**Clarifying the UN-REDD Programme Approach**

**to Addressing Community Complaints**

Concept Note

20 November 2013

This draft concept note is intended to provide a framework for developing a jointly agreed approach to address complaints from affected people and communities relating to the design and implementation of National Programmes (NPs) under the UN-REDD Programme. Underlying this concept note is the belief that an agreed predictable process for responding to complaints from affected people can:

1. clarify the process, roles and responsibilities for responding to specific complaints about Programme-supported activities;
2. increase the effectiveness, efficiency and timeliness of responses and resolutions to complaints;
3. ensure coordinated communication with external stakeholders and improve internal communications;
4. enhance overall Programme performance and strengthen support for the Programme from multiple stakeholders.

Clarifying the UN-REDD Programme’s approach to addressing complaints should be seen as a complement to, not a substitute for, the agencies’ other efforts to minimize negative impacts on affected people, including procedures for engaging stakeholders proactively, assessing environmental and social risks, and designing and implementing processes to minimize the likelihood of complaints and grievances. The proposed approach would also complement efforts to support countries to establish their own procedures for addressing complaints. Most grievances arising from UN-REDD Programme-supported activities at the country level should be addressed by national implementing partners without direct UN-REDD Programme involvement. In this way, the UN-REDD Programme approach to addressing complaints is intended to be a secondary recourse for stakeholders in UN-REDD Programme-supported activities.

This concept note sets forth options as well as a recommended approach for proactively responding to public complaints regarding UN-REDD Programme-supported activities. The concept note has been prepared by a consultant with many years of experience in designing citizen-driven grievance mechanisms and has been developed based on interviews with representatives of each of the agencies.

**Background**

Procedures and systems for responding to the concerns of affected communities have become an integral part of the development process. Many international agencies, civil society organizations (CSOs), and governments now recognize that such procedures, along with the associated environmental and social policies, are critical for ensuring effective development outcomes on the ground. Such procedures also allow institutions to anticipate potential complaints and to respond to them efficiently and effectively, which builds stronger relationships among stakeholders and broader support for the associated development activities. Clear systems for addressing complaints have been developed at most of the international financial institutions and several bilateral financial institutions. Each of the UN agencies involved in the UN-REDD Programme have also recently established or are considering the establishment of clear procedures for addressing environmental and social complaints related to their activities.

The perceived need for clear procedures for responding to complaints is particularly acute in projects or programmes, like UN-REDD, that could affect the rights and interests of indigenous or resource-dependent communities. Indeed, the UN-REDD Programme has already begun receiving complaints from affected people regarding the design and implementation of its National Programmes (NP). Recognizing that the Programme is likely to continue receiving complaints, significant benefits could result from clarifying and systematizing steps for addressing complaints from affected people.

**Learning from the Panama Complaint**

The UN-REDD Programme has already received one public complaint from affected stakeholders, which raised questions regarding the Panama NP. The experience in responding to this complaint provides useful information for shaping the proposed guidelines for the UN-REDD Programme’s ability to respond to future complaints. Perhaps most importantly, the experience highlighted the importance of anticipating future complaints and having a shared understanding of how complaints should be addressed in the future.

In response to a high-profile series of complaints made against the Panama NP by the National Coordinating Body of Indigenous Peoples in Panama (COONAPIP) starting in June 2012, the UN-REDD Programme took several steps, including:

* Sending a coordinated written response to the complaint;
* Organizing a high-level fact-finding mission with representatives of each of the agencies;
* Preparing a plan for setting up a mediation process;
* Hiring an outside consulting team and developing Terms of Reference for investigating the allegations in the complaint and for conducting the mid-term evaluation of the NP;
* Preparing a draft plan for communicating the status of how the UN-REDD Programme is addressing the complaint;
* Delivering the consultant’s findings from the investigation and evaluation.

The experience in responding to the complaint made against the Panama NP has highlighted several general lessons relevant to the design of future responses, including among others:

* A complaint at the national level can have implications for the UN-REDD Programme as a whole (including, for example, creating reputational risks and loss of trust with key stakeholders, adding demands on financial and human resources, and delaying NP activities);
* Developing a shared understanding for how to respond to significant complaints would allow for more efficient and effective management of the dispute, potentially saving time and resources;
* Complaints may vary significantly and require different responses so any process must be flexible (for example, whether to handle the response at the national level or with international involvement; whether to establish a mediation process or focus on investigating the factual allegations in the complaint; and whether to trigger a more comprehensive evaluation of the NP);
* Coordination between the agencies and between different Programme levels (i.e. country, regional, HQ and Secretariat) is critical to an effective response and would be aided by clarifying roles/responsibilities and associated accountabilities in advance;
* Transparency and communications with different stakeholders about how a complaint is being address is critical to contain expectations and manage reputational risk of the Programme;
* Investigations or other proposed responses to specific complaints should be tailored to the complaint and in most instances implemented separately from mid-term evaluations or other programmatic reviews; and
* Complainants expect their complaint to be addressed in a predictable and timely fashion and this requires attention in advance to clarifying the respective roles/responsibilities and procedures for response.

**Purpose**

As noted above, an agreed inter-agency understanding for responding to complaints from affected people could fulfill the following objectives:

1. clarify the process, roles and responsibilities for responding to specific complaints about Programme-supported activities;
2. increase the effectiveness, efficiency and timeliness of responses and resolutions to complaints;
3. ensure coordinated communication with external stakeholders and improve internal communications;
4. enhance overall Programme performance and strengthen support for the Programme from multiple stakeholders.

**Principles**

The UN-REDD Programme’s shared approach for addressing complaints should identify some basic principles that can serve as a benchmark for measuring the establishment and implementation of the shared approach over time. Among potential principles, which reflect the experience from other similar complaints mechanisms as well as the unique nature of the UN-REDD Programme, are principles of independence, flexibility, fairness, transparency, accessibility, effectiveness, and fit for the UN-REDD institutional arrangement.

(i) Independence

Independence requires that responses to complaints operate without undue influence from the particular operational decision-makers, governments, NGOs or complainants. Independence requires that those who evaluate and respond to complaints not be personally involved in the underlying operations that are the subject of the complaint.

(ii) Flexibility

Flexibility requires that the approach to responding to complaints be able to shape the response given the particular nature of the complaint, the nature of UN-REDD involvement, and the relative strengths of the UN-REDD Programme and agencies as they relate to the complaint.

(iii) Fairness

Fairness and objectivity require the responses to complaints to treat all parties and stakeholders fairly, to give equal weight to the arguments of all sides and to conduct independent and impartial investigations.

(iv) Transparency

The principle of transparency requires that this shared approach be made public and that the UN-REDD Programme publicly report in a timely fashion its approach to particular complaints, including where appropriate disclosure of terms of reference, factual findings, non-confidential party submissions, and similar documents.

(v) Accessibility

UN-REDD should make itself accessible at both the national and international levels to affected people to submit complaints. Accessibility also requires that no unnecessary barriers impede affected people from complaining about UN-REDD activities.

(vi) Effectiveness

The process should allow UN-REDD to craft effective and timely responses to complaints that are responsive but cost-effective.

(vii) Tailored to the Institution

The shared approach to responding to complaints must take into account the particular features of UN-REDD Programme’s architecture, including the autonomy of each participating agency, the multiple levels of UN-REDD operations, and the relatively narrow scope of UN-REDD supported activities. As part of fitting into the architecture, the shared approach to complaints should also reflect the principle of subsidiarity and the recognition that, where possible and appropriate, complaints should be resolved at the national level.

**A Shared Approach to Addressing Complaints**

This section presents the outlines for a shared approach to addressing complaints that would clarify how UN-REDD Programme can more efficiently and effectively respond to serious complaints about its activities in the future. These steps reflect widely accepted good practice in responding to environmental and social complaints in the development context. The steps include the following:

1. Filing the complaint (although not part of the UN REDD-Programme’s response, it is the trigger for starting the response process);
2. Receiving, acknowledging and registering the complaint and notifying other agencies that a complaint has been received;
3. Screening the complaint to ensure it meets the eligibility criteria and assessing all eligible complaints to propose appropriate response(s) and discussing the response(s) with the complainants;
4. Approving the proposed response;
5. Carry out the response actions (response actions will vary depending on the circumstances);
6. Monitoring the response actions over time, if appropriate;
7. Closing out the complaint when no further response actions are warranted.

This section discusses potential options as appropriate for each of these different steps in responding to complaints. While maintaining flexibility for a variety of responses, these steps would allow for more predictable procedures in responding to complaints.

**(1) Filing a Complaint**

The Programme should establish a clear set of criteria for reviewing the eligibility of potential complaints. In general, any person or group of persons who are potentially affected by a UN-REDD supported activity should be able to file a complaint. Complaints could be received by mail, email, or fax. Anonymous complaints will not be accepted but the complainants’ names will be kept confidential if they so request it. Further eligibility requirements for complaints should include that the complaint:

* Relates to a UN-REDD supported activity;
* Is submitted by or on behalf of people affected by the development or implementation of the National Programme; and
* Raises potential issues relating to environmental and social impacts from UN-REDD supported activity or national programme.

**(2) Receiving and Acknowledging the Complaint**

The UN-REDD Programme should clarify to the public how a complaint should be filed and with whom. The goals of clarifying the process for receiving and acknowledging a complaint include: (1) publicizing to prospective stakeholders the willingness of the UN-REDD programme to receive complaints; (2) channeling complaints about UN-REDD activities into the system so that complaints can be addressed, tracked and monitored; (3) informing UN-REDD agencies and stakeholders early that a complaint exists; and (4) informing complainants quickly that their complaints are respected and taken seriously.

Several options for ‘windows’ for receiving complaints exist in the UN-REDD system, including at the national, regional and international level. The national level has the most direct contact with stakeholders and many complaints will likely enter the system through the NP staff. On the other hand, in some cases complainants may be critical of national level activities and be seeking a more independent response. For this reason, complaints may also be aimed at the regional or national levels. The agencies implementing the UN-REDD Programme also have programmatic interests in learning about complaints as they emerge and would benefit from a coordinated way of identifying, tracking and monitoring complaints.

The proposed option is that the UN-REDD Programme Secretariat establish a ‘window’ for receiving complaints about UN-REDD supported activities and maintain a public registry that tracks the complaints and their disposition. Complaints initially received at the national or regional levels should be forwarded to the Secretariat. As national and regional Programme staff will likely receive frequent questions or comments about UN-REDD activities, they will have to use their discretion in determining which interactions merit forwarding to the Secretariat as a formal complaint.

Any complaint received should be promptly acknowledged by whomever receives it. For national and regional staff, the acknowledgment should simply thank the complainant for their submission and report that it has been forwarded to the Secretariat for further attention. For complaints received directly by the Secretariat, the acknowledgment can simply thank the complainants for their submission and inform them that they will hear back as soon as the complaint can be assessed.

Once a complaint is received by the UN REDD Programme Secretariat, it should be entered into a publicly accessible registration system so that the public and other stakeholders will know at least that a complaint has been filed. This will also serve the goal of assuring the complainants that their complaint has been received and is being addressed. At the same time, the Secretariat should send a copy of the complaint to:

1. the Management Group or designated focal point at the international level for each agency,
2. the appropriate regional coordinator or designated focal point for the complaint, and
3. the national coordinator or designated focal point for the NP at issue in the complaint.

**(3) Screening and Assessing the Complaint**

Once a complaint is received it must be reviewed with two purposes in mind. First, does the Complaint meet the basic criteria for eligibility to merit any substantive response and, second, what response would be most appropriate given the particular nature of the complaint.

The first step of *screening* for eligibility can in most cases be conducted quickly as essentially a desk review of the complaint. In keeping with the goal of making the UN-REDD accessible to stakeholder complaints, the eligibility requirements should be relatively straight forward and not present an unnecessarily high impediment to complaints. As suggested above, the eligibility screening should review (1) whether the complainants are or represent others who are impacted or potentially impacted; (2) that the complaint relates to environmental or social issues; and (3) that the complaint relates to UN-REDD Programme-supported activities. The last criteria may be the most difficult criteria for stakeholders to meet, and the screening process may require further investigation than simply a desk review.

The second step of *assessing* the complaint is aimed at determining the best method of responding to the complaint. In most cases, this may require significantly more attention and resources than screening for eligibility. Among the issues that may have to be determined during the assessment is (1) whether the complaint should be responded to at the international level or whether it is better left to the national level; (2) what type of methodology should be used in responding to the complaint (i.e. mediation, facilitated dialogues, fact-finding, evaluating the complaint against Programme guidelines or agency safeguards, etc.); and (3) who should be the lead office or entity to lead the response. This step will frequently involve significant information gathering, meetings with the complainants, and discussions with appropriate Programme, agency or government staff.

The two functions can be split with different entities assigned to screen as opposed to assess, but this may unduly complicate the structure and lead to redundant effort. Some of the information necessary in screening for eligibility is also useful in determining what should be the best response to a complaint. Both screening and assessment benefits from an independent perspective. Thus, those directly involved in the operations or activity that is the subject of the complaint should actively inform the analysis but they should not be responsible for the ultimate screening or assessment decisions. Finally, the assessment process and to a lesser extent the screening process can in some cases be labor and resource-intensive and require expertise in dispute resolution methodologies. Thus, the capacity and resources to conduct these activities must also be considered.

The options for who screens and assesses the complaints include; national level Programme or agency staff; the Programme Secretariat; the Management Group or a Designated Task Force from each agency; or one or more of the existing complaints mechanisms being developed at UNDP, UNEP and FAO. To maintain independence in the process, complaints should probably be evaluated and assessed outside of the national context. The Management Group or an Interagency Task Force/Working Group could be designated to screen and assess claims but this could be inefficient and lead to higher costs as all three agencies would have personnel involved. Because of the value in building and using relevant expertise, it may be most efficient to use one of the three agencies’ complaints functions to screen and assess complaints as they come in. Under this approach the UN-REDD Secretariat after receiving a complaint could refer the complaint to one of the three agencies’ corporate complaints mechanisms according to a set of criteria, which might include the following:

1. which agency is the lead agency for the UN-REDD programme activity that is the primary focus of the complaint;
2. which agency complaints mechanism is available and resourced for the screening and assessment;
3. which agency’s environmental and social safeguard policies are most implicated by the complaint.

Alternatively, the agencies could decide to delegate the screening and assessment of all complaints to one of the agencies’ complaints mechanisms. This could lead to the development of expertise and greater efficiency in evaluating and assessing UN-REDD related complaints, and would ensure greater consistency in the application of screening and assessment criteria.

Whichever entity is given the responsibility to screen and assess a particular claim should also be responsible for gathering information from the complainants as well as other relevant stakeholders and Programme or agency staff. In addition, the entity responsible for screening and assessing should also communicate the results of their screening and assessment to:

(1) the complainant;

(2) the Secretariat office that maintains the complaints registry;

(3) the Management Group or designated agency focal point,

(4) the appropriate regional coordinator or designated focal point, and

(5) the national coordinator or designated focal point for the NP at issue in the complaint.

**(4) Approving the Proposed Response**

The result of the assessment process above is a proposed plan for responding to the complaint and the identification of the lead office or entity for responding to the complaint. Either the complaint could move directly into carrying out the proposed response (see next paragraph), or UN-REDD could seek to have the agencies formally review and approve the proposed response, including the lead agency. One possibility is that the proposal is sent to the Management Group who reviews the proposed response. This would slow down the process of responding to the complaint, but it would also ensure that proposed responses have been reviewed and supported by the agencies. Particularly for more complex or higher profile complaints, this could be an important step for ensuring a coordinated and effective response.

**(5) Carrying out the Response**

As noted above, thehe result of the assessment of an eligible complaint is a proposed plan for responding to the complaint and the identification of the lead office or entity for responding to the complaint. The ultimate nature, scope and lead entity for responding to complaints may vary considerably across different complaints raising different issues. The lead entity might be at the national, regional or international level, depending on the scope and nature of the complaint and other factors such as the capacity and resources available to conduct the response. The response would also be shaped to respond to the specific allegations and objectives of the underlying complaint. In some instances, the response may require the allocation of additional resources and the political commitment of the various agencies. This flexibility should allow for a wide range of responses while still ensuring that the response is conducted transparently and monitored at the Programme or agency level.

**(6) Monitoring the response actions over time, if appropriate**

Given that the ultimate nature, scope and lead entity for responding to complaints may vary considerably, it is important that the progress and outcomes of responses be transparent and monitored at the international level. Part of this can be accomplished through effective internal communications protocols and by ensuring that the registry maintained by the Secretariat is regularly updated. In addition, the progress of responding to a complaint should regularly (i.e. quarterly) be reported to the Management Group, which shall have the responsibility of ensuring that any response is proceeding effectively.

**(7) Closing out the complaint when no further response actions are warranted**

When the entity selected to lead in the response has completed its response or believes no further response is possible or necessary, it should so notify the Management Group. If the Management Group agrees that no further response from the UN-REDD Programme would be beneficial or necessary, the complaint can be closed. The Secretariat should enter this information in the registry and notify the complainant and other stakeholders.

**Communications and Transparency**

Given the likely public nature of complaints to the UN-REDD Programme and the multiple levels of internal and external stakeholders that are involved in UN-REDD activities, particular care must be given to ensure adequate and appropriate information flow. Some of this is accomplished through the maintenance of the public registry by the Secretariat. Some of it will also need to be developed through specific protocols for complaints generally and for specific complaints. The entity selected to take the lead in responding to a complaint should also generally speaking be the entity charged with maintaining the external communications about a particular complaint. The primary proposed method for communicating internally to the three agencies is through the Management Group, the Regional Coordinator and the National Coordinator, unless another focal point has been selected.

**Next Steps**

After further discussion within the agencies and Programme, this shared approach will be further elaborated and developed as a set of publicly available guidelines. Among the issues that will need further elaboration is the development of jointly agreed process for deploying resources, staff and external expertise in response to complaints received. In most cases resources to address a complaint about the Programme will come from the budget of the National Programme in question. Efforts will be made as part of the next steps to elaborate this work to clarify resource implications and a plan to ensure this body of work is sustainably financed.