

Terms of Reference: Stakeholder Response Mechanism in UNDP's Papua New Guinea Country Office



I. Mandate

The mandate of the Stakeholder Response Mechanism (SRM) in UNDP's Papua New Guinea Country Office will be to receive and seek to resolve complaints about actual or potential environmental or social harm to affected persons arising from UNDP supported projects in Papua New Guinea.

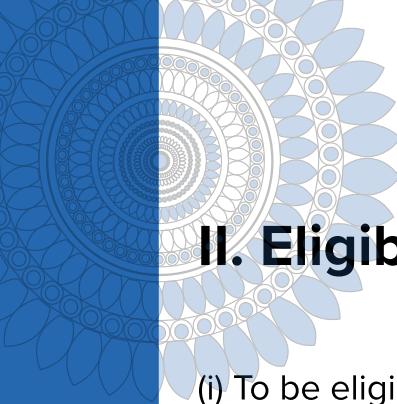
In its accessibility to complainants and in its responses to complaints, the SRM will be gender-responsive, culturally sensitive, non-discriminatory, and inclusive. Complaints related to sexual abuse and exploitation (SEA) will be treated in a survivor-centered manner and ensure referrals for safe and confidential survivor assistance¹.

The SRM will provide:

- (i) an accessible, predictable and transparent procedure for receiving and responding to complaints;
- (ii) direct engagement and dialogue with complainants to clarify issues and interests and develop mutually acceptable responses;
- (iii) equitable and rights-compatible resolution of complaints, including contribution to remedy for environmental or social harm demonstrably caused or contributed to by the project;² and
- (iv) opportunity for learning from complaints and their resolution, in ways that contribute to improved management of environmental and social risks and ensure alignment with UNDP's Social and Environmental Standards as well as applicable laws, regulations and policies.

¹ See Prevention And Response To Sexual Misconduct and the UN Protocol on Provision of Assistance to Victims of Sexual Exploitation and Abuse

² Remedy (or contribution to remedy when the risk/impact is not solely the responsibility of the Project) may be provided through prevention, mitigation, and/or compensation, as appropriate.



II. Eligible Complaints

(i) To be eligible for an SRM response, the complaint must:

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

Note: Complainants may indicate that they have concerns about communicating directly with the Implementing Partner, a project grievance redress mechanism (GRM), and/or UNDP project managers/developers. In the case that complainants have any such concerns, the lack of prior effort to resolve the complaint will not disqualify the complaint.



(ii) The following are excluded from the SRM:

- a. Any complaint that is found by UNDP to have been filed fraudulently or maliciously;
- b. Complaints that relate to UNDP procurement or employment (these complaints should be referred to the appropriate mechanism, either the relevant Business Unit, OAI or the appropriate national government audit body or equivalent);
- c. Complaints relating to projects that are not UNDP projects, projects where UNDP is one of several partners and is not responsible for the specific issues raised, or projects where UNDP's role has ended and UNDP has no feasible pathway to address the complainant's concerns;

d. Complaints by people or groups who have already raised the same issue with respect to the same project and received an SRM response, unless significant new information is available or there has been a significant change in circumstances;

e. For UNDP projects executed by Implementing Partners: Unless the complainant fears retaliation or other adverse consequences, complaints that have not first been brought forward and pursued in good faith a) through an Implementing Partner grievance redress mechanism (if one exists), or b) through dialogue with the Implementing Partner's project manager and the relevant UNDP staff supporting the project (normally via the Project Board or equivalent);³

f. For UNDP Direct Implementation projects: Unless the complainant fears retaliation or other adverse consequences, complaints that have not first been brought forward and pursued in good faith a) through a project grievance redress mechanism (if one exists) or b) through dialogue with the relevant UNDP project manager (normally via the Project Board or equivalent);⁴

g. Anonymous complaints.⁵

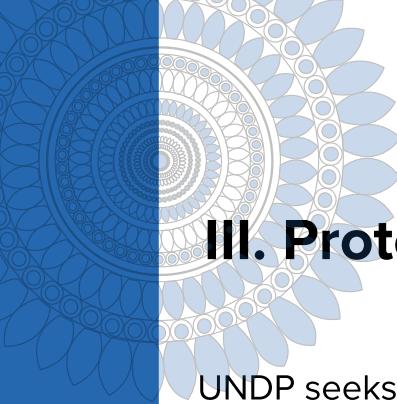
(iii) If further information is needed to determine eligibility, the SRM should seek such information from the complainant before making an eligibility determination.

(iv) With the complainant's agreement, the SRM will refer complaints alleging non-compliance with UNDP Social and Environmental Standards, fraud, or corruption to the appropriate offices within UNDP, and to the relevant national authority(ies).

³UNDP will waive this exclusion where the complainant indicates fear of retaliation or other adverse consequences.

⁴UNDP will waive this exclusion where the complainant indicates fear of retaliation or other adverse consequences.

⁵UNDP staff responsible for operating the Stakeholder Response Mechanism will respect requests for confidentiality (including confidentiality from UNDP project/ Country Office staff) and make every effort to maintain confidentiality where the complainant has a concern about retaliation or other adverse impacts, until and unless the complainant agrees to disclose his/her/their identity. Record keeping and information sharing about SEA survivor assistance will adhere to the 'do no harm' and confidentiality principles and the survivor's personally identifiable information will remain confidential unless the survivor expressly consents to it being shared.



III. Protection from Reprisal and Retaliation

UNDP seeks to identify, reduce and address the risk of retaliation and reprisals against people who may seek information on and participation in project activities, express concerns and/or access project-level grievance redress processes/mechanisms or UNDP's Stakeholder Response Mechanism or Social and Environmental Compliance Unit. To minimize the risk of reprisal or retaliation, the SRM will:

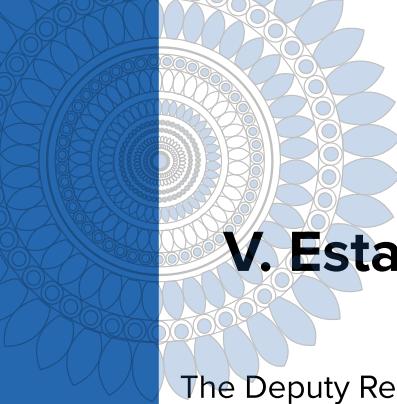
- maintain confidentiality of complainants' identities when requested;
- respond to complainant concerns about reprisal or retaliation; and
- in consultation with the complainant, bring the complaint to the UNDP Accountability Mechanism at corporate level for review and action.

For complaints regarding SH and SEA, the SRM will take additional steps as necessary to protect the confidentiality of the complainant and minimize reprisal and retaliation risks. Gender Specialist and/or PSEAH focal point will be involved to provide advice and support for complaints regarding SEAH.



IV. Without Prejudice

The existence and use of this SRM 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.



V. Establishment of the SRM in the CO

The Deputy Resident Representative (DRR), in discussion and consultation with the Resident Representative (RR), establish the SRM for the CO by taking the following steps:

(i) Set up procedures to receive complaints from the following sources:

- a. Escalation of complaints from UNDP project GRMs (via UNDP's Project Assurance function);
 - i. All Project Assurance staff should know the SRM procedure and be able to work with complainants to escalate their complaints to the SRM if the complainant is not satisfied with the GRM's response.
- b. Direct receipt of complaints from individuals and groups concerned about UNDP project impacts.
 - i. The SRM should facilitate direct submission of complaints by establishing a Web page about the UNDP Accountability Mechanism, including the SRM, on the CO Web site (see point (v) below).
 - ii. Project Implementing Partners should disseminate information on how to make a complaint directly to the SRM to project stakeholders (see point (vi) below).
- c. Response to the SRM at corporate level, when it contacts the SRM at CO level regarding complaints that have been brought directly to the corporate level.
 - i. The DRR should inform the SRM at corporate level when the SRM at CO level is established, provide the ToR for the SRM, and provide contact information for any staff other than the DRR who will be responsible for managing the SRM at CO level.
 - ii. The SRM at CO level should also inform the SRM at corporate level whenever a new complaint is received by the SRM at CO level. This should be done by recording case information in a shared grievance tracking tool (to be established soon; in the interim, email notification is required).



(ii) Identify staff responsible for receiving, documenting, and responding to complaints.

In general, staff assigned to operate the SRM should meet the following criteria:

- a. Understanding of environmental and social issues (e.g. Quality Assurance staff with SES specialization);
- b. Excellent interpersonal communication and social skills;
- c. Preferably, experience in managing and responding to grievances and disputes in a facilitation or mediation role;
- d. The SRM lead person should be independent of the management and implementation of any project that is the subject of an SRM complaint, when acting in the capacity of SRM staff for that complaint (i.e. staff assigned to the SRM must recuse themselves from the SRM response if they are involved in the management or implementation of the project).

(iii) Establish procedures to engage with the complainant, seek resolution, and document all complaints and responses (see Operation of the SRM in Section VI of this document).

(iv) Establish procedures to ensure that complaints related to sexual exploitation and abuse are treated in a survivor-centered manner and ensure referrals for safe and confidential survivor assistance⁶.

(v) Ensure that the CO Web site includes:

- a. a clear and prominently displayed link to a CO Web page describing UNDP's Accountability Mechanism (<https://www.undp.org/accountability/audit/social-and-environmental-compliance-review-and-stakeholder-response-mechanism>)
- b. on the Web page describing the Accountability Mechanism, a detailed description of the SRM, using the language from the corporate SRM Web page:
<https://www.undp.org/accountability/audit/secu-srm/stakeholder-response-mechanism>
- c. contact information for submitting a complaint to the SRM at CO level, including email, cell phone number, mailing address, etc.
<https://www.undp.org/papua-new-guinea/stakeholder-response-mechanism>

Note: All information about the Accountability Mechanism, including the SRM, must be in English.

⁶ Procedures will be aligned with the UN Protocol on Provision of Assistance to Victims of Sexual Exploitation and Abuse: <https://psea.interagencystandingcommittee.org/victim-survivor-centred-assistance>.

(vii) **Ensure (through the Project Assurance function) that all UNDP projects inform potentially affected community members and other stakeholders (e.g. workers employed in project activities) about how to make a complaint about the project** (including the option to bring complaints to project GRM where a GRM is required, and to the UNDP Accountability Mechanism, including the SRM and Social and Environmental Compliance Unit).

The SRM should develop materials to inform project stakeholders about options to file complaints about project impacts including through the project GRM and SRM (CO and HQ) in English.

VI. Operation of the SRM in the CO

The DRR is responsible for overseeing the operation of the SRM, and may delegate specific tasks to CO staff acting as SRM focal point. When receiving and responding to complaints, the SRM will use the following operational procedures:

(i) **Receive and log complaint:** Log and track all complaints received, using a [spreadsheet] that is accessible to the SRM at corporate level. Tracking should continue throughout the steps listed below. (See Annex 1 for additional detail on logging and tracking.) SRM focal point will inform the RR, DRR and relevant colleagues on new complaints received.

(ii) **Acknowledge receipt:** Within 2 business days of receipt, contact the complainant and state that the complaint has been received and is being reviewed for eligibility.

(iii) **Determine eligibility:** Within 5 business days of receipt of a complaint, review the complaint and

a. If further information is needed to determine eligibility, seek further information from the complainant and/or project staff to make the determination, allowing up to 10 additional business days for the complainant to respond to the request for additional information; OR

b. If it is very clear that the complaint does not meet one or more of the SRM eligibility criteria, contact the complainant, state the reason for determining the complaint ineligible, and if possible, refer the complainant to the appropriate UNDP office (for procurement issues or allegations of fraud or corruption), or national or local institution(s) that may be able to respond to the complaint;

c. If the complaint is determined eligible, contact the complainant to indicate that the complaint is eligible, and request a face-to-face or virtual meeting to discuss the concerns and develop a response.

(iv) Assess complaint and develop response, in dialogue with complainant and project management

a. Meet with the complainant (face-to-face or virtually) to:

i. discuss their concerns and determine whether they wish their identity to be held in confidence from project counterparts;

ii. clarify what the complainant has observed or experienced that leads them to believe that action/inaction by Implementing Partner and/or UNDP has contributed to impact or risk of impact; and

iii. ask what action they would like UNDP and/or the Implementing Partner to take in order to address the perceived risk or impact.

Note: The complainant may have difficulty understanding the context, causal mechanisms for environmental and social impact, and/or institutional issues regarding UNDP, the Implementing Partner, other institutions that may be contributing to the perceived risk or impact, and other institutions that could provide recourse and accountability for impacts. When needed, provide technical assistance to the complainant via NGOs or other organizations viewed as legitimate by the complainant and capable of supporting the complainant's informed participation in the process. At a minimum, UNDP SRM staff should assist the complainant when needed.

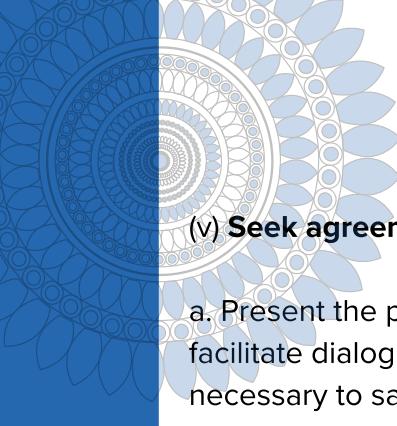
b. Meet with the relevant project management counterparts to:

i. clarify their understanding and views on the issues raised in the complaint;

ii. clarify areas of agreement and disagreement with the complainant regarding project actions/inactions, risks and/or impacts; and

iii. explore possible responses to the concerns raised in the complaint, including any action requested by the complainant.

c. Based on these meetings (and additional meetings as necessary with the complainant, project managers and staff, and other relevant stakeholders, including facilitation of meetings between the complainant and project management as needed), develop a proposed response to share with the complainant and project management. The SRM should communicate the proposed response back to the complainant within 15 business days of acknowledging the receipt.



(v) Seek agreement on a proposed response, and implement if agreed

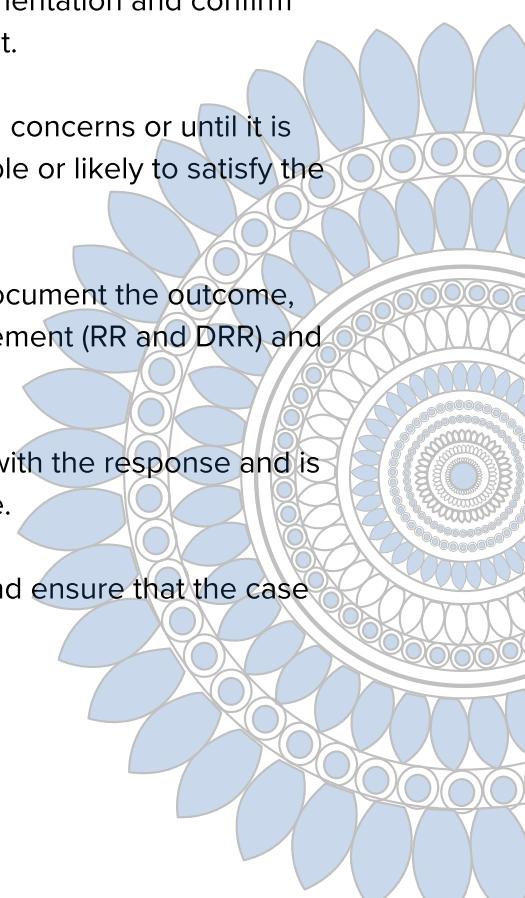
- a. Present the proposed response to both the complainant and project management, facilitate dialogue between them as needed, and modify the proposed response as necessary to satisfy the complainant and project management, while ensuring adherence to UNDP's Social and Environmental Standards.
- b. If there is agreement on the proposed response (agreements should be documented in writing):
 - i. monitor implementation by the project;
 - ii. confirm with the complainant and the project that the response has been implemented; and
 - iii. confirm with the complainant that the response has addressed their concerns.

(vi) If the response as implemented does not fully satisfy the complainant, facilitate additional dialogue and negotiation between the complainant and project management

- a. This effort should continue for long enough to determine whether any additional response is feasible and likely to address the remaining concerns.
- b. If a further response is feasible and agreed, monitor its implementation and confirm with the complainant whether it has resolved the concerns or not.
- c. Repeat this process until there is resolution of the outstanding concerns or until it is clear to the SRM that no further response by the project is feasible or likely to satisfy the complainant.

(vii) If the response as implemented satisfies the complainant, document the outcome, inform to all relevant stakeholders (complainants, senior management (RR and DRR) and relevant staff in CO, where appropriate) and close the case.

- a. Ensure that the complainant indicates satisfaction (in writing) with the response and is not requesting further action from UNDP before closing the case.
- b. Notify project management and the corporate SRM as well, and ensure that the case record is available to the corporate SRM.



(viii) If there is no agreement on the proposed response or if the response as implemented does not satisfy the complainant, advise the complainant of other options and document the outcome.

a. If a good faith effort to develop a response does not resolve the complainant's concern within 60 days after the project is determined eligible, or if the response as implemented does not satisfy the complainant within 60 days after implementation was concluded, advise them on other options they may choose to pursue, including but not limited to:

- i. Escalation to the corporate SRM for additional problem solving;
- ii. Referral to the Social and Environmental Compliance Unit (SECU) for compliance review;
- iii. Use of national administrative and/or judicial mechanisms, with the understanding that these mechanisms would not apply to UNDP.

b. Whatever option the complainant selects, document the options offered, the complainant's stated choice among the options, and the action taken by the SRM to facilitate access to the SRM at corporate level and/or to SECU.

Note A: Summary of Operational Response Timeline of the SRM in UNDP Papua New Guinea CO can be founded in Annex 2

Note B: CO SRM focal point will verify if project's Grievance Redress Mechanism – if applicable – have ever been employed and discuss with complainants and project lead on the preference of employing GRM or SRM. The employment of GRM and SRM is mentioned in Annex 3. A simplified version of escalation procedures of complaints is described in the Figure 1 below.

Note C: At any time, the Complainant could file or transfer the complaint directly to any of the GRM&SRM levels, or cancel the complaint submission.

Note D: In case when the complainant directly reaches out to the CO and does not reach out to the PMU for resolution of grievances. In such cases, CO should refer the complaint/grievance back to the PMU for resolution with an oversight and should not directly engage in seeking resolution.

Note E: The Regional Bureau (RBAP), who have relevant technical expertise, may also play important roles in reviewing SRM requests, providing guidance, advising COs on possible response, involving in communication with stakeholders, and/or implementing responses.

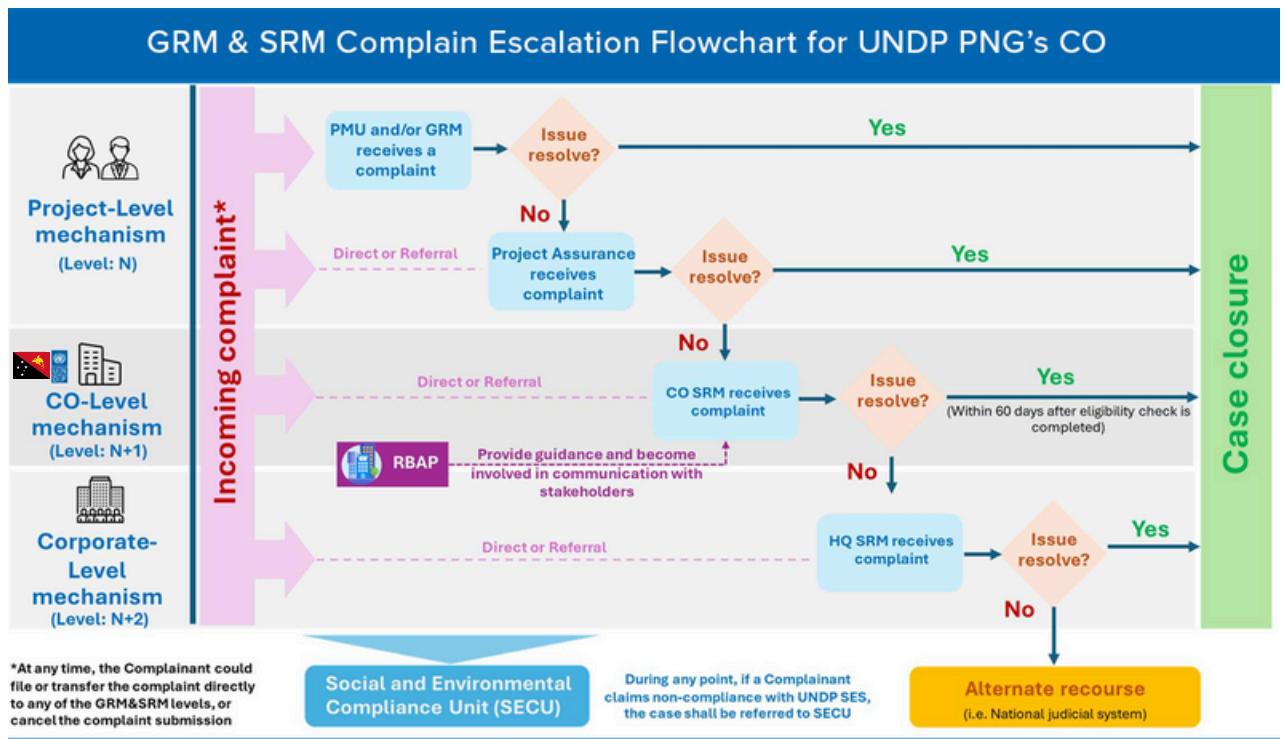


Figure 1: GRM & SRM Complain Escalation Flowchart for UNDP Papua New Guinea CO

VII. Reporting and Learning from the SRM's Operation

(i) The CO SRM will:

- Whenever it receives a new complaint or has updates on a complaint, inform the SRM at corporate level by recording case information in a shared database.
- Provide annual reports on complaints, responses, and outcomes to the SRM at corporate level, and collaborate with the SRM at corporate level to identify successes, challenges, trends and lessons learned in responding to complaints.
- Receive regular annual reports on complaints from each project under implementation, and collaborate with project managers staff to identify successes, challenges, trends and lessons learned in responding to complaints. In the case that there is an emerging case on SRM, the project manager shall report such an incident immediately to RR, DRR, and SRM focal point.
- Disclose the SRM's work, including a link to the corporate-level case registry, summary reports on individual cases, reports on trends or patterns, and actions taken in response to trends and patterns, on the CO Web site (and through other media as appropriate to the national context), in local language(s).
- Provide continuing education to UNDP project managers and Implementing Partners (e.g. through the Project Assurance function) regarding policies, procedures, and capacities needed to prevent risks and impacts which could lead to complaints, and to promote the constructive resolution of complaints.

Annex 1: Logging, Acknowledgment, and Tracking of Complaints

The SRM will receive complaints, assign each a tracking number, acknowledge each to the complainant, record the main points electronically in a database that is shared with the SRM at corporate level, and provide periodic updates to the complainant as well as the SRM file.

Within two (2) business days from the receipt of a complaint, the SRM will send a written acknowledgement to complainant of the complaint received with the assigned tracking number.⁷

Each SRM complaint file will document the steps of the case, including detail on:

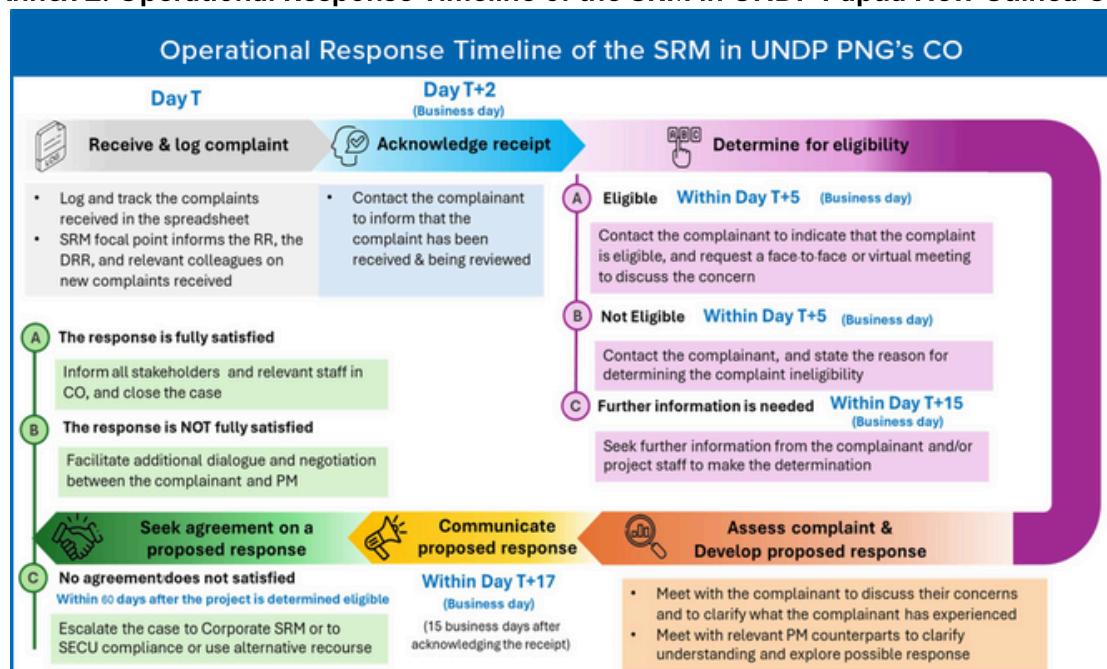
- i. Receipt and intake
- ii. Eligibility determination
- iii. Development of a proposed response
- iv. Implementation of agreed response
- v. Outcomes

See attached the complaint tracking sheet for detail to be recorded for each of these steps.

Maintaining Communication and Status Updates

Summary documentation of each complaint will be available for review by the complainant and other stakeholders involved in the complaint, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Complainant if previously requested. The SRM will provide periodic updates to the complainant regarding the status and current actions to resolve the complaint. Not including the acknowledgment of receipt of the complaint, such updates will occur within reasonable intervals (no less frequent than every thirty (30) days).

Annex 2: Operational Response Timeline of the SRM in UNDP Papua New Guinea CO





Annex 3: Project-level Grievance Redress Mechanism (GRM) and Country Office's Stakeholders Response Mechanism (SRM)

Stakeholders who may be adversely affected by a UNDP project can communicate their concerns about the social and environmental performance of the project through various entry points, scaled appropriately to the nature of the activity and its potential risks and impacts. Potentially affected stakeholders are informed about available entry points for submitting their concerns as part of the stakeholder engagement process.

When necessary, an effective project-level Grievance Redress Mechanism (GRM) is made available. The mandate and functions of a project-level GRM could be executed by the Project Board or through an implementing partner's existing GRM or procedures for addressing stakeholder concerns. Where needed, UNDP and implementing partners will strengthen the implementing partners' capacities to address project-related grievances.

In addition, UNDP's Stakeholder Response Mechanism (SRM) is available to project stakeholders as a supplemental means of redress for concerns that have not been resolved through standard project management procedures.

Project-level GRMs and UNDP's SRM address concerns promptly through dialogue and engagement, using an understandable and transparent process that is culturally appropriate, rights-compatible, and readily accessible to all stakeholders at no cost and without retribution. They are gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, persons with disabilities, youth and other potentially marginalized groups as appropriate to the project. GRMs and SRM do not impede access to judicial or administrative remedies as may be relevant or applicable.

