

Redress

Independent Redress Mechanism

IRM Initiated Proceedings: C-0002-Peru

8 May 2019



**GREEN
CLIMATE
FUND**

Summary of the Preliminary Inquiry Report, and Undertakings Provided by the GCF Secretariat

GCF Project FP001 - *Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru*

Date 8 May 2019

About the Independent Redress Mechanism

1. The Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF) was established under article 69 of the Governing Instrument of the GCF, and by the adoption of the IRM's Terms of Reference (TOR) by the GCF Board (updated and revised in 2017). The Board, at its 22nd meeting in February 2019, adopted a set of Procedures and Guidelines (PGs) for how the IRM will carry out its functions.
2. One of the IRM's five functions is to address complaints and grievances from people who have been or who may be affected by adverse impacts of a GCF funded project or programme. The investigation of complaints or grievances by the IRM is triggered either through the submission of a complaint by a person or group of persons, or community or by the IRM in circumstance where self-initiated (*suo moto*) proceedings are justified.

Proceedings initiated by the IRM (*Suo moto* proceedings)

3. As a matter of principle, it is generally preferable for adversely impacted person/s or communities to bring their own complaint to the IRM rather than the IRM triggering its own proceedings. However, paragraph 12 of the IRM's TOR establishes the basis for the IRM to initiate proceedings on its own to investigate grievances when certain criteria are met. Paragraphs 71 and 72 of the PGs further explain the criteria and procedure for these proceedings.
4. If the following three criteria are met the IRM **may** initiate its own proceedings are:
 - a. The IRM must have received information from a credible source that a GCF funded project or programme has adversely impacted or may impact a person, group of persons or community.
 - b. The information received must, if true, pose a significant reputational risk to the GCF.
 - c. The person(s) adversely impacted must be unable to access the IRM.
5. In order to ascertain if there is material to *prima facie* satisfy the above three conditions, the IRM undertakes a preliminary inquiry. This is a process that is internal to the IRM. The preliminary inquiry could be triggered by information gathered through the general media vigilance of IRM staff or through information presented to or otherwise received by the IRM.

6. The IRM has a discretion whether or not to initiate proceedings under paragraph 12 of its TOR even when all the criteria are met. As such, the IRM could reach one of three decisions at the conclusion of the preliminary inquiry:
 - a. No further action shall be taken by the IRM if any one of the three criteria for self-initiated proceedings are not met.
 - b. If all three criteria for self-initiated proceedings are met, the IRM has the discretion to initiate proceedings under paragraph 12 of its TOR, read with paragraphs 71 and 72 of its PGs. When proceedings are initiated, the information received shall be treated as an eligible grievance or complaint, and the procedures for grievances or complaints set out in the PGs shall be followed by the IRM.
 - c. If all three criteria for self-initiated proceedings are met, but a positive institutional response to the issues or redress for affected or potentially affected people, and other stakeholders could be more effectively and efficiently obtained through immediate engagement by the IRM with the GCF Secretariat and/or through the Secretariat with the AE, the IRM may decide not to initiate proceedings under paragraph 12 of its TOR. This decision would be conditional on the GCF Secretariat implementing remedial measures as required and to be reviewed by the IRM. If no agreement is reached or if the agreed measures are not fully implemented, the IRM will initiate proceedings in terms of paragraph 12 of its TOR, read with paragraphs 71 and 72 of its PGs.

Background to this preliminary inquiry

Project information

7. In August 2018, as a result of routine monitoring of the press, the IRM came across three published articles (referred to in more detail below) raising concerns about GCF Funded Project 001 (FP001): *Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru*.
8. FP001 is the first project that was approved for funding by the GCF Board in 2015. The project aims to improve the livelihood and resilience capacity of the indigenous communities living in the Province of Datem del Marañón in the Region of Loreto, Peru and to reduce greenhouse gas emissions from deforestation. The target population is primarily low-income indigenous peoples (IPs) from seven ethnic groups. The project aims to increase the ability of IPs to manage their natural resources by increasing social capital and facilitating local resource management plans. The proposed activities seek to: (a) facilitate the participatory preparation of land-use and operational management plans; (b) entrust natural resources management to IPs and empower women in the decision-making process and; (c) strengthen and expand commercially viable and sustainable bio-businesses of non-timber forest products.¹

¹ This information, and more details regarding the project activities, can be found in the approved funding proposal, publicly accessible at: https://www.greenclimate.fund/projects/fp001?inheritRedirect=true&redirect=%2Fwhat-we-do%2Fprojects-programmes%3Fp_id%3D101_INSTANCE_Hreg2cAkDEHL%26p_lifecycle%3D0%26p_state%3Dnormal%26p_mode%3Dview%26p_col_id%3D_118_INSTANCE_4ZRnUzRWpEqO_column-2%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_Hreg2cAkDEHL_delta%3D30%26_101_INSTANCE_Hreg2cAkDEHL_keywords%3D%26_101_INSTANCE_Hreg2cAkDEHL_advancedSearch%3Dfalse%26_101_INSTANCE_Hreg2cAkDEHL_andOperator%3Dtrue%26_r_p_56423352_4_resetCur%3Dfalse%26_101_INSTANCE_Hreg2cAkDEHL_cur%3D4.

Nature of the concerns

9. The briefing papers “*The Green Climate Fund and Free, Prior and Informed Consent and a Call for the Adoption of an Indigenous Peoples Policy: The Lessons from a Wetland Project in Peru*”² and “*El Fondo Verde para el Clima y el Consentimiento libre, Previo e Informado y un llamado para la Adopción de una Política sobre Pueblos Indígenas: Las Lecciones de un Proyecto de Humedales en el Perú*”³ both published by Tebtebba and Forest Peoples Programme in December 2015 identify the following issues of concern in the FP001 project:
 - a. Lack of clarity on how the project’s creation and consolidation of protected areas in this region will affect the ongoing efforts of indigenous peoples (IPs) to secure recognition of their collective customary lands;
 - b. lack of information regarding IPs’ rights to customary lands and the use of natural resources in the project; and
 - c. Adequacy of time and methods used in the free, prior, informed consent (FPIC) processes conducted for the project.
10. In a report published by the Rights and Resources Initiative in October 2017 titled “*The Green Climate Fund: Accomplishing a Paradigm Shift? Analysis of the GCF Approach to Safeguards, Indigenous Rights, and Participatory Processes*”⁴, the authors Anne Perrault and Stephen Leonard identify the following issues of concern in the FP001 project:
 - a. Mis-categorization of the project;
 - b. limited disclosure of information regarding assessments of the project risks; and
 - c. weak enforcement of FPIC.

Preliminary inquiry process

11. The IRM found that these articles raised important concerns regarding FP001. Based on this information and the gravity of the concerns raised, the IRM decided to initiate a preliminary inquiry to determine whether the IRM should initiate proceedings under paragraph 12 of the IRM’s TOR.

Steps taken during the preliminary inquiry

Document review

12. The IRM reviewed the three articles mentioned above, mapped the main issues, analyzed the documents on this project in the GCF’s internal databases that were available to the IRM,

² The Green Climate Fund and Free, Prior and Informed Consent and a Call for the Adoption of an Indigenous Peoples Policy: *The Lessons from a Wetland Project in Peru*, published by Tebtebba and Forest Peoples Programme in December 2015, (English version) accessible at: http://www.forestpeoples.org/sites/fpp/files/publication/2015/12/briefingpaper-fpic-ippolicy_0.pdf

³ El Fondo Verde para el Clima y el Consentimiento libre, Previo e Informado y un llamado para la Adopción de una Política sobre Pueblos Indígenas: Las Lecciones de un Proyecto de Humedales en el Perú, Diciembre 2015, (Versión en Español) accesible at: <https://www.forestpeoples.org/sites/fpp/files/publication/2015/12/nota-informativa-fpp-tebtebba-gcf-profananpe-spanish-2016.pdf>

⁴ *The Green Climate Fund: Accomplishing a Paradigm Shift? Analysis of the GCF Approach to Safeguards, Indigenous Rights, and Participatory Processes* Rights and Resources dated on October 2017, accessible at http://rightsandresources.org/wp-content/uploads/2017/11/Green-Climate-Fund-Analysis_RRI_October-2017_FINAL.pdf

and identified relevant information in the GCF documentation regarding the issues highlighted in the articles.

13. The following sequence of events in relation to the approval of FP001 by the Board is clear from the IRM's review of the project documentation, including the report of the eleventh meeting of the Board, 2-5 November 2015:
 - a. FP001 was presented to the Board for approval at B.11 in Zambia in November 2015.
 - b. At B.11, the CSO active observer for the developing countries constituency expressed concern regarding the consultation process, stressing that the project would impact over 20,000 vulnerable indigenous peoples, their lands and livelihoods.⁵
 - c. At B.11, the Secretariat clarified the consultation process that had been conducted by the AE. The Co-Chairs noted strong general support for the project. The Co-Chairs noted that concerns had been raised about the consultation process which warranted clearer explanation in the proposal.⁶
 - d. At B.11, the Board imposed conditions for disbursement for FP001, which included that the AE "*clarify which indigenous organizations wish to participate in the project to obtain clear written consent from their representative organizations in order to ensure that the project is only implemented in the territories of the indigenous organizations that have provided their clear consent to the project*", and that the AE "*provide the opportunity for the participating indigenous organizations to take part in project design in dialogue with the accredited entity*".⁷
14. The IRM reviewed internal GCF documentation on the project to ascertain whether the conditions imposed by the Board for disbursement had been met.
15. The IRM reviewed the documentation available for FP001 and provided by the Accredited Entity in support of free prior informed consent (FPIC) of indigenous people obtained to satisfy the condition set by the Board. The IRM found that some of the documents were incomplete in certain respects. In relation to a quarter of the consent documents, there were either missing signatures or missing details regarding who had consented. In a small percentage of documents, there were no signatures at all, and in one document the signature page appeared to be on a different type of paper to the attached meeting minutes.

Information received through interviews

16. Through this review of documentation, key GCF Secretariat staff members were identified to be interviewed, and documentation that was unavailable to the IRM was identified and requested from the Secretariat. Relevant external stakeholders were also identified, and interviews with these stakeholders were held.
17. Throughout the preliminary inquiry, a total of 15 confidential interviews were conducted.

⁵ These concerns are recorded in the report of the eleventh meeting of the Board, page 35, available at: https://www.greenclimate.fund/documents/20182/87610/GCF_B.11_25_-_Report_of_the_eleventh_meeting_of_the_Board_2_5_November_2015.pdf/0fa938b0-59aa-4126-b448-14f35e913e96.

⁶ Report of the eleventh meeting of the Board, page 36.

⁷ Report of the eleventh meeting of the Board, page 66.

GCF interviews

18. From the interviews conducted with GCF Secretariat staff, it was clear that some members of the project team regarded consent at the level of indigenous people's federations as the most important form of consent. If there was evidence of consent from the representative federations, the project team had concluded that FPIC had been obtained.
19. There was also acknowledgement in hind sight from some Secretariat staff that Category C may not have been the appropriate classification for FP001, Category B or A being more appropriate.
20. The general view expressed across the Secretariat staff interviews was that it would be difficult at the community level for people to submit complaints to the IRM.

External stakeholders

21. The IRM interviewed several civil society representatives, including the organizations and authors responsible for the publication of the reports that led to the initiation of this preliminary inquiry, as well as GCF active observers. Additional information was also supplied to the IRM following these interviews.
22. The following key observations were made in these interviews:
 - a. Several interviewees indicated that, in their view, FPIC required evidence of consent at both the community and federation level. Several interviewees also indicated that it was very important to look at the local structure, and the local governance rules of each indigenous community.
 - b. Several interviewees commented that the post-Board-approval consultation process for FP001 appeared to be a much more comprehensive process (as opposed to the pre-Board-approval consultation process).
 - c. Several interviewees also held the view that people potentially affected by this project, at least at the community level, are unlikely to be able to access the IRM. It is likely that many communities will not even know that the GCF is involved with this project, or that the IRM is a mechanism at their disposal. Even if they are aware of the GCF and IRM, these communities live in remote areas. Even if they were able to access services to submit a complaint, many community members are also illiterate, and communicate in a local, indigenous language which is a spoken language only.
 - d. Several interviewees indicated that they had not heard of any complaints from the project beneficiaries in relation to the actual project activities, and that the communities appear to value the income generating projects that have been established as part of this project.
 - e. One interviewee explained that certain communities had been taking action for the last 10 years to get collective title, and that it was concerning that there was no understanding from the project documentation as to how these efforts would be affected by the project's undertaking to create protected areas.

- f. Interviewees were unclear, from their interactions with the GCF, whether a Category C accredited entity is restricted from working with IPs, and whether a project involving IPs can ever be classified as Category C.

Profonanpe – the Accredited Entity

- 23. The final interview conducted by the IRM was with the staff of Profonanpe, the accredited entity (AE) for this project. Profonanpe was co-operative and provided useful information both during and after the interview. Profonanpe’s staff described the interaction with the IRM as a learning opportunity for them.
- 24. From the interview with Profonanpe, the IRM was informed that:
 - a. The protected areas component of the project was related to establishing environmental conservation areas (Áreas de Conservación Ambiental - ACA), which are not part of the national system of protected areas under Peruvian law. Activities are not restricted in these ACAs, and communities have opted for this more flexible system as opposed to establishing national protected areas. Profonanpe is still in the process of obtaining consent for the establishment of the ACA as part of FP001, a process which Profonanpe hopes to finalize by the end of 2019.
 - b. Profonanpe categorized the project as Category C based on advice obtained from experts who developed the environmental and social assessments. After B.11, in response to the Board imposed condition on FPIC, Profonanpe consulted with many more communities, and on all three levels of representation – national, regional and community level. Profonanpe had required consent at both the federation and community level and regarded the signed minutes of consultation meetings as evidence of consent. However, in instances where community consent was difficult to obtain, federation level consent was seen as a “backup”.
 - c. When asked about the missing signatures, Profonanpe explained that many community members can’t write or sign their name, and don’t always bring their identity documents, which means that the facilitator can’t write their name down either. They also explained that in some cases indigenous people do not want to sign documents for historical reasons.
 - d. In relation to Profonanpe’s interaction with the GCF Secretariat, Profonanpe explained that the Secretariat did review their documentation and sent follow up questions, but the IRM found that no specific questions appeared to have been asked by the Secretariat in relation to the incomplete consent documents. Profonanpe also explained that it hadn’t received any specific guidance from the GCF on how to conduct consultation processes or obtain free prior informed consent. However, the GCF did share the IFC Performance Standards, along with the relevant Guidance Note on Indigenous Peoples. This Guidance Note is mostly devoted to how FPIC should be applied.

Prima Facie Findings

- 25. Since the standard of proof required in a preliminary inquiry is of a *prima facie* nature, the IRM is fully cognizant of the fact that these findings may be contradicted by facts and information revealed in a fuller investigation. The GCF Secretariat and other stakeholders

have not had the opportunity to comprehensively respond to each of the IRM's findings, and the IRM has not conducted a site visit, nor has it met with indigenous communities on the ground. A *prima facie* finding is one that is made at a preliminary stage of a proceeding on the basis of readily available evidence and with a view to progressing to the next stage of a proceeding. It is by no means conclusive on the facts.

26. The evidence reviewed in this preliminary inquiry led the IRM to the *prima facie* conclusion that the criteria for initiating proceedings under paragraph 12 of the IRM's TOR had been met. These criteria are considered below in turn.

Is there credible information?

27. The articles triggering this preliminary inquiry were assessed by the IRM for their credibility. They are authored and published by established civil society organizations relying partly on documentation which is publicly available. The credibility of these articles was further established through the IRM's interviews with representatives from the organizations involved, and/or the actual authors of the articles, some of whom had direct contact with the indigenous federations or civil society organizations in Peru.
28. The substantial volume of information considered during the preliminary inquiry largely corroborates the view that the published articles were credible to the extent that they raised issues and concerns around FPIC and miscategorization. The documentation originating from within the GCF *prima facie* confirmed some concerns which were raised externally.
29. The evidence reviewed in this preliminary inquiry leads the IRM to the *prima facie* conclusion that the information in the three articles referred to above on miscategorization and inadequacy of FPIC was credible.

Are there adverse impacts from the project?

30. The failure to obtain FPIC for any GCF project requiring FPIC, *prima facie* raises a presumption of an adverse impact.
31. In relation to FP001, there is evidence that the FPIC process was conducted earnestly, and that, at least in relation to the second consultation process conducted after B.11, a relatively thorough consultation process ensued, with evidence of consent submitted to the GCF. GCF staff should have queried the reasons for the incomplete documents. While there may well have been valid and justifiable explanations for the incomplete documents, those explanations do not appear to have been sought nor provided and they are not on record in the GCF documentation.
32. There is accordingly *prima facie* evidence of adverse impacts given that FPIC cannot reasonably be established based on the incomplete consent documentation supplied by Profonanpe to the GCF.
33. There is also *prima facie* evidence that the project was miscategorized as a Category C project, when it should have been classified as a Category A or B project. If a project is classified as a Category C project, then it is supposed to have "minimal or no adverse impacts". Documentation reviewed by the IRM shows that projects in indigenous areas are susceptible to conflict, and that this project was regarded as high risk from the perspective

of portfolio monitoring. It is also not clear whether the establishment of the ACA will have any impact on collective land title efforts, which could become a point of contention.

34. The impacts of this potential mis-categorization are unclear, but in the absence of further information, it can only be assumed that potentially affected persons would have benefited from a more rigorous assessment process prior to this project being proposed to the Board. A more rigorous assessment process would have been applied had the project been classified as a Category A or B project.
35. There is accordingly *prima facie* evidence of potential adverse impacts given the *prima facie* evidence of miscategorization.

Is there a significant reputational risk to the GCF?

36. Given the special protection afforded to indigenous communities because of a history of injustice, any evidence suggesting that FPIC may not have been obtained could pose a significant reputational risk to the GCF. While the bulk of the information collected points to deficiencies in FPIC documentation, and may or may not signify a failure to obtain FPIC, the deficiencies in the documentation mean that the existence of FPIC cannot be reasonably established.
37. The incompleteness of some of the consent documentation, the lack of questions on the record raised with regard to them by GCF staff, and the lack of adequate justifications for the incompleteness within the GCF record, *prima facie* points to lack of due diligence which could pose a significant reputational risk to the GCF.
38. There is accordingly *prima facie* evidence of significant reputational risk to the GCF.

Are the impacted persons unable to access the IRM?

39. A common thread throughout the interviews, both with GCF Secretariat staff and external stakeholders, was the view that potentially affected people, particularly at the community level, are unlikely to be able to access the IRM.
40. There is accordingly *prima facie* evidence that impacted persons are unable to access the IRM.

Factors to consider in determining the most appropriate course of action

41. *Prima facie* evidence exists justifying the initiation of proceedings under paragraph 12 of the IRM's TOR. According to the IRM's TOR, read with paragraphs 71 and 72 of the IRM's PGs, the IRM "**may**" initiate proceedings.
42. As set out in paragraph 6 above, the IRM may also determine that the criteria for self-initiated proceedings are met, but it would be more appropriate for the IRM to engage directly with the Secretariat on the implementation of remedial measures required by the IRM if successful remedial measures could be implemented in a cheap, quick and just manner. In such a case, if no agreement is reached or if the agreed measures are not fully implemented, the IRM could at that stage initiate proceedings in terms of paragraph 12 of its TOR, read with paragraphs 71 and 72 of its PGs.

43. Non-exhaustive factors which may be relevant in determining whether the course of action explained in the preceding paragraph is justified include:
- a. Whether the issues requiring remedial action are relatively clear, and further investigation is not required to establish the nature of the concerns or their veracity;
 - b. whether the potential harm to affected persons can be more quickly and effectively eliminated or mitigated through immediate action by the GCF Secretariat;
 - c. whether the issues are closely related to affected persons in the particular project, or are more appropriately classified as issues requiring an institutional response from the GCF Secretariat; and
 - d. whether there is *prima facie* evidence of malice, or whether the potential harm suffered is more likely to have been caused by carelessness or lack of due diligence.
44. Given the information received throughout the preliminary inquiry, the incompleteness of some of the consent documents appears to be, at least partly as a result of inadequate due diligence on the part of the GCF Secretariat, who should have flagged this issue, queried the AE and ensured that the issue was rectified at the time or that satisfactory documentation was obtained recording justifications for each of the incomplete documents.
45. The GCF has adopted the performance standards of the International Finance Corporation as its own interim performance standards. Under performance standard 7 (PS7), FPIC applies to those aspects of project design, activities, and outcomes associated with specific potential adverse impacts. PS7 recognizes that certain projects may only require FPIC for sub-project components where adverse impacts can be expected. One area where FPIC is definitely attracted for this project is in relation to the ACA (conservation area) component. Potential harm to affected parties would be more effectively addressed through immediate action, given that the ACA consultation process is ongoing, and Profonanpe aims to complete that process by the end of 2019. Given this timeline there are pressing reasons to recognize the need for ongoing due diligence and to ensure that the FPIC process for the establishment of the ACA is carried out properly and that complete documentation of consent is obtained from the AE.
46. It is also worth noting that the exercise of the IRM's functions under para 12 of its TOR in no way prejudices the rights of a person or persons who have been or who may be affected by adverse impacts associated with this project from submitting a complaint or grievance to the IRM.

Way forward

47. For the reasons set out above, the IRM decided to immediately engage in a dialogue with the Secretariat to explore the possibility of the Secretariat undertaking various time bound remedial measures to be agreed with the IRM. If such undertakings were forthcoming, the IRM could consider not initiating proceedings under paragraph 12 of its TOR on condition that the GCF Secretariat implements those undertakings.
48. The IRM held two meetings with GCF Secretariat staff to discuss the findings of its preliminary inquiry, and to agree on remedial measures to be undertaken by the Secretariat.

49. The key issues for discussion, and which require remedial action, were identified as follows:
 - a) guidance on documentation requirements to establish that FPIC has been obtained from IPs involved in projects; b) guidance on the environmental and social risk categorization of projects, particularly those involving IPs; and c) project specific concerns, particularly in relation to FPIC of IPs for the establishment of a conservation area as part of FP001, and the potential legal impact that these areas could have on existing land titling efforts by IPs.
50. In the meetings between Secretariat staff, and the IRM, it was noted that several GCF Secretariat efforts are already underway to address some of the issues which had been identified in this preliminary inquiry. The Secretariat is already in the process of developing an Indigenous Peoples Implementation Guideline under the recently adopted Indigenous Peoples Policy, and a guidance note on environmental and social screening. It was noted that these existing efforts can in some respects be fast-tracked, and in other respects be tailored to address the issues highlighted in this inquiry, and there was expressed willingness on the part of the Secretariat to give undertakings to the IRM in that regard as captured below.
51. It was also recognized in the discussions between the Secretariat staff and the IRM that guidance notes on their own will not adequately address the issues identified, and that capacity building, especially for Direct Access Entities (DAEs), has a key role to play in ensuring that environmental and social risks are understood and that safeguards in relation to these risks are properly implemented. The GCF Secretariat is already designing a capacity building program on environmental and social safeguards for DAEs and other accredited entities (AEs).
52. Following these discussions, time-bound undertakings from the Executive Director of the GCF were provided to the IRM and captured in the table appended hereto. The IRM will receive progress updates from the Secretariat on these undertakings as set out in the appended Table. If at that point, the IRM is satisfied with the actions taken by the GCF Secretariat, then the IRM will not initiate proceedings under paragraph 12 of the IRM's TOR and this case will be closed. If however the IRM is not satisfied that the undertakings given have been implemented, then the IRM retains the option to initiate proceedings, and the information received that triggered this inquiry shall be treated as an eligible complaint, and the procedures for grievances or complaints set out in the PGs shall be followed by the IRM.

[Signed]

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IRM-Secretariat Agreed Actions for the Preliminary Inquiry of FP001

IRM Recommendation	Secretariat Response	Responsible	Timeline
<u>Free Prior Informed Consent (FPIC)</u>			
1. A freestanding guidance note on FPIC requirements, particularly addressing FPIC documentation requirements, to be produced by pulling information from the draft implementation guideline on the Indigenous Peoples Policy and issued to all AEs and GCF staff to guide them. This would be without prejudice to more comprehensive implementation guidelines being issued under the IP Policy in due course.	This guidance note will be issued to all AEs and GCF staff to guide them. The guidance note will be developed by the Secretariat and applicable to new FPs submitted to the GCF Board from B.24 onwards.	ESS	30 June 2019
<u>Environmental and social risk categorization guidance</u>			
2. A section dealing with the risk categorization of projects involving IPs to be included in the guidance note on environmental and social screening (including high-level examples of the kinds of activities involving IPs that could fall within Category C). This guidance note is to be issued to all AEs and GCF staff to guide them.	<p>A section dealing with the risk categorization of projects involving IPs to be included in the guidance note on environmental and social risk screening (for all categories, inclusive of illustrative examples).</p> <p>This guidance note will be issued to all AEs and GCF staff to guide them. The guidance note will be developed by the Secretariat and applicable to new FPs submitted to the GCF Board from B.24 onwards.</p>	ESS	31 July 2019

IRM Recommendation	Secretariat Response	Responsible	Timeline
<u>Project specific – FP001</u>			
<p>3. Obtain an assessment/opinion from a suitably qualified and experienced expert in land titling of indigenous communities in the Peruvian context, which examines 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 and their ongoing or future efforts to register title to those land rights. Ideally this should be integrated as a component of the proposed technical study Profonanpe has planned. If Profonanpe is unable or unwilling to provide such an assessment/opinion, GCF shall commission an independent expert to provide the same.</p>	<p>The Secretariat agrees to obtain an assessment/opinion from a suitably qualified and experienced expert in land titling of indigenous communities in the Peruvian context, which will confirm i) the current owner(s) or rights holder(s) of all land within the Áreas de Conservación Ambiental (ACA); ii) the rights of the indigenous people who benefit from project implementation to use the land as described in the funding proposal and; iii) the future possibility of such indigenous people to register title or land rights over the relevant land within the ACA.</p> <p>If Profonanpe is unable or unwilling to provide such an assessment/opinion, the Secretariat will commission an independent expert.</p>	ESS/OGC	30 Sept 2019
<p>4. Based on the guidance note on FPIC requirements prepared (as per point 1 above), ensure that the consent documentation submitted by Profonanpe for the establishment of the ACA is complete and compliant with the guidance.</p>	<p>The Secretariat proposes to review, based on the FPIC guidance note to be issued by the GCF, the alignment of indigenous peoples consent documentation submitted by Profonanpe for establishment of the ACA.</p>	ESS	On submission of consent documentation for ACA establishment by Profonanpe.
<u>Monitoring</u>			
<p>5. Provide the IRM with quarterly progress reports with regard to the above actions and respond to</p>	<p>Provide reporting to IRM on a regular basis for a period ending 31 Dec 2019, with regards to the above actions, clarification and further information as requested.</p>	OPM	31 July 2019 31 Dec 2019

clarifications and further information, if any, requested by the IRM.			
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