

# DEVELOPMENT OF A REDD+ GRIEVANCE MECHANISM FOR SURINAME FINAL DESIGN REPORT

JANUARY 2019



*Zorg voor het Bos en het Bos zorgt voor ons*

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# **DEVELOPMENT OF A REDD+ GRIEVANCE MECHANISM FOR SURINAME FINAL DESIGN REPORT**

**JANUARY 2019**

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## Introduction

This report provides an assessment of grievance risks and institutional mechanisms for grievance response in Suriname's forest sector, and recommended ToR for design and implementation of a REDD+ grievance redress mechanism in Suriname. The goals of the assignment were to:

- clarify the purpose of the REDD+ grievance redress mechanism (GRM);
- review and clarify the kinds of grievances and disputes that the GRM might need to address;
- consider what design and institutional form for the GRM might be most effective for grievance redress;
- develop ToR for the design and operation of the GRM, review and refine them in consultation with Suriname forest sector stakeholders.

The consultants' work, reflected in this Report, is based on document review, and on:

- an initial design mission in July 2018, during which the consultants discussed the GRM with REDD+ stakeholders representing government ministries and agencies, indigenous and tribal peoples, NGOs and business;
- feedback on an initial Design Report;
- development of draft ToR for a REDD+ Grievance Mechanism; and
- feedback on those ToR at a workshop in Paramaribo in November 2018.<sup>1</sup>

The report presents the following points:

1. The rationale for a REDD+ grievance redress mechanism (GRM) for Suriname, and principles to guide its design
2. The types of grievances and disputes among forest stakeholders that currently exist in Suriname, and are likely to be relevant to REDD+
3. Current practices for managing and resolving those grievances and disputes, and the strengths and weaknesses of current practices
4. Recommendations for establishing a REDD+ GRM, addressing its mandate, structure, staffing and resources
5. Significant risks to the effectiveness of a REDD+ GRM, and ways to mitigate them
6. A draft work plan for further development of the GRM in 2019, to make it fully operational by 2020

We have attached draft ToR for the GRM (proposed to be called the REDD+ Grievance Redress Office, or GRO) as Annex I and a list of stakeholders consulted in the Initial Design Mission as Annex II.

<sup>1</sup> The consultants for this assignment are David Fairman, Managing Director, Consensus Building Institute ([www.cbi.org](http://www.cbi.org)), and Faranaaz Pahalwankhan, independent consultant, Paramaribo.

# 1. The rationale for a REDD+ grievance redress mechanism (GRM) for Suriname

## Background on REDD+ and Safeguards

Through the Framework Convention on Climate Change, governments of developed and developing countries have agreed to work with each other, civil society, local communities, and the private sector, to ensure that countries with substantial forest area receive a share of the global benefits of carbon capture and storage in forests. REDD+ provides a framework of policies, actions and incentive mechanisms to share those global benefits, while ensuring that actions that produce global benefits also produce (and do not reduce) national and local benefits from forest conservation and management.

Historically in many countries, there have been conflicts over the use of forests, and the soil and minerals beneath them. Indigenous and other forest-dependent communities, logging and mining companies and small-scale/artisanal operators, migrants seeking land to farm, large plantation and ranching operations, and government agencies responsible for construction of roads and dams, have clashed over their competing claims to occupy forest lands, exploit their products, and convert forests to other uses.

One important goal of REDD+ is to minimize the risk that REDD+ activities create or increase grievances or disputes over forests. In broad terms, REDD+ decisions, projects and activities could trigger grievances or disputes in several ways:

- By changing the uses and activities that are permitted in particular forest areas;
- By reallocating rights among different forest stakeholders regarding access to, use of, or extraction from forests;
- By creating new benefits and incentives that trigger disputes among stakeholders seeking to claim them.

While striving to avoid creating new grievances, the governments and other stakeholders involved in REDD+ have acknowledged that some grievances and disputes may be unavoidable, and therefore have also agreed on the need for grievance redress mechanisms.

## Grievance Redress Mechanisms as REDD+ Safeguards

Suriname's REDD+ readiness work is supported by the Forest Carbon Partnership Facility (FCPF). FCPF's Common Approach to Environmental and Social Safeguards includes a requirement for governments that are seeking REDD+ benefits to establish or strengthen "grievance redress mechanisms" (GRMs) (sometimes also called "feedback and grievance response mechanisms) for stakeholders who believe that they may be harmed by REDD+ activities.

In the context of the Forest Carbon Partnership Facility, GRMs are defined as organizational systems and resources established by national government agencies (or, as appropriate, by regional or municipal agencies) to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedback,” or another functionally equivalent term.<sup>2</sup>

GRMs serve as recourse for situations in which, despite proactive stakeholder engagement, some stakeholders have a concern about a project or program’s potential impacts on them. They are generally designed to be the “second line” of response to stakeholder concerns, after stakeholders have attempted to resolve their concerns through normal channels of program and project management.

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Operationally, GRMs are voluntary and collaborative. They seek to resolve concerns through dialogue, joint fact-finding, negotiation, and problem solving, not by rendering a judgment or imposing a solution.

An effective GRM should meet the following criteria:

**Accessible:** being known to all stakeholder groups for whose use the GRM is intended, and providing adequate assistance for those who may face particular barriers to access.

**Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.

**Transparent:** keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake.

**Legitimate:** enabling trust from the stakeholder groups for whose use the GRM is intended, and being accountable for the fair conduct of grievance processes.

**Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.

**Rights compatible:** ensuring that outcomes and remedies accord with internationally recognized human rights.

<sup>2</sup> FCPF and UN-REDD, June 2015. Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms.



**Based on engagement and dialogue:** consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

**Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms

Beyond their role in resolving individual grievances, GRMs can also contribute to broader REDD+ objectives:

- Identify and resolve implementation problems in a timely and cost-effective manner: As early warning systems, well-functioning GRMs help identify and address potential problems before they escalate, avoiding more expensive and time consuming disputes.
- Identify systemic issues: Information from GRM cases may highlight recurring, increasingly frequent or escalating grievances, helping to identify underlying systemic issues related to implementation capacity and processes that need to be addressed.
- Improve REDD+ outcomes: Through timely resolution of issues and problems, GRMs can contribute to timely achievement of REDD+ objectives.
- Promote accountability among REDD+ stakeholders: Effective GRMs promote greater accountability to stakeholders, positively affecting both specific activities and overall REDD+ governance.

## **GRMs are not intended to replace courts or other rights-based mechanisms**

GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g., the court system, organizational audit/compliance mechanisms, etc.). Stakeholders always have the option to use other, more formal alternatives, including legal remedies. The existence of a GRM should not prevent citizens or communities from pursuing their rights and interests in any other international, national or local forum, and citizens should not be required to use GRMs before seeking redress through the courts, administrative law procedures, or other formal dispute resolution mechanisms.

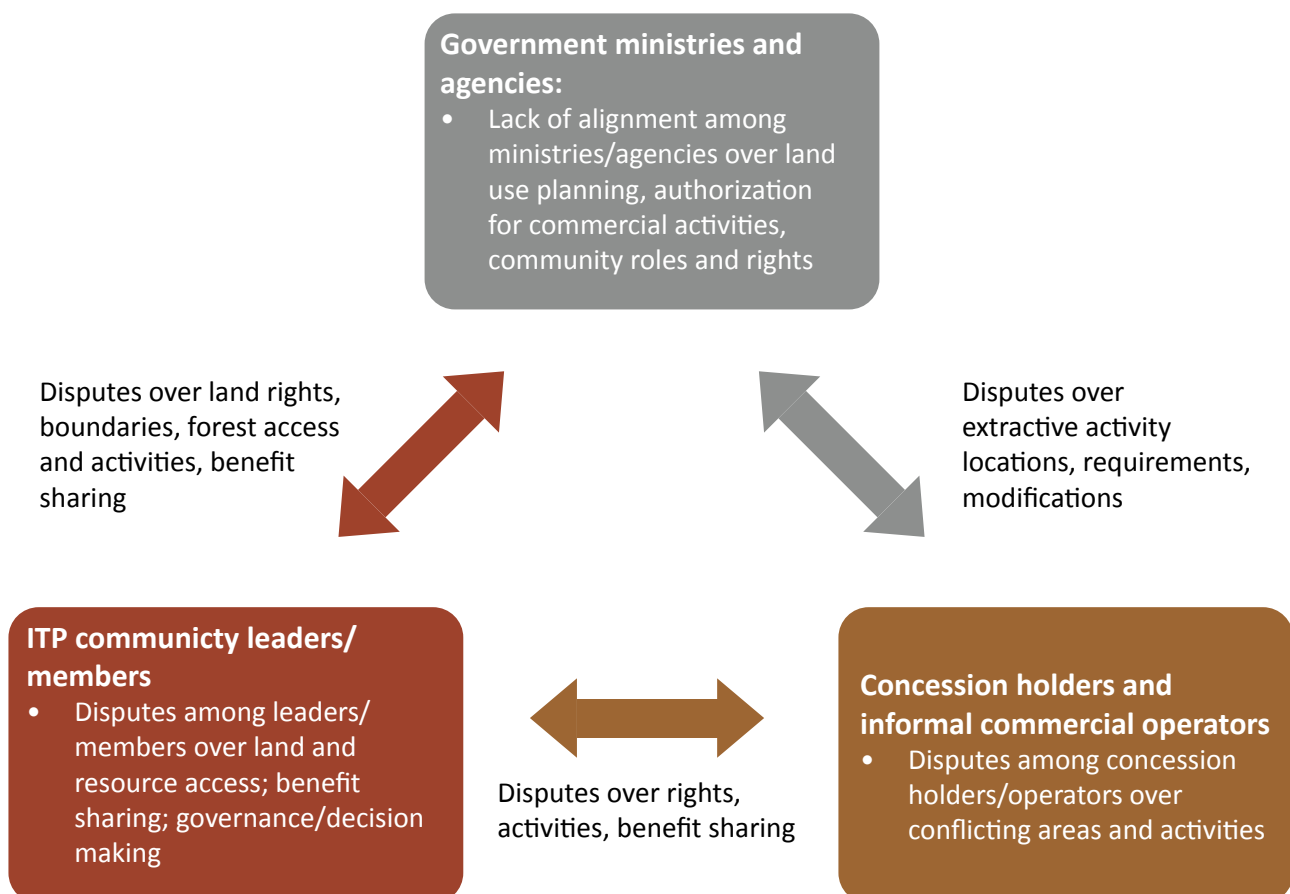
Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or major and systematic violations of rights and/or policies are normally referred to organizational accountability mechanisms or administrative or judicial bodies for formal investigation, rather than to GRMs for collaborative problem solving.

## 2. The types of grievances and disputes among forest stakeholders that currently exist in Suriname, and are likely to be relevant to REDD+

Suriname's REDD+ Strategy, supported by the United Nations Development Programme (UNDP) through the Forest Carbon Partnership Facility, seeks to create opportunities for sustainable conservation and management of Suriname's large forest area, and thereby contribute to sustainable development at the global, national, and local levels.

As noted above, FCPF REDD+ countries are expected to establish or strengthen GRMs based on an assessment of potential risks to forest-dependent communities and other stakeholders from REDD+ programs and activities. The consultants' discussions with Suriname REDD+ stakeholders, and review of relevant documentation, indicate that there are several types of grievances and disputes that already exist among forest stakeholders in Suriname. REDD+ decisions, projects and activities could trigger similar grievances, or intensify grievances that are ongoing.

The patterns of recurring grievances and disputes related to Suriname's forests primarily involve government, indigenous and tribal peoples, and commercial concession holders. There are patterns of dispute between these stakeholder groups, and sometimes there are disputes and lack of alignment within a group.



As the diagram above indicates, government ministries and agencies, ITP communities, commercial concession holders and informal commercial operators (primarily mining and logging), are the key stakeholders in most forest grievances in Suriname. Sources of grievance and disputes include

- access to land;
- uses of land;
- disagreement on land rights, boundaries and areas;
- restrictions on community practices (such as hunting, small scale logging, artisanal/small-scale mining); and
- concessions overlapping with community claims, protected areas, and with other concessions.<sup>3</sup>

REDD+ may trigger similar types of grievances and disputes in situations where REDD+ activities, decisions or policies are perceived to conflict with other users and uses of forest lands.

A previous assessment of forest sector grievances and options for GRM design in 2013 identified unresolved disputes over land rights as a significant potential trigger of grievances in the context of REDD+ in Suriname.<sup>4</sup> Several judgments by the Inter-American Court of Human Rights have provided legal recognition of collective land rights of indigenous and tribal peoples (ITPs) in Suriname, while noting that those rights are not absolute.

The government of Suriname has not yet clarified how it will recognize those collective land rights in general, or in the context of REDD+.<sup>5</sup> Free, prior, informed consent (FPIC) is not identical to recognition of collective land rights, but it is a related option to ensure that no REDD+ activities would take place in ITP communities without their consent. Procedures for establishing FPIC in the context of REDD+ have been proposed, but no REDD+ mechanism to ensure FPIC has been established. The government has established “community forest” (gemeenschapsbos) permits as a mechanism providing for ITP community use of some forest areas. However, some representatives of ITP communities do not accept community forest permits as recognition of their rights, given the extent of government discretion in issuing and withdrawing such permits. The fact that these permits are issued to village heads as individuals has also led to some disputes within communities. Given the unsettled status of the recognition of ITP land rights, government REDD+ initiatives and government negotiations to secure financial benefits from REDD+ could raise questions about their relationship to the rights of ITPs. In addition, the unresolved collective identity and land rights issues can contribute to disputes within and among ITPs. For example, competing ITP claims to forest land and resources could become disputes about REDD+ activities, or about benefit sharing.<sup>6</sup>

<sup>3</sup> These sources of dispute are well outlined in NIMOS, SBB and UNIQUE, 2017. Background study for REDD+ in Suriname: Multi-perspective analysis of drivers of deforestation, forest degradation and barriers to REDD+ activities, Ch. 5.

<sup>4</sup> Consensus Building Institute (CBI), November 2013. Assessment of Suriname Forest Sector/REDD+ Feedback and Grievance Response Mechanisms.

<sup>5</sup> The consultants were informed of ongoing efforts through the Office of the President, the Ministry of Regional Development, and the Parliament to address the ITP collective identity land rights issues. One or more of these efforts may prove successful in resolving these issues in the coming years; however, there is no guarantee of such a resolution.

<sup>6</sup> Asesoramiento Ambiental Estratégico, December 2017. Preparation of a REDD+ national strategy in Suriname: Review of the land tenure and natural resources legal framework, esp. Chapter II, Sec. 3, “Land Tenure and Indigenous and Tribal Peoples,” pp. 23-35.

In addition, there are potential conflicts between conservation of forests through REDD+ and other uses of forest lands. For example, disputes might also arise over government issuance of mining or logging concessions, or the construction of roads and other infrastructure in forest areas that REDD+ stakeholders intended to conserve.

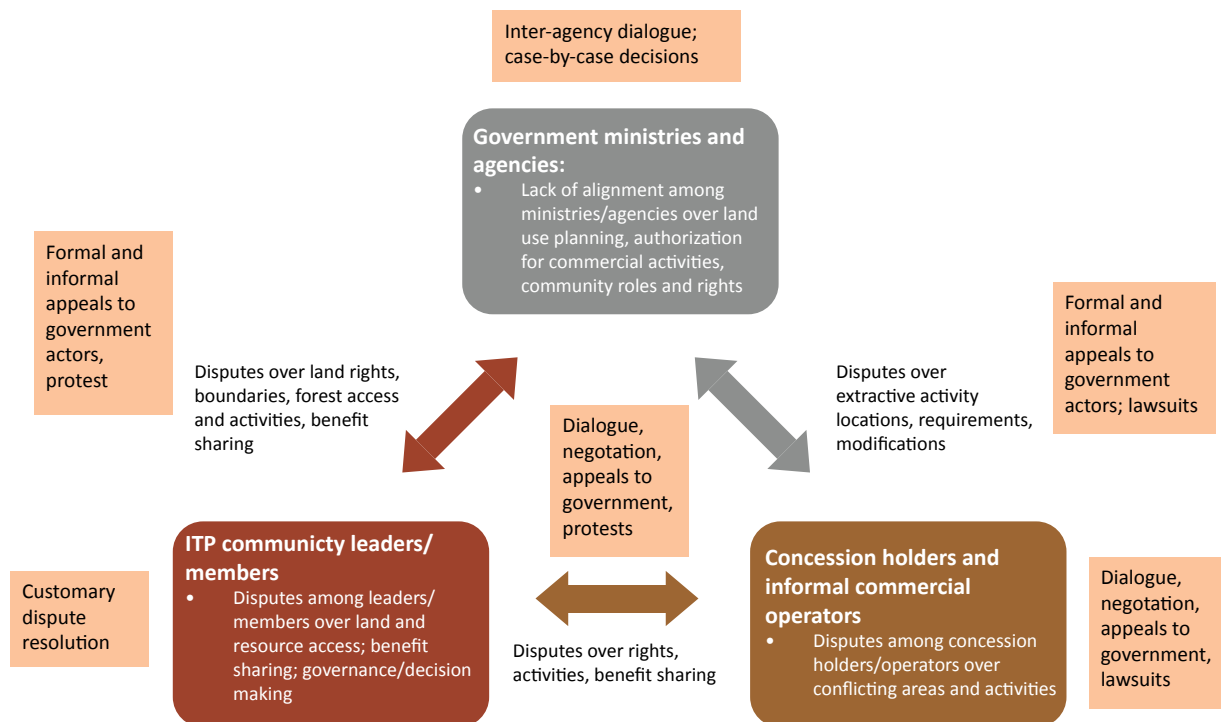
Some of these risks can best be addressed through the clarification of land rights, and through procedures to coordinate the review of potential concession areas and infrastructure development plans with REDD+ forest conservation and management plans. Nonetheless, a GRM will still be needed to deal with grievances that cannot be prevented through proactive actions by government and other stakeholders.

### **3. Current practices for managing and resolving forest grievances and disputes, and their strengths and limitations**

Currently, community members who have conflicts with another community or a concession holder may bring their concerns directly to that party. If direct discussion does not work, they may bring a complaint to the local police, the District Commissioner's Office, a District Council member, their member of parliament (MP), or the Ministry that issued the concession (e.g. the Ministry of Physical Planning, Land and Forest Management, or the Ministry of Natural Resources). Similarly, concession holders may talk directly with the community, or may complain to the police, the District Commissioner's Office, and/or the Ministry that issued the concession. If the community members or concession holder cannot get the dispute resolved through these channels, they may appeal to the Office of the President, or file a case in court. For disputes within communities, members will normally use their customary systems of consultation and dispute resolution; if these do not work, they may go to the District Commissioner's Office, District Council member, or relevant Ministry with a complaint.<sup>7</sup> It has also occurred that community members use road blocks or hold protests to voice their concerns.

The diagram that follows adds to the previous diagram showing the main kinds of grievances and disputes. The additional boxes highlight the main kinds of action that forest sector stakeholders currently take to try to resolve grievances and disputes with each actor group, and between the groups:

<sup>7</sup> See also the review of dispute resolution practices in CBI 2013, op. cit., pp.7-8.



Our overall assessment of the strengths and weaknesses of the current way of managing disputes, based on interviews and review of documentation, is the following:

1. These processes do sometimes work to get grievances and disputes resolved.
2. However, all of these ways of managing disputes have some significant limitations:
  - a. They are not transparent or predictable: when one stakeholder brings a complaint, whether to direct discussion with the other party, to traditional leaders, or to government, that stakeholder cannot know with confidence how it will be handled or how much control the complainant will have over the process. In many cases, the process of generating a response, whether by government, ITP communities, or commercial concession holders, may be quite unclear to other stakeholders.
  - b. They are not always perceived as fair: in many cases, government is seen both as a party to the dispute and as a powerful decision maker. Government agencies may be perceived as favoring one party to a dispute. Within communities, power may be concentrated in the hands of local leaders, and community members may not be confident that their concerns will be handled fairly if they conflict with the interests and relationships of community leaders.
  - c. The parties do not always have the skills in negotiation and/or mediation that would be helpful in resolving the issue. While there are skilled and wise individuals in all stakeholder groups who do succeed in using dialogue, negotiation and/or mediation, there is no guarantee that such individuals will be involved in particular disputes, and there are many instances where anger, frustration, fear, and “hard bargaining” approaches to negotiation lead to an escalation of the grievance rather than its resolution.

Underlying these limitations are three structural problems of forest governance in Suriname:

- The unresolved status of ITP land claims and tenure rights;
- The limited use of national (especially inter-Ministerial) or sub-national land use plans or GIS databases<sup>8</sup> to demarcate legal land uses and boundaries (including public lands with specified boundaries and uses, concessions with their boundaries and uses, community forest areas, and titled private land);
- The absence of a clear and predictable process for inter-Ministerial review and joint decision making regarding the authorization of commercial concessions, community forest uses, or environmentally protected areas.

The persistence of these structural problems means that efforts to resolve particular grievances and disputes are not based on clear and structured policy, and in cases involving ITPs are not based on clear legal standing of the parties or their claims to land access and land use.

**As noted below, a REDD+ GRM can help address the current limitations of transparency, predictability, fairness and skill, but it cannot solve the three structural problems by itself.**

## 4. Proposed mandate, design and operation for the REDD+ GRM

The current draft REDD+ Strategy proposes a new set of institutions for the management of REDD+ implementation.<sup>9</sup> The draft implementation framework (still being discussed and elaborated) envisions a national REDD+ Commission of senior government officials from relevant Ministries/agencies, supported by an Executive Coordinating Office, and advised by a national multi-stakeholder Steering Committee. The Strategy indicates that the Executive Coordinating Office would implement the GRM. However, many institutional questions remain to be answered regarding this architecture in general, as well as specific questions about the implementation of the GRM.

The REDD+ GRM should build on the significant assets for grievance intake and resolution that do exist, especially at the local level. It should also be clearly and logically linked to the REDD+ architecture, in such a way that the GRM can use its linkages to senior government, civil society and business REDD+ stakeholders in order to resolve grievances.

The consultants' view, shared by virtually all of the stakeholders we interviewed, is that a REDD+ GRM needs to address the limitations of transparency, predictability, fairness and skill that currently make it difficult to resolve grievances involving Suriname's forests. Addressing those limitations is also key to meeting the overall criteria for a GRM noted above (accessible, predictable and transparent; legitimate, equitable and rights-compatible; based on engagement and dialogue, and enabling continuous learning).

At the same time, the REDD+ GRM should build on the significant assets for grievance intake and resolution that do exist, especially at the local level. It should also be clearly and logically linked to the REDD+ architecture, in such a way that the GRM can use its linkages to senior government, civil society and business REDD+ stakeholders in order to resolve grievances.

Following are our recommendations for a Suriname REDD+ Grievance Redress Office (GRO), to function as the REDD+ GRM. We make recommendations for the GRO's mandate; structure; and roles and responsibilities for its governance and staff. We have attached a draft ToR for the GRO that follow the logic of these recommendations and give more definitive guidance on some issues that are noted in these recommendations.

<sup>8</sup> The Stichting Bosbeheer en Bostoezicht (SBB) does have a GIS system for forest permitting and monitoring; however other agencies and ministries do not consistently check with or defer to SBB in their land use planning and decision making.

<sup>9</sup> Asesoramiento Ambiental Estratégico, November 2017. Suriname National REDD+ Strategy, pp. 38-40.



## Overall mandate and structure

We recommend the establishment of REDD+ Grievance Redress Office (GRO) with these design features:

- Mandated to 1) receive, record, respond to and seek to resolve grievances related to REDD+ policies, programs, projects, and activities, using voluntary and collaborative approaches, and 2) share lessons learned and advice on grievance prevention and resolution with Suriname REDD+ stakeholders;
- Situated within the REDD+ architecture, but not within an agency of government;
- With a small staff of professionals skilled in grievance management;
- Supplemented by a roster of independent facilitators/mediators skilled in dispute resolution who could be called on to help in particular cases;
- Overseen by and accountable to a multi-stakeholder body within the REDD+ architecture, one that includes representatives of government, ITPs, business, civil society and potentially other stakeholders;
- Using clear rules of procedure;
- Easily accessible to local communities as well as commercial concession holders and government entities, with the option to use local entry points, an online portal, or direct contact with the GRO to file grievances;<sup>10</sup>
- With funding that is sufficient for its operations, and overseen jointly by national and international REDD+ stakeholders and funders.

## Additional design features to meet the criteria for an effective GRM

We also suggest additional features of the GRO to meet the criteria for an effective GRM.

To promote accessibility, predictability and transparency, the GRO should provide:

- Easy access for local community members to the GRO through local and virtual “entry points,” including District Commissioner’s Offices and District Councils, representatives of ITP communities who are well informed about REDD+, and an online portal;
- Clear criteria specifying that only grievances related to REDD+ are eligible to use the mechanism (and clarifying that the GRO will refer grievances alleging public corruption and other criminal activities to law enforcement agencies);
- Clear rules of procedure that are easily understandable by and accessible to all stakeholders;
- Transparent recording, tracking and online accessibility of case information.

<sup>10</sup> The Ministry of Trade, Industry and Tourism’s consumer complaint mobile app, called Coza App, appears to provide a very good starting point for a REDD+ GRO online portal. The consultants were shown how staff within the Ministry register, track and seek to resolve complaints using the app’s administrative database. The staff expressed confidence that the app could be readily adapted for use by other agencies of government.

To promote fairness (including legitimacy, equity and rights-compatibility), the GRO should have:

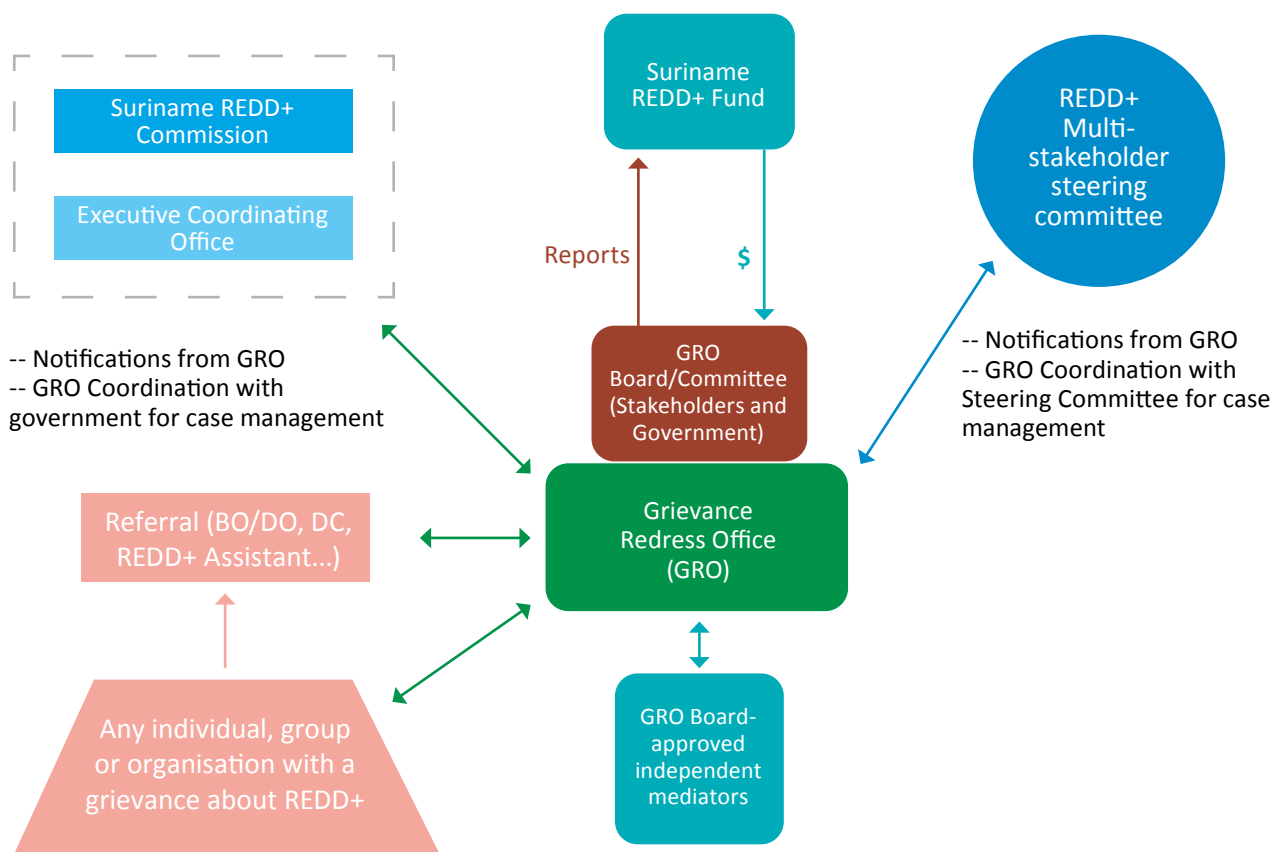
- A balance of stakeholders and their authority in its oversight body, so that no one stakeholder group has undue influence on the GRO's rules, staff or operations;
- A GRO Director who is selected by consensus of the oversight body through an open application process, based on agreed criteria (such as competence in grievance management, familiarity with Suriname's forest sector and stakeholders, effectiveness in interacting both with local stakeholders and with senior counterparts in ITPs, government and business; competence in organizational management, etc.);
- A roster of dispute resolution experts selected through an open and transparent process, for example using an open application process with agreed criteria (similar to those for the GRO Director), screening and recommendation of candidates by the GRO staff, and approval by consensus of the oversight body;
- Rules of procedure that explicitly commit the GRO to
  - o impartial resolution of grievances;
  - o ensuring that all parties understand their legal rights and options for pursuing their interests within and beyond the GRO;
  - o disclosure of any conflict of interest by GRO staff or members of the roster; and
  - o support for effective participation by all stakeholders, including provision of logistical and other forms of process support to local community members where necessary to enable their effective participation.

To promote constructive engagement and dialogue, and continuous learning, the GRO should provide:

- rules of procedure that make it clear that use of the GRO is voluntary, that it seeks to engage complainants and other stakeholders in collaborative efforts to resolve grievances, and that the GRO is a complement to, not a substitute for legal or administrative remedies;
- staff and roster members who are skilled in grievance and dispute resolution, culturally competent with ITP communities, and familiar with government laws, policies and institutions related to forest management;
- continuing outreach and education for REDD+ stakeholders who might wish to use the GRO, and for local points of contact (e.g. District Commissioner's Office staff and District Council members, members of ITP communities who are well-informed about REDD+, and potentially others); and
- documentation and evaluation of GRO efforts to resolve grievances, with the option for the GRO to publish lessons learned, hold public workshops and advise REDD+ stakeholders on opportunities to prevent and resolve grievances, based on its experiences.

## **Situating the GRO within the Proposed REDD+ Architecture**

To provide more clarity on how the GRO might be situated within the REDD+ architecture, we offer the diagram below.



**Figure 1: Potential GRO structure within REDD+ architecture**

## Key components of the GRO: oversight, staff and funding

In order to support its legitimacy and credibility in the eyes of all stakeholders, we recommend that the GRO be established as a public-private organization, foundation or commission.<sup>11</sup> It could have a Board of Directors or oversight committee that includes representatives of both government and non-government REDD+ stakeholders, with authority distributed equitably among them. The Board or oversight body could draw its representatives from the REDD+ Commission and the Steering Committee. It could also include one or more international representatives who are significant contributors to the Suriname REDD+ Fund.

The Board/oversight committee would

- Select the GRO Director;
- Review the policies and operational procedures of the GRO;
- Provide support as appropriate for the GRO's efforts to resolve individual cases, without becoming directly involved in case management (the Board's role would be specified in its rules of procedure); and
- Ensure the GRO's independence, operational effectiveness, and appropriate financial and human resource management.

<sup>11</sup> It is the consultants' understanding that no legislation would be required to establish the GRO as an independent NGO. If it is decided to establish the GRO as an agency of the government, then legislation may be necessary. In either case, policy or legislation explicitly mandating government agencies to cooperate with the GRO may be useful even if not required.

The GRO Director and staff would be responsible for

- Outreach and education about the GRO for Suriname REDD+ stakeholders;
- Establishment of a roster of independent mediators/facilitators with the concurrence of the Board/oversight body;
- Establishment of local points of contact for the GRO, including District Commissioner's Office staff (District Commissioners, District Secretaries and BOs (Bestuursopzichters)); District Commissioners, representatives of ITP communities who are well-informed about REDD+, and others who may be identified as logical points of contact;
- Ongoing capacity building through training, support and communication with those points of contact to ensure that they provide appropriate guidance and support for stakeholders wishing to bring their grievances to the GRO;
- Establishment and operation of an online portal (Web- and/or mobile app-based) to allow REDD+ stakeholders to file grievances and track their progress;
- Intake, management and resolution of REDD+ grievances, according to the GRO's rules of procedure, and using independent mediators/facilitators from the roster where appropriate;
- Engagement with the REDD+ Commission, REDD+ Steering Committee, and individual Ministries, agencies of government, and non-government stakeholders in order to support the resolution of specific cases;
- Case tracking, documentation and evaluation;
- Generation of lessons learned and advice for REDD+ stakeholders on grievance prevention and resolution; and
- Financial and human resource management to meet national and international requirements and standards.

With regard to the staffing or annual budget of the GRO, we recommend that when the GRO is fully operational, it should have

- a full-time Director at a senior level (equivalent to a government Permanent Secretary);
- two full-time staff with at least 5 years of professional expertise in grievance management and resolution, including expertise in outreach and engagement with ITP communities (including some ITP language proficiency), and expertise in working with government agencies, laws and policies;
- a part-time financial and administrative manager; and
- a part-time or full-time administrator with responsibility for case documentation and tracking, including via the online portal.

In addition, the GRO might use roster members, paid at national consultant rates, for 10-50 days in its first year of operations. Costs for outreach and education activities, creation and maintenance of an on-line portal, and other office costs would also be important to consider.

As shown in the diagram above, our recommendation is that the GRO's operations be funded by the Suriname REDD+ Fund, assuming that the Fund can be established and has adequate resources to support the operation of the GRO.

The primary reason for this recommendation is to ensure that the funding source for the GRO is stable, secure and not directly within the government budget, while recognizing the important role that government must play in allocating resources from the Fund. If it is feasible to use the REDD+ Fund for this purpose, we would suggest that the rules and procedures for the REDD+ Fund explicitly incorporate funding for the GRO. Ideally, an initial allocation from the Fund would support 2-3 years of GRO operations, so that the GRO could focus its efforts on its own activities, and not on fundraising.

However, if the Fund cannot be established or if it is not deemed appropriate as the funding source for the GRO, then other options could be considered, such as

- Establishment of a multi-donor fund for the GRO, with matching funds from the government of Suriname;
- Set-aside of a modest percentage of all REDD+ resources as a fund for the operation of the GRO; and/or
- Voluntary contributions from Suriname's REDD+ stakeholders, matched by a government contribution.

In any case, we recommend securing adequate funding for the first several years of the GRO's operation prior to implementation.

Further details of the GRO's interactions with the other elements of the REDD+ architecture, as well as its structure, mandate and operations, can be developed once there is more clarity about the overall REDD+ architecture.

## Process for GRO Case Management

We recommend that the GRO use generally accepted international good practices for grievance case management.<sup>12</sup> The GRO should manage cases using a series of clear and predictable steps:

- Receive and register grievances/disputes;
- Acknowledge and screen the complaint for eligibility, and notify key REDD+ stakeholders;
- Develop and propose a response to the grievance/dispute;
- Seek agreement on the response with the complainant and other stakeholders;
- Implement the response with the complainant and other stakeholders;
- Either resolve the grievance or, if unresolved, refer the complainant to other options; then close the case and finalize its documentation.

A number of stakeholders interviewed emphasized the importance of clarity on what kinds of complaints would be eligible for the GRO. Typically, REDD+ GRMs include the following eligibility criteria for grievances:

- Relates to an activity funded, organized and/or implemented through authorized REDD+ implementers
- States that the activity has caused or risks causing a negative economic, environmental or social impact
- Submitted by directly affected individuals or by a representative they have authorized

<sup>12</sup> FCPF and UN-REDD 2015, op.cit.

If a grievance is determined eligible, a second screening step will determine whether the GRM should handle it directly, or refer it to another agency or mechanism. Normally contractual disputes, or grievances related to corruption or fraud will not be processed by a GRM, but will be referred to other governmental and/or multilateral bodies authorized to deal with these kinds of disputes.

The time and resources required to resolve an individual case can vary greatly, depending on its complexity, the depth of disagreement among the parties, and the time required to explore issues and develop options. Most GRMs commit to screen grievances for eligibility within 10-20 days of receipt, and to propose a response within 30-60 days. Reaching agreement on a response with the complainant and other stakeholders may happen in a few phone calls or may take weeks of negotiation. Implementing the response may be fast and simple (for example, ceasing logging in a particular area), or slow and complex (for example, revising the boundaries of a protected area through a process of joint mapping and boundary demarcation).

We have attached more detailed guidance on case management, accompanying the proposed ToR for the GRO (Annex I). The process for the GRO to manage and resolve grievances may be subject to significant modification by Suriname's REDD+ stakeholders. The actual Suriname REDD+ GRO would need to develop its own operational procedures, including a flow chart showing the steps in the process, and also indicating time frames for each step.

## **5. Significant risks to the effectiveness of a REDD+ GRM, and ways to mitigate them**

There are three different kinds of risks to the GRM:

- Structural and contextual
- Design and operational
- Financial and human resource

### **Structural and contextual risks**

As noted above, the legal and institutional context in which the REDD+ GRM will operate poses significant challenges to its effectiveness. Specifically, the absence of clear laws, policies and land use plans may be very difficult to resolve grievances and disputes involving one or more of the following:

- ITP land claims and tenure rights;
- questions about the locations and boundaries of public land authorized by government for different uses;
- conflicting authorizations by different agencies of government of commercial concessions, community forest uses, environmentally protected areas, and other designated uses.

To mitigate these risks, it would be highly advisable for Suriname's REDD+ stakeholders to make as much progress as possible in producing clarity (in laws, policies and land use plans) on each of these three issues before REDD+ becomes operational in Suriname.



## Design and operational risks

The preliminary recommended design of the GRO assumes

- a. final decisions on the REDD+ architecture, and establishment of its key elements (Government Commission and Office; multi-stakeholder Steering Committee; and REDD+ Fund, or their equivalents);
- b. mutual interest on the part of government and non-government REDD+ stakeholders in a structure for recommended GRO that enables joint oversight, and a willingness and ability to collaborate in establishing the GRO with an oversight Board or equivalent body;
- c. willingness and ability of the GRO staff and counterparts in national and district-level government to work effectively with each other and with non-government stakeholders to resolve REDD+ grievances; and
- d. willingness and ability of non-government stakeholders to bring grievances to the GRO, based on a good understanding of what the GRO is mandated to do, and to seek to resolve their grievances based on the principles of voluntary and collaborative engagement.

Each of these assumptions may be understood as a risk. If any one of the assumptions is not met, it may undermine the design and/or the operations of the GRO.

The best way to mitigate these risks is first, to ensure that the design of the GRO is based on wide consultation and dialogue among Suriname's REDD+ stakeholders, including representatives of local communities, District government (both staff and Council members), and private sector actors operating in forest areas. The missions on which this report is based have been good first steps in this consultative process, but substantial additional consultation will be needed.

In addition, it will be important to establish formal linkages between local actors who are meant to play a role in case intake (District Councils, Offices and BOs, representatives of ITP communities who are well informed about REDD+, and possibly others) and the GRO, via MOUs or similar documents that clarify the local actors' roles and responsibilities vis. a vis. the GRO.

Second, once the GRO is established, it will be important for the GRO staff, supported by other elements of the national REDD+ architecture, to do regular and ongoing education and outreach to ensure that REDD+ stakeholders are aware of the GRO, know when and how to use it, and understand its limits. Similarly, capacity building for local counterparts will be needed, to ensure that they understand how to talk with local stakeholders about the GRO and refer cases to the GRO.

Third, taking a "learning by doing" approach to the operation of the GRO will be essential in order to address challenges that were not fully apparent at the time that the GRO was designed. Ongoing, structured monitoring, evaluation and learning by the GRO's staff and oversight body, and with other REDD+ stakeholders, can help the GRO address gaps and problems that appear during implementation.

## Financial and human resource risks

The GRO will need a stable and predictable source of funding for its operations. One challenge for many GRMs is that it is often very hard to predict the volume and timing of grievance cases, their complexity, or the resources needed to resolve them. Therefore, it is a good practice to have a secure core budget covering the known costs of staff and administrative expenses, and also covering a conservative estimate of the costs to handle a number of complex cases, including the services of outside facilitators/mediators, and additional travel, communication and consultation expenses associated with those cases. A process of budget reconciliation can be used to return unexpended funds at the end of a fiscal year. Another alternative is to create a contingency fund that the GRO is authorized to draw on for complex cases. In any case, as noted above, the availability of stable and predictable funding is critically important to ensure that the GRO will be able to respond quickly and effectively to grievances, and will not have to divert time and effort to generate resources to resolve individual cases.

Because the overall availability of funding for REDD+ in Suriname is not yet clear, there is a risk that the GRO could be established but not funded at a level sufficient to ensure its effectiveness. At this time, the main way to anticipate and mitigate this risk is to begin estimating the cost to establish and operate the GRO, and to integrate a budget for the GRO into proposals and plans for the REDD+ architecture. This preliminary design report is a first contribution to the estimation of the size and cost of the GRO. However, further development of the GRO's structure, staffing and operational procedures will be needed to create estimates useful for financial planning.

Finally, the GRO's effectiveness will ultimately depend on the grievance resolution skills, good judgment, and ethical commitments of its Director, staff and roster of mediator/facilitators. The consultants' interviews with Suriname REDD+ stakeholders did raise some concerns about the availability of individuals with the right combination of experience, skills, and credibility across stakeholder groups. Questions were asked about whether the staff and/or roster for the GRO might come from outside Suriname. At this time, the consultants are cautiously optimistic that there are individuals within Suriname who are well qualified to REDD+ undertake grievance resolution, as GRO staff or members of its roster of facilitator/mediators. However, once the key qualifications for the GRO staff and roster are agreed, it will be important to use a transparent process to invite applications, review and decide on candidates. The provision of training, coaching and ongoing professional development for GRO staff and roster members on grievance resolution may also be useful and appropriate.

## Managing risk through a "phase-in" approach

One further, cross-cutting risk mitigation strategy is to phase in the implementation of REDD+, beginning in geographic areas and with communities that have strong internal agreement on their interest in REDD+, and have negotiated agreements with the government of Suriname and international partners that provide a high degree of clarity and commitment regarding the geographic areas and natural resources involved; the activities the communities will undertake; the monitoring, reporting and verification system that will be used; and the benefits the communities will receive. Concession holders who wish to generate benefits from forest conservation and sustainable management could also be included, as long as their concession rights are not in dispute.

By starting with a very strong emphasis on seeking “volunteer” communities and undisputed concession holders with an active interest in participation, and working with a limited number of them in the first 1-2 years of REDD+ implementation, it may be possible to

- Minimize the risk of grievances and disputes with the participating actors;
- Make it more likely that grievances and disputes that do arise can be resolved through the voluntary GRO process;
- Limit the risk of overwhelming the GRO (and other elements of the REDD+ architecture) with a high number of disputes and grievances in the initial year(s) of implementation;
- Help all REDD+ stakeholders learn by working together, so that lessons learned can then be applied to additional communities and activities.

Further development of this concept would require developing a clear set of eligibility criteria for communities and concession holders to participate in REDD+ activities, and communicating the criteria and process for applying widely across Suriname’s communities and among concession holders.

## **6. Draft work plan for further development of the GRM, to make it operational by 2020**

The consultants’ current assignment is to propose a design for the REDD+ GRM, and a work plan to establish the GRM and build stakeholder capacity, by the end of 2018. This report has provided a preliminary design for the GRM. Following is our proposed work plan for further development of the GRM, both within the scope of our assignment and beyond it.

### **First Quarter 2019:**

- Finalize ToR for the GRM
- Finalize capacity building plan
- National REDD+ stakeholders a) confirm funding sources and establish budget for operations; b) begin process to establish GRM

### **Second Quarter 2019:**

- National REDD+ stakeholders a) establish GRM as a legal/administrative entity with multi-stakeholder oversight; b) Recruit and select GRM Director
- GRO Director recruits and selects one or more initial staff members, and identifies one or more independent mediator/facilitators who can help resolve GRO cases (roster members approved by oversight body)

### **Third Quarter 2019:**

- GRM Director, staff and roster member(s) receive training in grievance management
- GRM sets rules of procedure, creates case management system (including online portal for submission and tracking of grievances), creates outreach and information strategy and materials
- GRM staff collaborate with REDD+ stakeholders to conduct outreach and education for potential GRM users at national and local levels, including strategies and steps for REDD+ grievance prevention and resolution

### **Fourth Quarter 2019:**

- GRM becomes operational
- Ongoing training, coaching and professional development for staff and roster members
- Ongoing outreach and education for national and local REDD+ stakeholders on GRM
- Initial evaluation of first year of GRO operations (commissioned by GRO oversight body)
- Plan for 2020 expansion of staff and establishment of facilitator/mediator roster

# Annex I: DRAFT ToR and Operational Procedures for REDD+ Grievance Redress Office

## Overview

This draft ToR states the proposed mandate, structure and staffing for a REDD+ Grievance Redress Office for Suriname. As a draft, it notes several options to be discussed and resolved by Suriname's REDD+ stakeholders. Attached to the draft ToR is a draft set of operational procedures for the GRO, specifying how it will respond when it receives grievances. Again, the draft operational procedures are offered as a starting point for refinement by Suriname's REDD+ stakeholders.

## 1. Mandate of the GRO

The GRO's mandate is to

1. Inform and educate REDD+ stakeholders about the GRO and how to use it;
2. Receive, record, respond to, and seek to resolve grievances related to REDD+ policies, programs, projects, and activities, using voluntary and collaborative approaches;
3. Document results, conduct periodic evaluations, and generate useful lessons for the GRO and the REDD+ stakeholders it serves;
4. Share lessons learned and advice on grievance prevention and resolution with Suriname REDD+ stakeholders, in a range of formats and forums.

The GRO is committed to uphold a set of guiding principles in its work:

- The GRO will be accessible, predictable and transparent in its operations.
- It will strive to be legitimate, equitable and rights-compatible in its responses to complaints.
- All of its activities with REDD+ stakeholders will be based on engagement and dialogue.
- The GRO will enable continuous learning from its operations.

**The mandate of the GRO is focused on and limited to activities directly related to REDD+ investments, programs, projects and activities.** The GRO is not meant to address or resolve forest sector grievances or disputes that are not directly related to REDD+. A set of eligibility criteria for the GRO will clarify which grievances and disputes it will accept. Those criteria will be determined by REDD+ stakeholders, including government agencies with regulatory mandates that may overlap with the types of grievances to be addressed by the GRO.

**The use of the GRO is voluntary.** REDD+ stakeholders have the option, not the requirement, to bring grievances and disputes to the GRO. REDD+ stakeholders are free to use direct dialogue and negotiation; request assistance from district government; raise their concerns with national government ministries and agencies; and/or use the national and international legal systems to seek redress of their concerns.

**The GRO's procedural responsibility is to**

- educate potential users about the GRO;
- create an intake process in coordination with local and national government and non-government actors who can assist in bringing grievances to the GRO;
- respond to grievances by determining their eligibility for the GRO, assessing the issues and stakeholders involved, and determining a potentially appropriate course of action (whether direct intervention by GRO staff, referral to another entity using referral protocols agreed with relevant national agencies and bodies, or use of independent mediators);
- proposing that course of action to the complainant and potentially to other stakeholders; and
- supporting the complainant and other stakeholders to undertake the course of action in order to resolve the grievance or dispute.

The GRO will track and document its case work. A more detailed set of draft operational procedures is attached to these ToR as an appendix.

**The GRO will serve as a resource for education, outreach and advice on how to prevent and resolve grievances and disputes related to REDD+.** To serve this function effectively, the GRO is mandated to document the grievances it receives, its efforts to address those grievances (directly and with other entities), and the results of those efforts. The GRO will conduct periodic assessments and evaluations of its work both for purposes of accountability and for purposes of learning.

While maintaining appropriate confidentiality of some aspects of individual cases, the GRO will share lessons from aggregate and thematic assessments of its work. Those lessons may take the form of written documents available to the public; advisory notes targeted to specific thematic areas and/or stakeholder groups, which may or may not be publicly available; workshops and capacity building events, which may be open to the public or targeted to specific audiences; and other formats and forums as appropriate for purposes of learning.

## 2. Governance of the GRO

The organizational framework for implementation of REDD+ in Suriname is still under development. The current draft REDD+ Strategy proposes a new set of institutions for the management of REDD+ implementation.<sup>13</sup> The draft implementation framework envisions a national REDD+ Commission of senior government officials from relevant Ministries/agencies, supported by an Executive Coordinating Office, and advised by a national multi-stakeholder Steering Committee. The GRO structure assumes that this proposed REDD+ organizational framework is agreed and implemented.

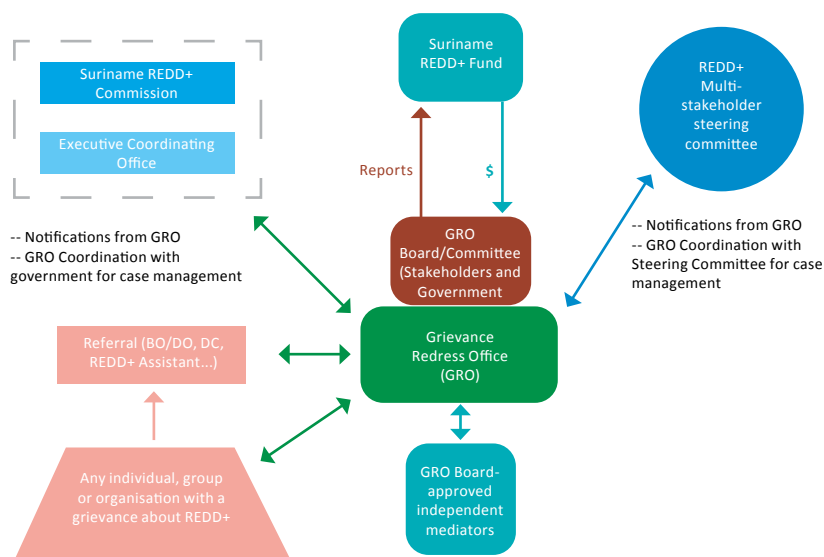
The GRO will be situated within the REDD+ framework, in one of two organizational forms:

- a. as a non-governmental, non-profit organization. It will be established by the same legal procedures used to create other non-governmental, non-profit organizations in Suriname;
- b. as an agency of the government of Suriname, with a very high degree of operational independence.

It is important to note that most stakeholders we interviewed favor the establishment of the GRO as a non-governmental, non-profit organization. In either case, the diagram on the next page shows the organizational location of the GRO within the REDD+ organizational framework. The diagram also shows some operational relationships that are more fully explained in the attached draft GRO operational procedures.

<sup>13</sup> Asesoramiento Ambiental Estratégico, November 2017. Suriname National REDD+ Strategy, pp. 38-40.





**Figure 2: GRO within REDD+ organizational framework**

The GRO will be governed by a multi-stakeholder Board of Directors (or equivalent oversight body) that includes members of the governmental REDD+ Commission, and members of the REDD+ Steering Committee. The Board could also include one or more international partners who are providing funding to the GRO. As an initial proposal, the Board could have 3 members from government, 5 selected by the REDD+ Steering Committee, and one international partner member. Those selected by the REDD+ Steering Committee could represent Indigenous people, Maroon tribes, civil society, the private sector, and academia.

The Board of Directors will be responsible for:

- Hiring the Director of the GRO, setting the Director's compensation, and supervising the Director's performance;
- Approving the GRO's operational procedures and receiving regular reports on the operations of the GRO;
- Approving the GRO's annual work plan and budget;
- Overseeing the GRO's monitoring, evaluation, learning and lesson sharing activities;
- Providing strategic advice and guidance to the GRO's Director on GRO priorities and operations.

Depending on what legal or administrative form the GRO takes, its governance will be further detailed in a set of by-laws or rules of procedure for the Board. Those by-laws/rules will address

- Selection of the Board of Directors
- Length of term and term limits for Board members
- Meetings of the Board of Directors: timing and rules of procedure
- Establishment of Board committees
- Compensation of expenses of Board members
- Other governance issues that are legally or administratively required to be documented in the by-laws/rules

### 3. Staff and responsibilities

The GRO will be managed by the Director who will be recruited and selected by the Board of Directors. The GRO Director will have at least 15 years of professional experience, with the following qualifications:

- competence in grievance management and resolution;
- competence in organizational management;
- familiarity with Suriname's forest sector and stakeholders;
- respect from and ability to work well with a wide range of stakeholders, from local community members to senior officials and executives, as demonstrated by past outreach and engagement with ITP communities, with the private sector, and with government agencies, laws and policies.

The GRO staff will also include:

- two full-time staff with at least 5 years of professional expertise in grievance management and resolution, including expertise in outreach and engagement with ITP communities (including language proficiency), and expertise in working with government agencies, laws and policies;
- a part-time financial and administrative manager; and
- a full-time administrator with responsibility for case documentation and tracking, including via the online portal.

The Director and staff will be responsible for:

- Outreach and education about the GRO for Suriname REDD+ stakeholders;
- Establishment and maintenance of a roster of independent mediators/facilitators with the concurrence of the Board/oversight body;
- Establishment and maintenance of local points of contact for the GRO, including District Commissioner's Office staff (District Commissioners, District Secretaries and BOs (Bestuursopzichters)); District Commissioners, representatives of ITP communities who are well-informed about REDD+, and others who may be identified as logical points of contact;
- Ongoing capacity building through training, support and communication with those points of contact to ensure that they provide appropriate guidance and support for stakeholders wishing to bring their grievances to the GRO;
- Establishment and operation of an online portal (Web- and/or mobile app-based) to allow REDD+ stakeholders to file grievances and track their progress;
- Intake, management and resolution of REDD+ grievances, according to the GRO's operating procedures, and using independent mediators/facilitators from the roster where appropriate;
- Engagement with the REDD+ Commission, REDD+ Steering Committee, and individual Ministries, agencies of government, and non-government stakeholders in order to support the resolution of specific cases;
- Case tracking, documentation and evaluation;
- Generation of lessons learned and advice for REDD+ stakeholders on grievance prevention and resolution;
- Financial and human resource management to meet national and international requirements and standards;
- Providing an annual work plan and budget, periodic operational and budget updates, and evaluations of its performance to the Board of Directors, as well as other information requested by the Board.
- 

## **4. Roster of independent facilitators/mediators**

The GRO will establish a roster of independent mediators/facilitators, using a transparent process to request statements of qualifications. Qualifications for the roster include:

- At least 10 years of experience in formal or informal facilitation and mediation roles;
- Familiarity with Suriname forest stakeholders, issues and conflicts;
- Excellent oral and written communications skills;
- Respect from all the stakeholders represented in the GRO board.

The GRO will call on this roster to facilitate resolution of complex complaints and disputes, using its judgment on the circumstances that call for roster involvement. The initial roster will consist of at least 5 individuals, and it will be approved by the GRO Board. Changes in the Roster must also be approved by the GRO Board.

The GRO will establish payment terms for the services of roster members, train roster members in the GRO's procedures, supervise them on individual cases, and provide access to the GRO's on-line case management system. Roster members will document their progress through the steps of case management, as well as outcomes produced.

## 5. Funding for the GRO

The GRO's operations will be funded by the Suriname REDD+ Fund, assuming that the Fund is established and has adequate resources to support the operation of the GRO. The REDD+ Fund will adopt rules and procedures for its contributions to the GRO.

If the Fund cannot be established or if it is not deemed appropriate as the funding source for the GRO, then the GRO will be funded using one or more of the following options:

- Establishment of a multi-donor fund for the GRO, with matching funds from the government of Suriname;
- Set-aside of a modest percentage of all REDD+ resources as a fund for the operation of the GRO; and/or
- Voluntary contributions from Suriname's REDD+ stakeholders, matched by a government contribution.

The GRO Director will provide an annual work plan and budget proposal to the REDD+ Fund. (For the start-up phase of the GRO, the Director may provide a 2-3 year proposal.) The GRO Director may also seek the establishment of a contingency fund to pay for more expensive and time-consuming mediation efforts.

## 6. GRO budget categories and year 1 budget estimates

Budget item	Year 1 cost estimates
Legal costs to establish the GRO	US\$ 5.000
Staff salaries and benefits <sup>14</sup> Director (1 FTE) Grievance resolution staff (1 FTE)	US\$ 54.000
Outreach expenses	US\$ 7.500
Facilitator/Mediator costs (approx. 30-40 days/year)	US\$ 10.000
Costs to recruit the Director and other staff	US\$ 4.000
Training for staff	US\$ 7.500
Office costs (rent, furniture, equipment, case management system/complaints database/ use of WhatsApp)	US\$ 20.000
Year 1 external evaluation	US\$ 5.000
<b>Total</b>	<b>US\$ 84.000</b>

<sup>14</sup> A rough estimation for the full staff costs namely 1 Director, 2 full time and 1 part time staff; Phased staffing of GRO, in Year 1 start with GRO Director and one staff member

**For budgeting purposes, the work plan in 2019 will include the following elements:**

- National REDD+ stakeholders a) establish GRO as a legal/administrative entity with multi-stakeholder oversight; b) establish the GRO Board of Directors; and c) recruit and select GRO Director
- GRO Director recruits and selects one initial staff member, and identifies one or more independent mediator/facilitators who can help resolve GRO cases
- GRO Director and staff member receive training in grievance management
- GRO sets rules of procedure, creates case management system (including online portal for submission and tracking of grievances), creates outreach and information strategy and materials
- GRO staff collaborate with REDD+ stakeholders to conduct outreach and education for potential GRO users at national and local levels, including strategies and steps for REDD+ grievance prevention and resolution
- GRO becomes operational
- Ongoing training, coaching and professional development for staff and roster members
- Ongoing outreach and education for national and local REDD+ stakeholders on GRO
- Initial evaluation of first year of GRO operations (commissioned by GRO oversight body)
- Plan for 2020 expansion of staff and establishment of facilitator/mediator roster

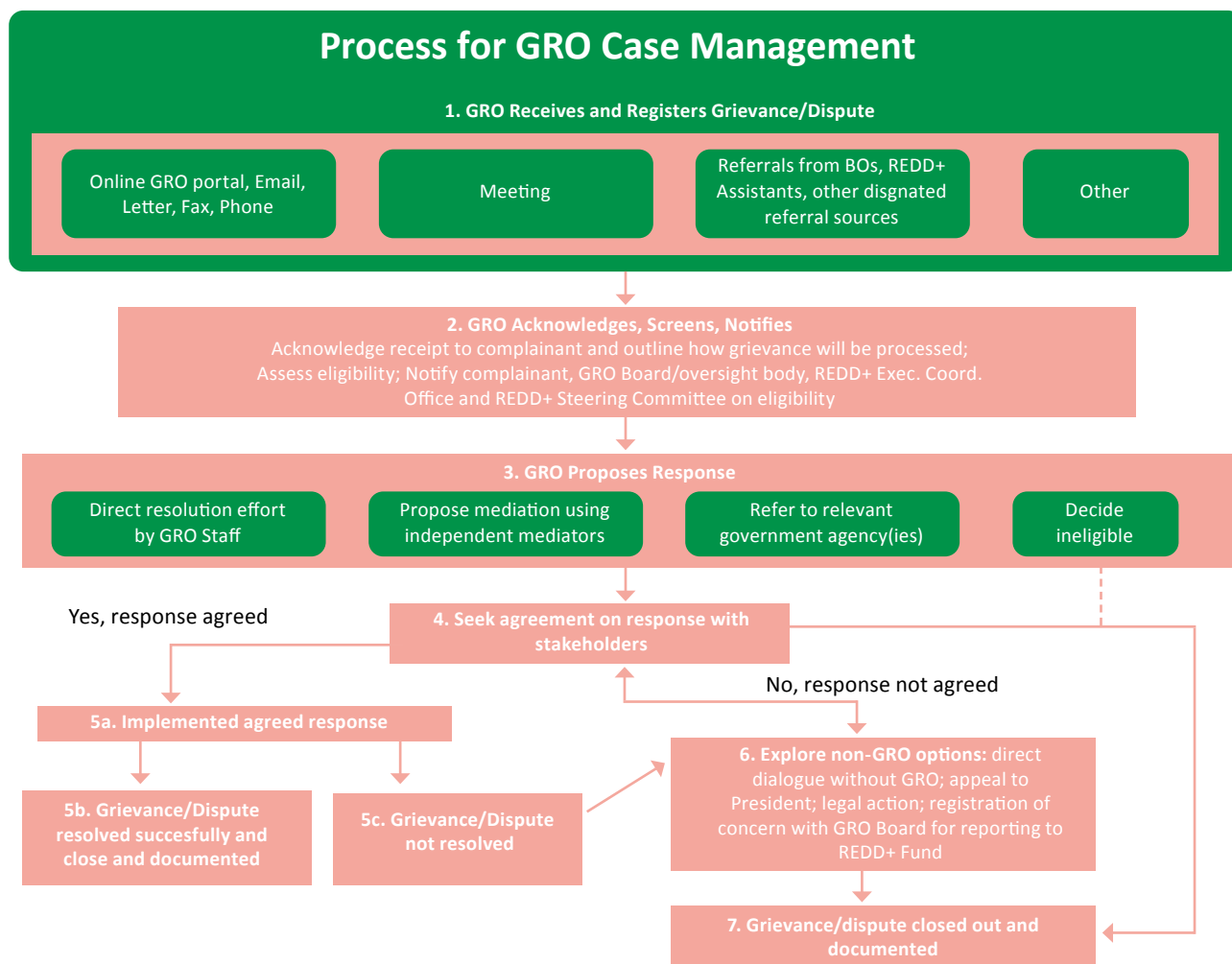
## **Appendix:**

### **Operational Procedures for GRO Case Management**

The GRO will use clear and predictable operational procedures to:

- Receive and register grievances/disputes;
- Acknowledge and screen the complaint for eligibility, and notify key REDD+ stakeholders;
- Develop and propose a response to the grievance/dispute;
- Seek agreement on the response with the complainant and other stakeholders;
- Implement the response with the complainant and other stakeholders;
- Either resolve the grievance or, if unresolved, refer the complainant to other options; then close the case and finalize its documentation.

The diagram below shows the basic procedural steps for GRO case management:



Following is explanation and guidance on these steps.

## 1. Receive and register grievance

The GRO will enable aggrieved stakeholders (“complainants”) to communicate their grievances to the GRO through a variety of channels (e.g. phone, letter, email, Web site, phone app, meeting, etc.). The GRO may create an online/app-based form for complainants to complete. Designated contact points at the local level will be empowered to receive grievances and take initial steps in responding to them.

Complainants may request that their identities remain confidential during the process of determining eligibility and determining a response. Designated contact points and GRO staff will maintain confidentiality of complainants when requested, until and unless the complainant agrees otherwise.

The GRO will establish a centralized database supported by a central office/staff, and will require that all grievances received be logged into that database using a common protocol and means of recording grievances received.

If stakeholders who have informally raised a concern or complaint choose not to use the GRO, then their concern will not be registered as a formal grievance. The GRO will nevertheless seek to respond as effectively as possible to the concern or complaint through engagement with those stakeholders.

## 2. Acknowledge, Assess, Assign

**Acknowledging receipt:** After receiving a grievance, the GRO will acknowledge to the complainant(s) that their grievance has been received, will be logged and reviewed for eligibility, and if eligible, will generate an initial organizational response. Initial acknowledgement will come within 5 business days of receipt of a grievance, in the form of a standard letter or email, with a clearly identified point of contact in the GRO, a reference name or number for the complaint, and a synopsis of the content of the complaint as understood by the GRO.

**Assessing eligibility for the GRO:** The decision on eligibility will be made by GRO staff. The determinations and the reasons and evidence supporting them will be logged into the GRO database. Eligibility will be determined on the basis of four criteria:

1. Does the complaint indicate that a REDD+ policy, investment, program or activity has caused to a negative economic, social or environmental impact on the complainant, or has the potential to cause such an impact?
2. Does the complaint specify what kind of impact has occurred or may occur, and how the GRO has caused or may cause that impact?
3. Does the complaint indicate that those filing the complaint are the ones who have been impacted, or are at risk of being impacted; or that those filing the complaint are representing the impacted or potentially impacted stakeholders at their request?
4. Does the complaint provide enough information for GRO staff to make a determination on the first three questions?

If the answer to all of these questions is yes, then the complaint is eligible. If there is not enough information to answer any or all of the first three questions, then the GRO will request additional information from the complainant. If the answer to any of the first three questions is no, then the GRO will respond by indicating that the complaint does not appear to be eligible, explain why not, and give the complainant an opportunity to re-file the complaint with additional information that could alter the eligibility decision.

If the complaint is ineligible, the GRO will review the nature of the complaint and decide whether to refer the complaint to a different agency, whether governmental or non-governmental. For example, complaints alleging corruption or misallocation of funds by a government agency will normally be referred NAME OF OFFICE.

**Determining an initial approach and assigning organizational responsibility:** Assuming the complaint is found to be eligible for a response under the auspices of the GRO, the GRO will determine whether the grievance can be addressed directly through a relatively simple action; or whether the grievance is complex enough that it requires additional assessment and engagement with the complainant and other stakeholders to determine how best to respond.

GRO staff will normally take the lead in developing this type of proposed process. To do so, they will engage directly with the stakeholders other than the complainant who are relevant to the complaint. Those stakeholders will not have direct authority over the GRO staff involved or over the design of the process. Rather, the stakeholders in question will be requested to provide information and engage in constructive discussion with the GRO staff to identify potentially viable ways to engage with the complainant.

In cases of high complexity and/or conflict, the GRO may request a member of its facilitator/mediator roster to perform the assessment under the supervision of the GRO.

## 3. Communicate proposed response to the complainant

The GRO will a response to complaints, normally in one of these categories:

- Direct action to resolve the complaint



- Further assessment and engagement with the complainant and other stakeholders to determine jointly the best way to resolve the complaint
- Determination that the complaint is not eligible for the GRO, either because it does not meet the basic eligibility criteria, or because another mechanism or organization is a more appropriate place for the complaint to be resolved.

The GRO will communicate the proposed response back to the complainant in a timely fashion, normally within 15 business days of determining eligibility, in writing, in language that is easily accessible to the complainant. GRO staff (and/or a member of the facilitation/mediation roster who has been tasked to assess the complaint and develop a response) may also contact the complainant by telephone or set up a meeting to review and discuss the initial approach with the complainant.

The response will include a clear explanation of why the response is being proposed; what the response would be; and what the complainant's choices are, given the proposed response. Those choices may include agreement to proceed, request for a review of an eligibility decision or a referral decision, further dialogue on a proposed action, or participation in a proposed assessment and engagement process. In addition, the response will note any other organizational, judicial or non-judicial but official government avenues for redress that the complainant may wish to consider.

In the case of eligible complaints 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 GRO will undertake a fast-track response, whether by the GRO or by immediate referral to another office or organization and immediate notification of the complainant of that referral. Fast-track responses will be produced within 3 business days of determining eligibility.

## 4. Seek agreement on proposed response

The complainant may or may not agree with the proposed response. If there is agreement, then the GRO will proceed with its proposed response, whether direct action, further assessment, or referral. If there is not agreement, then the GRO staff will clarify the reasons why the complainant does not accept the proposed response, and respond appropriately.

If the complainant challenges a finding of ineligibility, the GRO staff will clarify the eligibility criteria and give the complainant the option to file again. However, repeat filings without new information will be barred. If the complainant does not want the complaint referred out to another office/organization, then GRO staff will clarify the legal, regulatory and/or policy reasons for the referral, and ensure that there are in fact no issues that can be handled appropriately through the GRO.

If the complainant rejects a proposed direct action, the GRO will clarify the reasons for that rejection, and work with the complainant and with other relevant stakeholders to determine whether a satisfactory action can be agreed.

If the complainant does not want to participate in a more extensive process of stakeholder assessment and engagement, the GRO will clarify the reasons and see whether the proposed process can be revised in response. GRO staff may offer revisions to the proposed process to provide confidentiality, or to reduce the time required to participate. They may also explain in more detail why they believe further assessment is needed.

In cases where the complainant rejects all options proposed by the GRO, the GRO will ensure that the complainant understands what other recourse may be available, whether through the judicial system or other administrative channels. The GRO staff will document the outcome of the discussions with the complainant, including what options were offered and why the complainant chose not to pursue them, and then close the case.

## 5. Implement the response to resolve the grievance

When there is agreement between a complainant and the GRO to move forward with the proposed action or stakeholder process, then the response will be implemented.

In the cases where the initial response is to initiate broader stakeholder assessment and engagement, the assessment and engagement process may be conducted by GRO staff themselves, by a member of the GRO roster of facilitators/mediators, or by GRO staff and a roster member together. The main purpose of the engagement process is to clarify:

- The issues and events that have led to the complaint
- 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

Whether or not a collaborative process appears viable, the GRO staff will communicate the assessment findings to the complainant and other stakeholders, with a recommendation on whether and how to proceed.

In some cases, specialized technical assistance may also be necessary. If such assistance is necessary, the GRO will work with the relevant stakeholders to seek to provide it. If additional financial resources are necessary for technical or process support, the GRO may draw on its own resources, or may work with all the stakeholders case to determine whether and how forms of in-kind support and/or additional financial support could be generated.

If the engagement process produces agreement on actions to resolve the complaint, then the GRO staff are responsible for overseeing implementation of those actions. Normally the GRO, the complainant and other stakeholders in the case will monitor implementation jointly, and may meet both to monitor implementation and/or to resolve concerns during implementation of the agreement.

## 6. Review the response if unsuccessful

As noted above, in some cases it may not be possible to reach agreement with the complainant on the GRO's proposed response (see steps 4 and 5 above). In these cases, the GRO staff will inform the complainant about other alternatives that may be available, including the use of judicial or other administrative mechanisms for recourse. Whatever alternative the complainant chooses, the GRO will document their discussion with the complainant and the complainant's informed choice among alternatives.

## 7. Close or refer out the grievance

The final step in the grievance resolution process is to close out or refer the grievance. If the response has been successful, the GRO will document the satisfactory resolution. The GRO will normally include written documentation from the complainant indicating satisfaction with the response. In every case, the GRO will document lessons learned.

If the grievance has not been resolved, GRO staff will document steps taken, communication with the complainant (and other stakeholders if there has been substantial effort to initiate or complete a multi-stakeholder process), and the decisions made by the GRO and the complainant about referral or recourse to other alternatives, including legal alternatives.

The GRO will make publicly available basic information on particular cases, including the nature of the complaint, a brief description of actions taken, and the outcome. The GRO will maintain confidentiality about details of each case. The GRO will only publish the identity of complainants with the express consent of the complainant.

## Annex II: List of stakeholders consulted during the Initial Design Mission

Government	
Institution	Person(s) consulted
NIMOS/REDD+ PMU	Ms. Sandra Bihari, Project Coordinator Suriname REDD+ Mr. Anil Pershad, Project Advisor Suriname REDD+ Mr. Cedric Nelom, General Manager NIMOS
Ministry of Regional Development	Mr. Wilco Finisi, Permanent Secretary
Ministry of Trade, Industry and Tourism	Ms. Reina Raveles, Permanent Secretary Ms. Aarti Chirmoti, Consumers Affairs Mr. Vincent Fernandes, Consumers Affairs
Ministry of Natural Resources	Mr. Dave Abeleven, Permanent Secretary Ms. Angela Monorath, Senior Policy Advisor
Ministry of Spatial Planning, Land and Forest Management	Ms. Kaminie Tajib, Policy Advisor Mr. R. Ho Tsoi, Head Game Warden department
Planning Office of Suriname	Mr. John Bouterse, Deputy Director department of Environment and Spatial Planning Mw. Gracielle Baasaron, Environment policy staff Mr. Humro Bean, Spatial Planning policy staff
Dean of District Commissioners (DC) & DC of Paramacca area in the Sipaliwini district	Ms. Margretha Malonti
REDD+ PMU	REDD+ Assistants
OTHER INSTITUTIONS	
Institution	Person(s) consulted
Parliament of Suriname	Ms. Jennifer Simmons, Speaker Ms. Sherida Lino, Advisor
Tropenbos Suriname	Mr. Rudi van Kanten, Director Ms. Lisa Best, Staff member
ACT Suriname	Mr. Carlo Koorndijk, M&E coordinator
CIVIL SOCIETY	
Institution	Person(s) consulted
Projekta Suriname	Ms. Sharda Ganga, Director Ms. Rayah Bhattacharji, Staff member
Kampos	Ms. Renate Simson, Coordinator Ms. Rieneke Walden
Kuluwayak	Mr. Samoe Schelts, Chair
VIDS	Ms. Josee Artist, Advisor Ms. Loreen Jubitana, Director
Logging Association Suriname (Algemene Surinaamse Houtunie)	Mr. Herman Fraser, Chair Association/Manager Dennebos Mr. Jerry Rasdan, Technical staff
Foundation for Mining rights holders (Stg. Houders Mijnbouwrechten)	Mr. Steven Badloe, Secretary Mw. Kitty Blom, Chair Ms. Jessica Naarendorp, Treasurer

# **DEVELOPMENT OF A REDD+ GRIEVANCE MECHANISM FOR SURINAME FINAL DESIGN REPORT**

**JANUARY 2019**











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