
Redress

Independent Redress Mechanism (IRM)

IRM Initiated Proceedings: C-0002-Peru / Request for Fourth Extension of Time

24 April 2020



IRM Decision on a Request for Fourth Extension of Time by the GCF Secretariat

GCF Project **FP001 - *Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru***
Date **24 April 2020**

1. Item 3 of the IRM-Secretariat undertaking requires that the Secretariat 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. It was agreed between the Secretariat and the Accredited Entity (AE) that the AE would provide this assessment.
2. The agreed deadline for the provision of this assessment has already been extended from 30 September 2019 to 1 April 2020 (see [IRM Decision on a Request for Third Extension of Time by the GCF Secretariat](#)).
3. On 2 April 2020, the IRM, having not received the assessment/opinion, wrote to the Secretariat to follow up. On 3 April 2020, the Secretariat communicated that the AE had advised that the opinion had not been finalised and that the Secretariat was trying to confirm with the AE when the opinion could be expected. The IRM advised the Secretariat to submit a formal request for extension of the deadline for item 3, and reminded the Secretariat that requests for the extension of deadlines should be made in a timely manner, before the expiry of the deadline.
4. After additional follow-ups, the IRM received a formal request for extension from the Secretariat, through the Deputy Executive Director, on 24 April 2020. In its request, the Secretariat apologised for the delay in requesting the extension, and explained that the AE and the consultant appointed had encountered delays in providing the assessment/opinion to the Secretariat “due to challenges in the local context, as well as complications with the COVID situation”. The Secretariat further advised that the Secretariat “have been coordinating with the AE and have received the opinion/assessment this week”. The Secretariat requested an extension through 30 April 2020 to submit the assessment/opinion to the IRM as per item 3 “to ensure the Secretariat can review the submission for compliance with the agreement with the IRM.”
5. The IRM is sympathetic to delays caused as a result of disruptions associated with the global Covid-19 pandemic. The IRM is reassured by the guarantee that was provided by the Secretariat and the AE that the AE will not start the process to establish the new ACA until the results of the assessment/opinion are available. The IRM recognises that this opinion has required the assessment of complex land rights, land laws, and customary and indigenous land claims. Additionally, the Secretariat has now confirmed that it has received the legal opinion from the AE and needs time to review compliance with the agreement reached with the IRM. The request for a further extension of time is also a relatively short one in the circumstances.
6. For the reasons stated above, the IRM grants the request for an extension of time, and extends the deadline for the Secretariat undertaking in item 3 from 1 April 2020 to 30 April 2020. The

IRM reminds the Secretariat that requests for an extension should be made in a timely manner, with enough time for the IRM to seek clarifications and deliver its decision before the expiry of the agreed deadline, but in the current circumstances of the Covid-19 pandemic sees it fit to grant an extension of time retroactively.

[Signed]

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

Registrar and Case Officer of the Independent Redress Mechanism
Green Climate Fund