

DEVELOPING A FEEDBACK AND GRIEVANCE REDRESS MECHANISM FOR REDD+ IN NEPAL

GRM study team:

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- II. Study methodology
- III. Social, legal and conflict review
- IV. GRM design
- V. GRM procedures
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- VIII. Monitoring and evaluation
- IX. Improving the GRM
- X. Conclusion and recommendations

Assignment

- Assess existing formal and informal feedback and grievance redress mechanisms at local, district, regional and national level
- Identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders.

Introduction



The study aims to design a feedback and grievance redress mechanism that is supportive to the REDD Implementation Center (RIC) to **address positive and negative feedback** from different stakeholders affected by climate change and interested in participating in REDD+

Introduction

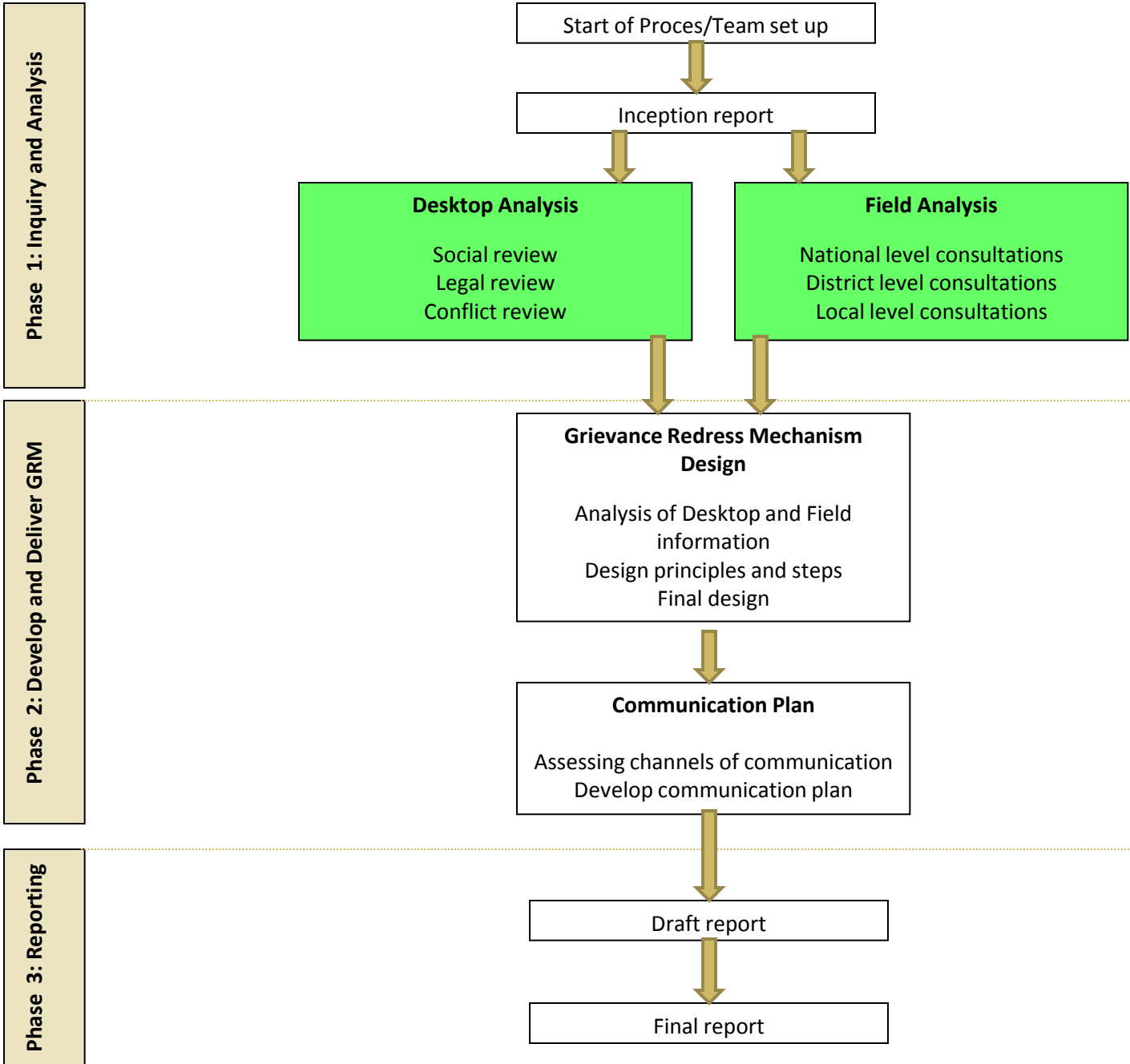


- Under the REDD+ framework, the GRM is defined as:
- A process for receiving and facilitating resolution of queries and grievances from affected stakeholders
 - A mechanism to focus on flexible problem solving approaches to dispute resolution
 - The mechanism is not intended to be a substitute for legal or administrative systems

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Consultation sites



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Social review

- The GoN has changed forest user rights a few times, resulting in historically embedded conflict between different types of forest users:

- ➔ Grievance in national/government managed forests

- ➔ Grievance in community forests

- ➔ Grievance in leasehold forests

- ➔ Grievance in private forests

Legal review

- Related regulations to the forestry sector will have to bring in more clarity on the rights and tasks of forest users, the GRM, penalties and the corresponding compensation
- It is necessary to exclude the district forest officer from decision making at first instance on grievance in REDD+ and create an alternative route for forest users to submit complaints

Legal review

- The participation policies guidelines stipulate encouraging participation of villagers, local government bodies and NGOs, thus GRM has to become multi-party
- If laws are not clearly defined and outline parties' responsibilities, the GRM will likely receive a significant amount of grievances on this topic

Legal review

- The DFO's authority should exceed to fine more than 10 thousand rupees ceiling to become an effective formal dispute resolution system working side by side of the GRM
- For the GRM to become a practical mechanism, there should be a law giving jurisdiction to the RIC to build and implement the REDD+ program (including the GRM)

Formal and informal systems

Formal system

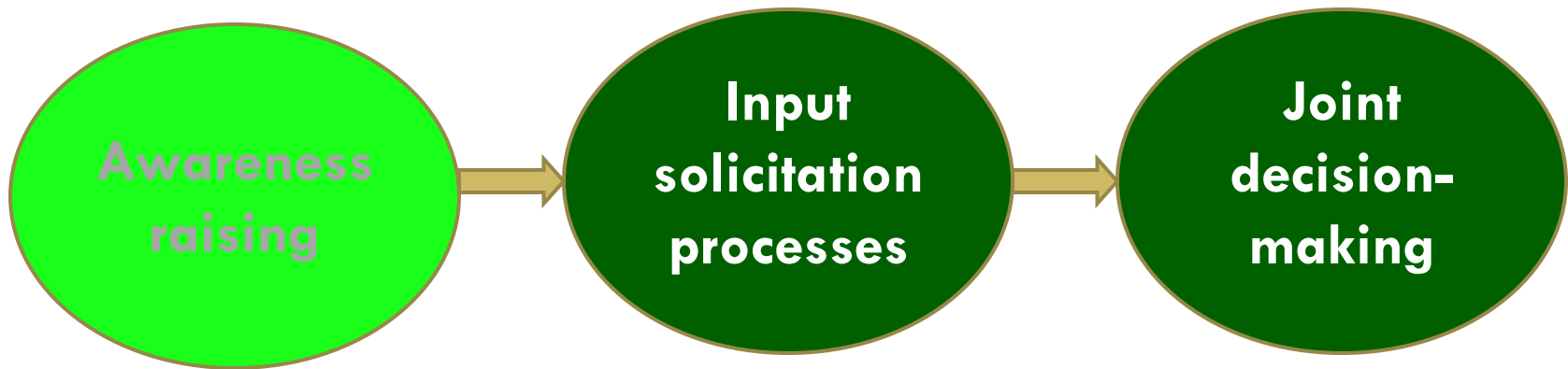
- ❑ Complicated procedures
- ❑ Last resort
- ❑ Expensive

Informal system

- ❑ Locally available
- ❑ Easy procedures
- ❑ Familiar
- ❑ Trustworthy
- ❑ Fast
- ❑ Simple
- ❑ Handle oral complaints
- ❑ Sustainable solution

Conflict review

- Stakeholders engagement currently at awareness raising level (Tier 1)



Conflict review

- Existing conflicts

- ➔ International level

- ➔ Regional and national level

- ➔ District level (most conflicts)

- ➔ Local level

Category	Driver	Impact on forest user	Forest user coping strategy
Environmental driver	Loss of usable land	Expansion of district-level conflicts	In-country migration from North to South
	Loss of water resources		
Legal driver	Free and Prior Informed Consent (FPIC) not practiced	Rights not respected	Advocacy
	Seizing of presently used land by Government	Fear of loss of user rights	None
	Boundary disputes between different users	Fear of loss of user rights	Dispute resolution
Socio-economic drivers	Changing interest of forest user (Westernization)	Need for more product	Find non-forest dependent livelihood
	Population pressure in Terai	Decreased user area	Illegal gathering e.g. encroachment
	Women's marginalized position	Elite capture within family	Advocacy
	Dominance of community leaders	Elite capture within community	None
REDD+ program driver	Inadequate information sharing and participation of stakeholders	Cannot effectively participate in REDD+	None
	Benefit sharing with communities who protect the forest	Unequal distribution of benefits.	Advocacy
		Elite capture within community	None
	Community leaders become more strict on user rules/restrict use	Decreased user area	None
Political drivers	Identity seeking from different groups in society	More political power	Every group starts claiming its place

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GRM design

Goal: Dialogue and problem solving as an intermediate way for stakeholders to discuss problems

- ▣ *REDD program*; technical design, implementation and evaluation
- ▣ *Rights-based approach to REDD*; processes to acquire (user) rights to land and resources
- ▣ *Engagement of stakeholders before and during REDD+ implementation*
- ▣ *Benefit sharing for REDD*
- ▣ *Customary practices*; including the internal practices of communities and the position of these communities within society

Option 1

**Informal mechanism
for dispute
resolution**

Win-Win solution

Value- and interest-based conflicts

**Focus on maintaining
relationships**

Option 2

**Feedback and Grievance
Redress Mechanism
(GRM)**

Win-Win solution

**Interest- and selected rights based
conflicts**

Focus on maintaining relationships

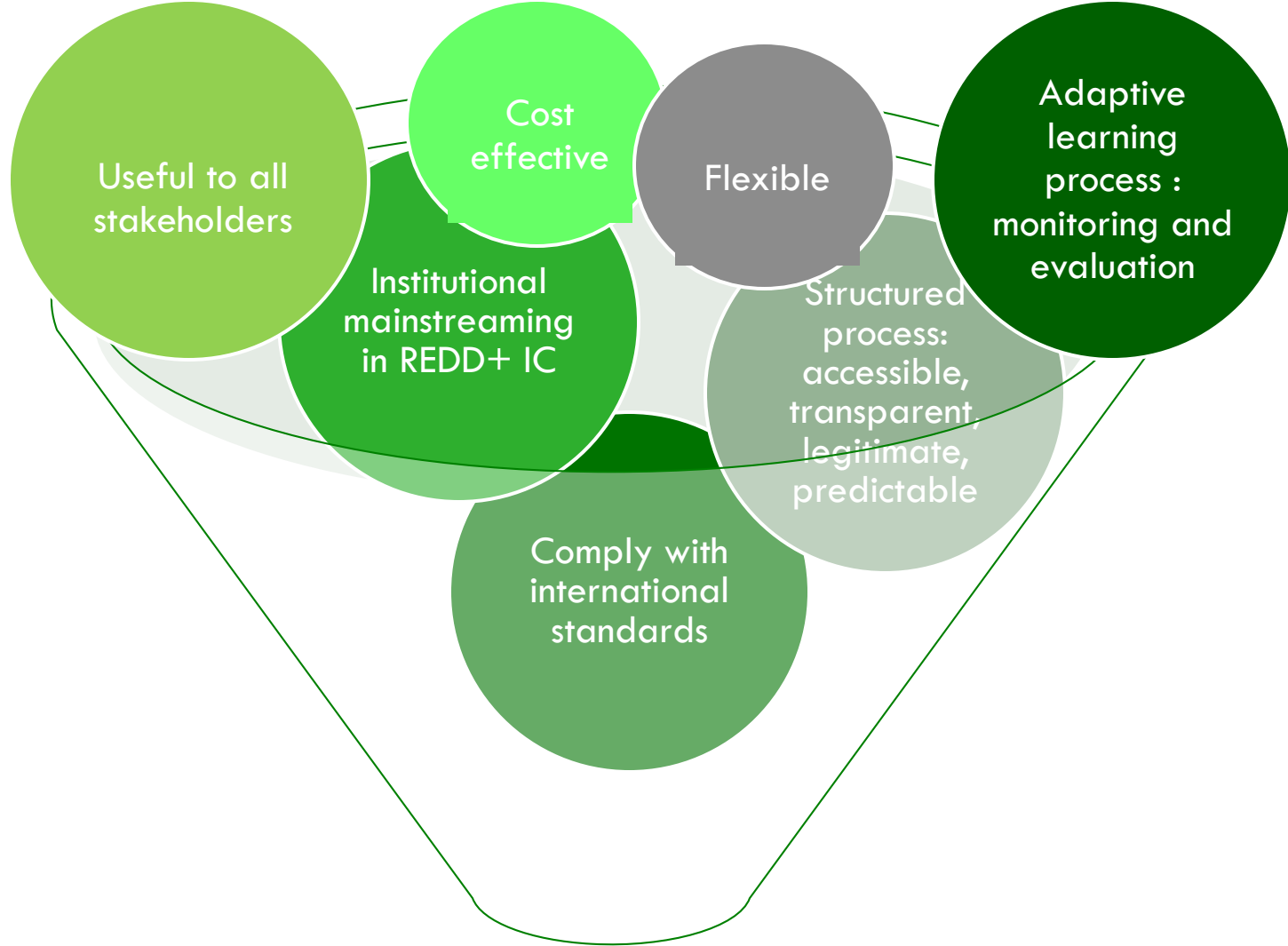
Option 3

**Formal mechanism
for dispute
resolution**

Win-Lose solution

Rights-based conflicts

Focus on implementation of the law



- - - -
+ - +
- + - +
- - - +



GRM



+ - + + +
+ + - +
+ + + +

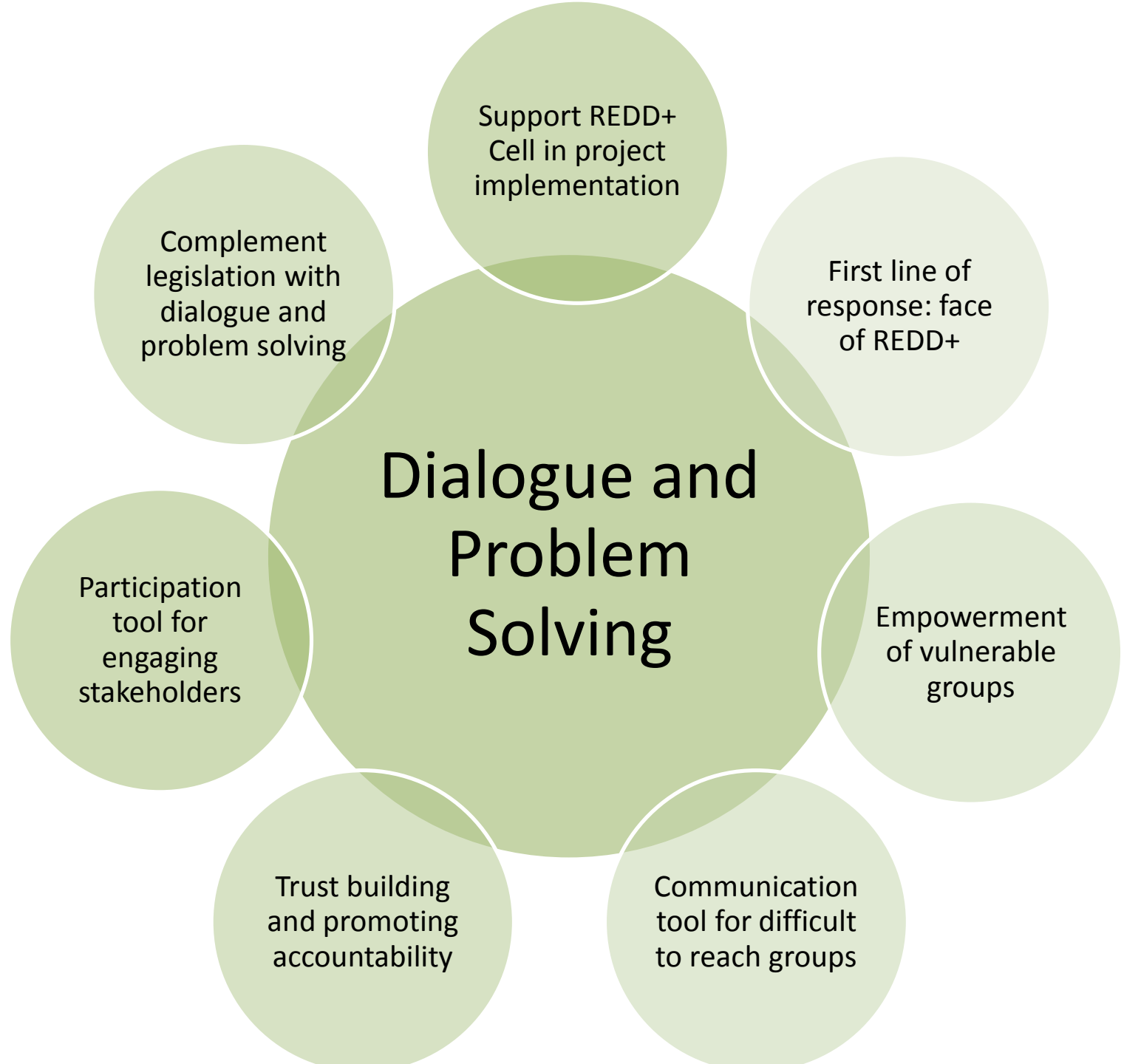
GRM design

□ Design principles

- I. Culturally sensitive
- II. Harbor and improve relationships
- III. Accessible - remove barriers of literacy, language
- IV. multiple channels to bypass existing conflict
- V. Acceptable - build on existing structures of informal and formal dispute resolution
- VI. Encourage looping back to a customary (informal) way of dispute resolution

GRM design

- vii. Promotes cooperation in taking decisions about grievance, accountability
- viii. Should build capacity of REDD+ participants
- ix. Mutual learning process
- x. Functions as a transparent mechanism for handling complaints
- xi. Promotes fact-finding research
- xii. Works independently
- xiii. Operated by specialists in REDD+ with experience in conflict resolution



GRM clients

Scope	Potential REDD+ related grievance	Cause	Clients to the GRM	Potential support group
REDD+ program	Activities, timelines and responsible parties	Design, implementation or evaluation problems	Local forest users	DFO, Community leaders, VDC, NGOs, federations
Rights	User boundary	Dominance of State Unclear user rights	Local forest users	Community leaders
	FPIC	Stakeholder's rights not respected	Local forest users	NGOs, federations
	Forest user right	Unclear user rights	Local forest users	DFO, Community leaders
	Land seizing	Dominance of State	Local forest users, usually poor and marginalized	NGOs, VDC, federations, Community leaders
	Encroachment	Poverty of marginalized and landless peoples	Poor, marginalized and landless peoples in Terai	DFO, Community leaders
		Influx of migrants	Local forest users in Terai	
Engagement	Participation	Poor engagement of stakeholders	Local forest users, usually poor and marginalized	DFO, VDC, Community leaders, NGOs, federations

GRM clients (cont'd)

Benefit sharing	Benefit sharing	Unclear agreements	Local forest users, usually poor and marginalized	NGOs , VDC, Community leaders, NGOs
	Identity claims by groups	Democratic maturation	Poor, marginalized and landless peoples	NGOs, DFO
Customary practices	Elite capture	Acculturation, Changing role leaders	Traditional community members	NGOs, DFO
	Change forest user rules	Acculturation, Changing role leaders		
	Women, Dalits and indigenous inequity	Historic social system	Women, Dalits and Indigenous peoples	Community leaders, NGO

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Complaint

1. Uptake

2 working days

2. Research

10 working days

3. Process

2 working days

4. Response

4 working days

5. Implement

10 working days

Loop back
to informal
dispute
resolution



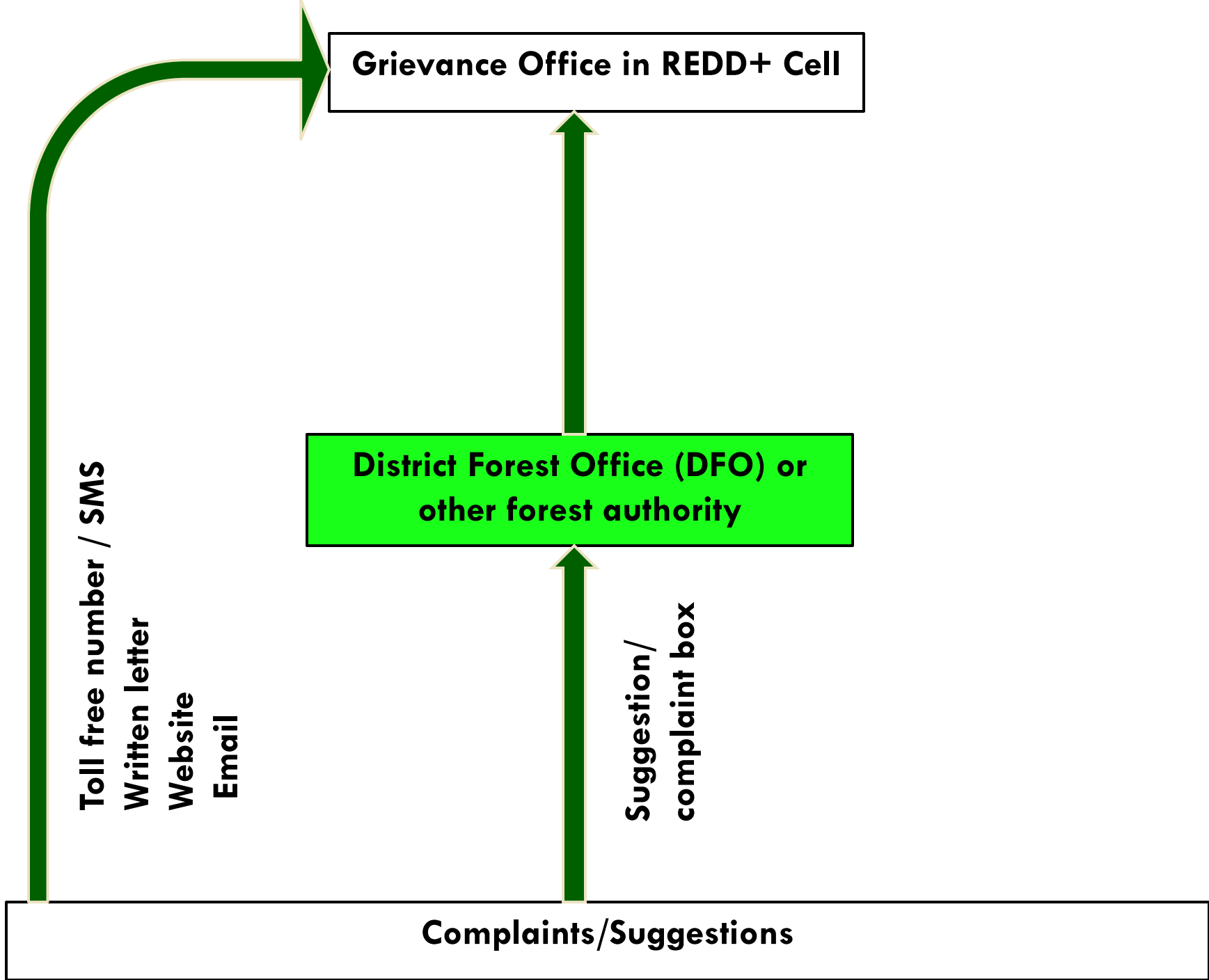
Resolved

Unresolved

6. Monitor

Appeal

Formal system



Grievance Office in REDD+ Cell

District Forest Office (DFO) or other forest authority

Complaints/Suggestions

Toll free number / SMS

Written letter

Website

Email

**Suggestion/
complaint box**

Complaint

1. Uptake

2 working days

2. Research

10 working days

3. Process

2 working days

4. Response

4 working days

5. Implement

10 working days

Loop back
to informal
dispute
resolution



Resolved

Unresolved

6. Monitor

Appeal

Formal system

GRM procedures

Research

- ❑ Screening eligibility
- ❑ Independent assessment team (IAT)



Roster of Experts

Process

- ❑ Choose resolution approach (process)
 - ❑ Informal DR
 - ❑ Self problem solving
 - ❑ External problem solving

TOR Roster of Experts

- At least 3 years in one of the tasks and topics detailed above, or closely related sub-areas, preferably including experience in the provision of policy advice, strategy development, and program development with a strong focus on integrating these areas with economic development and/or poverty alleviation. An excellent understanding of the requirements of the UNFCCC and REDD+ is required.
- The candidate is also to have a thorough understanding of the developing country context in Nepal, if possible based on working experience in the field.
- For conflict resolution specialists/mediators, a 42 hour training certificate is required which consists of three sections: human rights, Nepal law and mediation skills and tools, and is provided in Nepal.
- Of added value will be regional experience in South Asia, as well as experience in other.
- Excellent organizational and communication skills are also key to this position.
- Sufficient knowledge about international and national developments on REDD+
- Computer knowledge of Microsoft Office

Complaint

1. Uptake

2 working days

2. Research

10 working days

3. Process

2 working days

4. Response

4 working days

5. Implement

10 working days

Loop back
to informal
dispute
resolution



Resolved

Unresolved

6. Monitor

Appeal

Formal system

GRM procedures

Response

- Formulate response
- Deliver response with loopback option

Implement

- Resolution session
- Settlement or outcome report

Complaint

1. Uptake

2 working days

2. Research

10 working days

3. Process

2 working days

4. Response

4 working days

5. Implement

10 working days

Loop back
to informal
dispute
resolution



Resolved

Unresolved

6. Monitor

Appeal

Formal system

GRM procedures

Monitor

- Measurable milestones
- Together with district level forest authority

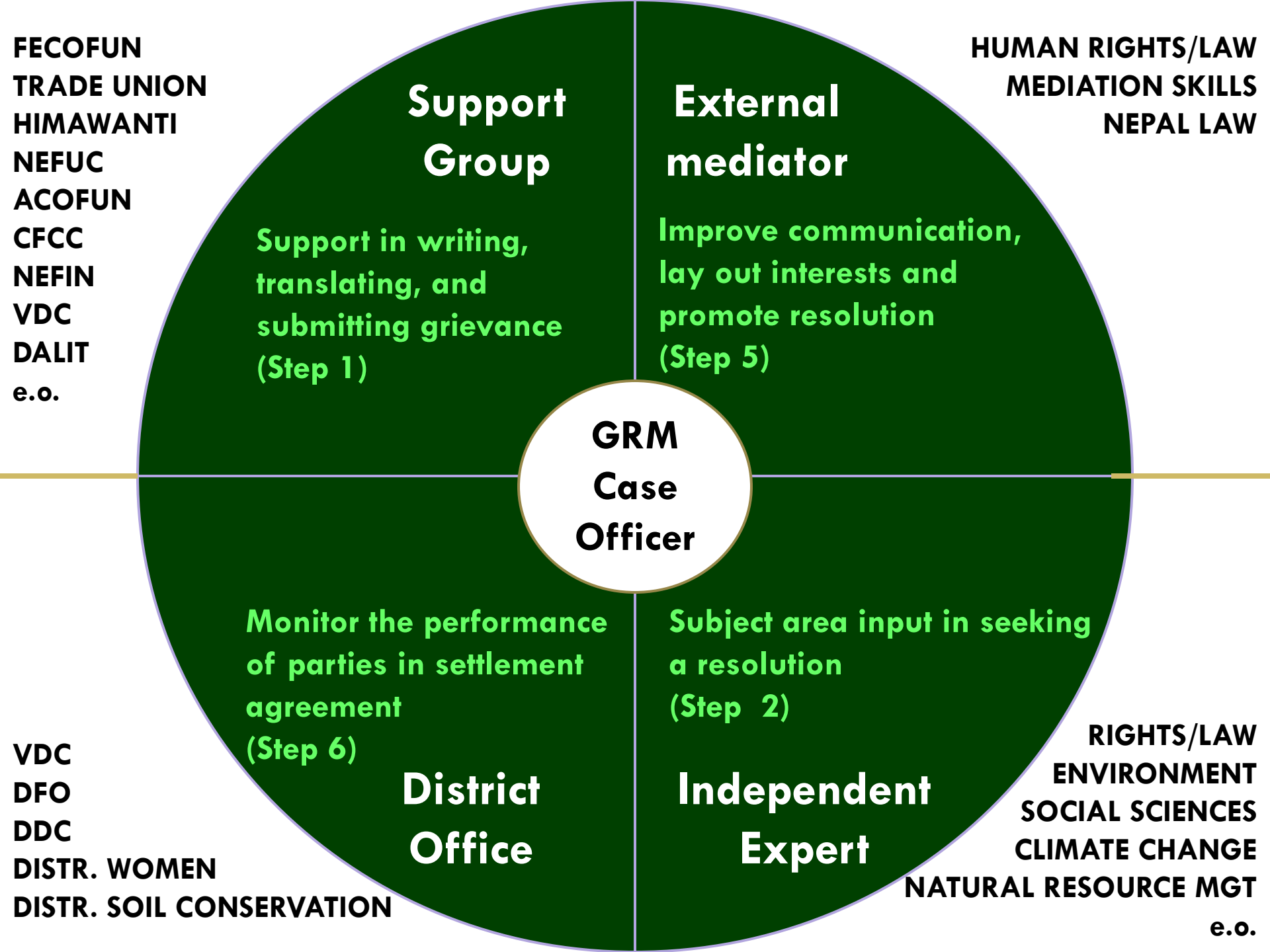
Appeal

- REDD Working Group

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**GRM
Case
Officer**

**Support
Group**

Support in writing,
translating, and
submitting grievance
(Step 1)

**External
mediator**

Improve communication,
lay out interests and
promote resolution
(Step 5)

**District
Office**

Monitor the performance
of parties in settlement
agreement
(Step 6)

**Independent
Expert**

Subject area input in seeking
a resolution
(Step 2)

FECOFUN
TRADE UNION
HIMAWANTI
NEFUC
ACOFUN
CFCC
NEFIN
VDC
DALIT
e.o.

HUMAN RIGHTS/LAW
MEDIATION SKILLS
NEPAL LAW

VDC
DFO
DDC
DISTR. WOMEN
DISTR. SOIL CONSERVATION

RIGHTS/LAW
ENVIRONMENT
SOCIAL SCIENCES
CLIMATE CHANGE
NATURAL RESOURCE MGT
e.o.

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Current jurisdiction for GRM	Gaps and deficiencies in jurisdiction	Conflict in jurisdiction	Implementation problems	Suggestions for streamlining REDD
<p>Ministry of Forest and Soil Conservation and REDD Implementation Centre.</p> <p>No Legislative Power</p>	<p>Amendment to laws are underway however, no Legislative power other than a definition of Payment for Environmental Services in the Second Amendment to Forest Act</p>	<p>Conflict between Forest Act and National park and Wild Life Conservation Act and other various rules and directives.</p> <p>Further, the second amendment has defined forest area which seems creating functional difficulties on forest related activities among various institution working in forest related activities</p>	<p>REDD Implementation Center seems rather a research wing, as it has no legislative power</p>	<p>Required to have legislative amendment</p>

Head of Grievance Office	Case Officer	Administrator	Monitoring officer
Coach and supervise grievance staff	Coordinate with complainants and other stakeholders on grievance	Address incoming and outgoing phone calls and SMS	Design, develop and maintain database for grievance monitoring
Supervise administrative and general operations	Review policy and procedure for grievance handling	Address incoming and outgoing email, website and letters	Develop policy and procedure for monitoring and archiving
Develop policy and procedures for grievance handling	Oversee cases of grievance	Coordinate and maintain filing system for grievances	Oversee monitoring and archiving of grievances
Oversee grievance handling and monitoring	Facilitate teams of experts in grievance handling	Organize and support in grievance meetings	Act as a point of contact for complainants
Select external experts for grievance handling	Report to and work with the head of grievance office	Provide general administrative support to operations	
Report to and work with the REDD+ Working Group	Develop technical reports on grievance	Act as a point of contact for complainants	
Monitor, evaluate and adapt process as necessary	Prepare, execute and report on problem solving and mediation meetings		
Awareness raising for stakeholders about GRM	Awareness raising for stakeholders about GRM		

Operationalization



- Phase 1: Establishment of legal and office infrastructure
(9 months)
- Phase 2: Establishment of field infrastructure
(3 months)
- Phase 3: Establishment of digital modality
(3 months)

Phase 1: Legal and office infrastructure

The following tasks will be executed by the Head of the Grievance office:

- i. Hire a consultant to develop a legal proposal for REDD+, including the GRM
- ii. Develop an organogram and procedures (handbook) for functioning of the grievance office as part of the REDD IC
- iii. Develop Terms of Reference (TOR) for the positions of administrator, case officer and monitoring officer
- iv. Seek staff for the positions of administrator (1), case officer (1) and monitoring officer (1) within the existing staff collective and Government infrastructure.
- v. Train staff in procedures and technical aspects of grievance redress
- vi. Establish a roster of experts necessary for independent assessment
- vii. Establish telephone infrastructure for a hotline and SMS uptake in the grievance office
- viii. Raise awareness about the GRM to other REDD structures such as APEX, REDD Working Group e.o.
- ix. Train DFOs, NGOs, interest groups and environmental and social experts necessary to provide support services to the GRM

Phase 2: Field infrastructure

The following tasks will be executed:

- i. Expand the number of case officers. The GRM will start functioning with 5 locally based case officers stationed in each region - Biratnagar, Hetauda, Pokhara, Surkhet and Dhangadhi. Based on the number of grievances received, the REDD IC can decide to station case officers into areas from which it received a high number of grievances
- ii. Train new case officers in procedures and technical aspects of grievance redress
- iii. Expand uptake locations nationwide by positioning a suggestion/complaint box at the DFO office
- iv. Raise awareness on GRM among local DFO/RFO, local communities and private forest holders about the function and procedures of the GRM
- v. Expand the roster of experts and identify local experts on social and environmental topics, as well as mediators in collaboration with the DFO

Phase 3: Digital modality

The tasks under this phase include:

- i. Create additional webpage on REDD IC website. A hub will be created to construct a specific grievance webpage under the current website of the REDD IC. Stakeholders can visit this webpage to submit queries, comments and complaints by filling in and submitting a form.

- i. In addition, a specific email address will be set up for grievance handling.

Initiation	Activity	Geographical focus	Responsibility	Month after initiation																				
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Phase 1 Legal and Office Structure	1 Appoint/hire head of grievance office	Central office REDD IC	REDD IC																					
	2 Develop a legal proposal for legalizing the GRM (as part of REDD+)	National	REDD IC																					
	3 Develop handbook with policies and procedures for GRM office	Central office REDD IC	Head grievance office																					
	4 Develop TOR for administrator, case officer and monitoring officer	Central office REDD IC	Head grievance office																					
	5 Appoint/hire 1 administrator, 1 case officer and 1 monitoring officer	Case officer for Terai region, administrator and monitor officer in central office'	Head grievance office																					
	6 Train staff in GRM policies and procedures, laws and conflict resolution tools	Central office REDD IC	Head grievance office																					
	7 Establish roster of experts in collaboration with Terai DFOs (12 districts)	Terai region	Head grievance office																					
	8 Establish phone infrastructure and SMS modality at REDD IC office	Central office REDD IC	Head grievance office																					
	9 Raise awareness about GRM to NGOs and other interest groups about role in GRM	National	All staff in grievance office																					
	10 Raise awareness about GRM to DFO and other relevant forest authorities about role in GRM	Terai region	All staff in grievance office																					
	11 Raise awareness about GRM to experts in social and environmental sciences about role in GRM	National	All staff in grievance office																					
Phase 2 Field Structure	12 Appoint/hire 5 or more case officers for national implementation	National	Head grievance office																					
	13 Expand number of case officers nationwide	National	Head grievance office																					
	14 Train case officers in GRM policies and procedures, laws and conflict resolution tools	Central office REDD IC	Head grievance office																					
	15 Create uptake location at DFO office	National	Case officer																					
	16 Raise awareness about GRM to DFO and other relevant forest authorities about role in GRM	All other regions except Terai region	Case officer																					
	17 Establish roster of experts in collaboration with DFOs nationwide (except Terai region)	National (except Terai region)	Head grievance office, case officer																					
	18 Raise awareness of local communities about GRM	Local region	Local case officer																					
	19 Raise awareness of private sector forest holders about GRM	Local region	Local case officer																					
	20 Raise awareness to REDD+ high structures and politicians about GRM	Central office REDD IC	Head grievance office																					
Phase 3 Digital Modality	21 Create additional webpage for submitting grievances	Central office REDD IC	Head grievance office																					
	22 Create email address for submitting grievances	Central office REDD IC	Head grievance office																					
Operation																								
	1 Grievance handling	National	Local case officer, grievance office																					
	2 Monitor indicators measuring participation in the GRM	Central office REDD IC	Monitoring officer																					
	3 Monitoring indicators measuring effectiveness of the GRM	Central office REDD IC	Monitoring officer																					
	4 Evaluation of GRM and planning for next year	Central office REDD IC	REDD IC, REDD Working Group																					
	5 Inform every stakeholder/target group about GRM effectiveness/lessons learnt	Central office REDD IC	Grievance office, local case officer																					
	6 Post GRM effectiveness/lesson learnt on website	Central office REDD IC	Monitoring officer																					

Start receiving feedback and grievances

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Monitoring and evaluation

Monitoring every 6 months

- Participation indicators
 - ▣ Number of complaints registered
 - ▣ Number of forest users by categories that have used the GRM
 - ▣ Number of marginalized forest users by categories that have used the GRM

Monitoring and evaluation

- Effectiveness indicators
 - ▣ Percentage of grievances resolved
 - ▣ Percentage of grievance addressed in set time frame
 - ▣ Percentage of grievances handled with simple conflict resolution techniques (apology, explanation, reframing etc.)
 - ▣ Percentage of grievances handled with more complex procedure (problem solving, mediation)
 - ▣ Percentage of positive feedback

Monitoring and evaluation

Annual evaluation

- Resolution indicators
 - Percentage of grievances resolved with satisfactory output
 - Percentage of recurring complaints by categories (participation, rights, benefit sharing, program, customary practices)

- General inquiries

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Step 1
Lessons learned from monitoring and evaluation
Grievance Office

Awareness raising activities
FGRM policies/procedures
Engagement activities
Grievance indicators

Step 2
Generate actions for improvement
REDD Working Group

Communicate with stakeholders

Step 3
Translation into programmatic tools
Grievance Office

Step 4
Incorporate tools into overall planning process
REDD Cell

Improving the GRM

- Communication plan
 - i) introducing GRM → awareness and instructions
 - ii) after operationalization → effectiveness and improvement

- Target groups: local communities, private forest holders, NGOs and Other Interest Groups, Regional and District Forest Offices, Experts in Environmental and Social Sciences, REDD+ related Structures

- Delivery, multipliers, responsibility, timeline

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Conclusion and recommendations

- GRM is not only a mechanism to simply receive and handle complaints but more so a governance tool for continuous learning and improving
- Horizontal structure is needed for targeting conflicts between local forest users in the GRM (voice)
- Expert-base decision-making allows for independence and impartiality
- Opportunity exists to redefine content and process of user rights

Conclusion and recommendations

□ Recommendation for Legal Provisions for the GRM

1. There is an urgent need to reform forest and environmental laws. Specific emphasis should be set on:

- i) Legal definition of REDD+, carbon emission, forest degradation, deforestation, environmental services
- ii) Defining the REDD Implementation Center as coordinating body and institution responsible for the GRM
- iii) Harmonization of forest related regulatory framework to clarify their roles in effective REDD+ implementation and functioning
- iv) Rights and interest of forest users group related to REDD+ benefits, specifically the interest of local, marginalized and indigenous people

Conclusion and recommendations

- i) Cause and remedy of deforestation and degradation
- ii) REDD+ related benefit sharing modus operandi
- iii) Provisions about free prior and informed consent (FPIC) to comply with ILO 169.
- iv) Public-private participation and joint investment mechanism on forest development and management
- v) Jurisdiction of REDD Implementing Center and head of grievances office, case officers, administrator and monitoring officer.

Conclusion and recommendations

2. Create Legal Provisions for GRM institutionalization

It is prudent to recognize that PES provisions should be expanded to include REDD+ and its structures (such as GRM).

Given the multi-dimensional and cross-sectoral aspect of REDD+, it is recommended defining provisions for jurisdiction of the REDD IC and program under a new act.

Conclusion and recommendations

3. Expand the Jurisdiction of the District Forest Office for Formal Grievance Redress

The GRM is not a standalone mechanism and connects with the informal systems of community dispute resolution and the formal judiciary system at the district level.

District level authorities have wide experience with settling disputes with a fine up to \$100. To keep functioning as the main forest authority handling formal grievance, this ceiling of \$100 needs to be increased.

Conclusion and recommendations

□ Recommendations for Operationalization of the GRM

1. Gradually Expand GRM from Regional to National Focus

It is recommended to build the GRM gradually from the Terai region into a mechanism with a national focus. The GRM will start by building on the limited resources available at the REDD IC, such as staff and technical infrastructure. In addition, staff and infrastructure of the local District Forest Offices will be utilized by the case officer covering the pilot site in the Terai region.

Conclusion and recommendations

- Recommendations for Operationalization of the GRM
- Create Incentives for Using the GRM The Nepalese culture and local circumstances teaches us that there are serious barriers for local level forest users to submitting grievances to the formal system. The GRM, as a quasi formal system, may face the same constraints for use as the formal system. It is therefore recommended to create incentives for local level forest users to use the GRM. Incentives can be created through simple stipends (such as transportation costs or telephone costs) to local users so the GRM becomes accessible. Such costs, as well as other costs associated with the operationalization of the GRM should be obtained from benefits coming from REDD+.tating the definition of carbon rights for forest-dependent communities, right and obligations, and provisions for the GRM under a new act

Conclusion and recommendations

2. Raise Awareness about the GRM

The study team observed that the goal and operation of a REDD+ GRM are unclear to the majority of stakeholders in REDD+. We therefore recommend raising awareness about the GRM alongside its implementation to encourage stakeholders using the mechanism. Awareness raising activities about the GRM can be best coupled with general awareness activities about REDD+.

Conclusion and recommendations

3. Create incentives for using the GRM

The Nepalese culture and local circumstances teaches us that there are serious barriers for local level forest users to submitting grievances to the formal system. The GRM, as a quasi formal system, may face the same constraints for use as the formal system.

It is therefore recommended to create incentives for local level forest users to use the GRM. Incentives can be created through simple stipends (such as transportation costs or telephone costs) to local users so the GRM becomes accessible. Such costs, as well as other costs associated with the operationalization of the GRM should be obtained from benefits coming from REDD+.



□ Thank you!