

# Redress



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Independent  
Redress  
Mechanism

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## **Independent Redress Mechanism**

**Grievances and Complaints**

**Eligibility Determination**

**GCF Project FP121: REDD+ Results-based payments in Paraguay for the period 2015-2017**

**IRM Case C-0008-Paraguay**

**28 July 2022**

## 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) 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 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 substantiated in greater detail in this document, the IRM determines that this complaint is **eligible** under the IRM's TOR and PGs.

### BACKGROUND

On 14 June 2022, the IRM received a webform communication submitted by Instituto Paraguayo del Indígena (Paraguayan Indigenous Institute, INDI). The IRM had a virtual call with INDI to clarify issues raised in the communication, after which INDI requested that the communication be treated as a complaint, and the IRM acknowledged the complaint on 1 July 2022.

The complaint relates to GCF funded project FP121, "REDD+ Results-based payments in Paraguay for the period 2015-2017." the Accredited Entity for the project will use GCF funding to invest in implementing Paraguay's National Strategy for Forests and Sustainable Growth, which is aligned with its Nationally Determined Contribution.<sup>3</sup>

FP121 was approved at the 24<sup>th</sup> meeting of the GCF Board on 14 November 2019. The Accredited Entity (AE) of this Project is the United Nations Environment Programme (UNEP). As at the date of this eligibility determination, the project is under implementation and 100% of the results-based payment was disbursed on 27 November 2020. The project was originally estimated to be completed in 6 years, but the estimated project completion date is currently under revision.

The complainant asserts that INDI, as the state entity of Paraguay that is recognised as the governing body of the Public Policies of the Indigenous Peoples of the Nation created through Law No. 904/1981 "Statute of the Indigenous Communities," guarantees the effective and equal participation of the indigenous communities in national development processes. Therefore, INDI believes that it should be appointed to the Board of Directors or other governing mechanism constituted for FP121, but it is concerned that this has yet to take place. INDI claims that it should be involved in every decision-making process with regard to the project that will affect the indigenous communities and that this process should involve the identification and selection of legitimate leaders who represent the different indigenous communities.

According to INDI, which is directly responsible for ensuring the compliance of any public and/or private projects with Free Prior Informed Consent (FPIC), the absence of INDI on the

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

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

<sup>3</sup> For more information on this Project, visit the GCF's website at: <https://www.greenclimate.fund/project/fp121>

governing body for this project may lead to improper implementation of FPIC, particularly through misrepresentation of community needs due to the selection of potentially illegitimate community representatives. INDI maintains that just as it is a member of the Steering Committee and the Executive Committee for FP062, another GCF project affecting the indigenous peoples of Paraguay, INDI should be involved in the governing body for FP121.

During the phase of eligibility determination, the IRM obtained further information from the complainant. Based on the information gathered by the IRM, the IRM *prima facie* concludes that the eligibility criteria, as set out in more detail below, are met.

## 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>Does the grievance or complaint meet the criterion?</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?	Yes	The complainant, Instituto Paraguayo del Indígena (INDI), is an organisation that has been constituted by law in Paraguay to represent and protect the interests and rights of indigenous people in that country and as such may file this complaint on their behalf and on its own behalf as representing affected indigenous peoples and also as an affected person itself. The complaint shows that INDI, the complainant and the indigenous people it represents may be adversely affected by not being provided with a seat on the Board of Directors or other governing mechanism constituted for the project. The fear is that disclosure and consultation with indigenous people may not happen at all or may be abridged.
Was the grievance or complaint submitted to the IRM before whichever	Yes	The complaint was submitted on 14 June 2022. At the time of submission, the project was under

<p>is the later of the following two dates:</p> <p>(a) Two years from the date the complainant becomes aware of the adverse impacts referred to in paragraph 20 of the PGs; or</p> <p>(b) two years from the closure of the GCF funded project or programme.</p>		<p>implementation, and all disbursements had been made. Currently, the estimated completion date is under revision. The complaint was accordingly submitted to the IRM before the later of the dates mentioned in paragraph 23 of the IRM's PGs.</p>
<p>Does the grievance or complaint fall into any one or more of the exclusions listed in paragraph 24 of the PGs?</p>	<p>No</p>	<p>None of the exclusionary criteria appears to be triggered by this complaint.</p>

## ELIGIBILITY DETERMINATION

For the reasons stated above, the IRM determines that this complaint is **eligible** under the IRM's TOR and PGs. The IRM will now engage with the complainant and other stakeholders to further evaluate the issues in the complaint, and to provide further information on the next steps and options available with regard to processing the complaint. This includes the option of the complaint being referred for further processing to the Grievance Redress Mechanism of the Accredited Entity, with liberty to re-activate this complaint at a later date, if so desired. For further information on the process that the IRM will follow, please refer to paragraph 36 of the PGs.

*[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 22004  
Republic of Korea

Prepared by:  
**Sue Kyung Hwang**  
For Registrar and Case Officer  
Independent Redress Mechanism  
Green Climate Fund