

INDONESIA RESULTS-BASED PAYMENTS PROJECT: STAKEHOLDER ENGAGEMENT PLAN

STAKEHOLDER ENGAGEMENT, INFORMATION DISCLOSURE AND TRANSPARENCY

Recommendations and Mitigation Measures (R&MM) related to sections 1.1 to 1.3 below can be found in Appendix 5 of this document, following the R&MM recommended by the Environmental and Social Management Framework (ESMF).

1.1. Meaningful and Effective Stakeholder Participation

Indonesia's National REDD+ Strategy which formed the underlying basis for the components and activities to be pursued by the RBP Project was itself developed in a very multi-stakeholder process attempting to be inclusive of all types of beneficiaries (public, private, national, regional, district, local community, CSO and private sector). Three hundred experts representing more than 200 stakeholders participated in seven regional and national REDD+ strategy public consultations. Three drafts emerged from these processes before the final strategy was adopted in 2012. As noted in the ESMF, other processes that were fully participatory were the development of the FREL, SIS-REDD+ (including the PC&Is and APPS tools) and the NDC process.

In addition to the MoF and MoEF's role, the Social Forestry initiative is a multi-stakeholder dependent initiative, relying on key participation and support from other actors carrying out formal and informal roles to advance the initiative's objectives. These include, for example, local governments that have a role in the application process, private actors that hold interests in the lands and engage in the partnership agreements with local communities, those that conduct research such as universities and environmental and social NGOs. For instance, in 1997, academics organized the Indonesian Communication Forum for Community Forestry, which contributed to public consultations on SF after the downfall of the Suharto regime. Also participating are investors, donor agencies and NGO that have been vocal within working groups and other advocacy forums to strengthen the Social Forestry legal framework, policies and practices -especially by increasing the participation of local communities in design and implementation and seeking increased reforms related to forest management, recognition of indigenous peoples (referred instead to "Adat community" in Indonesia) customary institution and land tenure. For example, the upland local communities have been strong leaders in influencing forest policy -their voices magnified through the help of civil society and allied academics. Some IP organizations such as the Aliansi Masyarakat Adat Nusantara (NAMAN) or the Indigenous Peoples' Alliance of the Archipelago (IPAA) which represent over 2300 Adat communities across Indonesia, have both championed the initiative while being some of its strongest critics and change agents.

Regarding the process of participation, there are several mechanisms that will allow --at least in the interim -- the effective participation of stakeholders throughout the process of implementing the RBP Project. After stakeholder mapping, these mechanisms were established during the preparations of the National Strategy, as well as the comprehensive development of its SIS-REDD+ and the accompanying PC&I and APPS tool.

Indonesia has developed and promoted three types of spaces for dialogue, these were: the Forestry Observers Forum, National Forestry Council, and the Social Forestry Task Force (SF Taskforce). Each of these will continue to operate during the period of the RBP Project. The Forest Observers Forum is a

collaborative decision making stipulated in article 70 of the Forestry Law. The National Forestry Council accommodates the existence of this institution.

Also, in 2016 the **Social Forestry Task Force (SF Taskforce)** was established per Regulation from the Directorate General of Social Forestry and Environmental Partnership of the MoEF (No. P.14(2016)). The SF Taskforce is to be a multi-stakeholder entity with members from provincial administrators, NGOs, academics, license holders under the Social Forestry initiatives, journalists, researchers etc. SF Taskforces exist at the provincial level and are considered focal points for Social Forestry implementation at the field level, registering contact persons locally that can work directly with local communities, Villages and Adat communities that are implementing or seeking to implement Social forestry programs. The SF Taskforces have various roles, including: the socialization of the Social Forestry initiative; facilitating community and Village applications for the five categories of Social Forestry benefits; observing the PIAPS (indicative mapping of the Social Forestry area), institutional capacity building, expanding and marketing Social Forestry enterprises, facilitating conflicts related to tenure and Hutan Adat (customary forests) in accordance with existing laws, and following various communication and reporting protocols.

In addition, members of any of the three forums discussed above can be broken down into or used to constitute ad-hoc Working Groups and Technical Committees when key issues require additional consideration and expertise. Members of these groups and committees may also invite additional experts to contribute as needed. The groups and committees will endure until the issue they were tasked with discussing has been exhausted. Issues can range from safeguards, the GRMs, to how best to socialize and train on the APPS SIS-REDD+ monitoring tool, and more.

As noted above, the project builds on extensive stakeholder engagement and consultations which will continue throughout project implementation, including in the identification, assessment, and development of management measures for forthcoming project activities. Meaningful, effective and informed stakeholder engagement and participation will continue to be undertaken and will seek to build and maintain over time a constructive relationship with stakeholders. The scale and frequency of the engagements will reflect the nature of the activity, the magnitude of potential risks and adverse impacts, and concerns raised by affected communities.

Without prejudice to the disclosure requirements of all FPIC process required by the RBP project, stakeholders overall will have access to relevant project information in order to understand potential project-related opportunities and risks and to engage in project activity design and implementation. In addition to already having access to the Indicative Map of the Social Forestry Area (PIAPS) and the Indicative Map of Termination of the Granting of new Permits (Moratorium Map), among others required by law and as deemed appropriate, the following information will be made available to the public:

- Stakeholder engagement plans and summary reports of stakeholder consultations;
- Social and environmental screening reports (SESP) with project documentation;
- Draft social and environmental assessments, including any draft management plans over forest areas upon which they depend and/or have been provided rights of use or access, or for which they have Adat community rights (including all forest management plans, protection/conservation area plans);
- Existence of the national and pending project-level GRM and how to access;
- Final social and environmental assessments and associated management plans (ESMF, ESMP and associated management plans);
- The geospatial data per Indonesia PLRs; and
- Any required social and environmental monitoring and verification reports.

This information is to be disclosed in a timely manner, in an accessible place, and in a form and language understandable to affected persons and other stakeholders. These elements of effective disclosure are briefly elaborated below:

Timely disclosure: information on potential project-related social and environmental impacts and mitigation/management measures will be provided in advance of decision-making whenever possible. In all cases, draft and final screenings, assessments and management plans must be disclosed and consulted on prior to implementation of activities that may give rise to potential adverse social and environmental impacts.

Accessible information: Appropriate means of dissemination will need to be considered in consultation with stakeholders. This could include posting on websites, public meetings, local councils or organizations, newsprint, television and radio reporting, flyers, local displays, direct mail.

Appropriate form and language: Information needs to be in a form and language that is readily understandable and tailored to the target stakeholder group.

To further facilitate public access to information, the SIS-REDD+ also has established a database to manage data and information on safeguards implementation and created a web-platform to present and display the information on safeguards implementation. The SIS REDD+ online resource is open to the public, however, currently some information is available to all that access the webpage and other information first requires registration as a project proponent (i.e. Implementing or Responsible Party). For instance, any member of the public can access the webpage and view general information on each of the seven safeguards as well as whether activities under those projects listed to date have adhered or not to specific safeguards. As a registered project proponent (and the SIS-REDD+ architects are working assiduously to increase registrations), such individuals and entities will access greater data on each project as well as the necessary information to contribute to project social and environmental monitoring (i.e. APPS tool, PC&Is). As the SIS-REDD+ system continues to develop and be formally applied (it was not used to generate the 2017 Summary of Information), it is expected that the system and online information will be not only more ample, but more accessible to those that are not already project proponents.

Indeed, by collecting more data, the website may eventually be able to provide information in various formats, including in form of more maps, both national and provincial, graphics, and related news and through connections with other existing databases used by different government offices as well as within the civil society and private sector. For instance, as there are already several forestry database and information systems, the REDD+ Division at MoEF is also considering the possibility to connect the SIS-REDD+ web-platform with other forestry instruments that have safeguards elements relevant to REDD+. As a systematic framework in collecting and presenting information, SIS-REDD+ has the potential to help other frameworks, such as FLEGT and the Information System for Forest Product Management (SI-PUHH), in collecting data and documents. Aside from the web-platform as the main point of access for information on REDD+ safeguards, in places without reliable internet access, District/Provincial government actors (PSIS or PSIS Kab/Prov) also can use other communication channels to reach the public, such as routine publications or announcements at local government offices, sites of worship, academic centres, etc.

Indonesia also is in the process of finalizing the execution of its One Map policy. By decree, this policy gives the Geospatial Information Agency the mandate to work with the Presidential Delivery Unit for Development Monitoring and Oversight and take the lead in developing the single reference map and defines “openness” in the law as “the establishment of GI is intended to be utilized by many parties by providing easy access to the society to obtain GI.” The objective of this policy is to create a single 1: 50,000 scale map that can serve as a standard geospatial reference, based on a single standard, a single database, and a single geoportal. The use of one map that various ministries, regional and

district governments, and other actors can access will help to increase transparency, and the sharing and comparison of information across multiple users.

1.2. Adat Communities and other Collectives

Central to the success of the project is the voluntary participation of stakeholders -including Adat communities and other Villages and local communities (other collectives) dependent on forest resources and central to their successful management. (Recalling the broad and inclusive nature of the term “local communities”).

Agreements with Adat communities are to be reached by the collective in a free, prior and informed manner by the representatives and governing institutions designated by the affected Adat community, and respecting the affected peoples’ own decision-making norms, values and customs. Adat communities and other collectives are to be partners and beneficiaries of the project activities. The project recognizes that Adat communities and other collectives have expertise relevant to project outputs and activities, and they are in possession of traditional knowledge and practices that can contribute to the project’s success. The improvement of the livelihoods, their equitable access to the benefits of climate change initiatives, the avoidance and resolution of conflicts within their territories, and the reduction of poverty within these populations are national goals as indicated in the National Strategy.

Local communities, Villages and Adat communities are intended to be the primary beneficiaries of the Social Forestry initiative given the intention to ensure that the granted and recognized rights are meant to ensure their active participation in forest management so as to improve their livelihoods, reduce poverty, and contribute effectively to the nation’s REDD+ objectives of sustainable forest management through reduced deforestation and degradation. In the context of the Social Forestry initiative, a successful and rights-based initiative means reliance on a sound indicative map of lands available for permitting, licensing and forest partnership agreements, the voluntary participation of these various collectives, a mechanism to recognize Adat communities and their lands and avoid harms to Adat rights, and the required capacity and project activities to ensure that these collectives can fully access the benefits intended by the project as well as the grievance mechanisms necessary to remedy adverse impacts, and the systematized participatory monitoring of environmental and social impacts that is linked to decisionmakers that can modify the project in real time to not only avoid harms, but also to take advantage of opportunities to magnify the project’s intended positive results.

As stated appropriately in the accompanying ESA:

The Social Forestry initiative was and continues to be a bold program that represents a fundamental change in how forest management is conceived in Indonesia and elsewhere in the hemisphere. It recognizes the indispensable and pivotal role that Adat communities and other forest-dependent communities play in the conservation, protection and sustainable development of the world’s forests. ...The initiative had a slow start...[it] was rejuvenated with a call to increase forests under community-based management to 12.7 million hectares between 2015 and 2019...[t]he Government has since sought to address a number of the “weaker links” in the initiative” including “adopting new PLRs to respond to the Constitutional Court’s decision regarding customary (Adat) lands.”

Indeed, the Government of Indonesia, with the support and advocacy of civil society, recognizes that more needs to be done not just to meet quantitative targets of the initiative, but qualitative ones as well. The success of the initiative will need to be measured not just in how many forests are covered by Adat titles, or permits, licenses, and partnership agreements with local communities and Villages, but in measurable demonstrations that the rights and livelihoods of these local populations have been improved and the integrity and health of the forests under their care has been sustained or enhanced. This is why the strengthening of the Social Forestry initiative has been identified as a cornerstone to the RBP project.

1.3. Information, disclosure and transparency

The MoF, with the technical support of the MoEF and the assistance of the UNDP and PMU will develop and release updates on the project on a regular basis to provide interested stakeholders with information on project status. Updates may be via a range of media e.g. print, radio, social media or formal reports. A publicized telephone number will be maintained throughout the project to serve as a point of contact for enquiries, concern, and information on how to present complaints and/or grievances. All publicly available material will be published in Indonesian language and to the extent possible, local language (particularly where material may have a specific effect on a given region or population).

In particular, the RBP Project teams will use a number of mechanisms that proved successful during the implementation of the Social Forestry initiative and FMU strengthening component and activities. These include, among others: 1) information presented on the web pages of the MoEF, the SIS--REDD+ and UN-REDD Programme globally; 2) preparation of informative notes of events and monthly bulletins that were distributed through the web pages or via email; 3) promotion of events and dissemination of information through social media networks (Facebook, Twitter and YouTube); 4) the creation of pamphlets and other question and answer pamphlets; 5) presentations to communities in the various regions of concern by project staff; and 6) workshops for dissemination, information gathering and training.

The target audience for these mechanisms included national and sub-national institutions or organizations linked to REDD-plus, international organizations and actors from countries related to the implementation of REDD-plus, communities, peoples and nationalities, associations and local representatives.

These dissemination mechanisms will allow for the sharing of information and also enabled the establishment of interactive spaces for receiving comments, suggestions and contributions, as well as clarifying doubts or questions. The project will develop a Communications Strategy to coordinate needed communications with stakeholders. The Communication Strategy will be linked with the project Stakeholder Engagement Plan (indicative outline in Appendix A) and Adat Communities Plan (Indicative outline in Appendix B).

As noted earlier, all draft and final social and environmental assessments and management plans will be disclosed in a timely, accessible manner, enabling meaningful dialogue and consultations with stakeholders on the potential social and environmental impacts of planned activities.

1.4 Project level grievance redress mechanism

Per the UNDP SES, Moderate to High Risk projects require the availability of a project-level grievance mechanism (GRM). Where needed, UNDP and MoF will strengthen the Implementing Partners' capacities to address project-related grievances. In addition, the UNDP SRM and SECU will be available to project stakeholders as a supplemental means of redress for concerns that have not been resolved through standard project management procedures.

During the design and implementation of any project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. The grievances that may arise can be related to social issues such as eligibility criteria and entitlements, disruption of services, land tenure conflicts, temporary or permanent loss of livelihoods, impacts overall to human rights, and other social and cultural issues. Grievances may also be related to environmental damage, destruction and pollution that may affect stakeholders living in and around the project area.

Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues with the project personnel in an efficient, unbiased, transparent, timely and cost-effective manner. To achieve this objective, a GRM is required for this project.

At present there is no project level GRM yet established, but while it is being established by a multi-stakeholder, transparent and participatory process, potentially affected stakeholders have access to a national FGRM that was established in 2017 to address environmental pollution or damage as well as forest destruction, as well as related matters.¹ (This mechanism was established on the heels of a prior mechanism that was in place since 2009).² Stakeholders also have access to an additional mechanism (referenced in the former) as related specifically to land tenure conflicts. They also have a mechanism established by a Presidential Instruction to specifically address land tenure conflict - particularly applicable to the Social Forestry Initiative component of the RBP Project.³ Each of these mechanisms are in addition to stakeholder access to UNDP's SRM and SECU grievance processes, and none of these mechanisms preclude stakeholder use of other complaint mechanisms, such as those available domestically (such as arbitration or mediation mechanisms, filing complaints before the national courts, or if applicable, international complaint mechanisms, such as those available at the United Nations).

These mechanisms are described below because they need to be studied for their effectiveness and inform the establish of the project level GRM.

▪ *The National FGRM*

The national FRGM mechanism established by the 2017 MoEF Regulation P.22 (national FRGM) provides for the establishment of a complaint mechanism overseen by the MoEF. The Regulation says that “for protection and management of the environment and forests, everyone has the right and role to make complaints as a result of alleged pollution and / or environmental damage and / or forest destruction”. The regulation defines “environmental pollution”, “forest destruction” and “environmental damage” all in terms that trace the harm to an act of humans. (Art. 1) The regulation commits to establish a mechanism that is “fast”, “simple”, “accountable”, “participatory” and “transparent”. (Art. 4) More specifically, the complaints covered by the regulation consist of:

- a. businesses and / or activities that do not have or are not in accordance with permits in the environmental and / or forestry sector;
- b. environmental pollution and / or damage;
- c. forest destruction;
- d. B3 waste management which is not in accordance with the provisions of the legislation;
- e. illegal logging;
- f. forest and land burning;
- g. forest encroachment;
- h. poaching, distribution and trade in illegal plants and animals;
- i. tenure conflicts in forest areas;
- j. utilization of genetic resources and traditional knowledge; and / or
- k. other businesses and / or activities that are in conflict with the laws and regulations in the field of environment, forestry, or conservation of living natural resources and their ecosystems. (Art. 5)

¹ See MoEF Reg. P.22 / MENLHK / SETJEN / SET.1 (March 2017) on Procedures for Management of Complaints for Pollution and / or Environment Damage and / or Forest Damage.

² Regulation of the Minister of Environment Number 9 of 2010 concerning Procedures for Complaints and Handling of Complaints due to Alleged Pollution and / or Environmental Damage.

³ Presidential Decree No. 88 (2017) on the Resolution of Control over Lands in Forest Area.

The regulation envisions that several actors would be responsible for receiving and managing complaints including: “a. Ministry; b. Environmental and / or forestry institutions at the provincial level; c. Environmental agencies at the district / city level; and d. Forest Management Unit.” (Art. 6).

The national FGRM has a direct attention to environmental harms, but this indirectly would address social harms resulting from environmental damage, degradation and destruction and those arising from tenure conflicts and appropriation of traditional knowledge. The tenure conflicts, per the regulation, are forwarded to “the Responsible Agency shall forward the complaint to the forest area tenure conflict management team within a period of no later than 5 (five) working days after the complaint is declared complete” (Art. 14). Presumably this is a reference to the authorities of the Team for Acceleration of Resolution of Control over Land in Forest Rea (PPTKH Acceleration Team), the PPTKH Implementation Team, and the TKH Inventory and Verification Team of Control over Land in Forest Areas. Each of these are established by Presidential Decree No. 88 (2017) on the Resolution of Control over Lands in Forest Area (see below) and perform their work in accordance with the guidance and procedures outlined by said regulation.

The regulation defines the complaint jurisdiction of each of these entities. Some of the jurisdictions overlap and competency may arise because a lower entity was “not managed in accordance with statutory provisions.” (Art. 7) For instance, if the “Responsible Agency does not manage the complaint within 10 (ten) working days after the complaint is declared complete, the complainant can submit the complaint to the Responsible Agency at a higher government level.”

The Director General forms the Complaints Secretariat at MoEF to implement the mechanism established by this regulation, while each of the other entities named within other ministries or provincial and local levels establish “Complaint Posts” (Art. 8). Per the regulations, the national FGRM system is very accessible with complaints being filed in many ways, through formal application in writing, emails, social media, phone calls, in person, etc. (Art. 10). The elements of a complete complaint (substance requirements) are provided in the regulation (identity of complainant, type/source of harm, perceived impact, desired result, etc.). (Art. 10). If the individual, entity or group filing the complaint has difficulty in submitting it (for example, if unable to write), the Complaint Officer is supposed to assist the complainant. (Art. 12(2)) There is a tracking system as complainant is given a complaint register number. (Art. 13(3)).

A process of reviewing the complaint is pursued to establish that it is in the right agency, if not, it is forwarded to the Responsible Party with the appropriate authority to resolve the complaint. (Arts. 17-18). A “verification” process is then begun where documents are confirmed, requested and sometimes a field visit is conducted, after which a “result report” is drafted. If another field inspection is needed, the results are “set forth in the Minutes of Complaint Verification” (Art. 19-20). Qualified investigators for each Responsible Party are in charge of the Verification, as named in the regulation. (Art. 21) and in accordance with a procedure laid out in the regulation (Arts. 22-24). The regulation lists the actions that can be recommended if a violation is established, including criminal law enforcement, administrative sanctions, out of court settlement between the parties, etc. (Art. 24)

Each Responsible Agency must develop a “complaint information system” (Art. 27) to ensure that the Complainant has access to the status of their complaint, including “a. the development or status of complaints management; b. complaint report; and c. follow up on the results of complaints.” “In order to protect the complainant, the Responsible Agency is required to keep the information related to the complainant confidential.” (Art. 28). Resolution of the Complaint is to take place within 30 days of receipt of the Complaint. (Art. 26).

This national FRGM hosted by the MoEF is further made effective by a national FGRM website available at <http://pengaduan.menlhk.go.id/>. The webpage has been accessed by over 63,000 persons. Potential complainants can download a complaint form and submit it in the same place and the public can see the number of complaints received and resolved in a given year since records began in 2017. The type of complaint is also categorized.

▪ *The Land Tenure GRM*

Per Presidential Decree 88, as noted above there is also a specific mechanism to address land tenure conflicts (the “Land Tenure GRM”). Complaints can be brought by various parties (including an “individual, institution, social/religious institution, [or] Adat community [recognized as such by regional regulation and with control over the land] who holds control over and utilizes a plot of land in the forest area” (Art. 1 and 6). Control over forest land means land being controlled or used for “a. housing; b. public facilities and/or social facilities; c. arable land; and/or d. forest managed by an Adat community.” (Art. 5). Articles 1, 5 and 6 can present problems for Adat communities that have lost control over their land (possibly because of a prior intrusion or concession for example, or where they have not been formally recognized as an Adat community by a regional/local Perda. An application for dispute resolution can be forwarded by the MoEF once it is determined to be a land tenure dispute. Presumably, requests for dispute resolution can also go directly to the forest area tenure conflict management team. Indeed, the Presidential Instruction establishes a Team for Acceleration of Resolution of Control over Land in Forest Area (PPTKH Acceleration Team), a PPTKH Implementation Team, and a TKH Inventory and Verification Team of Control over Land in Forest Areas. These teams work together to set up the Land Tenure GRM, receive, review, track, investigate, and make recommendations for resolution of all grievances (in accordance with a procedure established by the presidential instruction).

The claims under this Land Tenure GRM are largely categorized and dealt with differently depending on whether the party alleges control and utilization before or after the forests in question were categorized and the options/solutions available to the three teams depend on a number of factors, including whether the forest is a production, conservation or protection area, the overall forest size of the province in question, the type of control or use by the party. Overall, if an Adat community shows control and utilization before the forest was categorized and designated, the remedy is excising it from the forest area borders (no longer a State Forest to be allocated or managed by the State). (Art. 7). In a cases where a party only shows control or utilization after the forest has been designated, the remedies would be one of the following, depending on the full circumstances “a. taking the plot of land outside the forest area by changing the forest area borders; b. exchanging forest areas; c. giving access to forest management through the social forestry program; or d. conducting resettlement.” (see Art. 8(1), and more generally Arts. 8-13).

The PTKH Acceleration Team is a multi-stakeholder body and it largely exercises its authority under Article 16 of the instruction to “involve, cooperate with, and/or coordinate with ministries/ institutions, regional governments, academicians, and/or stakeholders”. This team is also required to “periodically submits reports and developments of the implementation of resolution of control over land in forest area to the President once every 6 (six) months or when needed.”

From the time period of declaring the application/request for dispute resolution complete, the Inventory and Verification team must share its findings and recommendations to the relevant Governor which then has 7 days to issue is decision and share it with the MoEF for confirmation or rejection. The Land Tenure GRM presidential instruction does not preface how long MoEF has to make its final decision. (Arts. 22-23). Only decisions that involve a change in the forest area borders are expressly mentioned in the instruction as being appealable by the claimant/party. This is done within 30 days of the decision being announced by the Governor. The MoEF has full discretion to accept or reject the party’s objection to the decision. If a forest area border is changed, like in the case of a claim from an Adat community, this is “a basis for the issuance of land title certificate”. (Art. 28).

Once a land title is issued pursuant to this land tenure dispute resolution mechanism, that party cannot abandon the land, convert their title within 10 years, or change the function of the land (that is, the categorization of the forest covered by the title). (Art. 29). There is an exception, however, in which the Land Tenure GRM appears to provide for a change in utilization if determined to be for “strategic national development in the field of infrastructure, energy, food, and defense and security.” (Art. 30(2). Most interestingly, while the resolution process is being conducted (from inventory of the control and utilization alleged to issuance of a certificate of title): “a. the people do not conduct new

occupation of land and/or any action that may disturb the implementation of Resolution of Control over Land in Forest Area. b. Government institutions do not conduct expulsion, capture, closure of access to land, and/or any action that may disturb the implementation of Resolution of Control over Land in Forest Area. Depending on the practice in application, arguably, this would act as a protective measure over Adat lands that are only claimed but not yet resolved with Adat titles.

Implementation of this dispute resolution process is charged onto the State income and expense budget, regional income and expense budgets, or other sources per statutory or regulatory provisions. (Art. 33).

▪ *Other GRMs*

One recalls that per the 2009 Law on Public Services (No. 25), all government agencies needed to have a GRM. This is one of the reasons we see that in 2009 the then Ministry of Environment adopted Regulation No. 9 of 2010 concerning Procedures for Complaints and Handling of Complaints due to Alleged Pollution and / or Environmental Damage. It is also to be noted that at the core of the national FRGM is a process by which specific complaints are redirected to the GRMs of the relevant Responsible Parties (other government entities, as well as the FMUs). This means each of these entities would also need to have their own GRMs. For instance, the Ministry of Finance GRM, has a mechanism which requires cases to be received and closed within 30 days. The Ministry of Finance has an “Application WISE - Whistle-blowing Application” and is currently planning to have another GRM for the Environment Fund, and more generally for information sharing. Once complaints are received, they are transferred to an Internal Auditor (IA) who will assign the case to the relevant departments for review. If an on-site investigation is needed, it is conducted. If it is a fraud complaint related to a unit in the Ministry of Finance, the relevant unit is sealed while the investigation is conducted. The IA is given a full report of the department’s findings and recommendations. This is a highly prioritized process, with the IA following up with the complainant regarding their satisfaction with the resolution provided. IAs also conduct training and workshops to fulfil the objectives of the GRM.

While the Ministry of Finance GRM is quite developed, the level of sophistication, effectiveness, resources and integration with the national FRGM, where applicable, may differ across national, regional and local GRMs. All, however, form the part of the GRM system available to stakeholders of REDD+ activities, including those of the RBP Project.

The RBP will have a project level GRM. Among other things, the project level GRM when adopted should:

- a. *be a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;*
- b. *allow simple and streamlined access to the GRM for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;*
- c. *provide clear and known procedures for each stage of the Project level grievance redress mechanism process, and provides clarity on the types of outcomes available to individuals and groups;*
- d. *ensure equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;*
- e. *be rights based (i.e. mechanisms and outcomes are consistent with human rights recognized by applicable law);*
- f. *to provide a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and*
- g. *enable continuous learning and improvements to the GRM. Through continued assessment, the learnings may reduce potential complaints and grievances.*

The GRM will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GRM will not prejudice or impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

Information about the GRM and how to make a complaint and/or grievance must be communicated during the stakeholder engagement process and placed at prominent places for the information of the key stakeholders.

It is preferred that all complaints and/or grievances regarding social and environmental issues can be received either orally (to the field staff), by phone, in complaints box or in writing to the designated agency (MoEF or other). A key part of the project level grievance redress mechanism is the requirement for the GRM lead to maintain a register of complaints and/or grievances received at the respective project site offices. At a minimum (see ToR in the Annexure), the following information will be recorded:

- a. time, date and nature of enquiry, concern, complaints and/or grievances;
- b. type of communication (e.g. telephone, letter, personal contact);
- c. name, contact address and contact number;
- d. response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and
- e. actions taken and name of the person taking action.

Once adopted, the GRM could be tested in one or more pilot areas where grievances exist, and based on lessons learned, modified accordingly. Regardless, the GRM should include a provision requiring its review and amendment, as needed, at least immediately after its first year of operation, and every two years thereafter. Most important, the project-level GRM needs to be socialized so that all stakeholders and potential complainants know of its existence and how it can be accessed. (At Appendix B there is included a sample ToR for Project-level Grievance Redress Mechanism).

1.5. UNDP SRM and SECU

In addition to the project level and national GRMs, complainants have the option to access UNDP's Accountability Mechanism, with both compliance and grievance functions. The Social and Environmental Compliance Unit (SECU) investigates allegations that UNDP's Standards, screening procedure or other UNDP social and environmental commitments are not being implemented adequately, and that harm may result to people or the environment. SECU is housed in the Office of Audit and Investigations and managed by a Lead Compliance Officer. A compliance review is available to any community or individual with concerns about the impacts of a UNDP programme or project. The SECU is mandated to independently and impartially investigate valid requests from locally impacted people, and to report its findings and recommendations publicly.

The Stakeholder Response Mechanism (SRM) also offers locally affected people an opportunity to work with other stakeholders to resolve concerns, complaints and/or grievances about the social and environmental impacts of a UNDP project. The SRM is intended to supplement the proactive stakeholder engagement that is required of UNDP and MoF throughout the project cycle. Communities and individuals may request a Stakeholder Response Mechanism process when they have used standard channels for project management and quality assurance and are not satisfied with the response (in this case the PL-GRM). When a valid SRM request is submitted, UNDP focal points at country, regional and headquarters levels will work with concerned stakeholders and Implementing Partners to address and resolve the concerns. Visit www.undp.org/secu-srm for more details. The relevant form is attached at the end of the ESMF.

Appendix A. Indicative Outline for Stakeholder Engagement Plan

Please refer to the [UNDP SES Guidance Note on Stakeholder Engagement](#) for additional information.

Appropriately scaled plans. No one type or format of a stakeholder engagement plan will accommodate all projects. Its content will depend on various factors, including the nature, scale, location, and duration of project; the diverse interests of stakeholders; the scale of the project’s potential positive and adverse impacts on people and the environment; and the likelihood of grievances.

For a relatively small project with few if any potential adverse social and environmental impacts or initial stakeholder concerns (e.g. Low Risk project, straightforward Moderate Risk project), it is likely that only a “simplified” stakeholder engagement plan would be needed, focusing primarily on initial consultations, information disclosure and periodic reporting (see Box 8). In such cases, the “plan” would be relatively simple and easily described in the body of the Project Document (that is, no separate plan would be needed).

A project with greater complexity and potentially significant adverse social and environmental impacts (complex Moderate Risk project or High-Risk project) should elaborate a more strategic plan. A “comprehensive” plan would outline mechanisms that buttress not just disclosure and good communications, but iterative consultations and possibly consent processes over the course of the social and environmental assessment process, development of mitigation and management plans, monitoring project implementation, and evaluation. A separate, detailed stakeholder engagement plan should be appended to the Project Document (see outline below).

Box 8. Triggering the appropriate scale of stakeholder engagement plans

-) *Simplified stakeholder engagement plan:* Project funding aimed at providing technical support (training in survey equipment) and materials (office space, computers, GPS equipment) to a national land and survey commission will likely have minimal impact on stakeholders other than the government.
-) *Comprehensive stakeholder engagement plan:* Project funding to the same land and survey commission to actually conduct land titling in indigenous and forest-dependent communities across the nation, however, would require a comprehensive plan.

All stakeholder engagement plans – whether simplified or comprehensive (see below) – should address basic minimum criteria. The following checklist (Table 7) will help ensure that the plan addresses key issues and components.

Table 7. Key questions for developing a stakeholder engagement plan⁴

Who	<ul style="list-style-type: none"> ✓ Which stakeholder groups and individuals are to be engaged based on the stakeholder analysis? ✓ Have potentially marginalized groups and individuals been identified among stakeholders?
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⁴ As modified, see Asian Development Bank (ADB), Strengthening Participation, p. 43.

<i>Why</i>	✓ <i>Why is each stakeholder group participating (e.g. key stakeholder objectives and interests)?</i>
<i>What</i>	✓ <i>What is the breadth and depth of stakeholder engagement at each stage of the project cycle?</i> ✓ <i>What decisions need to be made through stakeholder engagement?</i>
<i>How</i>	✓ <i>How will stakeholders be engaged (strategy and methods, including communications)?</i> ✓ <i>Are special measures required to ensure inclusive participation of marginalized or disadvantaged groups?</i>
<i>When</i>	✓ <i>What is the timeline for engagement activities, and how will they be sequenced, including information disclosure?</i>
<i>Responsibilities</i>	✓ <i>How have roles and responsibilities for conducting stakeholder engagement been distributed among project partners (e.g. resident mission, executing agency, consultants, NGOs)?</i> ✓ <i>What role will stakeholder representatives play?</i> ✓ <i>Are stakeholder engagement facilitators required?</i>
<i>Resources</i>	✓ <i>What will the stakeholder engagement plan cost and under what budget?</i>

Building mutual trust and ensuring meaningful and effective engagement is facilitated by stakeholder ownership of the relevant processes. All efforts should be made to work with the relevant stakeholders to design by mutual agreement the engagement and consultation processes, including mechanisms for inclusiveness, respecting cultural sensitivities, and any required consent processes.⁵ Cultural understanding and awareness is central to meaningful stakeholder engagement.

Moreover, a general solicitation of feedback or input cannot be relied upon, nor accepted as the sole method of consultation. Information laden questions presenting various options, the reasons for those options, and their consequences may be a better method in that it presents information in a relationship-building manner, does not assume full stakeholder knowledge of the project plans, and solicits input on specific project instances instead of placing the impetus on the stakeholder to make seemingly high-level suggestions.

Recall that stakeholder engagement may be minimal at certain times and intense at others, depending on the issues and particular project phase. Also, targeted input from select stakeholder groups may be needed at key points in project development and implementation.

As project information changes – perhaps from subsequent risk assessments, the addition of project activities, stakeholder concerns – the stakeholder engagement plan should be reviewed and modified accordingly to ensure its effectiveness in securing meaningful and effect stakeholder participation.

The stakeholder engagement plan should also anticipate if/when professional, neutral facilitators might be needed to lead key engagement activities. For projects where the stakeholder engagement process is likely to be complex or sensitive, social advisors or other expert staff should help design and facilitate the process and assist with participatory methodologies and other specialized techniques.⁶

⁵ Practical Approaches to Ensuring the Full and Effective Participation of Indigenous Peoples in ReDD+ (September 2013), BMZ, FPCP, UN-ReDD, p.12.

⁶ IFC Stakeholder Engagement, p. 101.

Grievance redress processes for the project need to be described in the stakeholder engagement plan. Section 3.4 above elaborates on relevant SES requirements.

The plan should also outline a reasonable budget for stakeholder engagement activities, including potential support for groups to facilitate their participation where necessary (noting that meeting locations should be as convenient as possible and stakeholder acceptance of such support should not be interpreted as endorsement of the project).

Table 8 below provides a rough outline for a simplified stakeholder engagement plan. Many approaches exist, and this is one example of outlining key elements. It is important to not simply list stakeholders and say they will be consulted, but to identify **why** they are being engaged, **how** engagement will proceed, **who** will do it, **when**, and **how** it will be financed/supported.

Table 8. Rough template of simplified stakeholder engagement plan					
Stakeholder Group	Why included (interests)	Participation methods		Timeline	Cost est.
		Method	Responsibility		

Below is an example of elements that should be addressed in a comprehensive stakeholder engagement plan. The scope and level of detail of the plan should be scaled to fit the needs of the project.

Outline of a Comprehensive Stakeholder Engagement Plan⁷

1. Introduction

- Briefly describe the project including design elements and potential social and environmental issues. Where relevant, include maps of the project site and surrounding area.

2. Regulations and Requirements

- Summarize any legal, regulatory, donor/lender requirements pertaining to stakeholder engagement applicable to the project. This may involve public consultation and disclosure requirements related to the social and environmental assessment process as well as relevant international obligations.

3. Summary of any previous stakeholder engagement activities

⁷ Outline relies on content provided in IFC, Guidance Note 1: Assessment and Management of Environmental and Social Risks and Impacts (2012), Annex B.

- *If any stakeholder engagement activities had been undertaken to date, including information disclosure and/or consultation, provide the following details:*
 - *Type of information disclosed, in what forms and languages (e.g., oral, brochure, reports, posters, radio, etc.), and how it was disseminated*
 - *Locations and dates of any meetings undertaken to date*
 - *Individuals, groups, and/or organizations that have been consulted*
 - *Key issues discussed and key concerns raised*
 - *Responses to issues raised, including any commitments or follow-up actions*
 - *Process undertaken for documenting these activities and reporting back to stakeholders*

4. Project Stakeholders

- *List the key stakeholder groups who will be informed about and engaged in the project (based on stakeholder analysis). These should include persons or groups who:*
 - *Are directly and/or indirectly affected by the project*
 - *Have “interests” in the project that determine them as stakeholders*
 - *Have the potential to influence project outcomes or operations*
 - *[Examples of potential stakeholders are beneficiaries and project-affected communities, local organizations, NGOs, and government authorities, Adat communities; stakeholders can also include politicians, private sector companies, labor unions, academics, religious groups, national environmental and social public sector agencies, and the media]*
 - *Consider capacities of various stakeholder groups to effectively participate in the stakeholder engagement activities, and include measures to support them where capacity is limited*

5. Stakeholder Engagement Program

- *Summarize the purpose and goals of the stakeholder engagement program*
- *Briefly describe what information will be disclosed, in what formats and languages, and the types of methods that will be used to communicate this information to each of the stakeholder groups identified in section 4 above. Methods used may vary according to target audience, for example:*
 - *Newspapers, posters, radio, television*
 - *Information centers and exhibitions or other visual displays*
 - *Brochures, leaflets, posters, non-technical summary documents and reports*
- *Briefly describe the methods that will be used to engage and/or consult with each of the stakeholder groups identified in section 4. Methods used may vary according to target audience, for example:*
 - *Interviews with stakeholder representatives and key informants*
 - *Surveys, polls, and questionnaires*
 - *Public meetings, workshops, and/or focus groups with specific groups*
 - *Participatory methods*
 - *Other traditional mechanisms for consultation and decision-making*
- *Describe how the views of women and other relevant groups (e.g. minorities, elderly, youth, other marginalized groups) will be taken into account and their participation facilitated*
- *Where relevant, define activities that require prior consultation and FPIC from Adat communities (and refer to Adat Communities Plan and FPIC protocols)*
- *Outline methods to receive feedback and to ensure ongoing communications with stakeholders (outside of a formal consultation meeting)*

- *Describe any other engagement activities that will be undertaken, including participatory processes, joint decision-making, and/or partnerships undertaken with local communities, NGOs, or other project stakeholders. Examples include benefit-sharing programs, stakeholder-led initiatives, and training and capacity building/support programs.*

6. Timetable

- *Provide a schedule outlining dates/periodicity and locations where various stakeholder engagement activities, including consultation, disclosure, and partnerships will take place and the date by which such activities will be undertaken*

7. Resources and Responsibilities

- *Indicate who will be responsible for carrying out the specified stakeholder engagement activities*
- *Specify the budget and other resources allocated toward these activities*
- *[For projects with significant potential impacts and multiple stakeholder groups, it is advisable to hire a qualified stakeholder engagement facilitator to undertake all or portions of the stakeholder engagement activities]*

8. Grievance Mechanism

- *Describe the process by which people concerned with or potentially affected by the project can express their grievances for consideration and redress. Who will receive grievances, how and by whom will they be resolved, and how will the response be communicated back to the complainant? (see [Guidance Note on Grievance Redress Mechanisms](#))*
- *Ensure reference is made to and stakeholders are informed of the availability of UNDP's Accountability Mechanism (Stakeholder Response Mechanism, SRM, and Social and Environmental Compliance Unit, SECU) as additional avenues of grievance redress.*

9. Monitoring and Reporting

- *Describe any plans to involve project stakeholders (including target beneficiaries and project-affected groups) or third-party monitors in the monitoring of project implementation, potential impacts and management/mitigation measures*
- *Describe how and when the results of stakeholder engagement activities will be reported back to project-affected and broader stakeholder groups. Examples include newsletters/bulletins, social and environmental assessment reports; monitoring reports.*

Appendix B. Indicative Outline for Adat Communities Plan

Please refer to the [UNDP SES Guidance Note: Standard 6: Indigenous Peoples](#) for additional information.

If the proposed Project may affect the rights, lands, resources or territories of Adat communities, an "Adat communities Plan" (**ACP**) needs to be elaborated and included in the Project documentation. The **ACP** is to be elaborated and implemented in a manner consistent with the UNDP Social and Environmental Standards and have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on Adat communities and their lands, resources and territories. With the effective and meaningful participation of the affected peoples, the **ACP** shall be elaborated and contain provisions addressing, at a minimum, the substantive aspects of the following outline:

- A. Executive Summary of the ACP: Concisely describes the critical facts, significant findings, and recommended actions
- B. Description of the Project: General description of the project, the project area, and components/activities that may lead to impacts on Adat communities
- C. Description of Adat communities: A description of affected community(ies) and their locations, including:
 - i. description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers, etc.);
 - ii. description of the resources, lands and territories to be affected and the affected communities' connections/ relationship with those resources, lands, and territories; and
 - iii. an identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntary isolated communities, women and girls, the disabled and elderly, others).
- D. Summary of Substantive Rights and Legal Framework: A description of the substantive rights of Adat communities and the applicable legal framework, including:
 - i. An analysis of applicable domestic and international laws affirming and protecting the rights of Adat communities (include general assessment of government implementation of the same).
 - ii. Analysis as to whether the Project involves activities that are contingent on establishing legally recognized rights to lands, resources, or territories that Adat communities have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see Standard 6 Guidance Note, sections 6 & 7), include:
 - a. identification of the steps and associated timetable for achieving legal recognition of such ownership, occupation, or usage with the support of the relevant authority, including the manner in which delimitation, demarcation, and titling shall respect the

customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected communities, with legal recognition granted to titles with the full, free prior and informed consent of the Adat communities; and

- b. list of the activities that are prohibited until the delimitation, demarcation and titling is completed.
 - iii. Analysis whether the Project involves activities that are contingent on the recognition of the juridical personality of the affected Adat communities. Where such contingency exists (see Standard 6 Guidance Note, section 7):
 - a. identification of the steps and associated timetables for achieving such recognition with the support of the relevant authority, with the full and effective participation and consent of affected Adat communities; and
 - b. list of the activities that are prohibited until the recognition is achieved.
- E. Summary of Social and Environmental Assessment and Mitigation Measures
- i. A summary of the findings and recommendations of the required prior social and environmental impact studies (e.g. limited assessment, ESIA, SESA, as applicable) – specifically those related to Adat communities, their rights, lands, resources and territories. This should include the manner in which the affected Adat communities participated in such study and their views on the participation mechanisms, the findings and recommendations.
 - ii. Where potential risks and adverse impacts to Adat communities, their lands, resources and territories are identified, the details and associated timelines for the planned measures to avoid, minimize, mitigate, or compensate for these adverse effects. Identification of special measures to promote and protect the rights and interests of the Adat communities including compliance with the affected peoples' internal norms and customs.
 - iii. If the Project will result in the relocation of indigenous peoples from their lands and territories, a description of the consultation and FPIC process leading to the resulting agreement on relocation and just and fair compensation, including the possibility of return.
 - iv. A description of measures to protect traditional knowledge and cultural heritage in the event that the Project will result in the documentation and/or use and appropriation of such knowledge and heritage of the Adat communities and the steps to ensure FPIC before doing so.
- F. Participation, Consultation, and FPIC Processes
- i. A summary of results of the culturally appropriate consultation and, where required, FPIC processes undertaken with the affected communities which led to the Adat communities' support for the Project.
 - ii. A description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the Project. Identify particular Project activities and circumstances that shall require consultation and FPIC (consistent with section 4 of the Standard 6 Guidance Note).
- G. Appropriate Benefits: An identification of the measures to be taken to ensure that Adat communities receive equitable social and economic benefits that are culturally appropriate,

including a description of the consultation and consent processes that lead to the determined benefit sharing arrangements.

H. Capacity support

- i. Description of Project activities aimed at increasing capacity within the government and/or the affected Adat communities, and facilitating exchanges, awareness, and cooperation between the two.
- ii. Description of measures to support social, legal, technical capabilities of Adat communities' organizations in the project area to enable them to better represent the affected Adat communities more effectively
- iii. Where appropriate and requested, description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of Adat communities.

I. Grievance Redress: A description of the procedures available to address grievances brought by the affected Adat communities arising from Project implementation, including the remedies available, how the grievance mechanisms take into account Adat communities' peoples' customary laws and dispute resolution processes, as well as the effective capacity of Adat communities under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.

J. Monitoring, Reporting, Evaluation

- i. Mechanisms and benchmarks appropriate to the Project for transparent, participatory joint monitoring, evaluating, and reporting, including a description of how the affected Adat communities are involved.
- ii. Define the mechanisms put in place to allow for periodic review and revision of the **ACP** in the event that new Project circumstances warrant modifications developed through consultation and consent processes with the affected Adat communities.

K. Institutional Arrangements: Describes institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the **ACP**, including participatory mechanisms of affected Adat communities. Describes role of independent, impartial entities to audit, conduct social and environmental assessments as required, and/or to conduct oversight of the project.

L. Budget and Financing: An appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Note: The **ACPP** will be implemented as part of Project implementation. However, in no case shall Project activities that may adversely affect Adat communities – including the existence, value, use or enjoyment of their lands, resources or territories – take place before the corresponding activities in the **ACP** are implemented. The relationship between the implementation of specific **ACP** measures and the permitted commencement of distinct Project activities shall be detailed within the **ACP** to allow for transparent benchmarks and accountability.

Where other Project documents already develop and address issues listed in the above sections, citation to the relevant document(s) shall suffice.



Appendix C. Sample ToR for Project-level Grievance Redress Mechanism

Below is a sample Terms of Reference (ToR) for the creation of a project-level grievance redress mechanism (GRM). See also the [UNDP Supplemental Guidance: Grievance Redress Mechanism](#) for further information on designing and evaluating grievance redress mechanisms. The newly drafted GRM developed with stakeholders in the context of the PROAmazonia programme funded by GCF and GEF and titled “REDD + proposes the Complaints and Dispute Resolution Mechanism for REDD +”, will be revised, strengthened, and adopted based on this annex which also addresses the “effectiveness criteria”.⁸

Sample Terms of Reference: Project-level Grievance Redress Mechanism

I. Mandate

The mandate of the GRM will be to:

- (i) receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively “Grievance”) alleging actual or potential harm to affected person(s) (the “Claimant(s)”) arising from Project;
- (ii) assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies and commissions, CSOs and NGOs, and other natural resource users (collectively, the “Stakeholders”) in the context of the REDD+ Project;
- (iii) Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

II. Functions

The functions of the GRM will be to:

- (iv) Receive, Log and Track all Grievances received;
- (v) Provide regular status updates on Grievances to Claimants, Policy Board (PB) members and other relevant Stakeholders, as applicable;
- (vi) Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution;

⁸ Principle 31 of the UN Guiding Principles on Business and Human Rights available at https://en.wikipedia.org/wiki/United_Nations_Guiding_Principles_on_Business_and_Human_Rights).

- (vii) Process and propose solutions and ways forward related to specific Grievances within a period not to exceed sixty (60) days from receipt of the Grievance;
- (viii) Identify growing trends in Grievances and recommend possible measures to avoid the same;
- (ix) Receive and service requests for, and suggest the use of, mediation or facilitation;
- (x) Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings and outcomes);
- (xi) Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process;
- (xii) Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed;
- (xiii) Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM;
- (xiv) Monitor follow up to Grievance resolutions, as appropriate.

III. Composition

The GRM will be composed of:

[Name of Implementing Partner] as the Secretariat and either:

- (a) A standing GRM Sub-Committee [made up of x, y, z PB members]; and/or
- (b) Ad hoc GRM Task Teams in response to specific requests for grievance

The GRM Sub-Committee will be balanced in composition (government and non-government) and should not include any PB members with a direct interest or role in the grievance/dispute.

IV. [Name of Implementing Partner]

In its role as GRM Secretariat, [Name of Implementing Partner] will perform the following core functions:

- Publicize the existence of the GRM and the procedure for using it;
- Receive and log requests for dispute resolution;
- Acknowledge receipt to the requestor;
- Determine eligibility;

- Forward eligible requests to the PB for review and action, and
- Track and document efforts at grievance/dispute resolution and their outcomes.

V. Project Board

The Project Board would perform the following core functions:

GRM Sub-Committee and/or GRM Task Team will:

- Take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the PB);
- Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PB took an appropriate administrative action to deal with a complaint;
- Refer the grievance/dispute to independent mediation, while maintaining oversight; or
- Determine that the request was outside the scope and mandate of the PB and refer it elsewhere (e.g. Ministry of Justice and Police or to the courts).

VI. Communicating a Grievance

(i) Who can Submit a Grievance?

A Grievance can be sent by any individual or group of individuals that believes it has been or will be harmed by the Project.

If a Grievance is to be lodged by a different individual or organization on behalf of those said to be affected, the Claimant must identify the individual and/or people on behalf of who the Grievance is submitted and provide written confirmation by the individual and/or people represented that they are giving the Claimant the authority to present the Grievance on their behalf. The GRM will take reasonable steps to verify this authority.

(ii) How is the Grievance Communicated?

The GRM shall maintain a flexible approach with respect to receiving Grievances considering known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the GRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.). The contact information is the following:

[Implementing Partner to add address, phone number, fax, etc.]

To facilitate communications with and between the GRM and potential Claimants, the GRM will receive support from the PB members' institutions, District Commissioners, [local actors and others?]

(iii) *What information should be included in a Grievance?*

The Grievance should include the following information:

- (a) the name of the individual or individuals making the Complaint (the “Claimant”);
- (b) a means for contacting the Claimant (email, phone, address, other);
- (c) if the submission is on behalf of those alleging a potential or actual harm, the identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant’s authority to lodge the Grievance on their behalf;
- (d) the description of the potential or actual harm;
- (e) Claimant’s statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity);
- (f) what has been done by Claimant thus far to resolve the matter;
- (g) whether the Claimant wishes that their identity is kept confidential; and
- (h) the specific help requested from the GRM.

VII. Logging, Acknowledgment, and Tracking

All Grievances and reports of conflict will be received, assigned a tracking number, acknowledged to Claimant, recorded electronically, and subject to periodic updates to the Claimant as well as the office file.

Within one (1) week from the receipt of a Grievance, the GRM will send a *written* acknowledgement to Claimant of the Grievance received with the assigned tracking number.⁹

Each Grievance file will contain, at a minimum:

- i. the date of the request as received;
- ii. the date the written acknowledgment was sent (and oral acknowledgment if also done);
- iii. the dates and nature of all other communications or meetings with the Claimant and other relevant Stakeholders;
- iv. any requests, offers of, or engagements of a Mediator or Facilitator;
- v. the date and records related to the proposed solution/way forward;
- vi. the acceptance or objections of the Claimant (or other Stakeholders);

⁹ Oral acknowledgments can be used for expediency (and also recorded), but must be followed by a written acknowledgment.

- vii. the proposed next steps if objections arose;
- viii. the alternative solution if renewed dialogues were pursued;
- ix. notes regarding implementation; and
- x. any conclusions and recommendations arising from monitoring and follow up.

IX. Maintaining Communication and Status Updates

Files for each Grievance will be available for review by the Claimant and other Stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

The GRM will provide periodic updates to the Claimant regarding the status and current actions to resolve the Grievance. Not including the acknowledgment of receipt of the Grievance, such updates will occur within reasonable intervals (not greater than every thirty (30) days).

X. Investigation and Consensus Building

Within one (1) week of receiving a Grievance, [Implementing Partner] will notify the PB and any other relevant institutions of the receipt of the Grievance.

The PB will identify [Need to develop a specific procedure for doing this] a specific team of individuals drawn from the PB and/or their respective institutions to develop a response to the Grievance. The names of these individuals will be made available to the Claimant.

The designated PB members [hereafter called Task Team] will promptly engage the Claimant and any other relevant Stakeholders deemed appropriate, to gather all necessary information regarding the Grievance.

Through the PB members, the GRM will have the authority to request from relevant Government institutions any information (documents or otherwise) relevant to resolving the Grievance and avoiding future Grievances of the same nature.

As necessary, the Task Team will convene one or more meetings with relevant individuals and institutions in [national capital], or elsewhere in [name of country] as needed.

The objective of all investigative activities is to develop a thorough understanding of the issues and concerns raised in the Grievance and facilitate consensus around a proposed solution and way forward.

The PB members will procure the cooperation of their respective staff with the investigation.

At any point during the investigation, the Task Team may determine that an onsite field investigation is necessary to properly understand the Grievance and develop an effective proposed solution and way forward.

XI. Seeking Advisory Opinion and/or Technical Assistance

At any point after receiving a Grievance and through to implementation of the proposed solution and way forward, the Task Team may seek the technical assistance and/or an advisory opinion from any entity or individual in [country] or internationally which may reasonably be believed to be of assistance.

XII. Making Proposed Actions and Solutions Public and Overseeing Implementation

The Task Team will communicate to the Claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.

If the Claimant does not accept the resolution, the Task Team will engage with the Claimant to provide alternative options.

If the Claimant accepts the proposed solution and way forward, the GRM will continue to monitor the implementation directly and through the receipt of communications from the Claimant and other relevant parties. As necessary, the GRM may solicit information from the relevant parties and initiate renewed dialogue where appropriate.

XII. Monitoring and Evaluation

Bi-annually, the GRM will make available to the public, a report describing the work of the GRM, listing the number and nature of the Grievances received and processed in the past six months, a date and description of the Grievances received, resolutions, referrals and ongoing efforts at resolution, and status of implementation of ongoing resolutions. The level of detail provided about any individual Grievance will depend on the sensitivity of the issues and Stakeholder concerns about confidentiality, while providing appropriate transparency about the activities of the GRM. The report will also highlight key trends in emerging conflicts, Grievances, and dispute resolution, and make recommendations regarding:

- (i) measures that can be taken by the Government to avoid future harms and Grievances; and
- (ii) improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

XIII. Mediation

For the option of independent mediation, mediators on the roster/panel should have at least the following qualifications:

-) professional experience and expertise in impartial mediation;
-) knowledge of [project type and activities in the country] and the region, including an understanding of Adat communities' culture and practices and those of other vulnerable groups and minorities;
-) [national and local language, as appropriate] proficiency;

-) availability in principle for assignments of up to 20 days; and
-) willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome would be documented by [Implementing Partner] and reviewed by the Task Team. If it were unsuccessful, stakeholders would have the option to return to the Task Team for assistance.

XIV. Without Prejudice

The existence and use of this GRM is without prejudice to any existing rights under any other complaint mechanisms that an individual or group of individuals may otherwise have access to under national or international law or the rules and regulations of other institutions, agencies or commissions.

Appendix D. Recommendations and Mitigation Measures (R&MM) related to sections 1.2 to 1.3 of this document

R&MM8: Multi-stakeholder platforms

- In a multi-stakeholder setting, the project will evaluate the appropriateness and effectiveness of the three forums discussed directly above and any other stakeholder platforms and assess, if necessary, how their structures, mandates and resourcing can be further adapted for the RBP Project and where applicable, strengthened. At a minimum, review the ToRs of such platforms to ensure that Indonesia's decentralization in governance is reflected in these forum, reflect the State's commitment to gender equity, and includes a diverse representation of all potential beneficiaries and Activity implementers (local government representatives, NGOs, local communities, Villages, Adat communities, private property interest holders likely to be involved in partnership agreements etc). If gaps exist, address them or consider the creation of an additional project-specific body that can regularly bring multi-stakeholders together to assist and contribute to project implementation, including the design of new activities, mitigation measures, strategies and mechanisms aimed at improving project results and the livelihoods of the Indonesian people.
- See also "*Capacity and Training-Committee*" established per R&MM7.

R&MM9a: Stakeholder Engagement Plan.

- Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders, and based on the findings of the ESMF, the REDD+ past experiences, and the ESIA Report: There will be developed a generally applicable Stakeholder Engagement Plan. An indicative outline for this plan is found at Annexure 9 to the ESMF.

R&MM9b: Transparency Working Group

- Given Indonesia's commitment to transparency and its intrinsic value to the success of REDD+ programming and the RBP project itself, it is recommended that a *multi-stakeholder* Transparency Working Group be created to carry out three tasks:
 - (a) identify what information is most relevant to ensure the effective and accountable implementation of the RBP and the equitable access to its benefits, (and as relevant, the larger REDD+ programming) (for example: the seven pieces of information listed directly above, the Project Document (PRODOC), national REDD+ strategies and action plans, Social Forestry partnership agreements, licensing and permits issued, the gazetting of State Forest Area boundaries per Constitutional Court Decision MK 45/2011, notice of planned indicative map revisions, and the plantation data required by the 9 March 2017 decision of the Supreme Court);
 - (b) assess whether that information is or is not readily available, in user friendly ways, to the public (via online links, specific government offices, via a written request per a simple procedure, discretion of those holding the information to provide it (time frames), access for those without internet etc); and

(c) make recommendations to the Project Board within the first six months of the RBP commencement, and every six months thereafter, to improve access (to be considered by the Project Board and use their collective competencies to effectuate change).

This Working Group will work with those involved in the project's Communications Strategy (R&MM 12) to avoid the duplication of efforts and to prioritize public awareness of what information is available and how to access it.

R&MM10: Adat communities and other Collectives in decision-making and advisory bodies (read together with R&MM11)

- To achieve these goals, the meaningful and effective participation of Adat communities and other collectives in project governance, design, implementation and decision-making are understood as desirable (i.e. Project Board, as necessary local decision-making forums, where they exist). Building upon the approach taken for the development of the National Strategy, AP, SIS-REDD+, and PC&I and SAPPs tool, representatives of Adat communities and other collectives will be in both decision-making and advisory bodies of the Project, including ad hoc working groups and technical committees. These representatives will be those chosen or designated by the collectives in question, and represent to the greatest extent possible, the distinct regions and cultural identities among them. To the extent practical, financial and technical support will be given to the representatives to improve their access to the project opportunities, increase their capacity to participate effectively and where applicable, carry out their respective responsibilities to disseminate information to their constituencies and bring information back to the central governance and advisory bodies.

R&MM11: Adat communities and other collectives

- Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders; and based on the findings of the ESMF, the REDD+ past experiences, and the ESIA Report: There will be developed a generally applicable Adat Communities Plan. An indicative outline for this plan can be found at Annexure 7 to the ESMF

- Mechanisms and processes are in place to ensure that finalized licenses, permits, and Partnership Agreements, designations of forest categorizations, changes in the State Forest area boundaries and indicative maps, titling of Adat lands, and the development of land use management plans will not result in the acquisition, restriction or prejudice to the rights and interests, lands, resources, territories (whether titled or only claimed) and traditional livelihoods of the Adat communities concerned *without their free, prior and informed consent (FPIC) and just and fair compensation*, this means, at a minimum:

- (i) There shall be established a defined due diligence process that will be completed and documented (including screening for Adat communities in the forest area (recognized or not) and performing land tenure studies) to identify and avoid potential conflicts and overlaps with Adat land rights, *before* the issuance of Social Forestry licenses and permits were issued and Partnership Agreements confirmed (building upon and strengthening the process that begins with gazetting, applications initiated under MoEF Decree 83 or MoEF Decree 21, or requests for conflict resolution under Presidential Decree No. 88);

- (ii) Revisions of the respective indicative maps (Social Forestry and Moratorium maps) are done in consult with all relevant stakeholders and in a manner that respects and will *not* prejudice Adat lands (those recognized and claimed (pending titles). This should be done in parallel with the transparent and participatory acceleration of the development of the Adat customary forest indicative map begun by the Directorate of Complaints Handling, Tenurial and Adat Communities in the Directorate General of Social Forestry and Environmental Partnership, including the reconciliation of the indicative maps with mapping already done by NGOs, like AMAN, and communities, and mechanisms to ensure that these Adat customary forests are reflected in any local spatial data/maps to avoid conflicts and facilitate Social Forestry verifications.
- (iii) Where applicable, there is written evidence of equitable benefit sharing and due compensation to Adat communities for limitations.
- (iv) All licenses, permits and Partnership Agreements will (a) expressly clarify the legal rights and respective responsibilities of the local communities, Villages and Adat communities in question; (b) clearly list any limitations or restrictions on their community's or Village's use and access rights; and (b) contain a standard proviso affirming that the license, permit or agreement does not constitute a waiver or prejudice the rights of communities or Villages to continue to pursue a claim for a full Adat title (templates for these instruments may require formal revision); and
- (v) All local forest management plans within or that may affect Adat lands (recognized or claimed) will be developed in conjunction with these communities, respecting their defined development and resource management priorities, and finalized only with their FPIC.
- (vi) Given Adat communities' human right to own, use and manage the resources within their traditional territories, any forest categorization to be attributed to the Adat lands upon titling must have the FPIC of the Adat community and be accompanied by a description of how they can petition for its change (i.e. in the context of the review of spatial planning every five (5) years.
- (vii) See R&MM13 recommendations related to Presidential Decree 88 (section 7.4 below).
- A RBP project consultation and Free, Prior and Informed Consent (FPIC) Protocol (preferably derived from a REDD+ FPIC protocol) will be developed through a multi-stakeholder process consistent with the requirements of the UNDP SES and hence, Applicable Law). For instance, consistent with UNDP SES, Standard 6, requirement 9, good faith consultation and FPIC process will be triggered for "any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods" of the Adat communities concerned.
- (i) It will make clear what activities of the project CANNOT be undertaken without good faith consultations and/or FPIC. Specific activities should be listed, as well as a clear statement of the Protocol's alignment with UNDP SES, Standard 6 requirement 9 to guide application to future, unlisted activities, that may arise).
- (ii) In light of the Projects reporting obligations (and that of UNDP) vis a vis GCF, the Protocol will establish a method to track and report all consultation and FPIC engagements and the

agreements reached, and if needed, provide the supporting documentation to prove that such engagements and agreements were carried out accordance with the UNDP SES. This will require coordination (including record keeping) among MoEF, UNDP and other actors involved (possibly, local governments, FMUs, private actors involved in partnership agreements etc.).

(iii) Where agreements with the Government and other stakeholders may arise to implement specific project activities requiring consultation and/or FPIC, these third parties, even if not government actors, will respect the protocol referenced above and at all times, it will still be recognized that it is the State's duty and obligation to secure consultation and consent of Adat communities and this duty is not fully delegable. Continued engagement of the State will be required –both in terms of oversight as the duty bearer, monitoring of compliance, and with respect to the provision of sufficient technical and financial support to those expected to implement the consultation and consent responsibilities. (See also R&MM12 below).

- Respect for Adat rights could be increased if the application and verification processes for Adat forest recognition under MoEF Decree No. 21 (see appendices) required some validation that the community representative(s) who sign the application materials are chosen representatives (to be determined based on a description of the community's governance structure and decision-making methods of the community in the application).
- The respective laws and processes for local and regional decree (perda) recognitions of Adat communities and the titling of Adat forests will be reviewed either prior to the project or within the first six months of the project by a team of national and international experts on the rights of Adat communities (selected by a multi-stakeholder body) to not only determine their consistency with Applicable Law and their respective capacities to deliver on the Social Forestry target and objectives as well as the States duties and obligations, but also to issue findings and recommendations. Such recommendations will be the subject of new provisions for project activities for the consideration and/or approval by the Project Board.
- Hiring and training are conducted to ensure that relevant PMU, Activity Implementers like FMUs, and GRM/FGRM staff understand the rights of local communities, Villages and Adat communities under Applicable Law and have the capacity and instruction to respect the development and natural resource management priorities of these communities and Villages in their collaborations (i.e application processes and forest management plans).
- New project activities and mechanisms should be designed to stress not just meeting the targets of issuing titles, permits, licenses and Partnership Agreements, but on securing improved livelihoods, reducing poverty and resolving conflict. the need for local communities, Villages and Adat communities to have the capacity (through training and technical and economic support) to (a) apply for the arrangements available under the Social Forestry initiative, (b) convey during negotiations and application processes, and the development of Forest Management Plans, Annual Work Plans and Business Work plans: their expectations in terms of livelihood, cultural needs and development priorities as related to the forest areas in question, (c) fulfil their duties and obligations under the initiative, and (d) leverage the newly acquired or recognized rights to engage in appropriate activities to improve community or Village livelihoods.

- Procedures will be in place to ensure that local Communities, Villages and Adat communities will have direct participation –where applicable leadership—in monitoring activities as related to the assessment of social and environmental impacts within forest areas under their title, license, permit or Partnership Agreement.

R&MM12: Communications Strategy

- The project will develop a Communication Strategy. This can be a separate strategy or one that is jointly shared and developed with the Implementing Partner and may build upon and tailor an already existing REDD+ Communication Strategy where appropriate. A multi-stakeholder group will consider the project's communication needs and develop a draft strategy for approval by the Project Board.
- As the effectiveness of most non-governmental stakeholder representatives in the decision-making and advisory bodies, working groups and committees depends on their capacity to convey information to and from their constituents, the Communication Strategy should include mechanisms to assist these representatives in a culturally appropriate manner to share information (i.e. production of minutes, summaries of meetings, and other user-friendly pamphlets or audios tailored to their needs; including the use of communication networks used by their constituents (Facebook, WhatsApp, postings in schools, churches, etc).
- Coordinate as needed with the Transparency Working Group (R&MM9b).

R&MM13: Project Level Grievance Redress Mechanism

- The ESMF recommends that the MoEF take the lead on organizing an multi-stakeholder initiative to develop and adopt a project level GRM that can address both social and environmental impacts (i.e. including, but as necessary, going beyond those matters addressed by MoEF Regulation No. 22 and even Presidential Decree 88). This mechanism shall be:
 - (i) consistent with the UNDP Supplemental Guidance: Grievance Redress the Mechanism for further information on designing and evaluating grievance redress mechanisms (See GRM ToR found at Annexure 4 of the ESMF;
 - (iii) in conformity with the “effectiveness criteria”* developed by the UN Guiding Principles on Business and Human Rights and since widely accepted as necessary elements to a successful non-judicial GRM such as the required REDD+ project-level GRM.
 - (iii) informed by the review of a multi-stakeholder technical GRM Working Group mandated to deliver a report to the MoEF in which the experts of this group review the existing national FGRM, Land Tenure GRM, and to the greatest extent possible --at least a sampling of other national, provincial and local GRMs-- all to establish their sophistication, effectiveness*, human, technical, and financial resources, existing integration or capacity to be integrated into the national FRGM.
 - (iv) elaborated to consider the role that can be carried out by or in conjunction with local, traditional dispute resolution mechanisms of the Villages, local communities and Adat communities.

- If the national FRGM is deemed to satisfy sub-section (iii) above, the project level GRM discussed herein does not need to be separate and apart from the FRGM (a new invention), but rather designed to complement the national FRGM and work with it to ensure access at the project level for project level grievances.
- Separately, the multi-stakeholder technical GRM Working Group should also examine how Article 30 of Presidential Decree 88 has been applied in practice to protect the existence (integrity), value, use, and future enjoyment of rights over the forests in question while the land tenure dispute is being resolved. This body will make recommendations to the MoEF as to if and how the provision can be used to avoid irreparable harms to people and the environment, and in particular prejudice to the rights of Adat communities awaiting land recognition.
- Also, Presidential Decree No. 88 (2017) should be considered for reform to address the limitations that follow from accessibility only attaching to recognized Adat communities that can prove control over their lands before the forest categorizations were designated -despite what might have been prior incursions and trespasses by third party actors exploiting their resources.
- Ensure that the relevant teams of the Land Tenure GRMs (Team for Acceleration of Resolution of Control over Land in Forest Rea (PPTKH Acceleration Team), the PPTKH Implementation Team, and the TKH Inventory and Verification Team of Control over Land in Forest Areas) as established by Presidential Decree 88 are adequately resourced with experienced, trained staff and sufficient resources to assist applicants in the process and conduct their respective roles to process efficiently and in a rights-based manner, the applications for the settlement of land tenure disputes that come before it.

R&MM14: Public Awareness of project level GRM and no Prejudice to existing Remedies

- It is most important that the GRM is developed with stakeholders so that ownership is shared, credibility in the system starts from the beginning, and all are vested in its existence, accessibility, and the public awareness campaign around its existence. Upon completion, those in charge of communications should promptly design and implement such a campaign. Indeed, the RBP Project must provide for a sufficient budget for the design and implementation of the GRM, as well as the communication initiatives around it.
 - The finalized GRM will need to clarify that it does not prejudice the rights of aggrieved parties to use any other dispute resolution mechanisms available to him/her and specify how it operates alongside of the dispute resolution mechanisms found in other RBP project-related contracts, such as the Social Forestry Partnership Agreements.
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