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# Redress

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## **Independent Redress Mechanism**

**Grievances and Complaints**

**Eligibility Determination**

**GCF Project FP084: Enhancing Climate Resilience of India's Coastal Communities**

**IRM Case: C-0004-India**

**20 July 2020**



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## Eligibility Determination

The Terms of Reference (TOR)<sup>1</sup> and the Procedures and Guidelines (PGs)<sup>2</sup> of the Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF) sets out how the IRM deals with grievances or complaints from a person, group of persons, or community who have been, or may be affected by the adverse impacts of a GCF funded project or programme. Once a grievance or complaint is received and registered by the IRM, the PGs require the IRM to determine if the grievance or complaint meets the eligibility criteria set out in paragraphs 20-21 and 23-24 of the PGs of the IRM. It is to be noted that this determination is procedural, and that it does not represent a judgement on the merits or the substance of the case.

### SUMMARY OF ELIGIBILITY DETERMINATION

For reasons stated in greater detail in this document, the IRM determines that this complaint is **ineligible** under the IRM's TOR and PGs.

### COMPLAINT AND PROCEDURAL HISTORY

The IRM first became aware of the complaint on 15 May 2020 through the GCF Secretariat, who referred it to the IRM for processing. The complainant(s) raised a concern that the State Government of Andhra Pradesh in India had announced a housing development that had caused the destruction of mangroves in a coastal regulation zone.

The IRM thereafter set up a virtual meeting with the complainant(s), wherein the complainant(s) confirmed their intention to submit a complaint concerning GCF funded project FP084: *Enhancing Climate Resilience of India's Coastal Communities*.<sup>3</sup> The complaint is that the GCF should have taken steps to stop the felling of mangroves for this housing development and should stop the housing development and the further felling of mangroves, because the GCF has a project in the state of Andhra Pradesh which claims to be conserving those mangroves.

FP084 was approved at the 21<sup>st</sup> meeting of the GCF Board on 20 October 2018, and is currently under implementation. The GCF's Accredited Entity for this project is the United Nations Development Programme ("Accredited Entity").

The IRM acknowledged receipt of the complaint in writing on 20 May 2020 and registered the complaint in its Case Management System. In acknowledging receipt, the IRM requested additional information from the complainant(s). The complainant(s) requested confidentiality, and the IRM is providing confidentiality in accordance with its TOR and PGs.

The IRM has also engaged with the GCF Secretariat project team and the Accredited Entity's focal point for this project. The project is to be implemented in 24 targeted landscapes in 12 coastal districts across the states of Andhra Pradesh, Maharashtra, and Odisha.<sup>4</sup> Through its engagement with the GCF and the Accredited Entity, the IRM sought to clarify whether the

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<sup>1</sup> Available at: [https://irm.greenclimate.fund/documents/1061332/1197271/B.BM-2017\\_10\\_-\\_Decision\\_of\\_the\\_Board\\_on\\_updated\\_Terms\\_of\\_Reference\\_of\\_the\\_Independent\\_Redress\\_Mechanism\\_Revised\\_.pdf/62f3e0e2-e866-ddff-0730-59e016f05de2](https://irm.greenclimate.fund/documents/1061332/1197271/B.BM-2017_10_-_Decision_of_the_Board_on_updated_Terms_of_Reference_of_the_Independent_Redress_Mechanism_Revised_.pdf/62f3e0e2-e866-ddff-0730-59e016f05de2)

<sup>2</sup> Available at: [https://irm.greenclimate.fund/documents/1061332/1197271/Procedures\\_and\\_Guidelines\\_of\\_the\\_IRM\\_FINAL.pdf/70368a01-5f20-c627-d410-2945f92d890b](https://irm.greenclimate.fund/documents/1061332/1197271/Procedures_and_Guidelines_of_the_IRM_FINAL.pdf/70368a01-5f20-c627-d410-2945f92d890b)

<sup>3</sup> <https://www.greenclimate.fund/project/fp084>

<sup>4</sup> For more information about the project, see: <https://www.greenclimate.fund/project/fp084>

housing development falls within an area which is part of one of the 24 targeted landscapes of the project.

The GCF Secretariat's portfolio management team confirmed that they were not aware of the housing development, and that the question of whether the housing development falls within an area included in one of the targeted landscapes of the project would need to be clarified with the Accredited Entity.

The location of the housing development in relation to the targeted landscapes of the project has been clarified by the IRM with the Accredited Entity. On a *prima facie* assessment<sup>5</sup> of the evidence presented by the complainant(s), Accredited Entity, the GCF Secretariat and collected by the IRM at this preliminary stage of the case, the IRM has concluded that the housing development area does not fall within an area targeted for mangrove conservation by the GCF project.

The project has seven targeted landscapes in Andhra Pradesh, one of which is in the vicinity of the housing development in East Godavari, and is described in the project proposal as the "Coringa Wildlife Sanctuary and surrounding communities". While the boundaries of the Coringa Wildlife Sanctuary are relatively well defined, and do not extend to the area of the housing development, the project's boundaries for "...and surrounding communities" was not clear from the project documentation reviewed. The Accredited Entity has confirmed that the project seeks to implement both conservation and livelihood activities in the targeted landscapes.

In relation to the East Godavari targeted landscape area, conservation activities are planned for the Coringa Wildlife Sanctuary, whereas the activities planned for the surrounding communities are livelihood and capacity building activities, which are only being planned for rural communities. The area falling under the Andhra Pradesh State Housing Scheme comes under the Kakinada urban block and is excluded from the targeted landscape area with regard to conservation and livelihood activities. There is also no information at this stage of the case to suggest that the housing development and the felling of mangroves for that development would have an adverse impact on the GCF project or its targeted landscapes or activities.

It is common ground, and undisputed, that the felling of mangroves for the housing development was not carried out by or under the authority of the GCF or the Accredited Entity, nor that it was as a result of the GCF funded project.

The IRM afforded an opportunity to the complainant(s) to submit relevant information in response to the material submitted by the Accredited Entity. Due to the Covid-19 global pandemic, and the movement restrictions that are currently in place in India, the complainant(s) requested more time to gather relevant information. The IRM accordingly extended the time period for the conclusion of the eligibility determination from 19 June 2020 to 20 July 2020,<sup>6</sup>

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<sup>5</sup> *Prima facie* is a Latin expression used to mean "on first encounter" or "on the face of it". The term is used to describe evidence that, unless displaced by counter evidence, would be sufficient at that point of the case to prove a particular proposition or fact. A *prima facie* conclusion can always be displaced by evidence to the contrary at a later stage. At this preliminary stage of the case, the IRM applies the balance of probabilities standard in accordance with paragraph 93 of the PGs, on the evidence that is *prima facie* available to it in order to decide on the eligibility of the complaint.

<sup>6</sup> 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](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).

and communicated to the complainant(s) that any relevant information should be provided by 13 July 2020. Even though an extension of time was granted by the IRM, no information relevant to the boundaries of the project area has been supplied by the complainant(s). The complainant(s) have informed the IRM that they are still facing challenges in gathering information due to Covid-19 concerns in India.

## ELIGIBILITY CRITERIA

The IRM examined the eligibility of the complaint against the eligibility criteria set out in paragraphs 20-21 and 23-24 of the PGs of the IRM. The primary eligibility criteria and the IRM's *prima facie* findings in relation to these criteria are set out in the table below.

<b>Criterion</b>	<b>Yes/No</b>	<b>Reason(s)</b>
Was the grievance or complaint filed by a person, group of persons, community (or any duly authorised representative of the aforementioned groups) who have been or may be affected by the adverse impacts of a GCF funded project or programme?	No	On the basis of the information reviewed, the felling of the mangroves for the housing development in Andhra Pradesh did not occur within the project area of FP084, nor was the felling conducted by, or on behalf of, the GCF or the Accredited Entity. As such, any negative impacts resulting from the felling of mangroves for the development of the housing scheme are not as a result of the GCF funded project.
Was the grievance or complaint submitted to the IRM before whichever is the later of the following two dates:  (a) Two years from the date the complainant becomes aware of the adverse impacts referred to in paragraph 20 of the PGs; or  (b) two years from the closure of the GCF funded project or programme.	Yes	The complaint was submitted on 20 May 2020. At the time of submission the project was under implementation and the estimated date of completion is June 2025. The complaint was accordingly submitted to the IRM before the later of the dates mentioned in paragraph 23 of the IRM's PGs.
Does the grievance or complaint fall into any one or more of the exclusions listed in paragraph 24 of the PGs?	No	None of the exclusionary criteria appear to be triggered by this complaint.

## **ELIGIBILITY DETERMINATION**

For the reasons stated above, the IRM determines that this complaint is **ineligible** under the IRM's TOR and PGs. No further steps will be taken by the IRM regarding this complaint, and this case will now be closed.

Although not the substance of this complaint, the complainant(s) have, in response to a question from the IRM, stated that they were not consulted with regard to the determination of the boundaries of the project. The Accredited Entity has stated that its efforts to consult communities after the project was launched have been disrupted and delayed by Covid-19. As the Accredited Entity engages with stakeholders to further delineate the sites of intervention within the targeted landscapes for this project, the IRM hopes that the complainant(s) and local communities in and around the targeted landscapes are fully engaged in that consultation process.

The IRM is willing to review and re-open this case if it receives new material information or evidence from the complainant(s) that was unavailable to them at the time of this eligibility determination, especially in the light of the ongoing Covid-19 pandemic in India and globally. This eligibility determination will not prejudice the right of the complainant(s) to approach the Accredited Entity's accountability and grievance redress mechanisms or the powers of those mechanisms to entertain and process such a complaint.

[Signed]

**Lalanath de Silva, Ph.D, LL.M**

Head Independent Redress Mechanism

Green Climate Fund

Songdo International Business District

175, Art Center-daero, Yeonsu-gu, Incheon 406-840

Republic of Korea

Prepared by:

**Christine Reddell, B.A, LL.B, LL.M**

Registrar and Case Officer of the Independent Redress Mechanism

Green Climate Fund