

**Center for International Environmental Law \* Friends of the Earth U.S.  
Asia Indigenous Peoples Pact \* Bank Information Center \* Earthjustice  
Environmental Investigation Agency \* FERN \* Global Witness  
Greenpeace International \* Rainforest Foundation Norway**

October 14, 2011

Administrator Helen Clark  
United Nations Development Programme  
One United Nations Plaza  
New York, NY 10017

*Re: Accountability mechanism*

Dear Administrator Clark:

We welcome and strongly support the United Nations Development Programme's (UNDP) commitment to establish an accountability mechanism for FCPF Readiness Preparation grant agreements in accordance with the Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners ("Common Approach") as well as an interim process to address complaints while the accountability mechanism is being developed. We also encourage UNDP to consider how these processes could inform an organization-wide accountability mechanism that applies to all UNDP programs and projects.

Accountability mechanisms are vital, proven tools that assist institutions in minimizing harm to communities and ecosystems by protecting existing rights, obligations and standards. Such mechanisms also help to ensure transparent, legitimate, and effective programs and results as well as promote sustainable development. When peoples or communities believe they are negatively impacted, or when their rights may be violated, as a result of FCPF-related activities, it is essential that they are able to seek recourse in a timely manner.

As a delivery partner under the FCPF Readiness Fund, UNDP has agreed to establish an "accountability mechanism that is independent, transparent, effective, accessible to affected people, and available to respond to/address claims related to the Common Approach ... or its implementation."<sup>1</sup> John Ruggie, the UN Special Representative of the Secretary General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, has elaborated several important principles that should be included in the design of this mechanism, including: *legitimacy*, which requires independence from political influence; *accessibility*, particularly for complainants; *predictability*, by way of clear and known procedures and monitoring of implementation; *equitability*, by ensuring aggrieved parties can engage in a process on fair and equitable terms; *transparency* of process and outcome; and *rights-compatibility* to ensure consistency with internationally recognized human rights standards.<sup>2</sup>

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<sup>1</sup> FCPF Readiness Fund, Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners (Jun. 9, 2011), para. 36.

<sup>2</sup> *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie*, U.N. Doc. A/HRC/8/5, Apr. 7, 2008.

These principles provide a solid foundation on which UNDP can build a robust and transparent accountability mechanism to consider and address complaints related to the Common Approach. We also recommend that these principles form the basis of an organization-wide accountability mechanism applicable to all UNDP programs and projects.

In designing this accountability mechanism, stakeholders – including potentially affected communities, indigenous peoples and civil society organizations – must be afforded meaningful opportunities to provide input. As part of a robust and participatory consultation process, stakeholder participation will help to ensure that the mechanism is legitimate and consistent with the principles described above. We look forward to engaging in the process of developing the accountability mechanism, particularly in the design of the consultation process and during the consultation process itself.

While the accountability mechanism is being developed, we understand that UNDP has also undertaken to establish an interim process (i.e. a safeguard expert or consultant) to receive and provide expert guidance on claims related to the application of the Common Approach to FCPF Readiness activities. It is essential that this expert or consultant embodies the same principles described above, is truly independent from relevant decision-makers and other stakeholders, and has the authority not only to receive complaints but also to investigate and seek remedies for concerns raised. This interim process should not serve as a reason to delay the establishment of a permanent mechanism – in fact, the expert or consultant could assist UNDP in developing the mechanism. Once established, UNDP must conduct appropriate outreach to stakeholders so they know the interim process is in place and understand how to access it.

We thank you for your commitment and current efforts to evaluate options for implementing a transparent, accessible, independent and effective accountability mechanism for FCPF Readiness Preparation grant agreements, and call on you to commit to a timetable at the next Participants Committee meeting. We also strongly urge UNDP to take this opportunity to consider how this mechanism could be applied across the organization to ensure that all UNDP programs and projects protect the rights and interests of affected peoples and communities.

Sincerely,

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