

# Redress



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## **Independent Redress Mechanism**

**Grievances and Complaints**

**Report on Outcomes of Self-Initiated Proceedings**

**GCF Project FP001: Building the Resilience of Wetlands in the Province of Datem  
del Marañón, Peru**

**IRM Case C-0002-Peru**

**Date 13 January 2023**

## Introduction and Background

In August 2018, as a result of routine monitoring of the press, the IRM came across three published articles (referred to in more detail below) raising concerns about *GCF Project FP001: Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru*.

FP001 was the first project that was approved for funding by the GCF Board in 2015. The project aims to improve the livelihood and resilience capacity of the indigenous communities living in the Province of Datem del Marañón in the Region of Loreto, Peru and to reduce greenhouse gas emissions from deforestation. The target population is primarily low-income indigenous peoples (IPs) from seven ethnic groups. The project aims to increase the ability of IPs to manage their natural resources by increasing social capital and facilitating local resource management plans. The proposed activities seek to: (a) facilitate the participatory preparation of land-use and operational management plans; (b) entrust natural resources management to IPs and empower women in the decision-making process and; (c) strengthen and expand commercially viable and sustainable bio-businesses of non-timber forest products.

The briefing papers "*The Green Climate Fund and Free, Prior and Informed Consent and a Call for the Adoption of an Indigenous Peoples Policy: The Lessons from a Wetland Project in Peru*"<sup>1</sup> and "*El Fondo Verde para el Clima y el Consentimiento libre, Previo e Informado y un llamado para la Adopción de una Política sobre Pueblos Indígenas: Las Lecciones de un Proyecto de Humedales en el Perú*"<sup>2</sup> both published by Tebtebba and Forest Peoples Programme in December 2015 identify the following issues of concern in the FP001 project:

- a. Lack of clarity on how the project's creation and consolidation of protected areas in this region will affect the ongoing efforts of indigenous peoples (IPs) to secure recognition of their collective customary lands;
- b. Lack of information regarding IPs' rights to customary lands and the use of natural resources in the project; and
- c. Adequacy of time and methods used in the free, prior, informed consent (FPIC) processes conducted for the project.

In a report published by the Rights and Resources Initiative in October 2017 titled "*The Green Climate Fund: Accomplishing a Paradigm Shift? Analysis of the GCF Approach to*

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<sup>1</sup> The Green Climate Fund and Free, Prior and Informed Consent and a Call for the Adoption of an Indigenous Peoples Policy: *The Lessons from a Wetland Project in Peru*, published by Tebtebba and Forest Peoples Programme in December 2015, (English version) accessible at:

[http://www.forestpeoples.org/sites/fpp/files/publication/2015/12/briefingpaper-fpic-ippolicy\\_0.pdf](http://www.forestpeoples.org/sites/fpp/files/publication/2015/12/briefingpaper-fpic-ippolicy_0.pdf)

<sup>2</sup> El Fondo Verde para el Clima y el Consentimiento libre, Previo e Informado y un llamado para la Adopción de una Política sobre Pueblos Indígenas: Las Lecciones de un Proyecto de Humedales en el Perú, Diciembre 2015, (Versión en Español) accesible at:

<https://www.forestpeoples.org/sites/fpp/files/publication/2015/12/nota-informativa-fpp-tetebba-gcf-profananpe-spanish-2016.pdf>

*Safeguards, Indigenous Rights, and Participatory Processes*,”<sup>3</sup> the authors Anne Perrault and Stephen Leonard identify the following issues of concern in the FP001 project:

- a. Mis-categorization of the project;
- b. Limited disclosure of information regarding assessments of the project risks; and
- c. Weak enforcement of FPIC.

In March 2019, based on this information and the gravity of the concerns raised, the IRM initiated a self-initiated inquiry (“suo-moto proceedings”) into FP001.

As part of the preliminary inquiry process, the IRM conducted a document review process that included the three articles noted above, project documentation disclosed during board meetings, internal GCF project documents and documents provided by the Accredited Entity. The IRM also conducted 15 confidential interviews of GCF Secretariat staff members, staff of the Accredited Entity and relevant external stakeholders (civil society organisations and researchers). At the conclusion of this process, the IRM *prima facie* concluded that the criteria for initiating proceedings under paragraph 12 of the IRM’s Terms of Reference (TOR)<sup>4</sup> had been met.<sup>5</sup>

### **GCF Response to IRM Preliminary Inquiry**

Following its preliminary inquiry, the IRM immediately engaged in a dialogue with the Secretariat to discuss the findings of its preliminary inquiry and to explore the possibility of the Secretariat undertaking various time bound remedial measures to be agreed with the IRM. As indicated in the summary of the IRM’s preliminary inquiry report, even though the criteria for initiating proceedings were met, the IRM decided not to initiate proceedings under paragraph 12 of its TOR as it was deemed more appropriate for the IRM to engage directly with the Secretariat on the implementation of remedial measures. However, this decision was conditional on the GCF Secretariat implementing remedial measures as required and to be reviewed by the IRM. If at the end of the agreed timeline the agreed measures were not fully implemented, the IRM would retain the option to initiate proceedings in terms of paragraph 12 of its TOR, read with paragraphs 71 and 72 of its Procedures and Guidelines.<sup>6</sup>

Consequently, the GCF Secretariat provided five time-bound undertakings to the IRM:

1. A freestanding guidance note on FPIC requirements, particularly addressing FPIC documentation requirements, to be produced by pulling information from the draft implementation guideline on the Indigenous Peoples Policy and issued to all

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<sup>3</sup> *The Green Climate Fund: Accomplishing a Paradigm Shift? Analysis of the GCF Approach to Safeguards, Indigenous Rights, and Participatory Processes* Rights and Resources dated on October 2017, accessible at [http://rightsandresources.org/wp-content/uploads/2017/11/Green-Climate-Fund-Analysis\\_RRI\\_October-2017\\_FINAL.pdf](http://rightsandresources.org/wp-content/uploads/2017/11/Green-Climate-Fund-Analysis_RRI_October-2017_FINAL.pdf)

<sup>4</sup> The IRM’s Terms of Reference, accessible at: <https://irm.greenclimate.fund/document/irm-tor>

<sup>5</sup> The summary of the IRM’s preliminary inquiry report, accessible at: <https://irm.greenclimate.fund/sites/default/files/case/irm-initiated-proceedings-c-0002-peru.pdf>

<sup>6</sup> The IRM’s Procedures and Guidelines, accessible at: <https://irm.greenclimate.fund/document/2019-procedures-and-guidelines-irm>

AEs and GCF staff to guide them. This would be without prejudice to more comprehensive implementation guidelines being issued under the IP Policy in due course.

2. A section dealing with the risk categorisation of projects involving IPs to be included in the guidance note on environmental and social screening (including high-level examples of the kinds of activities involving IPs that could fall within Category C). This guidance note is to be issued to all AEs and GCF staff to guide them.
3. Obtain an assessment/opinion from a suitably qualified and experienced expert in land titling of indigenous communities in the Peruvian context, which examines potential impacts of the creation of the Áreas de Conservación Ambiental (ACA) on collective land rights of indigenous people who are part of the project and their ongoing or future efforts to register title to those land rights. Ideally this should be integrated as a component of the proposed technical study Profonanpe has planned. If Profonanpe is unable or unwilling to provide such an assessment/opinion, GCF shall commission an independent expert to provide the same.
4. Based on the guidance note on FPIC requirements prepared (as per point 1 above), ensure that the consent documentation submitted by Profonanpe for the establishment of the ACA is complete and compliant with the guidance.
5. Provide the IRM with quarterly progress reports with regard to the above actions and respond to clarifications and further information, if any, requested by the IRM.

### **Developments Subsequent to the IRM-Secretariat Agreed Actions**

The IRM and the GCF Secretariat had initially agreed to fulfil all the undertakings by 31 December 2019. Subsequently, several extensions of time and additional due dates for progress reports were agreed upon:

Title of the Report		Date of Decision	Decision
Request for extension of time	<a href="#">First</a>	21 June 2019	Extension of timeline for the issuance of a guidance note by the Secretariat on FPIC requirements from 20 June 2019 to 21 July 2019
	<a href="#">Second</a>	1 August 2019	Extension of timeline for items 1 and 2 from 31 July 2019 to 7 August 2019
	<a href="#">Third</a>	1 October 2019	Extension of timeline for item 3 from 30 September 2019 to 1 April 2020
	<a href="#">Fourth</a>	24 April 2020	Extension of timeline for item 3 from 1 April 2020 to 30 April 2020
Agreement on additional dates for progress reports	<a href="#">First</a>	21 October 2019	Submission of additional progress reports by 30 June 2020 and 31 December 2020
	<a href="#">Second</a>	7 January 2021	Submission of additional progress reports by 30 June 2021 and 31 December 2021
	<a href="#">Third</a>	10 January 2022	Submission of additional progress reports by 30 June 2022, 31 December

		2022, 30 June 2023 and 31 December 2023
<a href="#">Extension of time for Secretariat progress report</a>	13 July 2022	Extension of timeline for the seventh progress report from 30 June 2022 to 12 July 2022

The GCF Secretariat submitted its final progress report in July 2022. As a result, the GCF Secretariat submitted seven progress reports from July 2019 to July 2022.<sup>7</sup> Updates on all undertakings are available in the Secretariat’s final progress report (Annex I). In summary, the following specific actions were taken by the Secretariat in relation to each of the five undertakings:

1. In 2019, the Secretariat developed the Indigenous Peoples Policy (IPP) Operational Guidelines<sup>8</sup> through extensive consultation processes. The Guidelines were shared with AE focal points and GCF staff.
2. In 2019, the Secretariat drafted a Guidance Note on Categorisation that contained information about the requirements for environmental and social risk categories as described in the GCF Environmental and Social Policy. Following a consultation process with the GCF staff, the Sustainability Guidance Note on Screening and Categorising GCF Finance activities<sup>9</sup> was shared with the IRM and circulated to GCF staff and AE focal points.
3. In 2019, the AE agreed to generate a legal opinion. After some unexpected delays, in 2020, the AE provided the GCF Secretariat with the expert opinion, which was then shared with the IRM.<sup>10</sup>
4. In 2021, the AE reported to the GCF Secretariat that the study conducted on the legal and social feasibility of establishing the Áreas de Conservación Ambiental (ACA) concluded that the implementation of ACAs does not violate the rights of indigenous territories. There were unexpected delays due to Covid-19, but in 2022, the GCF Secretariat communicated to the IRM that the AE reported – through its 2021 Annual Performance Report – the establishment of an ACA named “Bosques de la Naciente del rio Saramiriza” in the native community of Sinchi Roca at the request of the leaders in a community assembly agreement. The AE reported that this conservation alternative does not violate the rights of the indigenous populations.
5. The GCF Secretariat provided seven progress reports every six months from July 2019 to June 2022. Despite some delays, the AE reported in its 2021 APR that the Sinchi Roca native community’s ACA was created with the free and informed consent of the community’s general assembly.

Upon receipt of the final progress report from the GCF Secretariat’s Division of Portfolio Management and confirmation from the GCF’s Sustainability Unit that AE’s actions are

<sup>7</sup> All seven progress reports, accessible at: <https://irm.greenclimate.fund/case/c0002>

<sup>8</sup> Indigenous Peoples Policy Operational guidelines, accessible at: <https://www.greenclimate.fund/document/operational-guidelines-indigenous-peoples-policy>

<sup>9</sup> Sustainability Guidance Note on Screening and Categorizing GCF Finance activities, accessible at: <https://www.greenclimate.fund/document/sustainability-guidance-note-screening-and-categorizing-gcf-financed-activities>

<sup>10</sup> The legal opinion on land titling, accessible at: <https://irm.greenclimate.fund/sites/default/files/case/opinion-legal-aca-abril2020-english-260420202.pdf>

compliant with the guidance, the IRM decided not to initiate proceedings and to close the case.

## **Conclusion**

The IRM considers all agreed remedial actions to have been satisfactorily implemented. The IRM has decided to close this case and is submitting a final report of all activities undertaken under C-0002-Peru to the Board.

*[Signed]*

### **Ibrahim Pam**

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Prepared by:

### **Sue Kyung Hwang**

For Registrar and Case Officer  
Independent Redress Mechanism  
Green Climate Fund

**Annex I. Final Secretariat progress report (submitted in July 2022)**

**MEMORANDUM**

To: Dr. Lalanath de Silva  
Head of Independent Redress Mechanism

DATE : 11 July 2022

FROM: Johann Elysee (OIC)  
Data, Results and Knowledge Lead, a.i  
Division of Portfolio Management

REFERENCE : DPM/2022/098

PAGE : 1 of 7

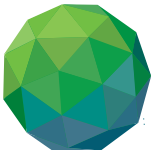
**SUBJECT: FP001 IRM AGREED ACTIONS PROGRESS UPDATE**

- *The GCF Secretariat sends the following information as an advisory update on progress towards the agreed actions between GCF Executive Director and Head of the GCF Independent Redress Mechanism for FP001.*

## IRM-Secretariat Agreed Actions for the Preliminary Inquiry of FP001

IRM Recommendation	Secretariat Reporting
<u>Free Prior Informed Consent (FPIC)</u>	
<p>1. A freestanding guidance note on FPIC requirements, particularly addressing FPIC documentation requirements, to be produced by pulling information from the draft implementation guideline on the Indigenous Peoples Policy and issued to all AEs and GCF staff to guide them. This would be without prejudice to more comprehensive implementation guidelines being issued under the IP Policy in due course.</p>	<p><b>31 July 2019:</b> The Secretariat has drafted Indigenous Peoples Policy (IPP) Operational Guidelines, establishing the technical and administrative references and tools for implementing the GCF Indigenous Peoples Policy.</p> <p>As part of the finalization in the development of these guidelines, the Secretariat consulted with stakeholders including AEs, NDAs, and indigenous peoples (pursuant to the IPP paragraphs 56 and 83) through the observer organizations, inclusive of guidance on free, prior and informed consent (FPIC).</p> <p>On 14 June 2019, SMT approved this process for outreach to AEs, NDAs, and observer organizations with circulation of the draft guidance note to invite inputs and comments on the draft IPP Operational Guidelines. The consultation period was provided for 21 days, ending on 05 July 2019.</p> <p>With 250+ comments received in the consultation process, the Secretariat is reviewing comments for incorporation in the IPP Operational Guidelines text - to the extent that comments shared are material and relevant to the IPP Operational Guidelines. The revised draft has been shared with SMT 31 July 2019 and will be finalized shortly.</p> <p><b>31 December 2019:</b> Due to the volume and level of comments received in the consultation process, the Secretariat requested an additional extension of the deadline to 7 August 2019, which the IRM granted on 31 July 2019. This extension permitted the Secretariat to review the comments, as well as incorporate and complete the revisions for the draft IPP Operational Guidelines. Concluding this action item, on 7 August 2019, the Secretariat shared with the IRM the IPP Operational Guidelines along with the emails for transmittal to GCF Staff and AE focal points.</p> <p><b>30 June 2020:</b> No more update as the action is already completed.</p>
<u>Environmental and social risk categorization guidance</u>	



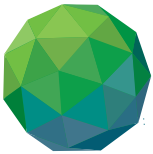


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<p>2. A section dealing with the risk categorization of projects involving IPs to be included in the guidance note on environmental and social screening (including high-level examples of the kinds of activities involving IPs that could fall within Category C). This guidance note is to be issued to all AEs and GCF staff to guide them.</p>	<p><b>31 July 2019:</b> The GCF Environmental and Social Policy provides for a risk-based approach to assessing and managing environmental and social risks and impacts of projects. Application of a risks-based approach is intended to ensure due diligence is undertaken at the appropriate level of likely environmental and social risks of the project and its activities.</p> <p>Additionally based on the GCF business model, with differentiated levels of due diligence, the Secretariat drafted the Guidance Note on Categorization to share practical information within the Secretariat, as well as with AEs and/or EEs to align the conduct of due diligence for activities and clarify the requirements for environmental and social risk categories as described in the GCF Environmental and Social Policy. The Guidance Note on Categorization also provides illustrative examples on the process for determining how projects and activities are categorized.</p> <p>The draft Guidance Note on Categorization has gone through a consultation process for internal Secretariat and IRM comments, which have been integrated to the extent possible. The draft document was submitted to SMT on 30 July 2019 for approval to transmit the Guidance Note on Categorization publicly to AEs and the Secretariat. Pending SMT decision the Secretariat will further update the IRM via email for the date of circulation.</p> <p><b>31 December 2019:</b> Concluding Secretariat action for this item, on 7 August 2019, the Secretariat shared with IRM the approved Sustainability Guidance Note on Screening and Categorizing GCF Finance activities, along with emails for transmittal to GCF Staff and AE focal points.</p> <p><b>30 June 2020:</b> No more update as the action is already completed.</p>
<p><u>Project Specific – FP001</u></p>	
<p>3. Obtain an assessment/opinion from a suitably qualified and experienced expert in land titling of indigenous communities in the Peruvian context, which examines potential impacts of the creation of the Áreas de Conservación Ambiental (ACA) on</p>	<p><b>31 July 2019:</b> The Secretariat have reviewed the 2018 APR submitted by the AE and provided comments, including requests for further information with specifics on workplan, activities and ESS queries.</p> <p>AE’s response is pending, and the Secretariat in August 2019 will follow up with the AE as well as look into options to directly commission an independent expert on land titling of Indigenous communities in the Peruvian context related to collective land rights and the creation of the ACA.</p>



<p>collective land rights of indigenous people who are part of the project and their ongoing or future efforts to register title to those land rights. Ideally this should be integrated as a component of the proposed technical study Profonanpe has planned. If Profonanpe is unable or unwilling to provide such an assessment/opinion, GCF shall commission an independent expert to provide the same.</p>	<p>The Secretariat anticipates updating the IRM further on this action in the next report submitted.</p> <p><b>31 December 2019:</b> For project ownership, the Secretariat prioritized the generation of the legal opinion's incorporation into on-going/planned project activities. Accordingly, the Secretariat met with Profonanpe in Songdo during the Global Programming Conference (August 2019) to further discuss the generation of a legal opinion on the potential impacts of the creation of ACAs on collective land rights of indigenous people. During these discussions, the AE agreed to incorporate a deliverable to obtain the legal opinion in the procurement for the planned study. The Secretariat subsequently provided feedback to the AE on draft TORs, including on the legal opinion. On 27 September 2019, after internal follow up and confirmation with the AE the Secretariat advised the IRM that the AE had agreed to generate the legal opinion, however undertaking of the identified study was delayed. Unfortunately, the timeline as agreed with the IRM by the Secretariat no longer matched forecasts for AE project implementation plans. The Secretariat accordingly requested to delay the deadline for the action item. IRM requested clarifications to consider this request to which the AE provided a response, including the AE confirmation that the delivery of the study (inclusive of the legal opinion) would take approximately 5 months. Accordingly, the Secretariat requested to extend the action item deadline until 1 April 2020. The IRM granted this extension on 1 October 2019.</p> <p>In December 2019, at the request of the AE, OPM and ESS colleagues joined a fact-finding mission with the project team on three (3) project site visits. At the initiation of the mission in Lima, the Secretariat inquired with the AE regarding the status of the study and legal opinion. The AE advised that the tendering had been slightly delayed due to implementation challenges, changes in the project team/management, and clarifications requested by the chair of the project's governing board (Minister of Environment) regarding the necessity of obtaining a legal opinion. However, while the tendering was delayed addressing these issues, the AE confirmed that the tender was pending signature and expected to be contracted in Dec 2019. Despite these delays, the AE continues to believe it will be able to contract and deliver the legal opinion within the same timelines. The Secretariat will continue to follow up and confirm this and status for issuance of the legal opinion in early Q1 2020.</p> <p><b>30 June 2020:</b> The Secretariat have received the Spanish and English version and have reviewed the opinion and believe it to be legally sound. The assessment/opinion has been shared with IRM and this obligation has been met.</p> <p><b>31 December 2020</b> No more update as the action is already completed.</p>
<p>4. Based on the guidance note on FPIC requirements prepared (as per point 1 above),</p>	<p><b>31 July 2019:</b></p>



ensure that the consent documentation submitted by Profonanpe for the establishment of the ACA is complete and compliant with the guidance.

Secretariat response on this action requires submission of the FPIC documentation for the establishment of the ACA and circulation of the IPP Operational Guidance Note (which per action 1 is in finalization).

The Secretariat anticipates updating the IRM further on this action in the next report submitted.

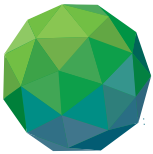
**31 December 2019:**

Progress on this action item is contingent upon the conduct of the consultations in relation to the proposed ACA. As confirmed to the IRM, the AE confirmed that pending the issuance of a legal opinion that “Profonanpe won’t start the process to establish a new ACA (or similar).” As the study is not expected to be completed prior to 1 April 2020, the Secretariat is not able to sample the FPIC consent documentation as maintained by the AE on the establishment of the ACA for completion and compliance with the guidance. In December 2019, at the request of the AE, OPM and ESS colleagues joined a fact-finding mission with the project team on three (3) project site visits. During the field visit, the team was able to observe first-hand the process of consultation and how the consent was provided by Kandhozi tribe representatives. While the AE will need to incorporate the principles of FPIC in its documentation as outlined in the GCF Indigenous Peoples Policy Operational Guidelines, an important dimension to consider in understanding the land tenure and property rights issues related to indigenous territories is the notion of independent and self-governed indigenous territories. This notion and political positioning are advanced by some indigenous peoples/tribes (including promoted by CORPI indigenous peoples federation). Key interviews were conducted during the field visit where the community leaders or “apus” indicated that the presence of ACA does not inhibit their process for pursuing community land title. They have indicated their reservation however, on the ACA, as they would have wanted more control of the management of ACAs themselves. The mission team considers that potential opposition to ACAs could be borne out of this notion of independently governed indigenous territories more than the concept of ACAs and land tenure rights themselves. Accordingly, the AE as part of its study will need to consider the most relevant modality to secure community management of resources that can achieve the project expected results (emissions reductions) such as ACAs, traditional or indigenous conservation areas (TICAs) or otherwise and adapt the consultation and FPIC processes accordingly.

**30 June 2020:**

The process for the establishment of the ACA is in an initial phase. Secretariat was informed of the discussion Profonanpe held with the IRM early in June and with the legal consultant on the implementation of the legal opinion.

The AE has reiterated and assured that it will be very careful to take into consideration all the requirements to document and conduct the process following all the recommendations of the legal opinion.



**31 December 2020:**

No Further update.

**30 June 2021:**

In the 2020 APR, the AE reported that a study was conducted to evaluate the legal and social feasibility of implementation for the establishment of the ACA. The study concluded that the implementation of ACAs does not violate the rights of indigenous territories. This will make it possible to evaluate conservation alternatives that follows the FPIC procedure. Due to the COVID-19 continued impact and restrictions, the AE is yet to undertake any activity in relation to the establishment of any ACA. Updates will be provided to GCF as any new steps is taken.

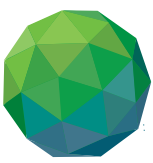
**31 December 2021:**

The AE is yet to start the process to establish a new ACA. As was reported previously, due to COVID-19 negative impacts, the activity was postponed and is yet to start. Profonanpe has requested the extension of the project duration by 21 months and 21 days until December 2023. This extension is expected to among other things to allow for adequate planning and execution of this activity to ensure comprehensive fulfilment of all the requirements.

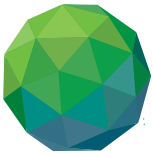
**30 June 2022:**

In the 2021 APR, the AE reported that the conservation area called, "Bosques de la Naciente del río Saramiriza" was established with 1,963 hectares in the native community of Sinchi Roca at the request of the leaders and was established in a community assembly agreement under the mechanisms and guidelines established in Directive No. 010-2017-OSINFOR ("Directive for the compensation of the payment of fines through the rainforest conservation mechanism in native and peasant communities"), of the Supervisory Body of Forest and Wildlife Resources – OSINFOR and approved by the Regional Forestry and Wildlife Management of the Regional Government of Loreto. This initiative is a conservation alternative that does not violate rights and arises as a demand from the indigenous population to address various activities such as migratory agriculture, illegal logging, suspended harvesting permits and fines, and others such as indiscriminate hunting and internal conflicts between authorities. It also establishes payments for the use of hydrobiological resources (fishing and taricayas), non-timber forest resources for the harvesting of fruits (Aguaje, Ungurahui, huicungo, acai, latex, medicinal plants, seeds for handicrafts, among others).

Action now completed.



<p>5. Provide the IRM with quarterly progress reports with regard to the above actions and respond to clarifications and further information, if any, requested by the IRM.</p>	<p><b>31 July 2019:</b> Reporting was provided to the IRM on 31 July 2019 as per the agreed timelines for quarterly progress reporting regarding actions undertaken to date.</p> <p><b>31 December 2019:</b> In extending the duration of the activities the Secretariat and the IRM agreed to provide additional reporting in June 2020, when the Secretariat anticipates reporting and closing action item 3; however, the Secretariat and IRM held different opinions on further reporting due to the conditionality of the actions of the AE (conducting FPIC) for GCF review, which is furthermore conditional on the findings of the legal opinion returning positive findings in relation to the establishment of ACAs and the maintenance of IP land tenure rights. IRM maintains that reporting should be provided even if there is no additional information or actions taken to report against. Thus “in a subsequent discussion between the Head of the IRM and the Secretariat’s focal point, the Secretariat agreed to providing the two progress reports in 2020, regardless of progress made in relation to the FPIC process as at 31 December 2020.”</p> <p><b>30 June 2020:</b> The Secretariat awaits the submission of the FPIC documentation to ensure its compliance and completeness. The Secretariat hopes to complete the reporting on this issue by the agreed timeline on 31 December 2020 hoping that the FPIC documentation would have been submitted for review by then.</p> <p><b>31 December 2020:</b> Regarding the documentation for the establishment of the ACA, no update on this as at yet. The AE is yet to start the process due to the COVID-19 restrictions that has not allowed the project to organize participative process and consultations.</p> <p><b>30 June 2021:</b> The Secretariat awaits the submission of the FPIC documentation to ensure its compliance and completeness. This is still being delayed due to COVID-19 restrictions on movements as reported in the 2020 APR and by email confirmation by PROFONANPE on 11 June 2021.</p> <p><b>31 December 2021:</b></p>
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No further update as the COVID-19 impact is still delaying implementation of the activity.

**30 June 2022:**

The 2021 APR reported that the Sinchi Roca native community's conservation area (ACA) reported above was created at the request of its leaders and with the free and informed consent of the community's general assembly. This was approved in the community's minutes. It should also be noted that the community forest monitoring and control committee is in charge of managing the area and is accredited by the Regional Forestry Management of the Regional Government of Loreto.

Action now completed.