

Group 2: RECOURSE MECHANISMS

Local level:

1. Community procedures/rules and customary law should be followed + customary methods of conciliation
2. Mediation with NGO and CBO's (trusted by community) report to REDD Committee or an independent Ombudsman
3. Alternative dispute resolution - Litigation - through national level
4. National REDD+ Committee Dispute Resolution Mechanism
5. Capacity development at local level on grievance procedures, rights.

National Level:

1. National REDD+ Committee set out principles and rules to oversee implementation, having respect/recognition of local community procedures.
 - a. Representatives of National REDD+: IPs must be represented.
2. National REDD+ Committee to form Dispute Resolution Mechanism (DRM)- that is binding. The DRM must have fair indigenous representation.
3. Independent ombudsman or legal aid office to be formed that would represent the interests of IP's: The formation of this office should taken into account local language/communication issues. This office would represent IPs before the Dispute Resolution Body of the National REDD Committee, National and Regional Legal systems.
4. National Court System
5. Some issues will not be within the scope of the courts + but must be investigated by DRM.
6. Build capacity of local courts (judiciary) to deal with REDD+
7. Can utilize National Court Systems or Regional

Regional:

1. Regional REDD+ Committee to receive appeals from national DRM
2. Regional Courts

International:

1. Right to appeal at international level – UN-REDD Secretariat - to set up a committee/board to decide/adjudicate on matters - that reports to the policy board.
2. International courts

REDD committees/ Secretariat Memorandum of understanding/power of referral with parallel court systems

Ombudsman/Legal Aid office: receive complaints, identify disputes, represent IPs at DRM, regional and international level and courts in seeking resolutions. Office should have indigenous representation.

1. who is responsible for payment
2. criteria – UN:REDD committee (national and international)
3. consent – include legal experts in committees
4. who pays for committees
5. what are the responsibilities of REDD committees at different levels
6. legal status of committees and dispute mechanisms
7. number of reps from gov + IPs on committees
8. how do we ensure independence of these mechanisms
9. scope of relief available
10. who is responsible for ensuring funds and capacity reach community level

FUNDING

The creation of a UN- REDD (and World Bank – where it applies) recourse mechanism fund.

Certain percentage of national programme budgets to be put into this fund.

CRITERIA

National Criteria

IPs and other local communities – NGOs – UNREDD and govt can recommend nominations, and national REDD committee can approve, and composition should be balanced in representation of interests of experts, indigenous peoples, NGO/other local communities, government, and UNREDD.

Example of local versus national conflicts:
-dispute mechanism should receive complaints

National Level

National REDD+ Committee

Conflicts – problems between communities – can take to DRM to resolve.

International –

Dispute Resolution Committee/or adhoc panel at International Level (nominated by policy board)

Referral courts –

The adjudication mechanisms have power to refer to courts/special rapporteur on IP.

