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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 February 2020 to 30 June 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.

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 meeting.¹ The reporting period is from 1 February 2020 to 30 June 2020.

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

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

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

2.1 Impact of the Pandemic on the IRM's Work Plan

4. With the onset of the COVID-19 Pandemic in February 2020, the staff of the IRM commenced remote working. Two staff members and a short-term consultant relocated to their home countries, a 3rd staff member and intern were sequestered in South Africa while on mission to conduct an outreach workshop and an intern remained in South Korea as this was her home country. Thankfully, South Africa was the home country of the staff member and intern, and the staff member was able to return to South Korea in May.

5. The pandemic also had a disruptive impact on the IRM work plan relating to capacity building of the staff of grievance redress mechanisms of direct access entities and outreach events planned for civil society. All planned workshops, including a capacity building workshop planned in Songdo for April 2020 had to be cancelled, with no likelihood of them being held in 2020.

6. Case management was also adversely impacted by the pandemic as on-site problem-solving missions could not be conducted because of travel restrictions and staff and stakeholder safety considerations. The IRM remains hopeful that with the gradual lifting of travel restrictions, some of these necessary activities can be resumed.

¹ Decision B.24/08.

2.2 Transforming the delivery of the IRM's Work Plan for 2020

7. Given the COVID-19 challenges, the IRM team reported them to the Ethics and Audit Committee and the Budget Committee and with feedback from them, commenced the process of creatively re-imagining and transforming the work plan activities to ensure that the 2020 Work Plan objectives and goals are met. It became clear that much of the capacity building and outreach objectives can be transformed for delivery through virtual and digital means. While some aspects of mediation require site visits, like meeting with communities, building personal trust, etc. some other aspects could be conducted virtually.

8. The IRM team therefore re-vamped the outreach and capacity building programs for delivery through virtual and digital means. The IRM hired a short-term consulting firm (the Consensus Building Institute (CBI)) to develop online capacity building training courses. Using digital platforms, the IRM has now designed three online training courses conducted live for direct access entities in Africa, Asia and Latin America. The online training courses use the online training modules previously developed for the IRM by CBI as the core course materials. The live sessions, conducted over a period of three weeks per region, are used to guide participants through the materials and to supplement the materials with discussions and the sharing of experiences on key topics by the IRM, CBI and guest speakers who are experts in grievance mechanisms and dispute resolution. The live sessions are instantly translated into Spanish and French. Participants who successfully complete the online training will receive a certificate issued by the GCF-IRM, in collaboration with CBI and Harvard-MIT. Similar transformations have been made to the outreach program.

9. The first online virtual two-day outreach event was held in June for civil society organisations in the Pacific with 23 attendees from 8 countries. The first virtual capacity building program to be held over three weeks commenced on the 11th of July with 26 participants from 12 countries and 12 AEs. Based on these events, the IRM will improve delivery of the programmes, learning lessons on the way.

2.3 Lessons in resilience and carbon savings

10. The COVID-19 Pandemic has presented many challenges to the IRM. Yet through creative approaches, digital technology and appropriate re-design of some of the IRM's Board mandated programs, the IRM has been able to continue delivering its mandate seamlessly. A noteworthy foundation to this process was the IRM digital case management system and the GCFs ICT platforms put in place and continuously improved by the ICT Division of the Secretariat. In the result, there has been underspending in travel budgets as well as other budgetary allocation for costs of accommodation, venue hire, etc.

11. On the positive side, the reduction in travel due to travel restrictions has also resulted in savings on carbon emissions. Experiences in 2020 with digital platforms and online virtual delivery of training and outreach will be factored into the development of the 2021 Work Plan and budgets. The success of virtual events remains to be seen. While the IRM has learnt that much can be accomplished through virtual events, there is still a need for in-person events and site visits in certain circumstance (for example, in regions with poor connectivity, and in scenarios where trust building, or the building of a community of practice is the goal).

III. Operating the IRM

3.1 Progress on operating the IRM

12. **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. During the period under review the IRM submitted a quarterly report for the period 1 January 2020 to 31 March 2020 to the EAC and a special report on the impact of COVID-19 on the IRM's work plan and budget was submitted to the EAC and the Budget Committee. A second quarterly report covering the period 1 April 2020 to 30 June 2020 was also submitted to the EAC in early July.

13. **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 also supported by two interns whose contracts have been extended until October 2020. These extensions were necessary to support the IRM's capacity building and outreach programmes, which have undergone significant changes in response to adapting to the COVID-19 pandemic. In August 2020, two new interns will commence their 6-month contracts with the IRM.

14. **Consultancies:** The IRM is supported by a Communications and Events Assistant Consultant, whose contract was extended from June 2020 to October 2020 to assist with virtual capacity building and outreach. The IRM has also awarded a sole sourced consultancy contract to the Consensus Building Institute (CBI) to facilitate the virtual capacity building workshops (discussed in more detail above). CBI had previously assisted the IRM with a capacity building workshop in 2019, and with the IRM's online learning modules. CBI have specialized knowledge of grievance redress mechanisms, and proven capacity to deliver virtual trainings. The IRM also currently has two translation consultancy contracts in place to assist with Spanish and Arabic translations in its Peru and Morocco cases. These translators were appointed from the IRM's Roster of Translators (Spanish through competitive bidding amongst all Spanish translators on the roster, and Arabic through a sole sourced contract because only one of the Arabic translators on the IRM's roster is versed in Moroccan Arabic). The IRM also anticipates that it will need to appoint a local mediator from its Roster of Mediators to assist with the Morocco case.

15. **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 has developed such guidelines in consultation with the EAC. The EAC, after several meetings and revisions to the draft, has decided by consensus to recommend and forward the final version to the Board for its consideration and adoption at B.26.

16. **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. Modules concerning the IRM's capacity building mandate, case management system and retaliation are still under development and will be issued later in the year once more experience in those areas has been gained. With regard to the retaliation SOP, the IRM conducted an extensive public consultation process during the reporting period, and the IRM is finalising its SOP with assistance from OGC, based on the feedback received.

3.2 Communications strategy

17. 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 discussed above, the IRM has shifted all outreach plans for 2020 to online virtual platforms, with the goal of hosting three virtual events in regions/countries identified as priority areas for outreach based on the IRM's assessment of the GCF's portfolio of projects using a set of risk criteria. In June 2020, the IRM hosted its first online outreach event for the Pacific region. This event was well attended (23 participants from Fiji, Philippines, Australia, Indonesia, Papua New Guinea, Vanuatu, Marshall Islands, and Tonga), and included both information sessions, and interactive working sessions using online polling functions. The IRM also made use of breakout rooms in its online platform, so that smaller group discussions could still be accommodated as part of the agenda.
- (b) **Communications materials:** In March, the IRM published its 2019 Annual Report, which is available on its website² and in hard copy. The IRM published its third newsletter "Redress Counts" in April.³ The IRM finalised two short videos which explain the benefit of having an independent redress mechanism,⁴ and when and how the IRM responds to complaints.⁵ These videos are available on the IRM's website and YouTube channel, and have been shared widely with stakeholders. The IRM has also translated the script for these videos, and has made subtitled versions available in Spanish, French, Arabic and Portuguese. The IRM has continued to translate its complaints brochure into other languages, adding Portuguese, German, Korean, Swahili, Vietnamese and Mongolian to its long list of translated versions. The IRM, together with the Independent Integrity Unit and in consultation with OGC, has also published a brochure on how the GCF can protect people from retaliation in relation to IRM and IIU processes.
- (c) **Website:** In line with the Secretariat's migration to a new website platform, the IRM is preparing to migrate to this same platform and is introducing new features to its website as part of this migration process. The IRM will soon have an updated public register of cases on its website, which will be integrated with its Case Management System, as well as individual case pages, which will contain detailed information on individual cases. The upgraded website of the IRM will be more user friendly and accessible.

3.3 Providing advice

18. In 2019, the IRM developed an Advisory Report on the prevention of sexual exploitation, harassment and abuse (Pr&PSEAH) in GCF funded projects. The Secretariat provided a management response to the IRM's Advisory Report in January 2020 and the IRM presented its Advisory Report and the Secretariat's management response to the EAC. Subsequently, the GCF

² See: <https://irm.greenclimate.fund/documents/1061332/1197271/IRM+Annual+Report+2019/1ebf8082-6970-550e-9596-f82ab652eb6e>

³ See: <https://mailchi.mp/gcfund/newsletter-of-the-independent-redress-mechanism-of-the-gcf-ht4p6x38mh?e=1553ebad8e>

⁴ See: <https://youtu.be/UXgzjwC9Phg>

⁵ See: <https://youtu.be/1LanbriVhfs>

Board took the decision to suspend⁶ the provisions of the updated SEAH Policy⁷ relating to third parties (i.e. the types of SEAH acts covered by the Advisory Report). As such, certain contextual amendments to the Advisory Report and management response were necessary. These amendments have now been made, and the revised Advisory Report and management response has been approved by the EAC for presentation to the Board as an information document.

3.4 Capacity building of direct access entities' grievance mechanisms

19. As discussed above, the IRM had planned to host a three-day workshop from 6-8 April 2020 to bring together grievance redress mechanisms (GRMs) of DAEs, international accountability mechanisms, CSOs, academics and other grievance redress and accountability practitioners to share experiences and knowledge, provide training to GRMs and to learn from each other. Extensive preparations for this workshop were underway, but the IRM took the decision to postpone the workshop given the global COVID-19 pandemic. As discussed above, the IRM has instead developed a virtual training workshop for GRMs of DAEs, to ensure that it meets its training commitments under the 2020 work plan. Three regional capacity building workshops of three weeks each are planned for the remainder of the year (Latin America and the Caribbean in July; Africa in August/September; and Asia and the Pacific in October).

3.5 Independent Accountability Mechanisms Network (IAMnet)

20. The IRM has continued to be active within the IAMnet community. The IRM is a member of the Governance Committee of the IAMnet, which is working on governance reforms for the network. IRM staff are also contributing to three IAMnet good practice notes on dispute resolution; advisory functions; and on evidentiary and interpretation standards.

IV. Processing complaints and reconsideration requests

4.1 Complaints and requests for reconsideration of funding decisions

21. 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.

22. During the period under review the IRM received two complaints.

23. The first complaint relates to FP043: *The Saïss Water Conservation Project in Morocco*. 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. The complaint also raises concerns relating to access to water and the affordability of that access. This complaint was declared eligible for further processing in April 2020. In June 2020 the IRM concluded the initial steps and process choice phase. During the consultation process, the four potential parties, namely the complainant(s), the GCF Secretariat, the European Bank for Reconstruction and Development (EBRD) and the Moroccan Ministry of Agriculture and Maritime Fisheries (MAMF), indicated their willingness to resolve the issues through problem-solving processes, each of them acting in different capacities and roles of their choosing. It is hoped that this participatory and voluntary approach of problem-solving will assist the parties to develop a joint solution to the concerns raised by the complainant(s) in a way that is

⁶ Decision B.25/05.

⁷ Green Climate Fund, *Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment* (Decision B.23/16).

satisfactory to all parties involved in the process. The Initial Steps Report detailing the outcomes of this phase, and the next steps, is available on the IRM's website.⁸

24. The second complaint relates to FP084: *Enhancing climate resilience of India's coastal communities* and was received on 20 May 2020. The Accredited entity is the United Nations Development Programme (UNDP). Due to movement restrictions in India as a result of the COVID-19 pandemic, the complainant(s) requested more time to gather relevant information, and the IRM has, for reasons stated, extended the period for eligibility determination from 19 June 2020 to 20 July 2020.⁹

25. As at 30 June 2020, the IRM is also processing four pre-cases. 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.

26. 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 now 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. The IRM will continue to monitor the fourth undertaking. The GCF Secretariat has filed its 30 June 2020 progress report,¹⁰ and this is available on the IRM's website, along with the legal opinion.¹¹

27. The IRM has not received any requests for reconsideration of funding proposal denied by the Board during the reporting period.

⁸ See:
https://irm.greenclimate.fund/documents/1061332/1198301/C0003+Morocco_IRM_initial+steps_22+June+2020_Website+publication.pdf/1b70c307-f957-7518-6eb3-c1aebc10d6b4

⁹ See extension decision:
https://irm.greenclimate.fund/documents/1061332/1198301/C0004+India_IRM+extension+of+time+decision_eligibility_18+June+2020_Final+for+web+publication.pdf/9094fcee-38ee-a7a0-ba57-7be2f88a05a6.

¹⁰ See:
<https://irm.greenclimate.fund/documents/1061332/1198301/Memo+FP001+IRM+Progress+Update+June+2020.pdf/85bd915c-a703-ae5-abc6-ad48d3673c3b>.

¹¹ See:
<https://irm.greenclimate.fund/documents/1061332/1198301/Opinion+legal+ACA+Abril2020+%28English%29+26.04.20202+.pdf/ea1e59d9-38f1-3cd9-9581-8eb0e38cd7c0>.

V. Budget utilization for the reporting period

The utilization of the 2020 budget until 30 June 2020 is shown below.

Independent Redress Mechanism Unit Budget Utilization as of 30 June 2020 (in USD)

Items	2020 budget	Actual	Commitments	Sub-total	%	Remaining Budget
Staff Costs						
Full-time Staff[1]	759,893	310,033	-	310,033	41%	449,860
Consultants & Interns [2]	136,820	28,093	36,027	64,120	47%	72,700
Sub-total	896,713	338,127	36,027	374,153	42%	522,560
Travel						
General	56,433	6,377	1,739	8,115	14%	48,318
Travel associated with complaints/request	95,160		-	-	0%	95,160
Sub-total	151,593	6,377	1,739	8,115	5%	143,478
Contractual services						
Professional services	45,240	30,000	-	30,000	66%	15,240
Other operating costs	196,692	1,151	-	1,151	1%	195,541
Information Communication and Technology	31,000	15,500	-	15,500	50%	15,500
Sub-total	272,932	46,651	0	46,651	17%	226,281
TOTAL	1,321,238	391,155	37,765	428,920	32%	892,318

Notes

The underspending in travel is due to the COVID-19 global outbreak, which resulted in the postponement of the IRM's planned outreach workshop in March, and capacity building workshop in April 2020. The postponement of these events has also resulted in underspending in operating costs, since catering, venue hire, and other event expenses were budgeted for. More than half of the travel costs and part of the operating costs are also related to the investigation of complaints and hence dependent on complaints received. The IRM has not yet conducted a site visit for a case investigation in 2020, and the underspending in travel is accordingly due to savings in investigation related costs coupled with travel restrictions imposed by the COVID-19 pandemic.

The relatively high expenditure (66%) in contractual services is due to the annual payment of the Case Management System (CMS) maintenance fee, which is a once off fee of 20,000 USD for the year.

It is more than likely that the IRM's budget will be atypically underspent in 2020 due to COVID-19. More detailed analysis of budget utilization will be provided in future reports, including the IRM's 2021 Work Plan and Budget.