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UNDP's Stakeholder Response Mechanism: Overview and Guidance¹

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I. Introduction

UNDP is in the process of approving and implementing mandatory Social and Environmental Standards (SES)² for all of UNDP's projects and programmes, as part of the UNDP's quality assurance process outlined in UNDP Strategic Plan Integrated Results and Resources Framework (IRRF)³.

The objectives of the Standards are to: (i) strengthen the social and environmental outcomes of UNDP projects⁴; (ii) avoid adverse impacts to people and the environment affected by projects; (iii) minimize, mitigate, and manage adverse impacts where avoidance is not possible; (iv) strengthen UNDP and partner capacities for managing social and environmental risks; and (v) ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

The Standards will be underpinned by an Accountability Mechanism with two key components: 1) a Compliance Review to respond to claims that UNDP is not in compliance with applicable environmental and social policies; and 2) a Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by projects have access to appropriate grievance resolution procedures for hearing and addressing project-related complaints and disputes⁵.

To address concerns about UNDP's compliance with its Social and Environmental Standards, policies and procedures, UNDP has established a Social and Environmental Compliance Unit (SECU) based within the Office of Audit and Investigations (OAI), taking advantage of OAI's existing expertise in conducting investigations and developing evidence on which to base decisions in controversial cases. OAI operates with independence from the rest of UNDP operations, and the head of OAI reports directly to the Administrator. The OAI Charter has been revised to include a mandate to investigate claims of non-compliance with UNDP's social and environmental policies and procedures, which will include the Standards once they are approved. The main purpose of the Compliance Review is to investigate alleged violations of UNDP's environmental and social

² For more information on the Standards, click [here](#).

³ The UNDP Strategic Plan Integrated Results and Resources Framework (IRRF) translates the Strategic Plan 2014-2017 into results that allow UNDP and stakeholders to monitor achievements, learn lessons, and hold the organization accountable for the funds entrusted to it. See the IRRF here: http://www.undp.org/content/dam/undp/library/corporate/Executive%20Board/2013/Second-regular-session/English/dp2013-40_ANNEX%20II.doc

⁴ Covers any projects or programmes undertaken by UNDP with its own internal (TRAC) resources or donor financing, including financing from the government of the project country, and which is covered by a UNDP project document signed or endorsed by one or more project countries.

⁵ For more information on the Social and Environmental Compliance Review and Stakeholder Response Mechanism, click [here](#). In the field of conflict resolution, a 'grievance' is generally understood to be the perception of a party (individual, group or organization) that it has been unjustly treated or harmed, or faces risk of unjust treatment or harm by another party. A 'complaint' is the explicit communication of a grievance to the party that the aggrieved party believes to be responsible, and/or to others. A 'dispute' is a disagreement between two or more parties about an issue or situation. Grievances, complaints and disputes can arise from concerns about the existence of, or potential for, harm or injustice; the cause, nature and extent of actual or potential harm or injustice; actions to be taken to eliminate or reduce current or potential harm or injustice; and/or the actions to be taken to redress harms or injustices caused.

commitments in any UNDP project. The compliance review may result in findings of non-compliance, in which case recommendations will be provided to the Administrator about how to bring the Project into compliance and, where appropriate, mitigate any harm resulting from UNDP's failure to follow its policies or procedures.⁶

This Overview focuses on the second component of the Accountability Mechanism – the Stakeholder Response Mechanism. The Overview presented here is a result of extensive internal discussion and consultation within the Bureau for Development Policy (BDP), including specific programmes (e.g. Global Environmental Facility (GEF); UN-REDD Programme; Extractive Industries); Bureau of Management (BOM), including Legal Support Office (LSO); Executive Office (ExO), including Operations Support Group (OSG); Office of Audit and Investigation (OAI); Bureau of External Relations and Advocacy (BERA); and Regional Bureaux; and Bureau for Crisis Prevention and Recovery (BCPR). Most recently the Overview has been revised to reflect input from more than a dozen Country Offices.⁷ Substantive feedback has also been incorporated from external stakeholders and partners.⁸

II. Rationale

The adoption of Social and Environmental Standards at UNDP necessitates a process to ensure that the associated policies and procedures are well implemented and that communities who are meant to benefit from the policies have a voice in their implementation. Compliance review and grievance resolution processes have become a common part of the development landscape since the establishment of the World Bank's Inspection Panel in 1993. Similar accountability processes have been developed at most of the international financial institutions and a growing number of bilateral financial institutions. Many international agencies, civil society organizations, and governments believe such compliance and grievance resolution processes alongside associated social and environmental policies are critical for ensuring effective development outcomes on the ground.

UNDP's Stakeholder Response Mechanism is intended to supplement proactive stakeholder engagement by UNDP and its Implementing Partners throughout the project cycle.⁹ Effective

⁶ For more information, please see the [Standard Operating Procedures for UNDP's Social and Environmental Compliance Unit](#)

⁷ Note: Interviews on the contents of this document are ongoing with colleagues representing about 30 COs and all RSCs and will be completed by mid-June 2014.

⁸ A global consultation on the proposed Social and Environmental Compliance Review and Stakeholder Response Mechanism was held from April to July 2011 (see [comment and response matrix](#)). Following the receipt of input from about 30 organizations, UNDP revised the original proposal (see [revised proposal](#)), which became the basis for further discussions.

⁹ Most UNDP programmes and projects involve partners that contribute in-kind resources or parallel funding and apply their own policies and procedures to achieve common objectives. The "Implementing Partner" is the entity responsible and accountable for the overall management of a UNDP-supported project. It has full responsibility, and accountability to UNDP, for the effective use of UNDP resources and the delivery of expected outputs. Implementing Partners manage projects in conformity to the signed project document and in accordance with applicable regulations and procedures, including the Social and Environmental Standards. Possible Implementing Partners include government institutions

stakeholder engagement creates opportunities to resolve issues that would otherwise lead to conflict. Left unaddressed, significant problems can fester, creating conflict that delays a project, increases project costs, and sometimes halts the project.

The SRM provides an additional, formal avenue for stakeholders to engage with UNDP when they believe that a UNDP project may have adverse social or environmental impacts on them; they have raised their concerns with Implementing Partners and/or with UNDP through standard channels for stakeholder consultation and engagement; and they have not been satisfied with the response. The SRM provides a way for UNDP to address these situations systematically, predictably, expeditiously, and transparently. Through the SRM, UNDP Country Offices, Regional Bureaux and Service Centers and Headquarters collaborate in a thorough, good faith effort to resolve outstanding concerns to the satisfaction of all parties, and to document the results to ensure accountability and promote organizational learning.

More specifically, UNDP's SRM is intended to:

- Improve environmental and social outcomes for local communities and other stakeholders affected by UNDP projects;
- Enhance UNDP's ability to manage risks related to its Social and Environmental Standards, in order to avoid or mitigate social and environmental impacts.
- Ensure that UNDP responds to the concerns of project stakeholders (particularly vulnerable groups that are central to UNDP's programmatic work) with regard to social and environmental risks and impacts;
- Ensure feedback and operational learning from the SRM, by integrating SRM requests, responses and results into UNDP's results-based management, quality assurance processes; and
- Reflect and advance best practices among development institutions, whose stakeholders (including governments, civil society, indigenous peoples, and international partner agencies) increasingly expect social and environmental grievance resolution processes to be a regular, integrated part of project management.¹⁰

III. Scope and Eligibility

The Stakeholder Response Mechanism is intended for use by external stakeholders directly affected by UNDP project implementation. It is not intended for internal staff issues; issues within the UN

(National Implementation Modality), eligible UN agencies, inter-governmental organizations (IGOs), and eligible civil society organizations (CSOs). Projects implemented directly by UNDP use "Direct Implementation Modality."

¹⁰ The UN-REDD Programme and FCPF, for example, require grievance response mechanisms at the programmatic level. The IFC, the InterAmerican Development Bank, the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the US Overseas Private Investment Corporation all have grievance resolution mechanisms at the corporate level to address project-related grievances.

development system; or issues between UNDP and its Implementing Partners, contractors or vendors. There are already systems in place to manage these issues.

Who is eligible to file a request: Any person or group of persons who believe they are adversely affected by a UNDP project, or at risk of adverse impacts from a proposed UNDP project, may file a request for use of the SRM. To be eligible for the SRM, the request must:

- Relate to a current or proposed UNDP project;¹¹
- Explain how the requestors have been experiencing or may experience adverse socio-economic or environmental impacts from the UNDP project;
- Indicate what steps have already been taken to try to resolve the grievance or dispute, such as use of Implementing Partner project-level or organizational-level grievance mechanisms, communication with the project manager (or with the project developers for projects that have not yet been approved), and/or communication with the Project Board.¹²

Exclusions: The following requests are excluded from the SRM:

- Any request that is found by UNDP to have been filed fraudulently or maliciously;
- Requests that relate to UNDP procurement or employment (these requests should be referred to the appropriate mechanism, either the relevant Business Unit, OAI or the appropriate national government audit body or equivalent);
- Requests relating to projects that are not UNDP projects, projects where UNDP is one of several partners and is not responsible for the specific issues raised, or projects where UNDP's role has ended and UNDP has no feasible pathway to address the requestor's concerns;
- Requests by people or groups who have already raised the same issue with respect to the same project and received an SRM response, unless significant new information is available or there has been a significant change in circumstances;
- For UNDP projects executed by Implementing Partners: Requests that have not first been brought forward and pursued in good faith a) through an Implementing Partner grievance mechanism (if one exists), or b) through dialogue with the Implementing Partner's project manager and the relevant UNDP staff supporting the project (normally via the Project Board or equivalent)¹³;
- For UNDP Direct Implementation projects: Requests that have not first been brought forward and pursued in good faith a) through a project grievance mechanism (if one exists) or b) through dialogue with the relevant UNDP project manager (normally via the Project Board or equivalent);¹⁴

¹¹ For requests related to proposed projects, there must be a UNDP Project Concept document and/or draft Project Document.

¹² UNDP and Implementing Partners are responsible for defining mechanisms for receiving and addressing stakeholder grievances during project design, and for making project stakeholders aware of the existence of those mechanisms and helping them understand how to use them.

¹³ UNDP may choose to waive this exclusion where the requestor indicates fear of retaliation or other adverse consequences.

¹⁴ UNDP may choose to waive this exclusion where the requestor indicates fear of retaliation or other adverse consequences.

- Anonymous requests.¹⁵

Representation in filing requests: Requests may be submitted by an authorized representative, on behalf of a person or group of people who believe they have been or may be adversely affected by a UNDP project. Persons or organizations acting as representatives must include documentation that directly concerned stakeholders have requested representation. While working with authorized representatives in its responses to requests, UNDP also retains the option to communicate directly with the concerned stakeholders.

IV. Identifying Dispute Risks through the Social and Environmental Screening Procedure (SESP)

As outlined in the Social and Environmental Standards (SES), UNDP will carry out project screening and categorization at the earliest stage of project preparation when sufficient information is available for this purpose. Screening and categorization is undertaken (i) to identify and reflect the significance of potential impacts or risks that project activities might present; and (ii) to identify the level of review and resources required for addressing such impacts and risks.

UNDP's screening procedure, categorization system, and assessment process reflects UNDP's risk-based approach to application of the SES. UNDP utilizes its Social and Environmental Screening Procedure (SESP) to identify potential social and environmental risks of the proposed UNDP-supported project. UNDP reviews and categorizes projects to reflect the degree of potential social and environmental risks and impacts and determines the applicability of specific requirements for the project.

With regard to project-level grievance mechanisms and the SRM, the Standards state that:

UNDP will ensure that stakeholders who may be adversely affected by a UNDP Project can communicate their concerns about the social and environmental performance of the Project through various entry points, scaled appropriately to the nature of the activity and its potential risks and impacts. Potentially affected stakeholders will be informed about available entry points for submitting their concerns as part of the stakeholder engagement process. When necessary, UNDP will ensure that an effective Project-level grievance mechanism is available. The mandate and functions of a Project-level grievance mechanism could be executed by the Project Board or through an Implementing Partner's existing grievance mechanisms or procedures for addressing stakeholder concerns. Where needed, UNDP and Implementing Partners will strengthen the Implementing Partners' capacities to address Project-related grievances. In addition, UNDP's Stakeholder Response Mechanism will be

¹⁵ UNDP staff responsible for operating the Stakeholder Response Mechanism will respect requests for confidentiality (including confidentiality from UNDP project/ Country Office staff) and make every effort to maintain confidentiality where the requestor has a concern about retaliation or other adverse impacts, until and unless the requestor agrees to disclosure of his/her/their identity.

available to Project stakeholders as a supplemental means of redress for concerns that have not been resolved through standard Project management procedures.

The Screening Procedure will screen for both social and environmental impacts as well as the risk of grievances and disputes related to those impacts.

Managing Risks and Disputes throughout the Project Cycle

Project Management Cycle	Related Tasks
Project Concept Development	Identify grievance risks
Design and Appraisal	Screen and assess grievance risks using Social and Environmental Screening Procedure (SESP); identify and plan management actions to address significant grievance risks, including e.g. defining how the Project Board (or Project Steering Committee) will function as a project-level grievance mechanism; where needed, strengthen Implementing Partners' grievance resolution capacity in the context of the project.
Implementation	If requests for grievance resolution are received through the Stakeholder Response Mechanism, manage and resolve requests using procedures outlined in SRM Guidance. Report on how grievances have being managed in e.g. the Project Risk Log, and on results of grievance resolution in the ROAR.
Closure/Evaluation	Review grievance prevention and management experience; note lessons learned and opportunities for improvement in project closure/evaluation

UNDP project developers, national counterparts and stakeholders can therefore anticipate grievances and build into the project the appropriate management measures, including for example, activities to strengthen and clarify the role of the Project Board¹⁶/Project Steering Committee as a project-level grievance mechanism, and/or activities to strengthen Implementing Partners' grievance resolution capacity in the context of the project.

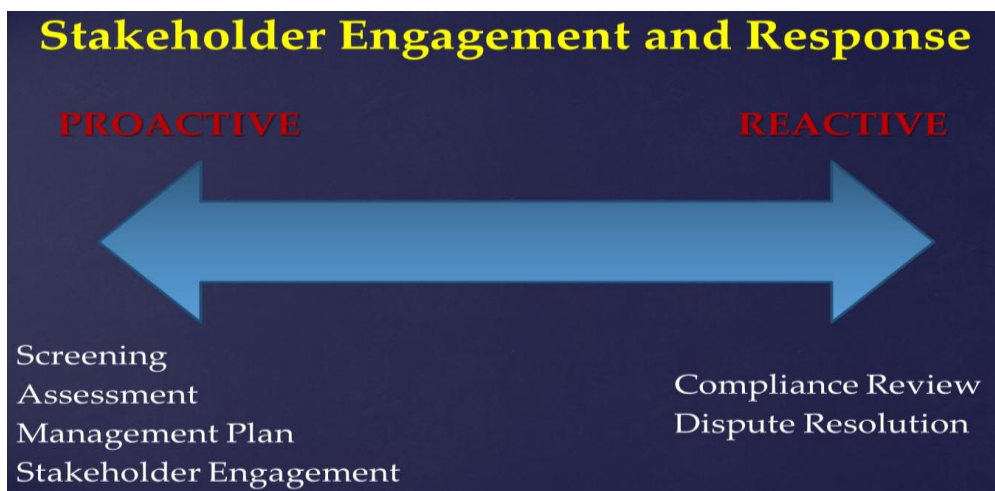
Over time, UNDP should seek to build national capacity and minimize the use of its own staff and procedures for grievance resolution (UNDP DIM projects excepted). UNDP has produced guidance on how to support national partners in strengthening their grievance resolution capacity in the context of REDD+.¹⁷

Another emphasis, in projects that are classified as medium to high risk based on the screening, will be on bolstering stakeholder engagement activities, like early and ongoing awareness raising and consultation; identification and engagement with the rights-holders; and capacity building or other technical and financial assistance to the stakeholders so that they can effectively participate and be heard in project design and implementation. As part of capacity building, stakeholders should receive information and guidance on how to communicate with the Implementing Partner and/or

¹⁶ UNDP's Programme and Operations Policies and Procedures (POPP), state that the Project Board "... arbitrates on any conflicts within the project or negotiates a solution to any problems between the projects and external bodies."

¹⁷ REDD+ is Reducing Emissions from Deforestation and forest Degradation. See [FCPF/UN-REDD Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms](#).

with UNDP about concerns and grievances if they arise, including guidance on when and how to use the UNDP Stakeholder Response Mechanism.



For the most part, proactive engagement should prevent and mitigate complaints and concerns from project stakeholders. In some cases, this may not be enough or unintended impacts may result from project activities leading a stakeholder or group of stakeholders to file a complaint with UNDP. This is where the Compliance Review and Stakeholder Response Mechanism would be activated - on the reactive side of the spectrum of stakeholder engagement and response.

V. Operationalizing the Stakeholder Response Mechanism: Roles and Responsibilities

UNDP country-level programming is nationally-owned and often executed by Implementing Partners (including government agencies, NGOs, and other international organizations). Regardless of the implementation modality, UNDP is accountable for the sound use of resources and must ensure the quality of its projects. Accordingly and as mentioned above, when UNDP projects are executed by an Implementing Partner, the first avenue for stakeholders with concerns about impacts will be the Implementing Partner’s grievance resolution mechanism, whether that mechanism is specific to the project or exists as an organization/agency-wide mechanism for the Implementing Partner.

UNDP Country Offices’ existing project management procedures will be the second option. For projects executed by Implementing Partners, concerned stakeholders may engage with UNDP project staff through Project Boards or equivalent mechanisms for project oversight, or through direct contact with the relevant UNDP programme manager. For UNDP Direct Implementation projects, concerned stakeholders may engage with the UNDP project manager, Project Board or equivalent.

In the course of UNDP country-level project design and implementation, most concerns and grievances are appropriately and effectively resolved through discussion, correspondence, meetings and management decisions, without formal logging or tracking. UNDP expects and intends that its Country Offices will continue to use their existing project management channels and procedures to resolve the vast majority of concerns that are raised.

The SRM will therefore be a “third line” supplemental procedure for a relatively small number of situations in which project stakeholder(s) a) have not been satisfied with the responses they have received through existing channels and procedures; b) make a formal request to use the SRM; and c) meet the SRM’s eligibility criteria (outlined above). In these situations, the SRM will provide a

more formally structured, voluntary process to respond to eligible requests, in a good faith effort to address the concerns that have been raised.

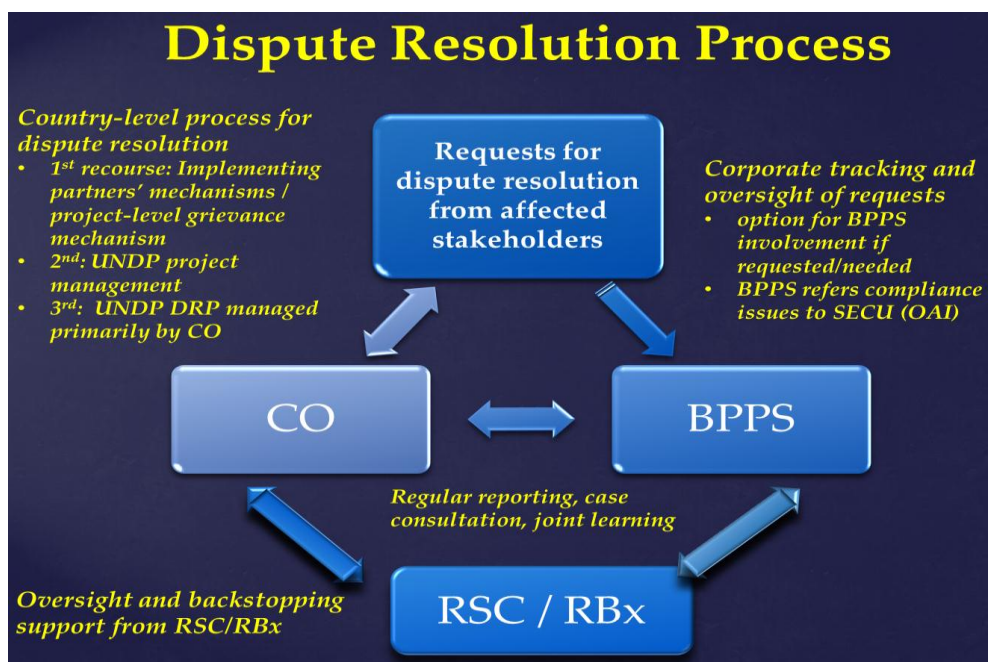
In sum, the SRM should be used in the context of UNDP projects when:

- the Implementing Partner’s actions or activities are the focus of the grievance or dispute; neither the Implementing Partner’s own processes and mechanisms or the CO’s standard practices for responding to issues arising in the course of project design and implementation have succeeded in resolving the issue(s) of concern; and one or more stakeholders request UNDP assistance through the SRM;

or

- in a UNDP Direct Implementation context, UNDP’s own actions or activities are the direct focus of the grievance or dispute; the CO’s standard procedures and approaches for responding to issues arising in the course of project design and implementation have not succeeded in resolving the issue(s) of concern; and one or more stakeholders request use of the SRM.

The diagram below outlines the primary elements, roles and relationships in the SRM.



As noted above, UNDP COs are already generally effective in responding to concerns from project stakeholders. Given their proximity to the project, relationships with relevant actors and understanding of country context, Country Offices are generally best placed to lead in responding to complaints that come through the SRM. It is expected that the Resident Representative will identify a member of the Country Office management team to oversee and manage the SRM on a

regular basis. This person could be the same who has been identified for the 'Quality Assurance Approver' role, in line with the UNDP project quality assurance framework (typically DRR or DCD level).¹⁸

UNDP also has a corporate-level interest in ensuring that these grievance resolution processes are responsive, treat claimants fairly, operate effectively, and generate useful lessons that can be used to improve UNDP's country-level operations. To meet these goals while maintaining a decentralized approach, there will be a corporate function supporting the SRM. It is currently proposed that this function be based within the new Bureau for Policy and Programme Support (BPPS), to ensure close linkages with colleagues managing and overseeing the implementation and application of the UNDP project quality assurance framework and the Social and Environmental Standards; as well as colleagues providing backstopping and technical support on areas related to building national capacities to address grievances (e.g. conflict prevention, civic engagement, institutional strengthening, local governance and decentralization, access to justice, etc.).

The Regional Bureau, and staff in Regional Service Centers, will also play important roles in addressing grievances received through the SRM. The Regional Bureau will receive notification of requests for grievance resolution within the region, when those requests are entered into the SRM database. The Bureau may proactively engage the Country Office and/or BPPS in discussion about the best way to proceed in addressing the request. The Bureau will also be consulted by the Country Office and BPPS staff to provide guidance on the response, and/or to become directly involved in communication with national stakeholders.

Staff in Regional Service Centers (RSCs) who have relevant technical expertise (e.g. in land tenure; natural resource-dependent livelihoods; participatory monitoring, etc.) may also play important roles in reviewing SRM requests, advising COs on possible responses, and/or implementing responses. Regional Bureaux will facilitate RSC support for SRM cases as needed. Both Regional Bureau and relevant RSC staff may participate in periodic evaluation and lesson learning exercises undertaken by Headquarters.

To support joint implementation of the SRM by COs, Regional Bureaux, Regional Service Centers and staff in Headquarters, BPPS will develop and implement training on how to conduct outreach regarding the SRM, how to inform potential requestors about the procedure for submitting requests, and how to implement or manage responses through the SRM.

Following is a table that outlines the proposed roles and responsibilities at each level.

¹⁸ In situations where the member of the management team designated to respond to SRM requests is directly involved in the project in question, another member of the management team should be charged with responding to the request; or the Regional Bureau and/or Headquarters staff should lead the response.

Stakeholder Response Mechanism – Roles and Responsibilities

Country Offices	Regional Bureaux and Regional Service Centers	Corporate - BPPS
<ul style="list-style-type: none"> • Receive requests and register them in the case management system; • Review request eligibility, together with BPPS and SECU; • Assess the request to identify opportunities for resolution; • Propose a response; • Support the implementation of the response; • Report on the results in the case management system, and document in risk log/ROAR as appropriate; • Monitor / track the agreement/outcomes of the process using the case management system. 	<ul style="list-style-type: none"> • RBx: Receive notification of requests for grievance resolution within the region, when those requests are entered into the case management system; • RBx: Have the option to proactively engage the Country Office and BPPS in discussion about the best way to proceed in addressing the request; • RBx and RSC: May be asked by the Country Office or by BPPS to provide guidance on the response, and/or to become directly involved in communication with national stakeholders; • RBx and RSC: are invited to participate in periodic evaluation and lesson learning exercises undertaken by BPPS. 	<ul style="list-style-type: none"> • Maintain a global case management system; • Provide backstopping and technical advice to country-level responses; • Organize trainings, workshops, webinars on the SRM; • Maintain a roster of effective grievance resolution professionals; • Lead in the response to requests when it cannot be done impartially and/or effectively at the country level; • Liaise with the SECU/OAI on requests that include compliance issues; • Compile and analyze case experience • Conduct public outreach to inform global stakeholders about the SRM and support COs in performing parallel outreach at country level; • Track SRM cases and report annually on the SRM.

Annex A. Step-by-step Guidance on Operating the Stakeholder Response Mechanism

1. Receiving and registering requests for grievance resolution

BPPS and SECU/OAI are developing a case management system, based on an OAI's existing system. Most requests will be entered online by the requester. For those that are received either by BPPS or Country Office staff directly, the request can be entered through the online form. Once a request is entered into the system the relevant CO, RSC/RBx and BPPS focal points will be automatically notified. These same focal points will continue to receive automatic notifications when key milestones in the case are entered into the system as well.

COs should make this form available by creating a link from the UNDP Country Office website to the Corporate Web page (to be provided), where the form will be made available globally. COs should ensure that information about the SRM (including the eligibility criteria and guidance on how to file a request, as well as information about how to raise concerns through project grievance mechanism, project manager, and/or Project Board), is available in communities where there are substantial risks of adverse impact from UNDP projects.

2. Acknowledge, Assess and Assign

Acknowledging receipt: If the request is complete enough to enable eligibility assessment, the receiving office should provide written acknowledgement within [three] business days that it has received the request, and indicate that it will complete eligibility review and initial assessment within [fifteen] business days after acknowledgement. **If the request is incomplete**, the receiving office should return it to the requestor within [three] business days of receipt, with a clearly specified request to provide the missing information.

Assessing Eligibility of the Request: Within [five] business days after the request has been received, the Country Office in consultation with BPPS should determine the eligibility of the request (see Section III above).

Assigning Responsibility for Response: As noted above, the Country Office has the “default” responsibility for leading the UNDP response to an eligible request. However, there are situations in which it may be appropriate for the Implementing Partner’s project-level or organizational-level grievance mechanism; the Regional Bureau, BPPS, and/or the SECU to respond to an eligible request:

- There is a relevant and credible Implementing Partner project-level or organizational-level mechanism that could be used to respond to the request, and the requestor has not yet sought assistance from that mechanism. In this case, the UNDP SRM should refer the requestor to the relevant mechanism for response, and should monitor and follow up on that referral to ensure that the request is being addressed.
- The request has been made to BPPS, and the requestor has indicated it has significant concern about the impartiality and/or capacity of the Country Office to respond to the request. In this case, BPPS should consult the Country Office and the Regional Bureau, preserving requestor confidentiality, and they should jointly make a determination on what role, if any, the Country Office should play in the response. To help in that determination, BPPS or the Regional Bureau

may contact the requestor and discuss the situation and the requestor's concerns about the Country Office in order to clarify whether and how they could be addressed.

- The SECU review of the request determines that there is a need for compliance review. When SECU advises the SRM of the need for such a review, it is the responsibility of the receiving office to communicate to the requestor any planned action by the SECU to review compliance issues, and to discuss with the requestor the possibility of conducting compliance review before, after, in parallel with, or instead of grievance resolution.

From this point forward, and only for the sake of brevity in the text, this Annex uses the term “SRM” to mean both the typical situations where the Country Office leads the response, and the less typical situations where BPPS or the Regional Bureau leads.

3. Develop a response in consultation with Country Office staff, managers, RSC/RBx, and other UNDP stakeholders as appropriate

After determining eligibility, and making an initial assignment of organizational responsibility, the SRM needs to determine what response to make to the requestor. The SRM has four basic response options:

- Indicate that the request is ineligible, and explain why¹⁹
- Refer the requestor to a relevant and credible Implementing Partner project-level or organizational-level mechanism (as noted above), and explain why
- Propose direct action by the Country Office to resolve the grievance/dispute
- Propose further assessment and engagement by UNDP with the requestor and other stakeholders to determine jointly the best way to resolve the grievance/dispute.

To choose between the latter two options, the SRM needs to determine whether the request can be addressed directly, and grievance resolved, through relatively straightforward action by the CO; or whether the request is complex enough that it requires additional assessment and engagement with the requestor, the Country Office and other stakeholders to determine how best to respond.

Even in cases where previous good faith efforts through normal channels have not succeeded, many grievances can be resolved through direct and relatively straightforward action on the part of UNDP program or operations staff and partners: e.g. investigating alleged damage caused by a vehicle; changing the time and location of a consultation; making public information more accessible in a community, etc. Often the core problem is one of miscommunication and misperception, and a higher level of clarity and formality in the response process will ensure effective communication and improve mutual understanding.

In developing response options, the SRM should consult directly with the Country Office staff whose programs, projects, or operational activities are the focus of the request. Preserving requestor confidentiality where appropriate, the SRM should discuss the issues raised in the request, and

¹⁹ It is important to note that a request may be determined ineligible because no prior good faith effort has been made to bring the concern to the relevant national partner or UNDP project staff. In these cases, it is important for the SRM response to note that it is still available to the requestor if good faith efforts to resolve the concern through normal channels are not successful. COs and BPPS staff should document each request found ineligible and the reasons for that finding.

discuss in detail with the relevant Country Office staff their views on how best to respond. The lead SRM staff will need to maintain clarity about their role in this dialogue with Country Office staff: the goal is to learn more about the situation that gave rise to the request, and solicit Country Office perspectives and ideas on how best to respond. It would not be appropriate for the SRM either to adopt a stance of alliance with Country Office staff to “defend” UNDP against the requestor, or to adopt a stance of “advocate” on behalf of the requestor, demanding a particular Country Office response without a thorough and impartial review of the issues and options.

In some cases, Country Office staff (including managers) may become anxious and/or defensive in response to requests that pertain to their work. It is important for the SRM to stress in dialogue with Country Office counterparts that the value of the SRM mechanism is to resolve requestor concerns using a collaborative, non-adversarial approach. Even if Country Office staff believe that there is no factual basis for the grievance, the SRM will need to make its own initial assessment of the facts. With the exception of requestor concerns or grievances that the SRM determines to be *entirely* without basis in fact, it is the responsibility of both the SRM and the Country Office to engage in a good faith effort to resolve the requestor’s concerns, beginning with a joint effort to clarify the facts.²⁰

In complex grievances and disputes involving multiple external stakeholders and issues, the SRM will need to explore the issues and response options not only with Country Office staff, but also with the requestor(s), key external stakeholders (such as government and/or civil society program partners, and other government counterparts), and possibly with members of the requestor’s community or constituency.²¹ This exploration may require a structured process of joint fact-finding, dialogue and/or negotiation. In these cases, the SRM should propose a stakeholder assessment and engagement process as the initial response to the request (see steps 4 and 5 below).

Regardless of whether the CO, Regional Bureau or BPPS is leading on the response, the CO, Regional Bureau and BPPS should consult with each other before finalizing the proposed response. The Country Office and BPPS should consult the Regional Bureau, and the Regional Bureau also has the option to proactively engage with the Country Office and/or BPPS with regard to the response, after it is notified. Where compliance issues may be involved, the SRM should also consult with SECU, to develop a joint proposal for addressing both grievance/dispute issues and compliance issues, with clarity about the respective roles of SRM and SECU.

²⁰ In cases where the Country Office is leading the response, and there is a serious disagreement between the Country Office and relevant Country Office staff/managers on the factual basis of the request, or on how to respond, the Country Office should seek assistance from the DRS staff in resolving the disagreement. Whether the Country Office or the DRS staff is leading, the DRS staff can escalate the discussion to the Regional Director if necessary to resolve disagreement on what response to propose.

²¹ In cases where indigenous peoples are the requestors, they may have functioning processes and mechanisms for the resolution of grievances and disputes. The SRM should assess the feasibility of using such processes and mechanisms for the response.

4. Communicate proposed response to requestor and seek agreement

The SRM should communicate the proposed response back to the requestor within [15 business days] of acknowledging the request.²² The proposed response should also be logged into the case management system. It should be in writing, in language that is easily accessible to the requestor. The Country Office may also contact the requestor by telephone, or set up a meeting to review and discuss the proposed response. Whatever method is used, it is essential that the requestor(s) fully understand both the proposed response, and what choices they can make after considering the proposed response.

The proposed response should include:

- A clear restatement of the requestors concerns by the SRM;
- A detailed description of the proposed response, with an explanation of why the SRM is proposing it; and
- A listing of the requestor's choices, given the proposed response. (Those choices may include, among others: agreement to proceed; request for a review of an eligibility decision, a referral decision, or a plan for compliance review; further dialogue on a proposed action; or participation in a proposed assessment and engagement process.)

The requestor may or may not agree with the proposed response. If there is agreement, then the SRM and Country Office can proceed with the proposed response, whether direct action, further assessment, or referral. If the requestor challenges a finding of ineligibility, rejects a proposed direct action, or does not want to participate in a more extensive process of stakeholder assessment and engagement, the SRM needs to ensure that it fully understands the reasons why the requestor does not accept the proposed response. If possible, the SRM should revise the proposed approach to meet the requestor's concerns. Revision may require further consultation with the Country Office and/or other stakeholders.

If there is still not agreement, the SRM needs to make sure the requestor understands that other forms of redress may be available outside of the project and UNDP's structure, whether through the national judicial system or other administrative channels. The SRM should not, however, attempt to provide legal advice to the requestor, and SRM staff should not claim to have a comprehensive understanding of possible alternatives. The SRM also needs to document the outcome of the discussions with the requestor in a way that makes clear what options were offered through the SRM and why the requestor chose not to pursue them.

For sensitive and challenging cases, where the SRM as a whole (i.e. Country Office and BPPS) have limited credibility and/or capacity to manage the response, the SRM may seek agreement from the requestor and other stakeholders to use independent mediation in response to the request. If independent mediation is used, it may be appropriate to set up joint oversight of the process by senior representatives of key stakeholders (e.g. the requestor(s), government, international

²² In the case of grievances alleging serious harm or risk of harm, and/or serious rights violations (death, serious injury, risk of violence, major loss of livelihood or housing, denial of basic political or civil rights), the SRMSRM should fast-track the response, by direct action in consultation with the RR, CD and relevant UNDP program staff, and/or by immediate referral to a national government office or organization and immediate notification of the requestor of that referral.

partners, communities, NGOs, and/or businesses involved), to ensure the mediator's impartiality and to provide strategic oversight of the process.

Paying for independent consultants and other process costs in these complex cases may require significant financial resources, ranging from thousands to tens of thousands of dollars. These costs must be covered by the project.

5. Implement the response to resolve the grievance

When there is agreement between a requestor and the SRM to move forward with the proposed action, or a relatively simple direct dialogue or negotiation process, then the response should be implemented, with SRM monitoring to ensure that the response resolves the issues raised by the requestor.

In the cases where the initial response to the request is to initiate broader stakeholder assessment and engagement, the assessment process may be conducted by SRM staff themselves, or by consultants or others perceived as impartial and effective by the requestor, SRM, senior Country Office management, and other relevant stakeholders. The main purpose of the assessment and engagement process is to clarify:

- The issues and events that have led to the request
- The stakeholders involved in those issues and events
- The stakeholders' views, interests and concerns on the relevant issues
- Whether key stakeholders are willing and able to engage in a joint, collaborative process (which may include joint fact finding, dialogue and/or negotiation) to resolve the issues
- How the stakeholders will be represented, and what their decision making authority will be
- What work plan and time frame the stakeholders could use to work through the issues
- What resources they will need, and who will contribute them

In some cases, the stakeholder assessment will produce clarity and agreement among the relevant stakeholders on a collaborative process to resolve the issues raised in the request. In others, the assessment may determine that one or more key stakeholders are unable or unwilling to participate. Whether or not a collaborative process appears viable, the SRM needs to communicate the assessment findings to the requestor and other stakeholders, and document them in the SRM database, with a recommendation on whether and how to proceed.

If a collaborative process is possible, then the SRM will normally be responsible for managing it (in some cases, the SRM may share process management responsibility with a national grievance mechanism or an independent consultant). The SRM may directly facilitate the stakeholders' work on the issues, create a consultant contract with a facilitator, or use traditional and local consultation and grievance resolution procedures and leaders/facilitators. Where joint fact-finding is needed (for example, in a dispute about whether a restriction on use of forest land would harm a nearby community), it may be useful to have the stakeholders jointly select an impartial expert to assess likely impacts of the project, and to identify options for minimizing the impact.

If the collaborative process produces agreement on actions to resolve the request, then the SRM is responsible for documenting agreements reached, and will normally be responsible for overseeing implementation of those agreements and actions. In a multi-stakeholder context, both the Country

Office and other actors (the requestor(s), government, civil society and/or private sector stakeholders) may be involved in the solution.

It is important for the SRM and the stakeholders to monitor implementation jointly. Where implementation of agreements reached is a multi-step process, and there is some implementation risk, the SRM should seek commitments from all stakeholders to “come back to the table” when needed to deal with challenges during implementation.

6. Review the response if unsuccessful

As noted above, in some cases it may not be possible to reach agreement with the requestor on the SRM’s proposed response. In a multi-stakeholder dispute, an assessment process may lead to the conclusion that a collaborative process is not feasible. If a collaborative process is used, good faith efforts may still not succeed in resolving key issues.

In any of these situations, the SRM should review the process and the outstanding issues with the requestor, the relevant Country Office staff/managers, and any other relevant stakeholders, to see whether any modification of the response might meet all of their interests and concerns (see step 4 above). If no modification to the response is mutually acceptable, the SRM should inform the requestor that UNDP does not have any other alternatives to propose, and note that the requestor may be able to pursue other options within the national legal and administrative systems. Whatever alternative the requestor chooses, is important for SRM staff to document in the SRM case management system their discussion with the requestor and the requestor’s ultimate choice.

7. Close out or refer the request

The final step is to close out the grievance. If the response has been successful, the SRM should document the satisfactory resolution. In cases where there have been major risks, impacts and/or negative publicity, it may be appropriate to include written documentation from the requestor indicating satisfaction with the response. In others, it will be sufficient for the SRM to note the action taken and that the response was satisfactory to the requestor and the organization/program. In more complex and unusual grievance situations, it may be useful to document key lessons learned as well.

If the grievance has not been resolved, SRM should document steps taken, communication with the requestor (and other stakeholders if there has been substantial effort to initiate or complete a multi-stakeholder process), and the decisions made by the requestor about using another forum or avenue to address the concern.

In general, SRM documentation on particular cases should maintain confidentiality about details, while making public aggregate statistics on the number and type of complaints received, actions taken and outcomes reached. It may be appropriate in some cases to make basic information about the identity of requestors publicly available, with the consent of the requestor.²³

²³ The CO and/or other stakeholders may wish to document and publicize the resolution of the request. It is important for the SRM to confirm with all relevant stakeholders that they are comfortable with publicizing the process and its results before any stakeholder does so.

8. Monitoring and Documenting Responses and Results

The SRM will include with any agreement an agreed plan for monitoring the implementation of the agreement made as the result of the grievance response process. Monitoring may be as simple as a telephone call with the requestor and a discussion with the relevant Country Office staff to confirm that a relatively straightforward response has been fully implemented. On the other hand, effective monitoring may require ongoing meetings of a multi-stakeholder group that has reached agreement, (e.g. to review implementation of a set of commitments for consultation with indigenous people, or a implementation of a new approach to developing an voter registry). The SRM will issue a monitoring report at least annually until such time as the agreement has been fully implemented. All monitoring plans and reports will be made available to the requestors and the public on the SRM Website maintained by BPPS.