
Redress

Independent Redress Mechanism

Grievances and Complaints

Initial Steps Report

GCF Project FP043 - Saïss Water Conservation Project

IRM Case: C-0003-Morocco

22 June 2020



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Initial Steps Report

The Terms of Reference (TOR)¹ and the Procedures and Guidelines (PGs)² of the Independent Redress Mechanism (IRM) set 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 has been declared eligible, the IRM, as part of its initial steps, holds discussions with the complainant(s) and potential parties to understand the issues at hand, to explain the processes of the IRM, and to determine whether the parties wish to proceed with problem solving or compliance review.

This process does not gather information to determine fault or make judgments on the merits of the complaint.

This report documents the initial process described above as well as its outcome.

SUMMARY OF OUTCOME

In March 2020, the IRM acknowledged a complaint filed by a complainant(s) who expressed concerns surrounding the lack of consultation with and information provided to the members of the community regarding GCF funded project FP043, the Saïss Water Conservation Project in Morocco.² The complainant(s) also requested confidentiality. On 7 April 2020, the IRM declared this complaint eligible and published the eligibility determination on the IRM's website.³ Thereafter, the IRM began consultation processes with the complainant(s) and other potential parties comprising of the Green Climate Fund (GCF), Accredited Entity (the European Bank for Reconstruction and Development (EBRD)), National Designated Authority (Ministry of Energy, Mining and Environment), and Executing Entity (the Moroccan Ministry of Agriculture and Maritime Fisheries (MAMF)) to explain the IRM procedures and to better understand the issues and the context. Due to Covid-19 and the following lockdown in Morocco, the IRM could not conduct an in-person interview on site and develop a thorough stakeholder map. These consultations were therefore replaced by a round of virtual video and voice calls with each potential party.

According to the IRM's PGs, the IRM has 60 calendar days to consult with the complainant(s) and other potential parties to complete this initial steps report and a further 5 calendar days from the date on which the parties agree to move forward with problem solving to publish the initial steps report. The 60 calendar days lapsed on 6 June 2020 and the 5 calendar days lapsed on 11 June 2020. For the reasons set out in a decision made by the Head of the IRM on 11 June 2020 and published on the IRM's website, the 5 calendar-day time limit was extended to 22 June 2020.⁵

¹ Available at: <https://irm.greenclimate.fund/document/irm-tor>.

² Available at: <https://irm.greenclimate.fund/document/2019-procedures-and-guidelines-irm>.

² For more information on this Project, visit the GCF's website at: <https://www.greenclimate.fund/project/fp043>.

³ Available at: <https://irm.greenclimate.fund/sites/default/files/case/c0003-morocco-eligibility-determination-final-7-april-2020-publication.pdf>.

⁵ Available at: <https://irm.greenclimate.fund/sites/default/files/case/c0003-morocco-irm-extension-time-decision-initial-steps-11-june-2020-website-publication.pdf>.

Problem solving is a participatory and flexible process, focused on assisting the parties in finding and/or developing an effective solution to the concerns raised by the complainant(s). The focus of a problem-solving process is on addressing the concerns that gave rise to the grievance or complaint in a way that meets the interests of the complainant(s) and the other potential parties in the process and is mutually satisfactory. A problem-solving process does not seek to determine culpability or to assign blame, nor is it a compliance review. The entire problem-solving process is conducted in confidence to enable the complainant(s) and other parties to engage with each other, build trust, and collectively explore solutions in a safe and protected space. All information used in a problem-solving process by the parties is held in confidence by the IRM and will not be used in any future IRM process including compliance review.

During the consultation process, the four potential parties, namely the complainant(s), the GCF Secretariat, the EBRD and the MAMF, indicated their willingness to resolve the issues through problem-solving processes, each of them acting in different capacities and roles of their choosing. The EBRD and the GCF specified that their role will be that of observers.

The major issues subject to problem solving from the side of the complainant(s) are insufficient community engagement and consultation in the project cycle. The complaint also raises concerns relating to the lack of information and communication on access to water and the affordability of that access.

As a result of the limitations posed by virtual discussions, the IRM could not attain ample information about the project status and the perspectives of the parties on the general concerns raised by the complainant(s) as described in the eligibility report. However, the IRM expects to gain more understanding of their views on the complaint during the problemsolving processes, including mediation.

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 satisfactory to all parties involved in the process.

NEXT STEPS

As the parties have agreed to problem solving, the IRM will now work with the parties to complete a stakeholder map and to establish a mediation plan, including a reasonable timetable and structure for an effective process. The entire problem-solving process should ordinarily be completed within one year of the parties' agreement to pursue it unless an absolute need for an extension arises and is agreed by the parties and the IRM. The IRM hopes that the parties will reach an agreement sooner. Once an agreement is reached, the IRM will inform the GCF Board of the result and will monitor the implementation of the agreement.

Due to the unusual circumstances presented by Covid-19, the physical presence of all parties may be highly restricted within the problem-solving process. The IRM remains attentive to the Moroccan government's policy to ease its border restrictions and aims to make a site visit to Morocco when possible so as to better comprehend the current status of the project, and to engage with the parties and stakeholders to progress the problem solving process.

[Signed]

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