

# GRIEVANCE MECHANISMS

## Lessons learned from REDD+ and other conservation strategies

January 2014

### What is a grievance mechanism?

A grievance mechanism is a process for project proponents to receive, review and address affected communities' concerns and complaints.<sup>1</sup> Any person or group who is affected by project activities has a right to raise a grievance and the project proponent has the responsibility to respond within a reasonable time period. The existence of a project-level grievance mechanism should not affect local peoples' rights to obtain external and/or legal advice or support.

A project's grievance mechanism is usually formalised through written procedures and will vary from project to project; any grievance mechanism should be specific to the context, addressing the requirements of both the project and affected local communities. However a number of common elements, including some basic principles, can be identified and should be adhered to.

In practice, the processes and structures of any grievance mechanism should form part of an ongoing community engagement strategy, with regular communication and feedback between project staff and community members. Questions, suggestions and requests for information from community members will be communicated using the same means as for their concerns or complaints, but specific procedures need to be in place to deal with grievances. Although formal grievance procedures should always be developed, stakeholders are less likely to need to resort to using them if a project is designed and implemented in a participatory manner that is responsive to the range of perspectives **of all groups within a community**.

### Why are grievance mechanisms important for conservation?

Conservation interventions necessitate long-term relationships between project proponents and local communities. Relationships of any kind will face challenges but, by identifying and addressing potential problems or concerns in a timely manner, a grievance mechanism can prevent small disputes from escalating. A well designed and implemented project-level mechanism can be a more efficient and cost effective way to address grievances than formal legal processes which are often inaccessible to local communities. However, the existence of a project level procedure does not preclude the right of communities to access third-party legal advice and support or resort to other alternative dispute resolution mechanisms if they are not satisfied with the outcome of the project-level process.

In the context of REDD+ and the need for Free, Prior and Informed Consent (FPIC), grievance mechanisms play a crucial role in maintaining consent. An FPIC process that follows internationally recognised good practice will establish a grievance mechanism, and this should form part of any consent agreement. Certain grievances may well lead to the re-initiation of the

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<sup>1</sup> International Finance Corporation (2009) *Addressing Grievances from Project-Affected Communities: Guidance for projects and companies on designing grievance mechanisms*

consent process. Although some grievances relating to relations between project proponents and local communities may be different to those relating to consent, the principles for dealing with them are the same. Transparent and accountable feedback and grievance procedures are essential to ensure the right to FPIC is respected and fulfilled. Similarly, a well facilitated process to secure FPIC will provide the space to address potential disputes before they arise, as well as help stakeholders and project proponents negotiate an appropriate grievance mechanism to deal with any future conflicts.<sup>2</sup>

The **Climate, Community & Biodiversity Standards** (version 3) require every REDD+ project to develop a clear process for receiving feedback from communities and other stakeholders throughout the project lifetime and for handling unresolved conflicts and grievances that arise during project planning, implementation and evaluation. The project must include a process for hearing, responding to and resolving community and other stakeholder grievances within a reasonable time period. This process must be publicised and accessible to communities and other stakeholders. The project proponent must attempt to resolve all reasonable grievances raised, and provide a written response to grievances within an agreed timeframe. Any unresolved grievances must be referred to an effective resolution process managed by a third party. Grievances and project responses, including any redress, must be documented.

The **Plan Vivo Standard** (2012 draft) require communities to have access to a forum in which they can periodically discuss the design and running of the project with other participants in their community, and raise any issues or grievances with the project coordinator over the PES period (Section 4.2). Any grievances raised by participants must be recorded along with any follow-up actions (Section 4.3).

Grievance mechanisms promote responsibility and accountability of project proponents<sup>3</sup>, but it is also in their self-interest to develop effective feedback and grievance procedures as they reduce risk and can save money. They also play a role in facilitating adaptive management, informing the revision of project systems, strategies and management plans.

### What principles should guide the development of a grievance mechanism?

The development of a grievance mechanism should be undertaken **with** local community members. This can contribute to good relationships between local communities and project proponents and result in mechanisms that are locally based and appropriate. It is essential that community members understand and have confidence in the grievance mechanism.

The International Finance Corporation (2009) identifies five **principles** to ensure the development of a grievance mechanism that is acceptable to local communities.

1. **Proportionality** - Scaled to risk and adverse impact on affected communities.
2. **Cultural Appropriateness** - Designed taking into account culturally appropriate ways of handling community concerns.
3. **Accessibility** - Clear and understandable mechanism that is accessible to all segments of the affected communities at no cost.
4. **Transparency and Accountability** - To all stakeholders.
5. **Appropriate Protection** - A mechanism that prevents retribution and does not impede access to other remedies.

In the Awacachi Corridor in Ecuador, FFI is supporting the development of a REDD+ project with local partner organisation Fundación Sirua. Following field work and analysis, to understand the

<sup>2</sup> See the paper in this series on Free, Prior and Informed Consent

<sup>3</sup> Mackenzie, C (2012) *REDD+ Social Safeguards and Standards Review* (2012) Forest Carbon, Markets and Communities (FCMC) Program

socio-economic context of communities in the project area, the project team established the following principles to guide the development of a feedback and grievance mechanism.

- **Internal efforts first** - As a first step the mechanism should include formal procedures to address conflicts internally without the support of a third party. This is to enable project partners and communities use resources efficiently and to understand that conflict management is a key process in any natural resource partnership.
- **Transparency** - All meetings and dialogues should be recorded in writing and minutes shared in a timely manner. The conflict resolution mechanism will be outlined in a pamphlet, which will be disseminated to local communities to raise awareness on the existence and functioning of the mechanism.
- **Adaptive** - The mechanism should be reviewed after 6 months of first implementation. The review will be undertaken by representatives from Fundación Sirua, FFI, the most affected communities, and, if necessary, a third-party expert.
- **Proactive** - Project proponents are committed to addressing potential conflicts or threats proactively, and will make use of the mechanism to address potential conflicts in a transparent and predictable manner.

During workshop discussions, a range of FFI staff identified a number of additional factors of importance relating to the **local context**.

- **Feasibility:** a grievance mechanism needs to be based on what is feasible and appropriate to the project area. An internet or phone based system, for example, is inappropriate if the majority of the local population do not have access to the necessary technology. Nor should community members incur a financial cost in lodging a complaint.
- **Existing mechanisms:** it is important to consider the ways in which disputes and grievances are usually managed in the project area; it is not always necessary to establish a new or separate structure or mechanism. Existing structures which often play a role in dealing with grievances include: community level governance structures, such as village councils, elders councils, and tribal councils; local government authorities; and local and international NGOs. In Vietnam, for example, conflict resolution is one of the roles of the Provincial People's Committee. In the Philippines, a multi-stakeholder grievance mechanism brings together the church, the municipal government, non-governmental organisations and others. However, it is important to note that traditional or existing mechanisms may not be sufficient to deal with grievances relating to REDD+ projects, are not necessarily trusted by all stakeholders, or may not be accessible to more marginalised groups within a community.
- **Available capacity and resources:** Involving local organisations or structures in grievance mechanisms is important, although in some cases it may be necessary to build their capacity to fulfil this function. A grievance mechanism should be based on what is feasible, taking into account existing and potential capacity of project staff, local community members and other relevant stakeholders. A simple, accessible system is more likely to be used than a complex, multi-layered one.

In all cases, it must be made clear to stakeholders that the existence of a project level grievance mechanism **does not replace their right to take legal action or to independent redress** via a mediator, arbitrator, ombudsman or court<sup>4</sup>.

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<sup>4</sup> Anderson, P (2011) *Free, Prior, and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development* RECOFTC and GIZ

## How can we develop and manage a grievance mechanism in practice?

The International Finance Corporation (IFC) recommends a number of steps and resources for managing an effective grievance mechanism (Box 1).

### Box 1: Process steps and resources for grievance management

#### Five process steps

- Publicise the mechanism
- Receive and register grievances
- Review and investigate them
- Develop resolution options, respond to grievances, and close out
- Monitor and evaluate

#### Resources

- **People** - trained staff or external resources experienced in social and environmental management and in dealing with community concerns and complaints
- **Systems** - systems for receipt, recording, and tracking of the process (for example, grievance log, tracking cards)
- **Processes** - written procedures for handling grievances and responsibilities assigned for each step as well as for management oversight
- **Budget** - estimating, allocating, and tracking costs associated with grievance handling

*From International Finance Corporation (2009)*

In workshop discussions, FFI staff identified a number of other key points:

**Establish the mechanism early on:** It is important that grievance mechanisms be established as soon as possible<sup>5</sup>. It is better to start simple and have something in place to enable communication between the project developer and communities rather than develop something complex that takes a long time to get up and running. A simple mechanism established early on in the project development process can always be further developed as understanding of the specific needs of the project and of community stakeholders increases.

**Appoint a main contact person/s:** Guidance documents often suggest that projects appoint a community liaison officer and support the formation of representative stakeholder committees. Regular meetings and communication with local community members can form part of the grievance mechanism, enable people to provide feedback on project plans and activities, and raise any concerns. It may also be appropriate for communities to designate a trusted community member as the first port of call for anyone with a concern or grievance.

**Deal with grievances promptly:** The mechanism should address concerns promptly. Even seemingly minor complaints should be handled in a timely manner in order to give stakeholders confidence in the system and prevent escalation. It is recommended that at least a preliminary response should be given within 30 days of a complaint being lodged, although it is recognised that complex or major grievances may take considerably longer to fully resolve.

**Document all feedback:** A good grievance mechanism will systematically document all feedback, grievances and follow-up steps. Following completion of the agreed-upon corrective actions, it is good practice to collect proof that those actions have taken place. For example, take photos or collect other documentary evidence to form a comprehensive record of the grievance and how it was resolved, including times, dates and those involved. Once the issue is resolved to the

<sup>5</sup> Mackenzie, C (2012) *Op. cit.*

satisfaction of the complainants, secure proof of resolution from those involved and publicise as appropriate.

**Maintain flexibility:** Flexibility is important as the nature of complaints or disputes is likely to vary. Those relating to consent at various stages in an FPIC process, for example, will need to be handled in compliance with international standards. However, the basic principles are the same for addressing **all** grievances.

Box 2 illustrates some design recommendations for a grievance mechanism for one of FFI's REDD+ projects in Indonesia

#### **Box 2: Recommendations for a grievance mechanism for a REDD+ project in Indonesia**

1. **Use a cell phone system** - Purchase a cell phone or landline that can receive text messages and dedicate it solely to receiving and responding to community feedback and grievances. Cell phones are affordable and in the project area many community members in the project area have access to them, especially for text messaging.
2. **Use comments boxes in villages** - Provide boxes in each village where people can deposit written messages. Ensure that these are collected regularly.
3. **Set up a simple spreadsheet and/or note book** - Record ALL messages received, date received, person responsible for follow-up, date of follow-up, and response given.
4. **Establish simple rules** that all stakeholders understand e.g.
  - Dedicate one staff member who is responsible for managing the cell phone and the documentation system at all times.
  - Text messages will be checked daily. A staff member will confirm receipt of the message and state how long it will take to respond.
  - Boxes will be checked weekly by project staff or a community representative.
  - All messages will be responded to within 30 days.
  - All community representatives will be made aware of the procedures.

### **What challenges do we face and how have we tried to overcome them?**

One of the main challenges is ensuring that a grievance mechanism is accessible to all socio-economic groups within a community. Consultation on the design and the subsequent implementation of a grievance mechanism must provide for the inclusion and participation of women and other marginalised groups<sup>6</sup>. In addition to facilitating the participation of marginalised community members, it is important that projects communicate with or through local organisations that are transparent, representative, and inclusive. Existing and traditional community organisations or representatives may not always effectively represent all groups within their constituencies. In these cases, project proponents will need to identify strategies to strengthen local organisations to be more representative and inclusive, as well as to support local communities to understand how to hold their representatives, as well as other duty-bearers, to account.

Good practice community engagement<sup>7</sup>, respecting the right to Free, Prior and Informed Consent<sup>8</sup>, and establishing an equitable benefit -sharing<sup>9</sup> mechanism will all go a long way to encouraging

<sup>6</sup> International Finance Corporation (2009) *Op. cit.*

<sup>7</sup> See for example Blomley, T and Richards, M (2011) *Building Forest Carbon Projects: Community Engagement Guidance* Forest Trends

<sup>8</sup> See the paper in this series on free, prior and informed consent

<sup>9</sup> See the paper in this series on equitable benefit sharing

stakeholder confidence in project proponents in general, including in the grievance and dispute resolution mechanisms that the project puts in place.

## Key References

Anderson, P (2011) *Free, Prior, and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development* RECOFTC and GIZ

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[www.fcmcglobal.org/documents/Safeguards\\_Paper.pdf](http://www.fcmcglobal.org/documents/Safeguards_Paper.pdf)

This document is one of a series of outputs from a learning event held in Cambridge in April 2013 to share experience, tools and lessons learned on the social aspects of REDD+ and other conservation strategies.

Topics discussed included: equitable benefit sharing; Free, Prior and Informed Consent; gender; grievance mechanisms; Opportunity Cost Analysis; Social Impact Assessment; sustainable livelihoods; and tenure and resource use rights.

All outputs are available to download from FFI's Livelihoods and Governance library: <http://www.fauna-flora.org/initiatives/livelihoods-and-governance-library/#learning>



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