

Redress



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Independent Redress Mechanism

Grievances and Complaints

Initial Steps Report

GCF Project FP034: Building Resilient Communities, Wetland Ecosystems and

Associated Catchments in Uganda

Case C-0010-Uganda

10 November 2024

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, explain the processes of the IRM, and determine whether the parties wish to proceed with problem solving or compliance review or a combination of both. Under the IRM terminology, this phase is called the “initial steps phase.”

In this phase of the process, the IRM does not gather information to determine faults or make judgments on the merits of the complaint. The objective of this report is to collect parties’ perspectives on the alleged concerns. This report does not intend to substantiate any of the allegations or perspectives.

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

SUMMARY OF OUTCOME

On 3 April 2024, the IRM received a complaint which was acknowledged on 8 April 2024. The complainant(s) requested confidentiality, and the IRM granted it in accordance with its TOR and PGs and as a result of its retaliation risk assessment. Initially, the coverage of confidentiality extended to the CSO that represented the complainant(s), but during the initial steps phase, the Twerwaneho Listeners’ Club (TLC) - the representative of the complainant(s) - agreed to lift its confidentiality to enable more efficient communication with other parties and stakeholders involved in the process.

The complaint relates to the GCF-funded programme FP034, “Building Resilient Communities, Wetland Ecosystems and Associated Catchments in Uganda.”³ The programme is intended to enhance Ugandan subsistence farmers’ ability to deal with climate impacts through three major components: 1) restoration and management of wetland hydrology and associated catchments; 2) improved agricultural practices and alternative livelihood options in the wetland catchment; and 3) strengthening access to climate and early warning information to farmers and other target communities to support wetland management. The project targets 24 districts in the south-western and eastern regions of Uganda. FP034 was approved at the 15th meeting of the GCF Board on 15 December 2016, and the estimated completion date for FP034 is 31 December 2026. The Accredited Entity (AE) for this project is the United Nations Development Programme (UNDP).

The leading Executing Entity (EE) for this project is the Ministry of Water and Environment (MWE) of the Republic of Uganda. However, the project is implemented in partnership with multiple government entities. MWE leads Component 1, the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) leads Component 2, and the Uganda National Meteorological Authority (UNMA) leads Component 3. Other entities, including the Ministry of Local Government (MoLG), National Environment Management Authority (NEMA) and District Local

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

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

³ More information about the project is available at: <https://www.greenclimate.fund/project/fp034>

Governments, also work in close collaboration with the Ministries that lead the project's major components. For the purpose of this report, all government entities involved in implementing the project are grouped and referred to as “Executing Entities (EEs).”

The complainant(s) raised several concerns related to the implementation of this project. The complainant(s) alleged: 1) Restrictions on access to wetlands and/or wetlands-adjacent areas, without compensation and, in some instances, without prior notice; 2) Destruction of subsistence crops and confiscation of farming equipment, without compensation or prior notice; 3) Confiscation of land titles, without compensation; 4) Use of security forces to patrol and forcibly evict wetland-dependent communities; 5) Increased food insecurity and impoverishment of wetland-dependent communities, as a result of restrictions imposed on wetland use and lack of compensation or provision of alternate livelihoods; 6) Inability to pay school fees as a result of loss of income; and 7) Increase in crime rates and instances of theft, leading to increased risks to community safety and security.

On 8 May 2024, the IRM determined the complaint eligible under its TOR and PGs.⁴ Consequently, the IRM started engaging with the complainant(s) and other stakeholders in the initial steps phase to better understand the issues in the complaint and to provide further information on the two complaint handling modalities, as indicated in paragraph 36 of the IRM PGs.

During the initial steps phase, the IRM does not gather information to determine the merits of the complaint or assess any compliance-related matters. Its objective is limited to better understanding parties' perspectives and determining whether the complaint could be processed through dispute resolution.

The deadline for the initial steps was to lapse on 7 July 2024, but this deadline was since extended to 10 November 2024 due to the complexities involved in the case, including the large scope of the project, numerous stakeholders involved in the project and the complaint, as well as the limitations in employing efficient communication tools.⁵

During the initial steps phase, the IRM Dispute Resolution (DR) team met with a number of stakeholders, including the complainant(s) and other similarly affected persons, the EEs, the AE, the National Designated Authority (NDA), the President's Office, UNDP and the GCF Secretariat. It also spoke with local NGOs and independent accountability mechanisms of other international financial institutions with experience in similar contexts. As part of this process, the DR team travelled to the project sites in June and September 2024. During the first mission, in addition to the complainant(s), the DR team visited communities in several other project sites in the Southwest and the East to gain a better understanding of the project and to hear from other similarly affected people with a view to more accurately grasp the scope of the allegations received from the complainant(s) and whether these allegations referred to individualised or structural matters. The second mission was intended to sufficiently explain the IRM complaint-handling processes to the parties involved and also to look at the project's best practices as introduced by the EEs. In all IRM's engagements with the parties, the DR team clarified that its role was not to confirm the merits of the allegations or assess the project's performance.

⁴ The Eligibility Determination is available at:

<https://irm.greenclimate.fund/sites/default/files/case/determination-eligibility-c0010-uganda.pdf>

⁵ The Extension of Time Limit is available at: <https://irm.greenclimate.fund/sites/default/files/case/c0010-uganda-irm-extension-time-decision-initial-steps.pdf>

During the DR team's engagement with the complainant(s), they reiterated some of the concerns highlighted in the complaint. They mentioned the challenging agricultural conditions during the dry season, which leaves them with no other option but to use the wetlands to sustain their living, such as by growing Irish potatoes, sorghum, maize, bananas, and cabbages. However, some conveyed that when they tried to access the wetlands, they were chased by the police. According to the complainant(s), some trees have already been cut down, and they were told their crops would be sprayed with chemicals. They stated that the wetland is not only a source of basic food supply but also a source of income, the loss of which has had a direct impact on their children's education. Some had to relocate to a new place to explore alternative sources of living. Some indicated that the wetland boundaries were unclear, causing fear that any farming activities could potentially lead to them being chased away and thus losing harvest.

The complainant(s) recalled several sensitisation meetings during which the purpose of the project was explained. During these meetings, they were also consulted on the preferred alternative livelihood options. In general, the complainant(s) recognise the importance of protecting the wetlands and do not oppose wetland restoration. However, they claim that they have yet to see the promised alternative sources of living even after vacating the wetlands, and they were not aware of the timeline for such provision of alternative livelihoods and the criteria as to who is eligible for the alternative livelihood. They said that despite the fear, some people have been or are considering returning to the wetlands due to extreme drought and hunger. They also conveyed that even if some kind of compensation takes place, they are concerned that the money will likely end up in the wrong hands. The complainant(s) added that they are unaware of any Grievance Redress Mechanisms (GRMs) where they could bring their questions or voice concerns.

The EEs emphasised the national priority of protecting and raising public awareness about wetlands since wetlands are the primary source of many valuable ecosystem services. They mentioned that Uganda has lost a considerable portion of its wetlands and is experiencing dire consequences, especially in light of significant population growth and climate change impacts. They believe that those harming the wetlands do not consider the impacts of their actions and do not see the long-term benefits of protecting the wetlands, such as increased income from agricultural growth and eco-tourism. According to the EEs, although the national law allows security forces to restrict people's access to the wetlands, they do not forcefully evict community members who use wetlands funded by the GCF. They added that some activities, including water supply for cows and goats and grass harvesting, are permitted in the wetlands. They presented several sensitisation activities carried out in the form of community meetings and public announcements through the radio. The EEs also explained that GRMs exist at all four levels – village, sub-county, district and national – and that their processes are clear.

The EEs highlighted that this project does not involve compensation since wetlands have always belonged to the government, not to any individual. Instead, it involves the delivery of alternative livelihoods to the wetland users who have voluntarily vacated the wetlands. During the IRM's second mission, the EEs organised a two-day site visit in two of the project districts in the Southwest, where they showcased examples of communities that benefitted from the provision of alternative livelihoods, including access to irrigation facilities, beekeeping, livestock farming and fish farming. At a wetland demarcation launch event in Kabale, the Resident District Commissioner (RDC) stated that vacating the wetlands was voluntary. The EEs claimed that a rigorous profiling process is undertaken to identify vulnerable community members and appropriate alternative livelihood options for them. They described the project employs a bottom-up approach where communities propose alternative livelihoods that apply to them. Once the profiling process is complete, the EEs provide different alternative livelihoods

on which the wetland users are trained. The EEs shared that despite such a thorough process, they still face challenges with community members who receive alternative livelihoods but later decide to return to the wetlands. They said that only in these cases they might need to resort to law enforcement.

During the missions, the IRM dedicated much of its efforts to explaining the IRM's complaint-handling process and ensuring that the parties⁶ had enough information to make an informed decision. The EEs appreciated the information gathered and shared by the IRM in relation to the complaint, and they were keen to learn more about the allegations and seek ways to address them in an amicable manner. Towards the end of the second mission, the complainant(s) and the EEs indicated their willingness to resolve the issues through the problem-solving process. On 25 September 2024, the IRM convened and facilitated a half-day meeting where complainant representatives met with the EEs. Both parties confirmed their interest in pursuing problem-solving as the preferred complaint-processing modality. Throughout the process, the GCF Secretariat and UNDP have been provided with updates regarding the case processing, and they attended the joint meeting as observers. They took the complaint very seriously and committed to supporting its processing. They will thus participate as observers in the ensuing problem-solving process. A problem-solving plan, which further elaborates on the roles, timelines, and agendas, will be developed and consented to by all parties involved.

It is important to note that since the start of the IRM process, the IRM encountered difficulties in ascertaining the exact locations of GCF project activities. Based on the new information that is now available to the IRM, we cannot conclusively determine if some of the complainant(s) that had initially filed with the IRM fall under the GCF project. For the purposes of the Dispute Resolution process, the IRM will only engage directly with those complainant(s) who the IRM has conclusively determined fall within the GCF project sites. The inclusion of additional complainant(s) or modifications to the existing list of complainants(s) will need to be made pending a formal confirmation of the exact locations of GCF project interventions. Until then, the list of complainant(s) and their allegations will remain unaltered.

During the joint meeting, the complainant representatives and the EEs identified a number of topics that could be subject to discussion during the potential problem-solving process: transitional strategies enabling wetland restoration; eligibility criteria for the provision of alternative livelihoods; economic impacts to the community members that have vacated or will vacate the wetlands and its mitigation measures; policies, laws and standards applicable to the project; communication strategies and grievance redress mechanisms, among others.

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). A problem-solving process focuses 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 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

⁶ Parties in a dispute resolution process can be distinguished between primary parties and secondary parties. Primary parties are the complainant(s) and the executing entity because these are the ones with decision making power in relation to the complaint. Secondary parties can be any parties playing a supportive role to the process. One of these supportive roles is that of an observer.

the IRM problem-solving team and will not be used in any future IRM processes, including compliance review.

In accordance with the Principles for Cooperation among Independent Accountability Mechanisms (IAMs),⁷ the IRM has engaged with the accountability mechanism of the UNDP, Social and Environmental Compliance Unit (SECU), to inform them about the receipt of the complaint and give them key updates regarding the processing of the complaint. On multiple occasions, including through emails, the IRM explained the existence and role of SECU to the complainant representative, who indicated that they would only pursue the IRM process for now. Nevertheless, the IRM will continue providing major updates to SECU in case of any future collaboration that is deemed necessary and consented to by the parties for the resolution of the case.

GENERAL OBSERVATIONS, CHALLENGES AND EXPECTED DEVELOPMENTS

The project's implementation and different levels of monitoring include several local, regional, national, and international level entities. Based on the various stakeholders the IRM has interviewed, at first glance, its perception is that, amongst community members, the understanding is that alternative livelihoods are provided in exchange for vacating the wetlands. However, our interviews also show that the different organisations tasked with the implementation and monitoring of the project describe the objectives of providing livelihoods in different ways. Consequently, it is to be expected that, amongst other things, an effective dialogue between implementers and complainant(s) will require, on the side of implementers, a unified vision of the rationale and goals of the different aspects of the project, in particular, of the rationale and goals on the provision of alternative livelihoods and how this component is linked to the restoration of wetlands.

The IRM process only refers to the GCF-funded project and its applicable policies and standards. This excludes addressing complaints or concerns about Uganda's various non-GCF wetland restoration projects. Avoiding confusion between the GCF project and other wetland restoration projects is critical to successfully processing this IRM case, including through dialogue. As indicated above, the IRM has, so far, experienced difficulties getting complete, detailed and practical information about project locations. Even when the implementing and monitoring entities finally provided such information, the IRM discovered inconsistencies during its missions. The IRM will proceed to process the complaint through DR with the complainant(s) and allegations that have been fully confirmed as being related to the GCF project. As indicated above, pending full confirmation, other complainant(s) and their allegations will be put on hold, until their linkage to the project sites is fully confirmed.

The lack of detailed and publicly available information about GCF project sites risks disrupting a potential dialogue process in various ways. The IRM Dispute Resolution team sees such publication as an enabling condition for an effective dialogue process. It will allow thousands of beneficiaries and potentially affected people to self-assess whether their situations fall under GCF projects without requesting their addition to the IRM process as their only way to ascertain this connection. We encourage publishing detailed and accurate information about GCF project sites in preparation for the dialogue process.

⁷ Available at: <https://thedocs.worldbank.org/en/doc/3043c724b44d475060e19be691c1a0ae-0490092016/original/IAMnet-Criteria-for-Participation-and-Principles-for-Cooperation-september-2016-ENGLISH.pdf>

Given the scope and magnitude of the project and the numerous beneficiaries and potentially affected people, jointly with the fact that the allegations and concerns the IRM has heard during initial steps are generally shared not only by the current complainant(s) but by other similarly affected people, it is to be expected that the number of complainant(s) and project sites involved in the process will only grow during the processing of the complaint. While drafting this report, the IRM has received new requests to be included in the complaint. If they are added to the process, the scope of the process will have to expand to other project sites. Under certain circumstances, the IRM procedures and guidelines allow for the inclusion of similarly affected people in a complaint. Otherwise, these new requests will have to be processed as separate complaints.

Connected to the above, the dispute resolution process fully allows parties to decide on the topics they want to discuss and how they agree these topics can be resolved, such as through information sharing, joint fact-finding, negotiation, etc. Nevertheless, as a general recommendation, given the potential of this complaint to grow in size and complexity, the IRM encourages the EEs to take a proactive approach and use the dialogue as an opportunity to identify – should it be the case – areas of general improvement to the project management that could prevent and resolve potential future complaints and the need to escalate them to the IRM. For such purposes, the participation and support of the GCF Secretariat and UNDP as observers of the process can be of particular importance.

NEXT STEPS

As the parties have agreed to pursue problem-solving as a first attempt to resolve the issues raised in the complaint, the IRM will now work with the parties to complete a stakeholder map and establish a problem-solving plan, including a reasonable timetable and structure for an effective process. The IRM has already engaged a mediator with expertise in community-project relations and knowledge about the regional context. The IRM will identify any further resources that may be necessary for an effective problem-solving 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 upon by the parties and the IRM. The IRM hopes that the parties 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.

[Signed]

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