



**GREEN
CLIMATE
FUND**

Meeting of the Board

16 – 19 March 2021

Virtual meeting

Provisional agenda item 8

GCF/B.28/Inf.05

19 February 2021

Report on the activities of the Independent Redress Mechanism

Summary

This report provides an update on the progress made with regard to the activities of the Independent Redress Mechanism (IRM). The reporting period is from 1 October 2020 to 31 January 2021 with budget utilization until 31 December 2020. The document summarizes the activities of the IRM based on the work plan and budget of the IRM for 2020 adopted by the Board at its twenty-fourth meeting, and for 2021 adopted by the Board at its twenty-seventh meeting.

I. Introduction

1.1 Background

1. The Independent Redress Mechanism (IRM) is mandated in paragraph 69 of the GCF's Governing Instrument. This paragraph states that "(t)he Board will establish an independent redress mechanism that will report to the Board. The mechanism will receive complaints related to the operation of the Fund and will evaluate and make recommendations." The IRM performs a key function within the GCF's accountability mechanisms. The IRM reports directly to the Board and is subject to the decisions of the Board. It is independent of the Secretariat of the GCF.

2. The report on the activities of the IRM provides an update on the progress made by the IRM. The report covers key priority initiatives identified in the work plan of the IRM for 2020, approved by the Board at its 24th meeting¹ and the work plan of the IRM for 2021, approved by the Board at its 27th meeting.² The reporting period is from 1 October 2020 to 31 January 2021 with the budget utilization until 31 December 2020.

3. The work plan of the IRM for 2020 and 2021 identified the following overarching goals to help guide the work of the IRM:

- (a) Processing grievances and complaints (including those that are self-initiated), and requests for reconsideration of funding decisions; and
- (b) Operating the IRM.

II. Impact of the COVID-19 pandemic, transformation of programmes and resilience

4. As previously reported, the Covid-19 pandemic has had a profound impact on the execution of the original 2020 workplan of the IRM. Planned capacity building and outreach activities under the work plan could not be conducted in person due to the pandemic but were quickly and seamlessly transformed and delivered through the adoption of technology-based solutions, virtual workshops and other creative means. The curtailment of travel and in person meetings necessary for problem solving and investigations into complaints were also transformed and carried out by the IRM, to the extent possible, through substitute online and virtual means. This was coupled with the employment of consultants on the ground where travel was otherwise restricted, and through other creative solutions.

5. Despite the challenges presented by Covid-19, the IRM is pleased to report that it was able to deliver on all the commitments made in its 2020 work plan and budget, in some cases exceeding targets. However, there has been underspending in 2020 as a result of the disruptions due to the pandemic which are beyond the IRM's control. Despite the overall budget underspend, there has been overspending on Professional Services as a result of the IRM having to contract with firms to offer support for online capacity building and outreach.

¹ Decision B.24/08.

² Decision B.27/10.

III. Processing complaints and reconsideration requests

3.1 Complaints and requests for reconsideration of funding decisions

6. The IRM processes (a) complaints from persons adversely affected by GCF funded projects or programmes, and (b) requests from developing countries for reconsideration of funding denied by the Board.

7. The IRM has not received any formal complaints or requests for reconsideration of funding proposals denied by the Board during the reporting period. The IRM has continued to problem solve the complaint received in relation to FP043, Morocco, and has continued to monitor the agreement reached with the Secretariat from the self-initiated into FP001, Peru, which are dealt with in turn below.

FP043: The Saïss Water Conservation Project in Morocco: As previously reported, the complaint centres around the insufficiency of the consultation conducted and the lack of information provided to the complainant(s) and others who are affected by this Project. Problem solving is ongoing, and the IRM has hired a local mediator and interpreter to support the case. Given the current ban on missions and meetings at the GCF, the IRM is facing considerable challenges in progressing the problem solving (mediation) at the heart of which is trust building among the various stakeholders.

FP001: Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru: As previously reported, the IRM continues to monitor the outcomes of its preliminary inquiry into FP001, Peru. Out of the four undertakings provided by the Secretariat, three have been completed - the issuance of guidance on Free Prior Informed Consent (FPIC) requirements, and on risk categorization for projects involving Indigenous Peoples, and the completion of a legal assessment/opinion examining the potential impacts of the creation of the Áreas de Conservación Ambiental (ACA) on collective land rights of indigenous people who are part of the project. The AE has reiterated and assured both the IRM and the GCF Secretariat that it will take into account all of the requirements to document the FPIC process and carefully manage the establishment of the ACA in line with the recommendations of the legal opinion and the GCF guidance that has been issued. The IRM continues to monitor the fourth undertaking – which is for the GCF Secretariat to ensure that the consent documentation submitted by Profonanpe for the establishment of the ACA is complete and compliant with the guidance. The IRM received a progress report from the GCF Secretariat on 31 December 2020³ indicating that there had been no update regarding the establishment of the ACA due to the Covid-19 restrictions that have not allowed the project to organise participative processes and consultations.

FP084: Enhancing climate resilience of India's coastal communities: As previously reported, this complaint was received on 20 May 2020. The complaint was about the clearance of mangroves for the development of a housing scheme in Andhra Pradesh. In July 2020, the IRM declared the complaint ineligible in the light of information which it received from the Accredited Entity (AE) that the housing scheme was not located within the FP084 project area, nor was the felling conducted by the AE. The IRM's eligibility determination setting out the reasons for its assessment of ineligibility is available on the IRM's website.⁴ The complaint was also referred by the IRM to the AE's grievance redress mechanism, the Social and Environmental Compliance Unit (SECU) of the United Nations Development Programme (UNDP), at the request of the

³ <https://irm.greenclimate.fund/sites/default/files/case/fp001-irm-progress-update-dec-2020.pdf>.

⁴ See: <https://irm.greenclimate.fund/sites/default/files/case/c0004-india-eligibility-determination-final-publication.pdf>.

complainant(s). On 14 January 2021, SECU declared the complaint eligible for further processing. SECU's finding of eligibility was made almost eight months after the IRM's finding of ineligibility. SECU's eligibility report is based on new information gathered by that mechanism from UNDP staff and the complainant(s) that was not available to the IRM at the time it made its eligibility determination. According to the eligibility report of SECU,⁵ "UNDP India informed SECU that the felling of the mangroves has potential impacts on its project". Based on additional information reviewed by SECU, SECU also determined that there "is ambiguity about whether the felled mangrove forest falls within part of the UNDP/GCF project area". The IRM is supportive of the handling of this complaint by SECU in accordance with paragraph 84 of the IRM's Procedures and Guidelines.

8. The IRM also processed, and subsequently closed, two pre-cases during the reporting period. A pre-case is a communication from an external party to the IRM that is registered in the Case Management System as a pre-case and may or may not mature into a complaint. The IRM has processed 10 pre-cases in 2020.

9. The IRM has not received any requests from developing countries for reconsideration of funding proposals denied by the Board during the reporting period.

IV. Operating the IRM

4.1. Progress on operating the IRM

10. **The implementation of the work plan and budget:** The terms of reference (TOR) of the IRM requires it to consult with the Ethics and Audit Committee (EAC) on the implementation of its work plan, as appropriate. As decided by the EAC, the IRM submits quarterly reports to the EAC regarding its work and the EAC provides valuable feedback.

11. **Staffing:** The IRM is currently staffed with three full time staff members, the Head of the IRM, the Compliance and Dispute Resolution Specialist and the Registrar and Case Officer. The IRM is recruiting for a Team Assistant for 2021, as approved in the IRM's 2021 work plan and budget. The IRM will also engage interns in 2021 to support its work.

12. **Consultancies and Professional Services:** The IRM was supported by a Communications and Events Assistant Consultant, whose contract ended in December 2020. The extra support offered through this consultancy was essential to enable the IRM to address the challenges presented by shifting its capacity building and outreach activities to online platforms. The IRM also worked with a professional firm, the Consensus Building Institute (CBI), to facilitate the virtual capacity building workshops. The IRM also has translation consultancy contracts in place to assist with Spanish and Arabic translations in its Peru and Morocco cases, and has hired a local mediator and a French interpreter from its mediation and translator rosters respectively, to assist with the Morocco case.

13. **Guidelines for Board consideration of IRM reports:** While adopting the Procedures and Guidelines (PGs) of the IRM at B.22 in February 2019 the Board requested that the Head of the IRM, in consultation with the EAC, consider options to facilitate the Board's consideration of reports from the IRM containing its findings and recommendations relating to requests for reconsideration and grievances or complaints. The IRM prepared the Guidelines in consultation with the Office of General Counsel and the draft was considered at several meetings of the EAC. The EAC approved the draft Guidelines and the Co-Chairs circulated the same to the Board

⁵ SECU's eligibility determination is available at:

https://info.undp.org/sites/registry/secu/SECU_Documents/SECU0014_%20Eligibility%20Determination_Final7d1398a4c104412397f3883f9d403d29.pdf.

and Active Observers for consultation and feedback. There were no comments or feedback from Board members at that stage. Feedback from Active Observers was incorporated. The revised draft of the Guidelines was thereafter considered again by the EAC and approved for presentation to the Board for adoption at the 27th meeting of the Board. While the draft Guidelines was on the agenda of B.27, it could not be considered by the Board for lack of time. The Co-Chairs decided to circulate the draft Guidelines for adoption as a between Board meetings decision. One objection having been received by a Board member with several suggestions for revision, the matter is now pending with the Co-Chairs.

14. **Supporting Operating Procedures (SOPs) for the IRM:** The bulk of the IRM's SOPs were issued on 21 February 2020 by the Head of the IRM under paragraph 7 of the PGs. In October 2020, after an extensive consultation process, the IRM issued its SOP on retaliation. In November and early December, IRM staff also received training, together with staff from the IIU, on how to address risks of retaliation. Following this training, the IRM updated its SOP on retaliation to take into account the lessons learnt. The IRM is still finalising SOPs concerning its capacity building mandate and case management system.

4.2. Communications strategy

15. The IRM undertook several activities based on its communication strategy in the reporting period, despite having to make adjustments to planned activities in light of the Covid-19 pandemic:

- (a) **Civil Society Outreach:** As previously discussed, the IRM shifted all outreach plans for 2020 to online virtual platforms. During the reporting period, the IRM offered a dedicated online session for public interest lawyers who are members of the Environmental Law Alliance Worldwide (ELAW) in October, recognising that environmental public interest lawyers are often the connectors between local communities and redress mechanisms. In October, civil society participants from the Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan joined the IRM and its local partner – the Socio-Ecological Fund (SEF) - for a 1-day workshop. This event brought together CSOs and other stakeholders from across the region. This was followed by a similar event for another group of civil society representatives from the Central Asian region in January 2021, offered in partnership with the Association for Human Rights in Central Asia. Based on our previous experiences, the IRM used pre-recorded presentations in Russian to reduce technical challenges and allow sufficient time to engage in meaningful dialogue and discussions.
- (b) **Communications materials:** The IRM published its fifth issue of its newsletter “Redress Counts” in November. This newsletter was widely distributed to all Board members, Advisors and stakeholders on the IRM's growing stakeholder database, which is regularly updated and maintained. This newsletter was also made available in Spanish and French for the first time.
- (c) **Website:** In line with the Secretariat's migration to a new website platform, the IRM migrated its website to the new platform in January 2021.⁶ The IRM's new website has a number of innovative features, including an updated public register of cases, which is integrated with its Case Management System, as well as individual case pages, which contain detailed information on individual cases. The upgraded website of the IRM is also more user friendly and accessible.
- (d) **Social media:** In order to increase awareness and the reach of the IRM's communications, the IRM has ramped up its social media presence and is actively

⁶ <https://irm.greenclimate.fund/>.

posting on Facebook and Twitter. The IRM also has a YouTube channel and has produced a number of videos on topics including how and when to file a complaint, the benefits of having a grievance mechanism, and interviews with Direct Access Entity staff participants from the IRM's capacity building workshops. These videos are also available on a dedicated new page on the IRM's website.⁷

- (e) **Inreach:** The IRM started a new series of virtual inreach events (i.e. events for GCF colleagues) called the IRM's Dialogue and Learning Forum in 2020. In early October, the IRM hosted one of these sessions on the external review of the IFC's Environmental and Social safeguards as well as the mandate and functioning of the Compliance Advisor Ombudsman (the IFC's accountability and redress mechanism). For this event the IRM invited a guest speaker, Professor Arntraud Hartmann, one of the members of the external review team. The IRM also co-hosted a virtual lunchtime discussion with the Office of General Counsel for GCF staff in early December on the implications of recent updates in the *Jam v IFC* litigation, brought about as a result of claims made against the IFC regarding its investments in the Tata Mundra power plant in India.

4.3. Providing advice

16. The IRM's advisory report on the prevention of sexual exploitation, harassment and abuse in GCF funded projects and programmes (Pr&PSEAH) was presented to the Board, along with the Secretariat's response, at B.26 and both were noted by the Board.⁸
17. In the Secretariat's Technical Assessment of the SEAH Policy Report,⁹ submitted to the Board as an information document at the 27th meeting of the Board in November 2020, the Secretariat's independent consultant makes multiple references to the IRM's Advisory Report, with many of the recommendations to the Board mirroring those made by the IRM. The IRM's Advisory Report was also cited by the World Bank in its Emerging Lessons Series No. 6, Insights of the World Bank Inspection Panel: Responding to Project Gender-Based Violence Complaints Through an Independent Accountability Mechanism.¹⁰ The IRM has also engaged during the reporting period with the GCF's Office of Risk Management and Compliance (ORMC) and the Office of the General Counsel (OGC) and has provided input into the revised Sexual Exploitation, Abuse and Harassment Policy to be presented at a future Board meeting.

4.4. Capacity building of direct access entities' grievance mechanisms

18. The IRM organised a regional workshop of three weeks for the Asia and the Pacific region in October. Over 20 participants attended the Asia Pacific regional workshop, and the training has also been more comprehensive than an in-person event would have been given the ability to stretch the workshop over a three week period with participants required to complete online learning modules prepared by the IRM on their own throughout the workshop period. In addition to the online modules serving as a key tool for learning during the IRM's capacity building workshops, the modules are also publicly available on the GCF's iLearn platform for all accredited entities and any member of the public interested in learning about how to set up and implement an effective GRM.¹¹ During the reporting period, the IRM also engaged a French and

⁷ <https://irm.greenclimate.fund/resources/multimedia>.

⁸ The IRM's advisory report and the Secretariat response are available on the IRM website - <https://irm.greenclimate.fund/resources/advisory-reports>.

⁹ Available at: <https://www.greenclimate.fund/sites/default/files/document/gcf-b27-inf12-add01.pdf>.

¹⁰ Available at:

<https://inspectionpanel.org/sites/inspectionpanel.org/files/publications/Emerging%20Lessons%20Series%20No.%206-GBV.pdf>.

¹¹ Online modules available at: <https://ilearn.greenclimate.fund/thematicarea/detail?id=8>.

a Spanish translator to translate the online modules, and the IRM plans to make the translated modules available publicly soon. The IRM also hosted an online “soft launch” of the Grievance Redress and Accountability Mechanism (GRAM) community of practice in early December, bringing together those DAE representatives who have received training in the online workshops, and other stakeholders, both from the public and private sector, who are actively involved in managing and exploring good new practices in the operation of accountability and redress mechanisms. Over 100 participants attended the soft launch, and the IRM has received encouraging feedback and suggestions for how to take the community of practice forward in 2021.

4.5. Independent Accountability Mechanisms Network (IAMnet)

19. The IRM has continued to be active within the IAMnet community and has engaged with IAMnet members on its community of practice plans for second generation practitioners.

V. Budget utilization for the reporting period

20. The utilization of the 2020 budget until 31 December 2020 is shown below.

Independent Redress Mechanism Unit Budget Utilization as of 31 December 2020 (in USD)

		2020 Approved Budget	Actual expenditure to 31 December 2020	Balance	% spent
3.1	Staff, Consultants and Interns Costs				
3.1.1	Full-time Staff	759,893	680,347	79,546	90%
3.1.2	Consultants & Interns	136,820	73,809	63,011	54%
	Sub-total: Staff, Consultants and Interns	896,713	754,156	142,557	84%
3.2	Travel				
3.2.1	General	56,433	6,905	49,528	12%
3.2.2	Travel associated with complaints/request	95,160	-	95,160	0%
	Sub-total: Travel	151,593	6,905	144,688	5%
3.3	Contractual Services				
3.3.1	Contractual Services	45,240	74,073	(28,833)	164%
3.3.2	Operating costs	196,692	16,317	180,375	8%
3.3.3	Information, Communication and Technology	31,000	31,000	-	100%
	Sub-total: Contractual Services	272,932	121,390	151,542	44%
	Grand total (1+2+3)	1,321,238	882,451	438,787	67%

Notes

Actual expenditure for the Independent Redress Mechanism totaled USD 882,451 against an approved annual budget of USD 1,321,238 (67 per cent).

The IRM has underspent in three key areas. The underspend in “consultants and interns” is due to the IRM not having contracted consultants for complaints handling. The IRM had budgeted for three complaints in 2020, where consultants could be hired to provide support. The IRM received three complaints in 2020, but only one proceeded past the eligibility phase, and consultants to support this complaint were only hired in January 2021. The IRM’s significant underspend in travel is due to the COVID-19 pandemic, which has resulted in the cancellation of all of the IRM’s in person events and has prevented the IRM from conducting an on-site investigation for the eligible complaint received. The IRM’s underspend under “operating costs” is also as a result of the COVID-19 pandemic, because the IRM had budgeted for venue hire, catering and participant transport costs for IRM events under this item, and none of these in-person events took place. Despite the overall budget underspend, there has been overspending on Contractual Services as a result of the IRM having to contract with firms to offer support for online capacity building and outreach.