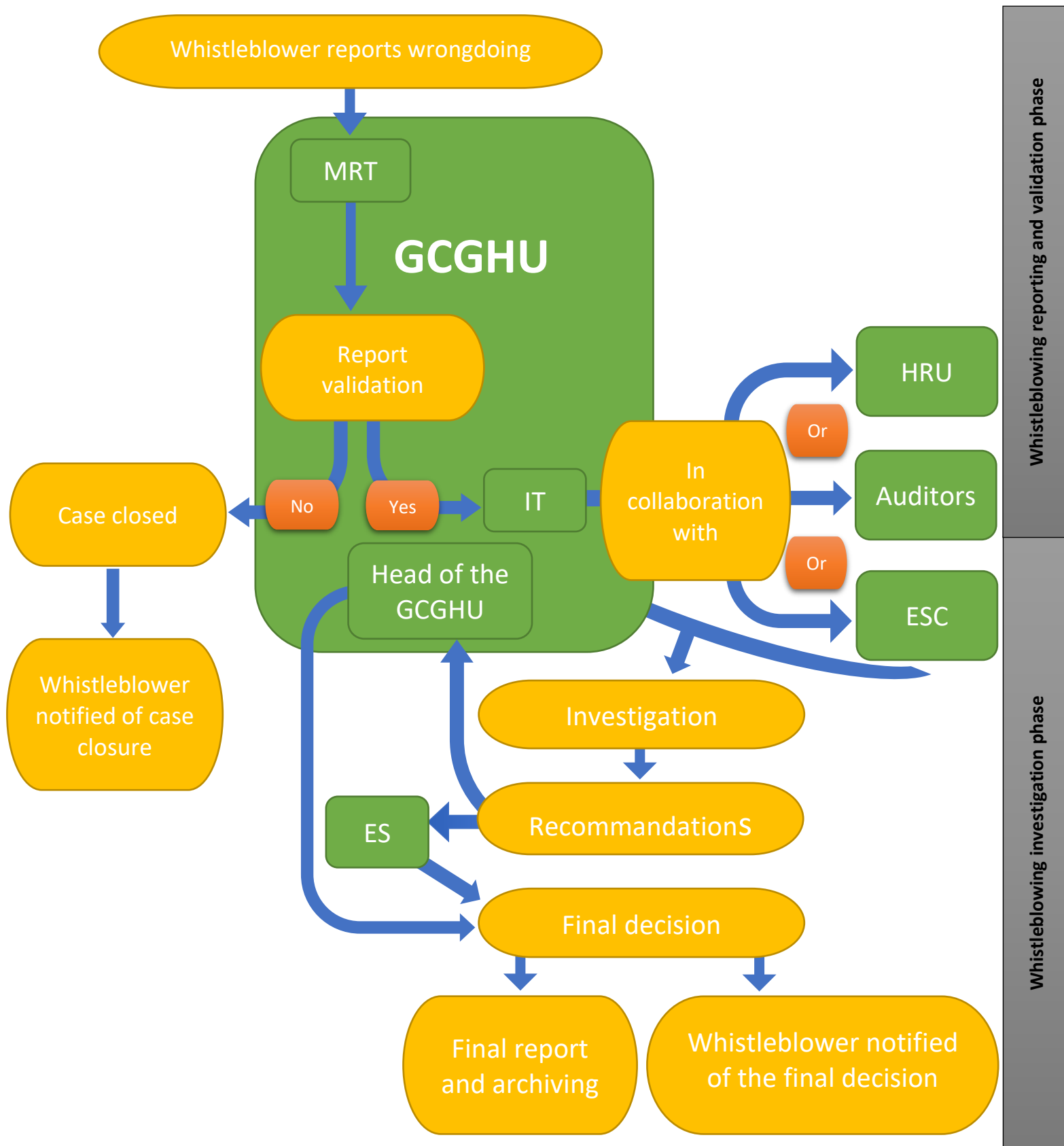
working days by the Investigative Team (IT) of the GCGHU in collaboration with one of the OSS bodies (External and Internal Auditors, ESC or HRU), as appropriate, depending on the nature of the reported wrongdoing. The investigation will follow the appropriate OSS procedures (Comprehensive Procedure for Prohibited Practices, or Comprehensive Mechanism for Claims, Social and Environmental Protection) in conducting investigations and will provide protection to whistleblowers and witnesses in accordance with the OSS Whistleblower and Witness Protection Policy.

Upon completion of the investigation, the investigative body and the IT shall draft recommendations and corrective and/or disciplinary actions (if any) within 10 working days and submit them to the Executive Secretary (ES) and the Head of the GCGHU, who shall determine the final action to be taken, if any. The whistleblowers will then be informed of the final results of the investigation.

Upon completion of the case, the entity involved in conducting the investigation together with the IT, shall prepare a final report and record the case in the appropriate grievance registry within twenty-two (22) working days. The final report shall be submitted to the ES upon completion.

The GCGHU shall include the final report in the annual report it submits to the Executive Secretary for information. The ES may forward the report to the OSS Board and Funds as appropriate.

4- FLOW CHART



5- WHISTLEBLOWING AND WITNESS PROTECTION PROCEDURE

What?	How?	Who?
Step 1 – Reporting Wrongdoing	Developing a complaint report by expanding on the whistleblower's report	MRT
Step 2 – Wrongdoing report validation	Assessing the authenticity of the whistleblower's report and evidence to determine the validity or invalidity of the complaint	MRT
Step 3 – In case wrongdoing report is validated, conduct investigations	<ul style="list-style-type: none"> Implementing precautionary measures to protect the whistleblower and address the situation Wrongdoing investigation 	IT and the appropriate body (ESC, HRU or External and Internal Auditors)
Step 4 – Recommendations	Formulate recommendations, corrective actions, and possible disciplinary action (if applicable)	IT and the appropriate body (ESC, HRU or External and Internal Auditors)
Step 5 – Final decisions	<ul style="list-style-type: none"> Make a final decision regarding implementation of recommendations, corrective actions, and potential disciplinary actions (if applicable) Inform the whistleblower about the final decision 	ES and the head of the GCGHU
Step 6 – Final report	Preparation of a comprehensive final report detailing the entire case	IT and the appropriate body (ESC, HRU or External and Internal Auditors)

Step 7 – Archiving	Recording of the case	IT
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6- EFFECTIVENESS AND REVIEW

This Procedure shall be effective upon adoption by the Executive Secretary of the OSS. It will apply, to the extent possible, to all ongoing OSS projects and programs, as well as those approved after the effective date.

This Procedure will remain in effect until amended or replaced. It will be reviewed and updated as necessary.