



Mechanism

Grievance and Redress for decisions of the interim Adaptation Benefits Mechanism Executive Committee and impacts of Adaptation Benefits Mechanism activities

I. BACKGROUND

1. The Adaptation Benefits Mechanism (ABM) is a results-based finance mechanism that channels resources to projects enabling communities, economies and ecosystems to adapt and build resilience to the negative impacts of climate change. The ABM will create an incentive for private sector investments in adaptation projects by facilitating payments upon delivery of certified adaptation benefits, thereby generating a new and additional source of revenue for adaptation. The ABM is intended to be a non-market mechanism. It will assist developing countries with achieving their adaptation priorities set out in their NDCs, in particular those that are conditional on international support. The ABM is being piloted by the African Development Bank in the period 2019-2023. The interim Adaptation Benefits Executive Committee (ABM EC) is an independent senior expert body formed by the African Development Bank in October 2019 with the mandate to oversee and execute the rules for the ABM Pilot Phase.

2. At its twelfth meeting the ABM EC adopted a “Grievance and Redress Mechanism for decisions of the interim Adaptation Benefits Mechanism Executive Committee and impacts of Adaptation Benefits Mechanism activities” (ABM Grievance and Redress Mechanism).

II. BACKGROUND

3. Being a new mechanism, the rules for the ABM are still in the make and may be revised periodically, based on lessons learned, best practices and guidance by the UNFCCC. The ABM activities implemented during the pilot phase are regular adaptation activities, which are testing the conceptually new business model for adaptation introduced through the ABM, namely generating certified adaptation benefits with the view to obtaining finance from various sources for adaptation activities that would not be implemented otherwise. The set of rules and the approval process are designed by the interim ABM Executive Committee (ABM EC), which is an independent senior

expert body hosted by the African Development Bank, while candidate ABM activities and ABM activities registered in the ABM Registry, serving as ABM demonstration projects, could be funded through various sources. In general, the activity participants bear the core responsibility for the impacts of their activities, while the ABM EC bears responsibility for the ABM rules and procedures and the African Development Bank bears responsibility for activities funded by the Bank. It also bears the ultimate responsibility for the work of the ABM EC and the implementation of the ABM Pilot Phase.

4. Despite that the intention of the ABM Pilot Phase is to demonstrate the ABM through adaptation activities that do not result in any adverse economic, social and environmental impacts that have not been adequately addressed, it is possible that individuals, communities or entities may be affected by decisions of the ABM EC or the implementation ABM activities. For this reason, in its 2021 work plan, the interim Adaptation Benefits Mechanism Executive Committee (ABM EC) decided to introduce a grievance mechanism for decisions of the ABM EC and impacts of ABM activities.

5. The ABM Grievance mechanism allows affected parties to submit grievances and seek redress for any matters that might be directly attributed to decisions of the ABM EC or the implementation of ABM activities.

6. The ABM Grievance and Redress Mechanism is oriented towards finding the root causes of problems and addressing them with adequate interventions. The overall approach for addressing grievances during the ABM Pilot Phase is to first try to find an informal resolution through consultation with the ABM EC, the ABM activity participants, affected communities, stakeholders or individuals, as relevant. If the consultation and review process does not provide sufficient resolution, the grievance may be submitted formally to the ABM EC, while appeals to resolutions of the ABM EC could be submitted to the management of the African Development Bank, which shall rule on a course of action.

7. The redress measures, may include tailored individual resolutions, such as communication with the ABM participants or a review of a specific decision of the ABM EC; systemic changes, such as a new guidance by the ABM EC, request to the ABM activity participants to undertake corrective measures or, in the worst case, suspending certification of certified adaptation benefits or removing an activity from the ABM Registry.

III. OBJECTIVE

8. The aim of this document is to establish a credible ABM Grievance and Redress Mechanism for receiving, facilitating and following up on the resolution of grievances and concerns regarding the decision-making of the ABM EC and the impacts of ABM activities during the ABM Pilot Phase.

9. The objective of the ABM Grievance and Redress mechanism is to resolve specific grievances in a manner that meets the needs of the affected parties, while preserving the integrity of the ABM.

IV. SCOPE

10. The scope of the ABM Grievance and Redress Mechanism covers all decisions by the ABM EC and any adverse impacts of ABM activities registered in the ABM Registry.

V. ELIGIBILITY

11. The following parties are eligible to submit grievances to the ABM Grievance and Redress Mechanism if they can demonstrate that their rights or interests have been or are likely to be adversely affected by ABM EC decisions or ABM activities:

- (a) Two or more persons, such as ABM activity participants, a community of persons, an organization, association, society or other grouping of individuals;
- (b) Qualified representative of the affected parties;
- (c) Representatives of the host country's federal or local government or of other governments involved in an ABM activity;
- (d) Other entities that are able to establish legitimate rights or interests.

VI. PROCEDURE

12. All grievances should be send to the ABM EC through the ABM secretariat per e-mail at: ABMEchanism@afdb.org mentioning as a subject: **GRIEVANCE TO THE ABM EC**.

13. A grievance shall contain the following information:

- (a) Name(s);
- (b) Title, function, address and other contact information;
- (c) Role in relation to the contested ABM EC decision or ABM activity, including in relation to the eligibility criteria in paragraph 10 above;
- (d) Grievance, containing a reference to the project or the contested decision, stating all the relevant facts, including the harm suffered by or threat to the affected parties and description of how the parties have been or are likely to be materially and adversely affected by the ABM EC or an ABM activity act or omission, and what rights or interests of the parties were directly affected; when requesting a compliance review, an explanation of how the ABM EC's or ABM activity's policies, procedures or contractual documents were violated;
- (e) An indication if there has been any previous communication between the affected parties and the ABM EC or ABM activity, as relevant, concerning the issue(s) raised in the grievance;
- (f) Proposed resolution;

- (g) Other information supporting the grievance, such as evidence, documents or visual materials, including relevant correspondence with the ABM EC or the ABM activity, a description of the location of the affected parties or area affected by the ABM activity. If some of the information listed above cannot be provided, an explanation should be included in the request;
- (h) Signature(s).

14. The ABM secretariat shall conduct a completeness check within 15 calendar days and may approach the submitter(s) for clarifications and additional information within this period to complete the submission. Incomplete submissions shall be rejected and may be resubmitted once complete. Submissions from ineligible parties shall be rejected.

15. Upon successful completion of the completeness check, the ABM secretariat shall forward the grievance to the ABM EC.

16. The ABM EC shall review the grievance and attempt to address the concerns within 45 calendar days, including through consultation with the parties involved through the ABM secretariat, and decide on a ruling, such as a rejection of the grievance or measures to address the grievance, including any redress measures, as relevant. At latest, at the end of this period, the ABM EC shall send an official reply to the submitter per e-mail through the ABM secretariat, containing its ruling.

17. In case the submitter is not satisfied with the resolution by the ABM EC, an appeal can be submitted to the African Development Bank through the ABM secretariat per e-mail, mentioning as a subject: **APPEAL TO THE RULING OF THE ABM EC ON A GRIEVANCE**.

18. An appeal to a ruling of the ABM EC on a grievance shall contain the information mentioned in paragraph 13 above. In addition, it should contain the appeal to the ruling of the ABM EC or parts thereof, containing substantiation for the appeal and any new supportive information, as well as the proposed final solution.

19. The ABM secretariat shall conduct a completeness check within 15 calendar days and may approach the submitter(s) for clarifications and additional information within this period to complete the submission. Incomplete submissions shall be rejected and may be resubmitted once complete.

20. Depending on the nature of the request, if eligible, the submitter will be notified to submit the appeal to the Compliance Review and Mediation Unit of the African Development Bank, following its procedures¹ for a grievance. In all other cases, the request will be forwarded to the management of the African Development Bank².

¹ <https://www.afdb.org/en/independent-review-mechanism/management-of-complaints/how-to-file-a-complaint>

² The manager representing the African Development Bank is the Director of the Climate Change and Green Growth Department of the African Development Bank, and ultimately the Vice-President Power, Energy,

21. For cases forwarded to the management of the African Development Bank, it shall review the appeal and decide on a ruling, such as a rejection of the appeal or measures to address the appeal, including any redress measures, as relevant. The management of the African Development Bank shall send an official reply to the submitter per e-mail through the ABM secretariat, containing its decision on the course of action.

22. This mechanism may be reviewed based on experiences and best practices.

23. With the view to enhancing the transparency and learning-by-doing, all grievances and appeals, and the outcome thereof will be made publicly available on the ABM website, omitting names of individuals, and any other information that may infringe on their privacy.

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