

Redress

Independent Redress Mechanism

Eligibility Determination: Case 17/C001- Bangladesh

14 November 2017



Eligibility Determination

IRM Case 17/C001- Bangladesh
GCF Project FP004 - Climate Resilient Infrastructure Mainstreaming in Bangladesh - CRIM
Date 14 November 2017

The Terms of Reference (TOR) of the Independent Redress Mechanism (IRM)¹ set out how the IRM deals with complaints. Once a complaint is received and registered by the IRM, the TOR requires the IRM to determine if the complaint is eligible to proceed to problem solving.²

Complaint and Procedural History

The IRM received a letter from Transparency International Bangladesh (TIB), a non-governmental organization, on 12 October 2017. This letter made requests for information concerning GCF Project FP004 “Climate Resilient Infrastructure Mainstreaming in Bangladesh - CRIM” (“the project”). Additionally, it stated that “no genuine progress has yet been made to commence disbursement of the fund for the project”, and that there was no information available as to the reasons for the delay.

The Accredited Entity for this project is Kreditanstalt für Wiederaufbau (KfW)³ and the project was approved for funding by the GCF Board on 06 November 2015, subject to the fulfilment of specified conditions.⁴ The latest post-approval status of the project was presented to the Board by the Secretariat at the 18th Board meeting.⁵ At the request of TIB, the IRM also referred the letter to the GCF Secretariat under the Information Disclosure Policy of the GCF.

On 23 October 2017, TIB confirmed that their letter dated 12 October 2017 was a complaint to the IRM, and it was so registered by the IRM on that date. On 02 November 2017, TIB sent the IRM two further documents, namely (a) a letter dated 01 November 2017 from the Mayor of Satkhira Municipality of Bangladesh authorizing TIB to act on behalf of the Mayor and people of Satkhira and (b) a list of 427 signatures of persons in the Satkhira Municipality who claimed to be adversely affected due to the delay in implementing the project.

The Mayor’s letter alleges that the residents of Satkhira Municipality are suffering from the adverse impacts of climate change. It argues that had the project been funded without delay, the adverse impacts from climate change would have been mitigated. It states further, that the residents have continued to suffer these impacts because of the delay by the GCF in providing funds for the project, even though funding was approved by the Board in 2015.

¹ GCF Board Decision B.BM-2017/10 dated 25 September 2017 accessible at <https://irm.greenclimate.fund/document/irm-tor>.

² Ibid. Paragraph 13(a) of the TOR, which states that when considering a complaint, the IRM should first evaluate if it meets the eligibility criteria set out in Paragraph 11 of the TOR.

³ KfW signed a Master Accreditation Agreement with the GCF on 15 December 2016, accessible at <https://www.greenclimate.fund/document/ama-kfw>.

⁴ GCF Board Decision B.11/11 available at http://www.greenclimate.fund/documents/20182/87610/GCF_B.11_24_-_Decisions_of_the_Board_Eleventh_meeting_of_the_Board_2_5_November_2015.pdf/47a44df4-82f4-420e-881f-5d6ade76882c. The conditions that were required to be fulfilled before the disbursement of funds are set out in the annex to the Board Decision.

⁵ Report on post-approval status of approved funding proposals, 14 September 2017, GCF/B.18/08 accessible at http://www.greenclimate.fund/documents/20182/820027/GCF_B.18_08_-_Report_on_post-approval_status_of_approved_funding_proposals.pdf/100b60e4-b5ce-42a5-ba48-063464aceb2b

Eligibility Criteria

The IRM examined the eligibility of the complaint against the criteria in the TOR of the IRM and the IRM's findings and conclusions are set out briefly in the Table below:

Criterion	Complaint meets Criterion?	Rationale
The complaint is presented by or on behalf of a person or group of two or more persons or communities who have been or may be affected.	Yes	The complaint was filed by Transparency International Bangladesh on behalf of 427 residents and the Mayor of the Municipality of Satkhira. The residents and Mayor claim to be affected, and are reasonably linked to the project as potential beneficiaries. TIB provided proof of authorization to file the complaint on behalf of the affected people and the Mayor of Satkhira.
The complaint relates to the adverse impacts of a project or programme funded by the GCF.	No	The complaint is related to GCF Project FP004 "Climate Resilient Infrastructure Mainstreaming in Bangladesh - CRIM". However, the adverse impacts allegedly suffered by the complainants are not the result "of a project or programme funded by the GCF" as set out in the TOR of the IRM. Rather, they are the result of climate change. On a plain reading of Paragraph 11 of the TOR of the IRM, complaints contemplated under that paragraph concern cases where a person or persons or communities are, or may be, affected <u>as a result of</u> designing or implementing a GCF project.
Exclusions	Not applicable	No exclusions were triggered by the complaint as exclusions have not yet been defined by the Board.

Eligibility Determination

For the reasons stated above, the IRM determines that this complaint is not eligible under the TOR. No further steps will be taken by the IRM regarding this complaint. This case will now be closed.

[Signed]

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