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**The Papua New Guinea Climate Change Development
Authority**

**Grievance Redress Mechanism for the
National REDD+ Strategy**

Guidelines

August 2018

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PREFACE

The Papua New Guinea Climate Change and Development Authority (CCDA) with the full support of the Government of Papua New Guinea (GoPNG) have embarked on ambitious goals within its national policies such as the Vision 2050, the Strategy on Responsible Sustainable Development (StaRS) and other development plans which are all geared towards ensuring that the country align (or realign) itself with the global objectives reflected in the UN Sustainable Development Goals (SDGs) and international conventions such as the UNFCCC, which address concerns on Climate Change and the need for further reductions in the levels of global Greenhouse Gas (GHG) emissions.

The most significant way of achieving this within countries like PNG, which account for less than 0.1 % of the global emissions (when the agriculture forestry and other land use sectors are discounted)¹ is to capitalize on the opportunities provided by developed nations through initiatives such as REDD+, which aims to create incentives for developing nations to contribute towards the efforts to reduce the amount of emissions released by developed nations annually. Recent estimates within the country's Forest Reference Level (FRL) however, indicate that emissions from the AFOLU sector could be three times that of those from the energy sector including LNG and natural gas production.²

The PNG National REDD+ Strategy (NRS) is one of the recent national policy documents endorsed by the GoPNG to aid in the realization of this initiative within the country, particularly to ensure compliance or at least alignment by all sectors with national climate change mitigation goals. This strategy's main objective is to also ensure that there is broad consensus and joint collaboration in the manner in which land and resource development is carried out so that these global and domestic aspirations are implemented effectively and with some measure of success by those tasked to do so, such as the CCDA and other key REDD+ relevant agencies.

In order to achieve these broad aspirations various supportive measures are also required to be established and functioning at the time of the rollout of the NRS within the pilot sites/provinces earmarked for demonstration initiatives. One of these measures is the design, development and operation of a Grievance Redress Mechanism (GRM) for the NRS which receives, registers, refers or resolves grievances raised as a result of the implementation of the NRS in the pilot provinces. The GRM will complement and strengthen existing formal and informal GRMs provided by sector agencies nationally and sub-nationally, despite its informal nature, because of its primary function as a facilitative mechanism largely for stakeholder dialogue. This provides an added measure of transparency and accountability in the process of carrying out the NRS particularly through the provision of a feedback option for stakeholders involved in or affected by the NRS and its specific PAMs.

The CCDA in partnership with the FCPF and other REDD+ sector agencies is committed to achieving this objective in all aspects of the readiness, demonstration and results based benefits stages of REDD+ starting with the NRS. In order to achieve this aim, they have established or aim to establish necessary forums, committees, working groups and mechanisms that review specific areas of the work carried out and the initiatives embarked on to ensure there is compliance. As a result, GRM Guidelines were developed to assist in the proper development of this GRM including the steps or processes required to address grievances, the scope of the GRM's mandate and function, the procedure for engagement of GRM staff, stakeholders and beneficiaries as well as the relationships to be shared with other key sector

¹ "Climate Analysis Indicators Tool (CAIT) Version 2.0. (Washington, DC: World Resources Institute, 2014)". World Resources Institute.

² Figures based on review of GoPNG draft FRL and PNG's Nationally Determined Contribution submitted to the UNFCCC.

agencies in the implementation of the mechanism. The Guidelines also set out the systems and structures, roles and responsibilities of each relevant agency to ensure there is no confusion or misunderstanding or lack of clarity in its establishment and implementation.

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ABBREVIATIONS

ADR	Alternative Dispute Resolution
CAS	Country Approach to Safeguards
CCDA	Climate Change Development Authority
CCMA	Climate Change Management Act
CELCOR	Center for Environmental Law and Community Rights
CEPA	Conservation and Environment Protection Authority
CLRC	Constitutional Law Reform Commission
CSO	Civil Society Organization
DAL	Department of Agriculture and Livestock
DDA	District Development Authority
DLPP	Department of Lands and Physical Planning
DoF	Department of Finance
EFF	Eco-Forestry Forum
FAO	Food and Agriculture Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FMA	Forest Management Agreement
FORCERT	Forest Management and Product Certification Services Incorporated
Fps	Focal Points
GHG	Greenhouse Gas
GoPNG	Government of PNG
GRM	Grievance Redress Mechanism
GRN	Grievance Registration Number
ILG	Incorporated Land Group
LLG	Local Level Government
MOU	Memorandum of Understanding
MRA	Mineral Resources Authority
MRV	Measurement Reporting and Verification
NGO	Non-Government Organization
NRS	National REDD+ Strategy
OLPLLG	Organic Law on Provincial and Local Level Governments
OC	Ombudsman Commission
PaMs	Policies and Measures
PCCC	Provincial Climate Change Committee
PFMC	Provincial Forest Management Committee
PLRs	Policies, Laws and Regulations
PNG	Papua New Guinea
PNGFA	PNG Forest Authority
REDD+	Reducing emissions from deforestation and forest degradation; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
SLMS	Satellite Land Monitoring System
TIPNG	Transparency International PNG Chapter
TNC	The Nature Conservancy
TOR	Terms of Reference
TWG	Technical Working Group
UNDP	United Nations Development Program

UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Program on Reducing Emissions from Deforestation and Degradation
WCS	Wildlife Conservation Society
WMA	Wildlife Management Agreement
WWF	World Wildlife Fund

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DEFINITIONS³

For the purpose of these Guidelines, unless the context otherwise requires:

“ADR” means alternative dispute resolution which includes mediation, arbitration, conciliation, expert case appraisal, early neutral evaluation, any combination of them and such other forms of dispute resolution that are different from the formal court process and includes any process undertaken to avoid or otherwise minimise prolonged disputes in the future⁴;

“Dispute” means a disagreement or argument between two or more people⁵;

“External GRMs” refers to any court, tribunal, committee or body with the mandate to resolve grievances or disputes that arise from breaches to sector legislation or other laws in PNG. These GRMs are exclusive from the NRS GRM;

“External Entities” refers to any organisation or entity that is not included within the REDD+ relevant sectors e.g., forestry, agriculture, conservation and environment and broader natural resource and land use who also do not qualify as hosting a GRM FP. These normally cover the mainline government institutions, judiciary, legal agencies and law enforcement agencies;

“Grievance” means any complaint or concern whether actual or potential, which arises as a result of an unfair treatment or practice;⁶

“Grievance Redress Mechanism” means an organizational system and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders.⁷

“Independent Expert”⁸ refers to a qualified individual within a specific REDD+ related field of expertise engaged to provide specific technical advice on grievances brought before them which fail to be addressed via any other form of grievance redress. This does not refer to a body corporate.

“Mediation”⁹ means the process a mediator uses to help the parties in a dispute to identify their disputed issues, develop and evaluate options, and enable them to make their own decisions about how to forward and or enhance their communication in a way that addresses their mutual needs with respect to their individual interests with future actions and outcomes and enable them to reach their own agreement or make a decision based on the principle of self-determination and includes blended processes and customary forms of mediation.”

³For the purpose of this REDD+ GRM, as a new concept in PNG, certain definitions are used solely in the context of this new mechanism. A GRM is distinguished from ADR and other government internal processes in both objective, design, function, and mandate. ADR is part of the formal judicial system whilst GRM is an internal dispute resolution process developed by the CCDA to comply with international REDD+ Safeguard donor requirements. Definitions used comply with both national legislation relating to ADR and other internal government procedures as well as UNFCCC, UNDP and FCPF GRM requirements.

⁴ Taken from section 3 of the *Rules relating to the Accreditation, Regulation and Conduct of Mediators in PNG*.

⁵ Taken from the Collins English Dictionary - <https://www.collinsdictionary.com/dictionary/english/dispute>

⁶ Taken from the Oxford English Dictionary - <https://en.oxforddictionaries.com/definition/grievance>

⁷ Taken from the *Joint FCPF/UN-REDD Programme Guidance Note on Establishing and Strengthening Grievance Redress Mechanisms*.

⁸ Ibid.

⁹ Ibid at footnote 4.

“National Policy Level Grievances” refers to any grievance that arises as a result of the introduction of specific NRS Policies and Measures (PAMs), with a specific focus on interventions which are of a policy nature or have a direct bearing national level policy, either currently existing or under development.

“NRS Pilot Sites” refers to any of the provinces identified for piloting of the NRS PAMs implementation and specified within the NRS document.

“VCS Projects” refers to any REDD project which is endorsed by the CCDA and governed by the VCS and set up primarily for access to the Voluntary Carbon Markets.

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1 OVERVIEW

1.1 THE OBJECTIVES OF THE GRM

The GRM is multifaceted and involves multiple actors all contributing in some measure towards the overall objectives of this GRM. It is, therefore, important to address these various aspects separately but also as a collective to ensure that its eventual implementation is one that is clear, easily understood and easy to track and monitor from commencement to resolution, especially by those that are reliant on its establishment for the smooth and efficient functioning of all aspects of the NRS and any related REDD+ activity that arises.

A. An intermediary step between proactive stakeholder dialogue and formal GRMs

The REDD+ GRM is an informal mechanism created to provide a facilitative approach towards resolving grievances that fail to be addressed as part of stakeholder dialogue and consultation between key REDD+ sectors involved in the implementation of the NRS PAMs. It is the intermediary step between the informal and the formal measures of grievances redress available within the country, such as the courts and should only be used after initial stakeholder dialogue has been exhausted.

B. Preventive in nature

It provides another layer or additional option for grievance redress which helps to manage the way in which land and resource related disputes at the subnational level are handled and hopefully to deter from further referrals to formal systems of dispute resolution. This means therefore, that the initial process of close and extensive stakeholder dialogue needs to be fully exhausted before initiating this GRM process.

Throughout the design and development of the specific mechanism it was observed that there were clear distinctions between the different types of grievances raised which correspond to either the practical application of the PaMs on the ground or those that arise from broad policy measures introduced at the national level. These Guidelines aim to address this distinction and any other issue of ambiguity emanating from the limitations in its scope and jurisdiction as well, especially in light of the multifaceted approach to grievance redress that is proposed as part of this GRM.

The Guidelines therefore aim to:

- Outline the types of grievances it can address separately from those it cannot,
- Provide options for addressing those that fall outside of its ambit,
- Suggest the clear process to follow in either case with the objective of ensuring, as much as possible, that stakeholders are provided with whatever support is necessary for registering and recording, as well as resolving these matters,
- Clearly distinguish how the GRM is set up across the various institutional arrangements at the various levels and within the various sectors.

C. Strengthens safeguards implementation in relation to NRS

It is anticipated that NRS implementation may dynamically impact the types of conflicts created in relation to the use of forest, land and natural resources in forest areas. It is therefore, imperative that effective

GRMs are in place to address contentious issues, complaints or disputes that arise during the period of its implementation, as part of a necessary national safeguards systems in PNG that will ensure social and environmental risks arising from NRS implementation are addressed efficiently, effectively and equitably.

Specifically, the Guidelines will -

i. Outline the steps required from intake to referral and who is in responsible.

The Guidelines recommend the use of grievance redress measures through the use of various entities or committees proposed which consist of experienced resource personnel in the respective fields of REDD+, CCDA REDD+ Mitigation staff and independent technical experts in the various fields to resolve any grievances or disputes whenever they arise.

ii. Actors involved.

It is recommended for the GRM to be positioned within the CCDA as the government agency mandated with the power to coordinate all Climate Change/REDD+ related activities, structures and systems by virtue of the Climate Change Management Act and also by virtue of their status as the Nationally Designated Authority (NDA) under the UNFCCC. This places them as the institution recognized internationally with the mandate to facilitate REDD+ related issues as well.

Based on these institutional mandates it is proposed for the following GRM entities to form the core systems of this mechanism.

- **National GRM Entities:**
 1. GRM Unit
 2. GRM Technical Committee
- **Subnational GRM Entities**
 1. GRM Focal Points
 2. PCCCs
- **External GRMs/Entities:**
 1. Judiciary/Sector Tribunals/Legal Bodies
 2. Ombudsman Commission
 3. Police
 4. Other Government Agencies at the national/subnational level (not within the REDD+ sector).

(The detailed scope, roles and responsibilities of all the key actors mentioned above are outlined in detail in Table 4 of these Guidelines).

1.2 SCOPE OF THE GRM

The following illustrates that the specific scope of the GRM does not extend into or interfere with any of the mandates (jurisdiction), roles or responsibilities of the individual REDD+ sector agencies or external entities. In the same way it also cannot, by virtue of its existence, obstruct or appear to obstruct, the full function and operation of any of these government agencies. Where a particular grievance is identified, and brought to the attention of the GRM and where the GRM does not have the jurisdiction to manage it (i.e., it falls outside of the NRS PAMs and any related activities) they are required to automatically refer these grievances to the appropriate external entity to handle. Examples of the types of grievances the GRM can or cannot handle are provided below:

Scope of the GRM

- Aims to address all grievances arising from implementation of the NRS PaMs within NRS pilot sites.
- Facilitates stakeholder dialogue on grievances arising from implementation of the NRS PaMs within NRS pilot sites.
- Facilitates stakeholder dialogue on broad grievances arising from the implementation of the NRS PaMs at all levels.

Limitations to the Scope

- The GRM cannot deal with grievances that arise from issues that are political in nature.
- The GRM cannot deal with grievances that relate to a key sector's administrative/regulatory functions.
- The GRM cannot resolve national level NRS policy issues. It can only assist in facilitating the dialogue required to help reach a solution.
- The GRM is a facilitative measure and not an adjudicating body.
- The GRM provides a channel through which grievances are directed to appropriate agencies for redress and not necessarily to resolve the grievances itself.
- The GRM cannot resolve grievances that are outside the scope of the NRS PAMs. (i.e., Do not arise from the implementation of the NRS PaMs).

It is the objective of the CCDA, as the responsible implementing government agency, executing the NRS, in partnership with other key REDD+ related sector agencies and the FCPF, to continue to further develop these Guidelines and its supporting documents. It is therefore, an 'active' or 'working' document which will be subject to regular revision and improvement in the optimization of its application within the NRS PAMs and related projects or activities.

1.2.1 Broader Related Issues

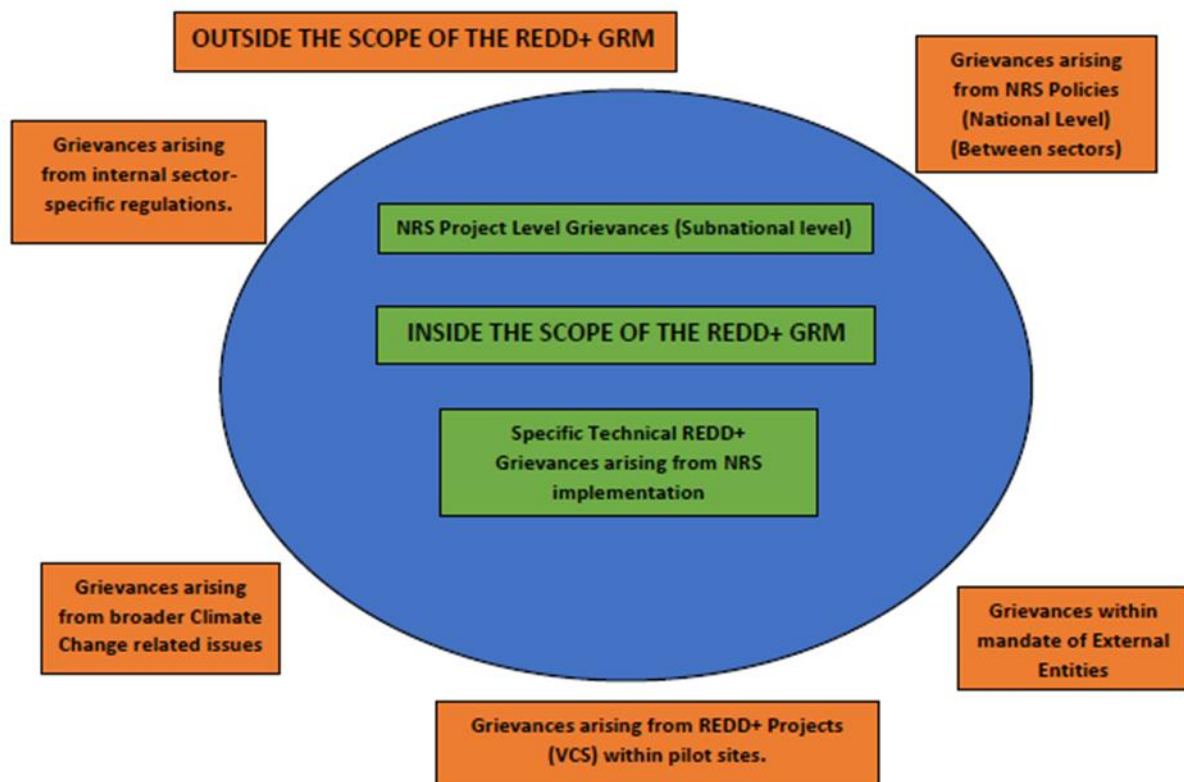
Apart from the specific scope of grievances mentioned above, there are also other related issues which should be promoted separately from the NRS PaMs but in conjunction with its implementation. Some of these issues include:

- The need for a common approach towards land tenure issues within each REDD+ related sector.
- Strengthened sharing of information between the CCDA and the other key REDD+ sectors such as Forestry, Agriculture and Environment and Conservation through specific agreements such as MOA's/MOUs outlining the specific terms of their collaboration.
- Initiate specific legislative amendments to address underlying issues such as ineffective or inappropriate stakeholder consultation processes, inconsistent FPIC processes across sectors or ambiguous benefit sharing distribution systems.
- Collaboration on the need for more aligned or supportive REDD+ related legislation within each core sector so that contradictions between existing provisions on certain aspects of the NRS PAMs and its implementation are either avoided or minimized.

1.2.2 Distinctions on the application of the GRM at the National (Policy) level and NRS Project (Subnational) Level

There is a clear distinction between those grievances that correspond to the practical application of the PaMs on the ground and those that arise from broad policy measures introduced at the national level. Both will need to be addressed separately and using separate forms of redress which may or may not fall within the specific ambit of the GRM and its management entities. It is therefore, important to reflect this distinction and any corresponding limitations within these guidelines from the outset, in a way that is clear and easy to understand. This will also need to outline the way in which these varying grievances are registered, recorded and resolved. It is, therefore, important to set out these approaches clearly and separately to avoid any possible confusion later on. Below is a table which aims to illustrate this distinction in a way that also highlights the limitations on the scope of the GRM alluded to above.

Diagram 1: Limitations to the GRM Scope.



Further to the above-mentioned point, it is imperative to also emphasize the various forms of grievances that have been categorically grouped into these types of grievances, i.e., those that are NRS project level (subnational) or NRS policy level (national level) in terms of its origin or level of redress. The Table below not only expounds upon these distinctions but also summarizes the key groupings and levels at which these grievances occur, as well as the types and possible causes of these grievances.

Table 1: Comparisons between REDD+ NRS Project Level and Policy (national) Level Grievances.

NRS PAMS		POSSIBLE NRS PAMS POLICY-RELATED GRIEVANCES – (NATIONAL LEVEL)
<p>Enhanced Economic Productivity and Sustainable Livelihoods:</p> <ul style="list-style-type: none"> • Development of Oil Palm Policy and Platform. • Review of family agricultural production and support services. 	<p>POSSIBLE NRS PROJECT RELATED GRIEVANCES (SUBNATIONAL LEVEL)</p> <ul style="list-style-type: none"> • Marginalized communities living in a NRS pilot site do not benefit from specific support services due to exclusion by the primary LO's. • Women prevented from attending meetings on NRS PaMs activities due to traditional customs prohibiting their involvement in decision-making. • Access to information prevented because local communities not 'officially' recognized by Govt. agencies. 	<ul style="list-style-type: none"> • Lack of support for establishment of new oil palm platform at subnational level due to added demand on scarce resources. • Lack of political will to support and endorse a Palm Oil Platform & Policy. • Poor implementation of activities in the rural areas due to lack of budgetary/administrative support by DAL's agricultural extension services. •
<p>Strengthened National Development and Land Use Planning:</p> <ul style="list-style-type: none"> • Support to Land Use Planning policy. • Review of approaches to subnational planning. 	<ul style="list-style-type: none"> • Conflict over the use of particular land due to exclusion and misunderstanding by marginalized communities from important decision-making processes. • Incursions on use of land by women because of their lack of involvement in customary processes and decisions on use of land. • Access to important information on land use planning methods restricted only to primary LOs and not all members of the community, leading to conflict and poor implementation. • 	<ul style="list-style-type: none"> • Lack of political will to endorse a National Land Use Plan. • Conflict between land use plans promoted in the pilot sites and broader government provincial & national developmental plans. • LO's breach land use plans in pilot sites due to conflicting personal interests between two factions of landowners with competing interests. •
<p>Strengthened Environmental Management, Enforcement and Protection:</p> <ul style="list-style-type: none"> • Development of action plans in PNGFA • Coordination and planning with CEPA • Review of support to civil society for provision of support to communities. 	<p>WITHIN THE SCOPE OF THE GRM</p> <ul style="list-style-type: none"> • Marginalized communities excluded by the primary LO's from participating in planning activities relating to forestry and conservation initiatives within the pilot sites/villages leading to misunderstanding, conflict & poor implementation. • Custom on decision-making prevents women from participating in important meetings relating to forestry and conservation planning leading to poor implementation. • CSO's not recognized by provincial government agencies so deprived of access to information necessary to help affected communities. 	<p>OUTSIDE OF THE SCOPE OF THE GRM</p> <ul style="list-style-type: none"> • Conflict between national forest programmes and activities promoted by the NRS PaMs at local level, e.g., local forest plans not consistent with national forest plans so not recognized and enforceable. • CEPA lacks the capacity to implement conservation plans at the local or pilot sites due to funding shortages or non-availability of CEPA staff to provide oversight at the local level. • Failure to reach a common understanding/consensus on the arrangements between Government agencies, Civil Society and landowners/local communities at the provincial/local level leads to a break down in relations and poor implementation.

1.3 SUPPORTING ELEMENTS OF A GRM

Supporting elements emphasized throughout the following sections of these Guidelines which are pivotal to the success and continuity of this mechanism, and ultimately the NRS, are as follows:

- The need for cooperation and collaboration between all relevant sectors.
- The need for all relevant sector agencies at the subnational level to be trained and equipped to implement the GRM.
- The need for a registry of grievances suited to the specific capacities of the GRM entities at the various levels (i.e., manual or electronic).
- The need to use existing sector jurisdiction/legal mandates without the need for further legislative amendments.
- The need for clear rules and regulations relating to REDD+ cooperation between all REDD+ related sector agencies.
- The need to maintain constant and reliable modes of communication between all GRM entities.
- Use the GRM to monitor, evaluate and improve the performance of the NRS PAMs.
- Use the GRM as an alternative avenue for detecting and channelling broader NRS problems (outside the scope) to relevant external entities for redress.
- The use of existing informal systems as a primary means of redress.
- Provide continuous and broad awareness raising and education on the GRM suited to the needs of the various REDD+ stakeholders.

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2 INTRODUCTION

As part of PNG's compliance with multiple international safeguard requirements under the UNFCCC and other relevant donor requirements (e.g. FCPF and the GCF), it decided to adopt a Country Approach to Safeguards (CAS); a conceptual framework designed to assist countries with the design and implementation of its Safeguard and Safeguard Information System (SIS)¹⁰ through the promotion of internal and country specific legal, institutional and compliance measures or frameworks. The CAS ensures that all these frameworks, whilst being contextualized to the country's needs, are also consistent with relevant UNFCCC agreements and global or regional principles and international best practice as well. Part of these crucial principles is the need for an internal feedback and grievance redress mechanism to be effectively available, and if necessary, strengthened, as part of the country's REDD+ institutional arrangements.

In 2015, the Government of Papua New Guinea (GoPNG) through the Climate Change Development Authority (CCDA), enacted the Climate Change Management Act, 2015, which made provision for the establishment of a 'Dispute Resolution Mechanism'¹¹ to address all forms of disputes arising from climate change related projects or activities in the country. This would also form the legal basis for the establishment of specific measures like the GRM, which would further support and build on the efforts of the FCPF REDD+ Readiness Program for PNG through its NDA (CCDA), and other important implementing agencies under the National REDD+ Strategy.

An initial review and assessment on the gaps and weaknesses of PNGs existing land and natural resource sector GRMs was conducted in 2016 as part of attempts to identify and design appropriate mechanisms for establishing a REDD+ GRM. Both formal and informal systems were reviewed as well as the particular institutional level at which they function (i.e., local, provincial and national) and their compliance or alignment with international best practice principles.¹² Using these key criteria as well as lessons learned from other dispute resolution systems in other developing countries, a structure or design was put forward for consideration as a suitable grievance redress arrangement for the CCDA and NRS proposed.

This structure or design is what is detailed in the subsequent chapters of this document and aims to address all the recurring issues (gaps or weaknesses) that were identified within the findings of the initial review. (*Refer to **Annex C.1** for the Table of the FCPF/UNDP Key performance criteria gaps and/or weaknesses identified in each of the key natural resource sectors assessed.*)

As part of the ambit of the proposed GRM, specific requirements under the Terms of Reference (TOR) called for an assessment of its ability to address potential grievances arising from the NRS Policies and Measures (PaMs) being introduced (refer to Box 1 below). As a result, the GRM was designed with this objective in mind, whilst also attempting to respect the limitations in its scope, mandate, function and authority. Based on these specific criteria the GRMs scope was constructed and defined.

¹⁰ Safeguards and a Safeguard Information System (SIS) were first introduced at the 17th UNFCCC Conference of the Parties in Cancun, Mexico.

¹¹ Section 105 of the *Climate Change Management Act 2015*.

¹² Based on the GRM principles set out in the *Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms*.

Box 1: Key NRS Policies & Measures (PaMs).

1. Strengthened National Development and Land Use Planning

- Support to Land Use Planning policy
- Review of approaches to subnational planning

2. Strengthened Environmental Management, Enforcement and Protection

- Development of action plans in PNGFA
- Coordination and planning with CEPA
- Review of support to civil society for provision of support to communities

3. Enhanced Economic Productivity and Sustainable Livelihoods

- Development of work on Oil Palm Policy and Platform
- Review of family agricultural production and support services

Although, the aim of the PaMs is to be applicable within all key sectors and at both the national and subnational level, the GRM had to adopt a more conservative approach, in that, it had to work within the confines of its mandate, specific institutional arrangements and available capacity and resources whilst also complying with international best practice and donor specific safeguards.

As such the GRM had to be careful not to present itself as a one-stop-shop., ie., a mechanism with the capacity to deal with all NRS or broader climate change related grievances that arise.

As mentioned in previous sections of the guidelines, the GRM is only suited to the

specific aspects of REDD+ and particularly the implementation of the NRS and does not cover broader climate change issues. In addition, certain grievances which arise from both project-level (pilot sites) and or policy level (national) issues may not necessarily fall within the GRMs mandate or capacity to manage. This therefore, calls for a need to ensure such limitations are identified from the outset and appropriate processes outlined.

The Guidelines therefore, have to be clear and precise on the ambit of the GRMs intervention and the processes one would need to pursue in reaching a resolution, if at all possible. In many of the cases identified during the review process, resolution could only occur with intervention from the responsible sector agency. This would mean that the GRM would only be responsible for registration and referral of the grievance itself. This therefore reemphasizes the initial and primary role of the GRM, which is to facilitate stakeholder dialogue between all key sectors and relevant actors as a means of reaching an amicable solution between all parties involved in the grievance raised. The GRM therefore, simply facilitates the process of reaching some form of common ground or consensus on the way forward and not necessarily providing the form of redress. This minimizes jurisdictional issues, provides a more integrated and collaborative, cost-effective approach to grievance redress and promotes continuity and long-term sustainability for the GRM and the NRS.

Besides the internal administrative or regulatory processes of the key REDD+ sector agencies mentioned above, there are also the other formal dispute resolution systems that exist within the country. These systems and the agencies and institutions empowered to implement them are referred to as 'external entities' within these guidelines. The reason they are referred to as 'external' entities is because they are not directly involved in the implementation of the NRS PaMs themselves, i.e., they are not considered 'implementing partners' for the purposes of the NRS. These external entities consist of the more formal dispute resolution agencies such as the courts, legal institutions and law enforcement agencies (e.g., police). They also include agencies established by virtue of the OLPLG e.g., the Provincial Governments, District Administrations and DDA's. The emphasis for the GRM is to provide a link or connection between the informal and formal GRMs, where required, and ultimately to provide an efficient process for pursuing redress for grievances brought to their attention. This role or mandate may increase at a later stage, but this will depend on the lessons learned from the initial trial period.¹³

¹³ The NRS has been developed to run over a 10-year period from 2017 – 2027 so the trial period for the GRM would coincide with this period of time.

2.1 WHO MAY RAISE A GRIEVANCE?

As outlined above, the GRM is designed to be accessible, firstly, by beneficiaries of the NRS at the subnational level, i.e., those who are directly impacted by activities as a result of the implementation of the NRS PaMs within pilot sites. However, this will also need to be further extended to include local communities and customary groups that may not necessarily be directly affected by the NRS PaMs but are associated with those that are involved with or are living within the areas adjacent to the designated pilot sites.

There may also be options available for other parties at the subnational and national level to also raise a grievance, but only if they are directly responsible for assisting the LO communities or beneficiaries in the implementation of the NRS PaMs in the designated pilot sites, especially where it requires their explicit collaboration. This therefore, means that the following are the key groups that should be able to raise grievances under the GRM:

- Customary landowners within the designated NRS pilot sites;
- Local communities in the designated NRS pilot sites;
- Local and provincial government authorities
- Civil Society Organisations (CSOs)/Non-government Organisations (NGOs) in collaboration with the LOs or local communities as part of the implementation of the NRS PaMs in designated pilot sites.
- Relevant REDD+ sector agencies (government authorities) in collaboration with the LOs or local communities to implement the NRS PaMs in designated pilot sites;
- Private sector/Industry representatives in collaboration with the LOs or local communities to implement the NRS PaMs in designated pilot sites.

This broad list is subject to the issue of ‘collaboration’ between the beneficiaries and the key implementing agents mentioned. The reason for this is to ensure that it also provides an avenue by which grievances arising from the implementation of the NRS PaMs are also able to be instituted by these legal entities on behalf of the customary LOs or local communities affected. Due to the very low literacy rates in PNG at the local level (rural areas) (i.e., villages and districts)¹⁴, this option should be made available, provided there are clear frameworks and boundaries in place to govern the process for this to occur. Provision for this has been made within these guidelines.

2.2 IMPORTANT GUIDING PRINCIPLES

2.2.1 UNDP/FCPF Key GRM Principles

As part of the initial process of review and design of this GRM, it was necessary to refer to key international publications established as guiding principles for the development of these kinds of mechanisms. In this instance, the publication of particular relevance was the *Guidance Note for the Joint FCPF/UN-REDD Grievance Redress mechanism for REDD+ in developing countries*.¹⁵ This document sets out international best practice principles and key performance criteria as important benchmarks for the design of country specific GRMs, as well as to guide the process of determining how it should be

¹⁴ These rates are estimated at less than 50% according to PNG’s ratings presented on the UNDP Country information website available at:

http://www.pg.undp.org/content/papua_new_guinea/en/home/countryinfo.html.

¹⁵ Joint FCPF/UN-REDD Program Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms. June 2015.

administered. Due to the fact that these principles are based on international best practice and incorporate aspects of the FCPF and UNDP SESA, any GRM developed using this guidance tool will automatically comply with accepted global standards for redress mechanisms within the field of REDD+.

A demonstration of the application of these above-mentioned principles (and key performance criteria and indicators) within the GRM is illustrated in the following table and details how the current framework respects and incorporates these principles into its grievance redress process.

Table 2 : UN-REDD/FCPF GRM Principles & Key Performance Criteria and its application to the GRM in PNG

Key Principle	Definition & Guiding Questions	Application within the GRM
1. Legitimacy	Does the GRM operate independently of interested parties? Is the GRM widely-perceived as independent?	<ul style="list-style-type: none"> • Although the GRM sits within the CCDA, the Focal Points are located outside of the GRM Unit & subject to the discretion of the host agency (key REDD+ sector agencies). • The GRM Technical Committee is independent of the direction of the CCDA or any other sector agency because it consists of independent experts pooled from various sectors, levels and expertise.
2. Accessibility	Is the GRM accessible to all stakeholders, irrespective of their remoteness, language, education or income level? Are procedures to file grievances and to seek action easily understood by project beneficiaries? Can grievances be filed anonymously? Are there a range of contact options? Is the GRM appropriately advertised and communicated to project-affected people?	<ul style="list-style-type: none"> • The GRM is located at all levels - it has a GRM Unit within the CCDA (national level) and focal points (subnational level) within the various host agencies (key REDD+ sector agencies). • The GRM Guidelines and all steps and stages of the redress process are provided to complainants upon initial receipt of the grievance. • A summary of the GRM process will be made available to complainants and interested stakeholders upon request. • Guidelines will aim to be translated into Tok Pisin for the benefit of the rural majority. • A GRM Guidelines for each subsector will be located within the FPs for ease of reference.
3. Predictability	Is the GRM responsive to the needs of all complainants? Does the GRM offer a clear procedure with time frames for each stage and clarity on the types of results it can (and cannot) deliver?	<ul style="list-style-type: none"> • The GRM sets out Guidelines which clearly detail processes and procedures to follow for addressing grievances. • The GRM process will be explained to complainants at the moment of initial receipt of the grievance. • Timelines are provided for each stage of the redress process. • Where grievances cannot be addressed by the GRM, options are provided for referrals (alternative redress by formal entities). • A list of key agencies/contacts for these referrals is provided and directives for follow ups established.
4. Fairness	Are grievances treated confidentially, assessed impartially, and handled transparently?	<ul style="list-style-type: none"> • The GRM provides options for grievances to be received in private, all files for complainants registered and kept in secure cabinets, or on a secure online database system. • The database in which the grievance is registered is protected by password and only accessible by the database managers (CCDA). • All assessments of grievances pass through various levels of review and filtering/scrutiny from subnational to national level as part of the various GRM entities.

		<ul style="list-style-type: none"> • The MOAs established between key sector agencies ensures there is understanding on sharing of information relating to grievance redress within the GRM system at all levels, and within the host agencies. • There is a directive in the Guidelines for complainants to be updated on the progress of their redress, as often as possible.
5. Rights Compatibility	Are the GRM's outcomes consistent with applicable national and international standards? Does it restrict access to other redress mechanisms?	<ul style="list-style-type: none"> • The GRM promotes the option of exhausting other existing sector GRMs and dispute resolution processes prior to using the systems set up in the Guidelines. • It also upholds the principle of "Without Prejudice" in its Guidelines which means that it does not in any way replace the existing GRMs or legal systems. • All standards and principles used to devise this GRM are based on the UN-REDD/FCPF Key Performance Criteria and Principles.
6. Transparency	Are the GRM's procedures and outcomes transparent enough to meet the public interest concerns at stake?	<ul style="list-style-type: none"> • The GRM has been set up to ensure there is involvement by all key stakeholders in its operation at all levels. • It allocates periodic reporting to key management/administrative personnel (across sectors) on its core outcomes. • It conducts M&E/Assessments on the effectiveness of the systems by reviewing the grievances registered within the database on a consistent basis. • The database ensures that all inconsistencies or recurring issues are analysed to detect possible causes and to instil preventative measures, where possible.
7. Capability	Do GRM officials have the necessary technical, human and financial resources, means and powers to investigate grievances?	<ul style="list-style-type: none"> • The GRM is an essential prerequisite for securing GCF Funding and to ensure ongoing support by the FCPF or other CC donors. • The GRM, although housed mainly within the CCDA, shares resources/personnel across sectors (FPs) which will require financial support (for the host agency via an MOA). • Each key sector agency involved is expected to allocate a portion of counterpart-funding from their annual budget towards supporting the GRMs operation.
Additional principles:		
8. Enabling continuous learning	I.e., drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harm.	<ul style="list-style-type: none"> • The GRM registers all grievances within a database system which can be updated, monitored/tracked and improved at all levels via the GRM entities and host agencies. • It will provide for periodic reporting to all relevant stakeholders including publications on the various functions of the GRM. • It has a feedback option within the online and manual systems in place, which helps in reviewing its performance and improving it where possible. • The GRM Unit (CCDA) will conduct training on the function of the GRM in the initial stages for all FPs and interested stakeholders.
9. Based on engagement and dialogue	I.e., consulting the stakeholder groups for whose use they are intended on their design and	<ul style="list-style-type: none"> • Stakeholder engagement & dialogue is required as part of the various stages of the GRMs design &

	performance, and focusing on dialogue as the means to address and resolve grievances.	<p>endorsement to ensure it reflects the wishes of all key stakeholders.</p> <ul style="list-style-type: none"> • Dialogue is incorporated as a part of the initial process of grievance redress under the Guidelines (via a process of verification and investigation within the FPs and GRM Unit). • External GRMs/Entities are also sought as part of the referral process within the GRM ensuring that there is constant consultation not just within the key REDD+ sectors but also outside of it. • A piloting phase will be carried out to test out the GRM and its various components with options for improvement.
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2.3 OTHER RELEVANT PRINCIPLES

In addition to the key principles outlined above, there are other crucial ones to consider which relate to informal, semi-formal and formal means of dispute resolution within the country. The first involves Proactive Stakeholder Engagement (already encouraged as part of the GRM processes) whilst the second (2nd) involves aspects of alternative dispute resolution (ADR) processes. These are a semi-formal means of dispute resolution apart from the traditional legal processes (i.e., the courts and tribunals). These semi-formal processes have become so effective in addressing disputes that they have become a part of the traditional legal systems in PNG and are important to mention as part of any form of grievance redress developed within the country.¹⁶

2.3.1 Avoiding Disagreements (Proactive Stakeholder Engagement)

This principle promotes the need to avoid disagreements and advocates for the adoption of certain dispute avoidance measures which will seek to resolve any disagreement as and when it arises. Examples of this include:

- i. Incorporating different forms of proactive stakeholder dialogue, i.e., local level community meetings, PMU meetings with key beneficiaries/local communities, regular meetings between GRM Unit and FPs.
- ii. Include options for some forms of ADR to be incorporated when a dispute arises (e.g. mediation, negotiation and conciliation) and to resort to these measures immediately to avoid the disputes from turning into legal proceedings.

These proactive and collaborative ways of avoiding grievances/disputes from arising should be encouraged within project agreements or MOUs through the inclusion of provisions which facilitate this process. Arbitration and litigation will always be an option available to all complainants or aggrieved parties at all stages of the grievance redress process, however, they should always remain a necessary, but last resort solution.

2.3.2 Without Prejudice

¹⁶ The National and Supreme Courts of PNG created a Court Track solely for ADR and created Regulations to govern the manner in which it is enforced in the country as part of the courts in the country. I

The NRS GRM and these particular guidelines acknowledge this important principle by ensuring that all processes recommended within these guidelines do not in any way prejudice any existing rights guaranteed or protected under any other dispute resolution mechanism available in the country. This GRM will only act as an alternative option to that which already exists. This applies to any person, community or organisation whether national or international and directed by the laws or the rules and regulations that govern those institutions or authorities in PNG.

2.4 DISTINCTIONS BETWEEN NRS POLICY LEVEL AND NRS PROJECT RELATED GRIEVANCES

Grievances captured in the Overview (Section 1) above aim to differentiate between the national policy level and the NRS Project site level. The Policy related grievances correspond to broad national matters that arise from the introduction of the NRS PaMs that often occur at the national level and accompany issues faced by bilateral or multilateral development partners implementing projects in the country. With only a few exceptions, most of these Policy level grievances are not typically the types of grievances that a REDD+ GRM is required to deal with.

In the context of REDD+ the types of grievances a GRM would need to address are those that arise from the NRS project level. GRMs typically respond to grievances that arise from project affected stakeholders and relate to the adverse social and environmental impacts of the project.

Based on the likelihood that these grievances could arise during the implementation of the NRS PaMs it is imperative that initiatives like the GRM are put in place prior to the commencement of the NRS PaMs to ensure that potential 'risks' in the implementation of the REDD+ PaMs are avoided as much as possible. The lack of an appropriate mechanism to secure the delivery of PaMs actions and associated activities through to the local level may lead to distrust amongst the relevant REDD+ stakeholders indirectly affecting the spirit of partnership between the CCDA/FCPF PMU and the relevant sectors. The GRM is also one vital aspect of the REDD+ Safeguards and SIS which will eventually need to be fully developed prior to qualifying for REDD+ RBPs.

2.5 VCS PROJECT GRIEVANCES

REDD+ under the UNFCCC and Voluntary Carbon Market (VCM) forest carbon projects use different mechanisms for the various facets of their implementation. The two approaches can co-exist within the same country with VCM projects 'nested' within the national reporting system to the UNFCCC, however, the processes required for this to successfully occur are complicated and have prevented countries from establishing a fully effective system for nesting.

It has been determined by the government of PNG that a national policy approach to REDD+ implementation will be taken in PNG. The National REDD+ Strategy (NRS) allows for project development and nesting but it also places an impetus upon the project proponents to ensure they comply with the NRS and align themselves with all reporting standards under the UNFCCC including the setting of emission baselines and reporting of emission reductions.

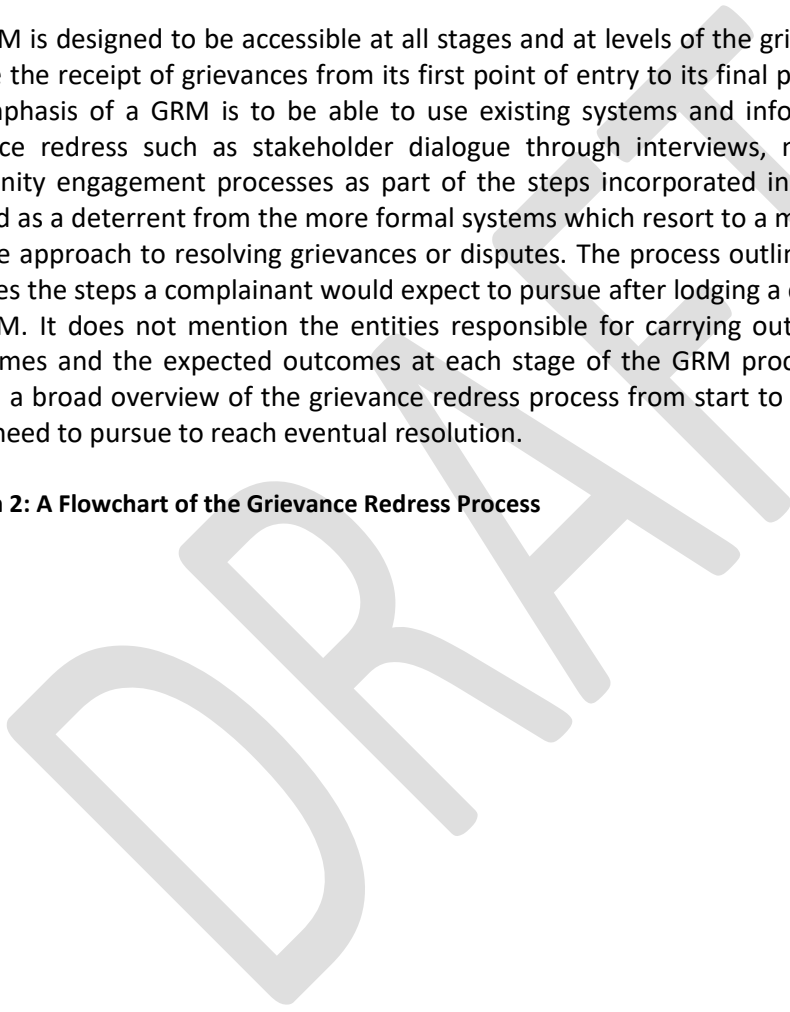
Any changes to this approach or any inclusions to this approach, for example to promote project-based approaches to the broader reduction of land use emissions or to a lesser extent, the determination of grievance redress, will need to be agreed between the government agency responsible and the relevant stakeholders.

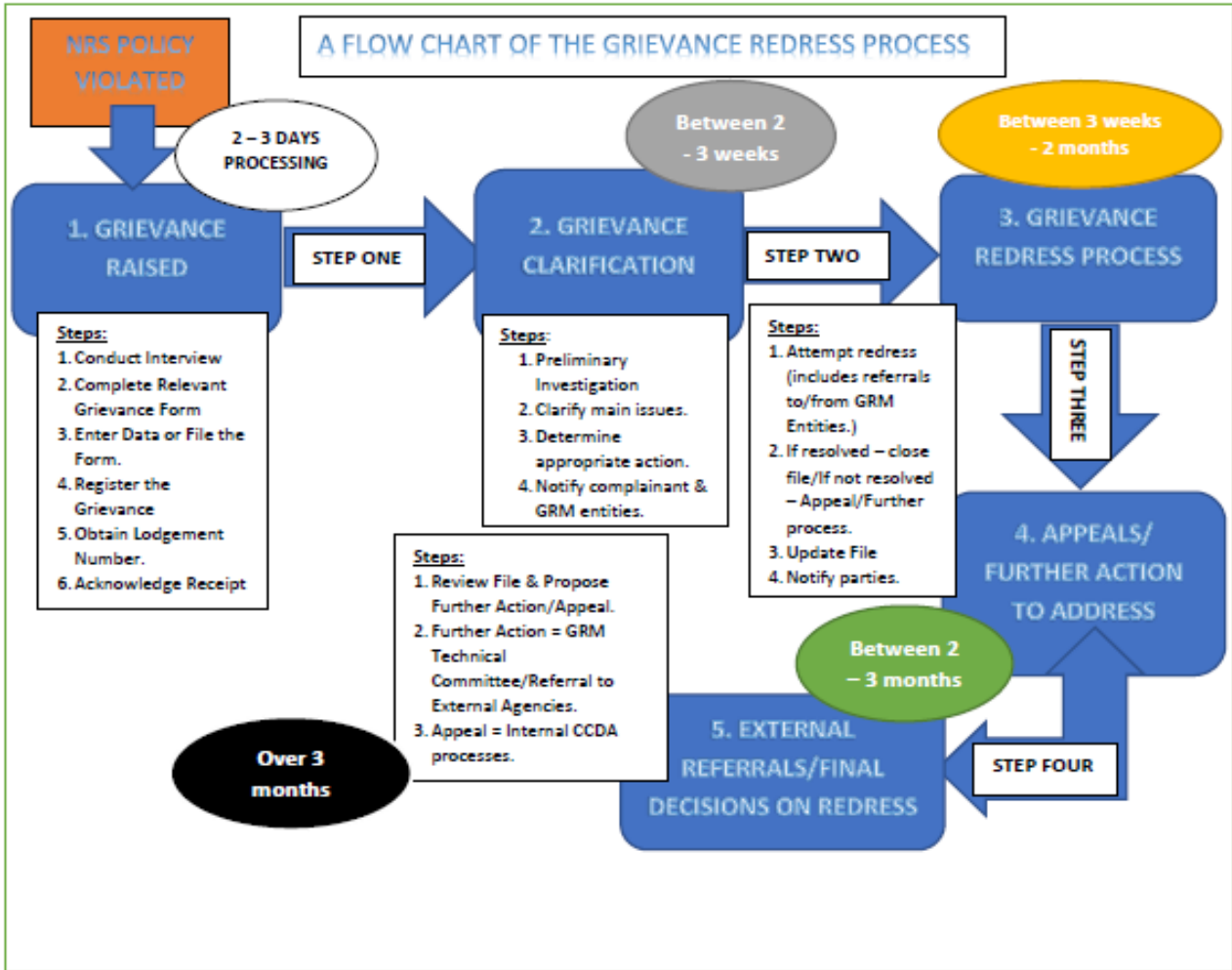
The carbon market is also quite volatile during this period of time with mechanisms under the UNFCCC still being finalized. It is anticipated that by the end of 2018 there may or may not be support for VCM methods, posing a significant risk to countries wishing to invest in such projects. As such it has been advised for the projects under the VCM and its systems to be left out of the GRM's design and scope at this stage of its development. Rather the CCDA has been advised to develop its own internal grievance redress procedures (outlined within its Project Agreement) as a means of resolving grievances that arise from existing projects. In the event that any VCM projects are captured by this GRM they will automatically be referred directly to the CCDA to be resolved using their internal management processes.

2.6 OVERVIEW OF THE REDD+ GRM PROCESS

The GRM is designed to be accessible at all stages and at levels of the grievance redress process and to capture the receipt of grievances from its first point of entry to its final point of resolution and closure. The emphasis of a GRM is to be able to use existing systems and informal or less formal means of grievance redress such as stakeholder dialogue through interviews, meetings and other forms of community engagement processes as part of the steps incorporated in reaching a resolution. This is adopted as a deterrent from the more formal systems which resort to a more confrontational and often culpable approach to resolving grievances or disputes. The process outlined in the diagram below only identifies the steps a complainant would expect to pursue after lodging a complaint or grievances within the GRM. It does not mention the entities responsible for carrying out these various steps only the timeframes and the expected outcomes at each stage of the GRM process. The purpose of this is to provide a broad overview of the grievance redress process from start to finish and the key actions one would need to pursue to reach eventual resolution.

Diagram 2: A Flowchart of the Grievance Redress Process





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3 THE INSTITUTIONAL STRUCTURE FOR THE GRM.

Within this section of the Guidelines the institutional structure of the GRM is set out with clear emphasis on the interrelationship between the respective GRM entities at the various levels and between the various sectors of society (government, industry and civil society) in so far as the channel of grievance redress is concerned. The detailed roles and responsibilities of the key GRM entities as well as their powers and functions will also be detailed to highlight the anticipated flow of grievances from one level and one stage to another. This section will also pinpoint any issues that may affect the efficient and effective flow of grievances between the various agencies, levels and channels mentioned with proposed measures for rectifying these existing problems. Some of the more long-term solutions are also provided in separate reports available at the links to the websites below.¹⁷

In May 2017 a GRM institutional structure¹⁸ was proposed with the following common elements:

- Use existing systems of grievance redress at all levels
- Use the formal justice systems established.
- Ensure government agencies responsible for a REDD+ related sector who receive grievances have option to either resolve it or refer it to the relevant GRM FP at that level.
- Ensure there was a point of referral to the CCDA GRM unit at the subnational level.
- Resolve grievances through a multi-stakeholder approach.
- Introduce key Focal Points as measures to detect grievance in all sectors and at all levels.
- Refer all unresolved grievances to the GRM unit in CCDA to record, register, address and monitor.
- Recognize the CCDA as performing a centralized function in managing the GRM.
- Be present at all levels and accessible by all complainants.

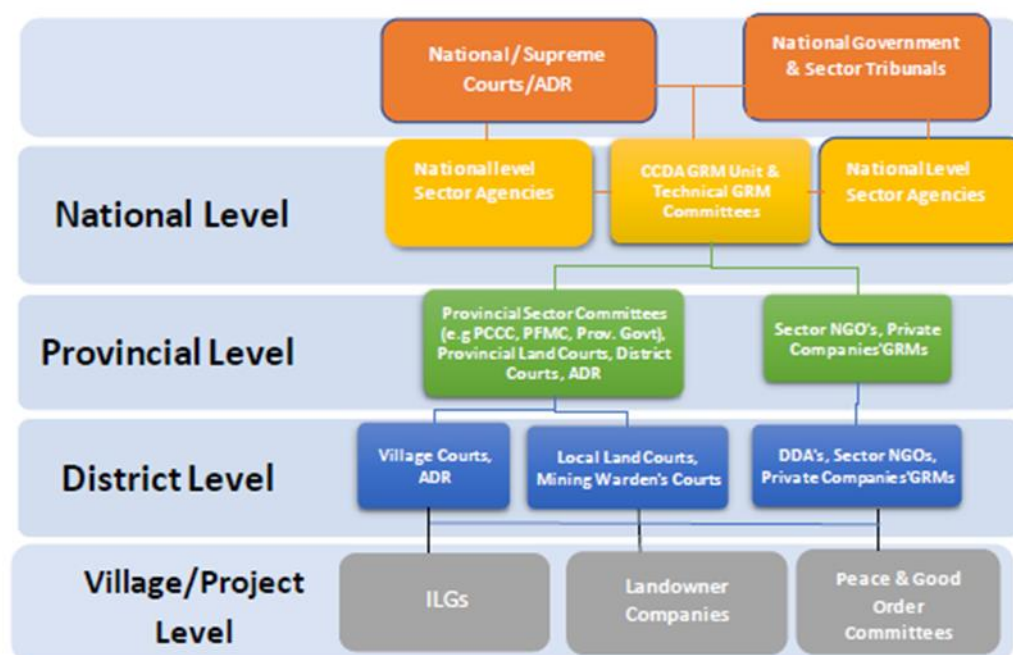
These elements were derived from the initial GRM Proposal¹⁹ conducted and, as a result, led to the design and development of the following institutional structure which sets out the various entities at the subnational level (i.e., Provincial, District and Village level) that could potentially house a GRM FP.

¹⁷ Refer to the report on the various legislative recommendations for the establishment of a GRM within the CCMA and other associated legislation/regulations/policies, i.e., “UNFCCC Compliance Report.”

¹⁸ *Proposal for a Grievance Redress Mechanism for the Papua New Guinea National REDD+ Strategy*. Consultant’s Report. May 2017.

¹⁹ Ibid.

Diagram 3: Institutional Structure for the REDD+ GRM at various levels.



The following table concisely lists the various elements of the GRM’s institutional structure and arrangements as well as the core mandate (scope, roles and functions) of the GRM entities at the various levels and within the sectors that they operate in. It also identifies the various reporting lines for each entity in terms of the grievance redress process to give us a clear indication on the levels of authority within this proposed structure.

Table 4: Summary of the Mandate (Scope, Roles & Functions) of the various GRM Entities.

MANDATE (SCOPE, ROLES & FUNCTIONS) OF THE REDD+ GRM ENTITIES					
	LEVEL	COMPOSITION	SCOPE	ROLES & FUNCTIONS	REPORTING LINES
GRM UNIT	National level (CCDA REDD+ & Mitigation Division).	Consists of CCDA staff from the REDD+ & Mitigation Division.	<ul style="list-style-type: none"> Overall management of the GRM system. Resolution of grievances (in the first or second instance). Referrals to the GRM Technical Committee or external entities. Create and maintain links with subnational level GRMs. 	<ul style="list-style-type: none"> Receipt of all grievances. Assessment of all grievances. Registration of all grievances. Referrals to relevant agencies for recourse. Follow up on referrals. Overall Periodic Reporting on GRM system (M&E requirements). 	<ul style="list-style-type: none"> GRM Technical Committee CCDA Management Relevant External GRMs/ Entities

GRM FOCAL POINTS	Subnational level (Sectors & entities that have existing capacity & links at this level.)	Consists of relevant REDD+ sector entities or other strategic subnational agencies.	<ul style="list-style-type: none"> • First point of contact for grievances. • First option for redress. • Entry point for grievances to be channeled to the national level, if required. • Located within REDD+ relevant sectors or other strategic subnational agencies. • Link between national and subnational level. 	<ul style="list-style-type: none"> • Receipt of grievances at subnational level. • Assessment of grievances at subnational level. • Registration of grievances at the subnational level. • Referrals to relevant agencies for recourse. • 'Filter' grievances for appropriate redress. • Provide periodic reports to the GRM Unit & CCDA management on its operations and progress. 	<ul style="list-style-type: none"> • Internal Sector Management • GRM Unit • Relevant External GRMs/Entities
GRM TECHNICAL COMMITTEE	National Level.	Consists of REDD+ technical experts from various relevant sectors & institutions. (E.g., CCDA (REDD+ & Mitigation Division), Donor representatives (UNDP/FCPF/ FAO), industries/CSO's with knowledge in specific REDD+ related fields).	<ul style="list-style-type: none"> • Deliberates over purely technical grievances that relate to the implementation of the NRS. • Independent of the CCDA management and TWCs. • Appeals from the decision of this entity made to the CCDA Board & MD if grievance not resolved. • All unresolved grievances proceed to the formal legal redress at the national level. 	<ul style="list-style-type: none"> • Deliberates over grievances referred from the GRM Unit. • Can deliberate over grievances referred from external entities, <i>if approved by the CCDA Management/Board.</i> • Provide periodic reports to the GRM Unit & CCDA management on its operations and progress. 	<ul style="list-style-type: none"> • CCDA Management • GRM Unit • External GRMs/Entities
PCCCs	Sub-national Level.	Consists of various CC (REDD+) related sector representatives at the subnational level.	<ul style="list-style-type: none"> • Provide a link between the national and subnational level. • Provide direction and guidance on the implementation of CC (REDD+) projects at the subnational level. 	<ul style="list-style-type: none"> • Provide a backstop for FPs at the subnational level. • Overall oversight for FPs. • Assist in verifying grievances raised at all levels. 	<ul style="list-style-type: none"> • GRM Unit • CCDA Management
EXTERNAL GRMs/ENTITIES	<ul style="list-style-type: none"> • National Level • Sub-national Level 	Consists of REDD+ sector agencies or other agencies responsible for dispute resolution at the national and subnational level (e.g., natural resource sector tribunals, Village/District/National Courts, ADR, Ombudsman Commission, Public Prosecutor/Public Solicitor's Office and the Police.)	<ul style="list-style-type: none"> • Part of existing government systems entrenched at all levels. • Provides links between the national and subnational levels. • Last resort for resolving grievances when the REDD+ GRM fails. • Established by virtue of enabling legislation. 	<ul style="list-style-type: none"> • Channels grievances from one level to another. • Responds to referrals from the REDD+ GRM or (where necessary) refers grievances to the GRM (but only where clearly specified under an MOA/MOU). • Assists in tracking grievances at the various levels. 	<ul style="list-style-type: none"> • Internal agency dispute resolution systems. • CCDA Management, if required.

3.1 KEY LINKS BETWEEN THE NATIONAL AND SUBNATIONAL LEVELS

One of the main priorities of the NRS GRM briefly emphasized in previous sections of these guidelines is to ensure that it provides links between the different levels of government as well as between the various

sectors and agencies, the different socio-economic groupings (rural and urban) and other impediments to the flow of grievances from registration to resolution. The following is a summation of the key points of the NRS GRM which bridge these gaps and help to ensure that the mechanism or system proposed is effective in achieving this objective.

3.1.1 The Key Sector FPs

As mentioned in previous sections of these guidelines, these are the most important points of entry for the GRM on the ground (or at the level of NRS PAMs implementation). They are the most pivotal links between the national and the subnational level because of their:

- position and location on the ground (i.e., within a pilot province or district),
- legal mandate as key sector representatives (government/private/NGO) who are established at the subnational level.
- easy access to information/personnel who are able to assist in the grievance redress process at the subnational level.

3.1.2 The GRM Registry & Database.

The emphasis placed on this system is to highlight its function as a tool used to connect the different forms of grievance redress at the various levels i.e., the manual and the online forms of grievance recording and registration. According to the proposed design of the GRM this will help in the effective transfer of information from the national to the subnational and vice versa thus, supporting the flow of grievance along this channel and strengthening their links. This is demonstrated in the particular tools used, the methods selected for transferral of data at each level and the entities chosen to house the different processing units of the GRM database registry.

3.1.3 District Development Authorities (DDA's)

These entities have not been mentioned as part of the formal GRM institutional structures briefly mentioned in previous sections simply because it depends on the functionality of these entities within the different provinces or districts where they are located. It is anticipated for some of these DDA's to possibly house GRM FPs, however, as stated, it depends on their functionality. It is however, worth pursuing this option simply because of the peculiar advantage these institutions have in being positioned at the subnational level, yet, without being subject to the direction of the Provincial Government unlike other district offices.²⁰ The DDA come under the direct mandate of the DPM & NEC. This gives them direct access to national level support by virtue of its legal mandate which could be an advantage in linking the various levels and sectors of government as part of the implementation of the NRS PAMs and ultimately the GRM as well.

3.1.4 External Entities/External GRMs

Although these entities do not form part of the formal GRM, they provide key links between the different levels of government because of the location of many of these entities at both levels of government

²⁰ *The Organic Law on Provincial Governments and Local level Governments (District Development Authority) Law 2013* was passed unanimously by Parliament on the 26th November 2013. The Bill was drafted to amend the Organic Law on Provincial Governments and Local level Governments to create District Development Authorities. This amendment is the most recent one to occur after numerous reforms to the system of government over the last 40 years.

(subnational and national level). Many of them also have existing offices and personnel located at the various levels, e.g., the Police, Public Prosecutor's Office and Public Solicitor's Office and District and Village Courts, which ensures that there is some form of capacity existing at these levels to assist in strengthening any channel of grievance redress introduced as part of the GRM.

3.1.5 PCCCs

These are another important link between the sector representatives at the subnational level and those at the national level because of its legislative mandate which ensures that it not only has the support of all the respective government authorities but also the authority and the resources required to perform its role or functions as part of its mandate. The only issue is its functionality at present. It was recently reported that of the 22 provincial offices planned to be established only 7 are set up and of this number, only 2 are operational.

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4 NATIONAL LEVEL GRM

There has been a strong recommendation for the GRM to be fully functional at the national level first as part of the initial phase of the establishment of this mechanism in the country simply due to the fact that this system is multi-faceted, which therefore requires the buy-in and complete integration of this GRM within all respective REDD+ related agencies in the country before it can be fully operational.

It is still uncertain as to the extent of its function at this level considering that most REDD+ relevant agencies exert most of their control and direct management on all general administrative matters from the national level. This means that implementation of the GRM at the subnational level will only be possible if and when the national level agencies endorse and adhere to the REDD+ GRM as outlined within these Guidelines.

Due to the complexity and broad scope of REDD+, the multiple agencies, institutions and structures involved, these Guidelines aim to provide a simple and user-friendly way to differentiate and connect the various systems, processes, roles and responsibilities to support implementation.

One of the keys to ensure that this is followed is to have a strong central or coordinating agency to both oversee and manage this system, hence the focus on the national level. The following Table is a brief summary of the roles, responsibilities and processes that should be taken to resolve grievances as part of this GRM entity at the national level as compared to the subnational level. It also differentiates it from the other relevant GRM entities.

4.1 ROLES & SCOPE OF GRM ENTITIES (MANDATE)

4.1.1 GRM Unit

Table 5: Overview of Grievance Redress Process at the National Level.

Steps in GRM	Action	Timeline for Steps	Person in charge
<ul style="list-style-type: none"> Receipt of complaint 	<ul style="list-style-type: none"> Interview Complainant (<i>See Annex A.1</i>) Complete GRM form (<i>See Annex A.5</i>) Generate GRN on the computer database system & registry Send acknowledgement & GRN to FPs for reference & follow up with FPs. 	<ul style="list-style-type: none"> Between 2 – 3 days 	<ul style="list-style-type: none"> GRM Unit Assistant GRM Unit Manager GRM Database & Registry Officer
<ul style="list-style-type: none"> Determine appropriate grievance redress /course of action 	<ul style="list-style-type: none"> Conduct a preliminary assessment of the grievances received and determine appropriate course of action 	<ul style="list-style-type: none"> Between 2 – 3 weeks 	<ul style="list-style-type: none"> GRM Unit Assistant GRM Unit Manager
<ul style="list-style-type: none"> Referral of grievances to: <ol style="list-style-type: none"> GRM Technical Committee. External GRMs/Entities. 	<ul style="list-style-type: none"> Identification of appropriate REDD+ related experts for the GRM Technical Committee Determine an appropriate time for the Committee to meet & Convene the meeting. 	<ul style="list-style-type: none"> Over 3 weeks but less than 2 months 	<ul style="list-style-type: none"> GRM Unit Assistant GRM Unit Manager

<ul style="list-style-type: none"> • Appeals received from decisions of the GRM Technical Committee. 	<ul style="list-style-type: none"> • Refer to the CCDA Board, for review of the decision. • If further appeal refer to CCDA MD or Minister for review and final decision. 	<ul style="list-style-type: none"> • Over 2 months but less than 3 months 	<ul style="list-style-type: none"> • GRM Unit Assistant • GRM Unit Manager
<ul style="list-style-type: none"> • Follow up on all outcomes of grievances referred to GRM entities or external GRMs/Entities. 	<ul style="list-style-type: none"> • Provide updates & maintain communication between all agents of the GRM at all levels (Maintain updated contact list of sector FPs & contact points). 	<ul style="list-style-type: none"> • Every 2 weeks 	<ul style="list-style-type: none"> • GRM Unit Assistant
<ul style="list-style-type: none"> • Identify trends in grievances 	<ul style="list-style-type: none"> • Review all data and statistics produced from the Database registry and identify trends in grievances. • Compile reports with recommendations on measures to avoid repeat of grievances. 	<ul style="list-style-type: none"> • Every 6 months 	<ul style="list-style-type: none"> • GRM Unit Assistant • GRM Unit Manager • GRM Database & registry Officer
<ul style="list-style-type: none"> • Refer unresolved grievances to formal legal channels for resolution. • Closure of resolved grievances. 	<ul style="list-style-type: none"> • Contact key individuals within the formal legal/judicial organisations for referral of all complicated/unresolved grievances. • Close all files for grievances that have been resolved within the GRM or within external entities. • Inform the database registry officer to close the file on the database/registry. 	<ul style="list-style-type: none"> • Over 3 months • After 1 year 	<ul style="list-style-type: none"> • GRM Unit Assistant • GRM Unit Manager • GRM Database & registry Officer

The first and most focal part of this REDD+ GRM is the GRM Unit located within the CCDA REDD+ Division. It is the main coordinating entity for the entire GRM and its grievance registry which will facilitate the processing of all grievances between the national level and the subnational level as they are channelled through from the GRM FPs or from other external entities. It will act as either a point of 'first instance' for grievances received or as a screening for those referred from the subnational level. Therefore, based on these key roles performed, it is expected for all relevant NRS related grievances which are lodged at the subnational level, through either GRM FPs or through External GRMs, to be transferred to the national level and registered and stored at this level within this entity as the central entity responsible for housing the GRM Unit and GRM Registry and Database.

4.1.2 Composition of the GRM unit (located in the CCDA, REDD+ division).

The Unit will consist of the following key staff:

- a Unit Manager (In his/her absence there will need to be a second in command to ensure their respective roles and responsibilities are carried out in their absence.)
- at least two (2) officers from the REDD+ & Mitigation division
- a full time or part-time officer from the National Communications and MRV Division to control/manage the database and server.
- Part-time assistants/interns (as and when required).

When a grievance is received by the GRM Unit, the GRM Unit Assistants are responsible for conducting the initial process of review and verification to ensure that the referral made from an FP or external GRM (in the event that this is necessary) is within their scope. They will also be responsible for following up on

the outcomes of the grievance referred to them and will also need to advise the ‘complainants’ or aggrieved parties of this outcome as an important function of the GRM Unit.

4.1.3 Specific Functions of the GRM Unit

Key Functions	Description of Functions
1. Receive, record & register all grievances lodged at all levels	<ul style="list-style-type: none"> • Grievances received in the first and second instance (i.e., new and referred matters from the FPs or other external entities.) • Manages the GRM registry and database and records and registers all grievances entered into the GRM system (manually or online). • The GRM database and registry ensures all grievances received are tracked and monitored for mode of redress used and type of redress delivered (through the generation of grievance redress numbers (GRNs)). • To be accessible by all members of the GRM, including FPs. • Conduct an evaluation and ensure improvement of the GRM system and the NRS.
2. Acknowledgement of grievances received.	<ul style="list-style-type: none"> • Acknowledgement and confirmation of receipt will be relayed to the complainant after a grievance is recorded into the GRM registry and database. • A tracking number will be given as a reference to the complainant. • If a grievance is made online, acknowledgement will be generated automatically via email or mobile sms (once the technology for this is in place.) • Confirmation of acknowledgement will be sent to the complainant using the most convenient mode of transmission.
3. Conduct a preliminary assessment of the grievances received and determine appropriate course of action.	<ul style="list-style-type: none"> • Two different approaches for assessment and determination of new or referred grievances to be used: <ol style="list-style-type: none"> a. New grievances - go through the full process of recording all details into ‘Grievance Forms’ (manually or online) for entry into database. b. Referred grievances - follow the tracking number allocated in the first instance (manually or online) and the file obtained from the FPs for review. • For (a) investigation to be carried out to verify the accuracy of the grievance reported. (Through meetings with the GRM entities, the complainant or relevant stakeholders or via telephone calls (landline, mobile) or emails.) • Once the cause of the grievance is determined decide whether to: <ul style="list-style-type: none"> - Resolve it internally (if within their scope) - Refer it to the relevant sector agency - Refer it to the GRM Technical Committee - Refer it to external GRM entity. • For (b) only need to review the file (all forms, supporting documents and records of communication attached) and consider how to proceed as outlined above.
4. Follow up on all outcomes of grievances referred to GRM entities or external agencies	<ul style="list-style-type: none"> • If a matter is referred to the GRM Technical Committee/External GRM entity, carry out regular follow ups on the outcomes of the redress process with key contact points. • Provide timely updates on the progress of the matter to all complainants. • Use Table 5 of these Guidelines for timing on follow up for different types of grievances.
5. Maintain communication between all agents of the GRM at all levels	<ul style="list-style-type: none"> • Using the most appropriate mode of communication, GRM Unit to maintain communication with GRM FPs at all stages of the grievance redress process to ensure access to updated information is accessible.

6. Identification of appropriate REDD+ related experts for the GRM Technical Committee	<ul style="list-style-type: none"> Identify and select specific experts (from the pool of experts available) with the skills and expertise required to determine the technical issues identified. Develop an agreement (MOA/Service agreement) between the GRM Unit (CCDA) and the experts setting out the terms and conditions of their engagement. <i>(An example of the TOR is contained at Annex A.3 of these Guidelines.)</i>
7. Draft MOUs for all REDD+ related sectors hosting FPs and arrange relevant meetings	<ul style="list-style-type: none"> Identification of appropriate FPs at the subnational level. GRM Unit (and CCDA management and REDD+ team) to develop MOUs with the relevant sector agency outlining clear terms of relationship – powers, functions, responsibilities and resources - to ensure government protocols are respected. Measures will need to be introduced to address any problems that arise. Regular (quarterly or biennial) meetings to be arranged between CCDA (REDD+ Division) and the sector heads of the FPs, to review MOUs effectiveness.
8. Ensure all GRM entities receive proper training and capacity building	<ul style="list-style-type: none"> Carry out specific training on the GRM, its structures, powers and functions within the Guidelines and steps to follow in pursuing a grievance. Carry out training and capacity building for the FPs - core functions, roles and responsibilities. The expenses for training may be covered by the GRM Unit or the sector responsible for housing an FP and may occur at the national or subnational level depending on convenience. Initial training for the GRM Technical Committee occur as part of their induction.
9. Conduct awareness and education on the NRS GRM for all key stakeholders	<ul style="list-style-type: none"> Awareness raising/training on the GRM and its Guidelines can also be offered to other stakeholders depending on availability of funds/staff. Carry out information dissemination (via posters, pamphlets, reports, website, television, radio and social media). Engage external service provider - media and communications company - if capacity is limited.
10. Identify trends in grievances and recommend measures to avoid the same	<ul style="list-style-type: none"> Analyse the grievances received/registered (i.e., causes, frequency, location and redress provided), in order to identify trends and produce reports. If systematic problems or failures are identified, refer these to the CCDA (PMU) and other key sector agencies for discussion and possible resolution. Constant communication to be maintained between GRM Unit, FPs and other key stakeholders at all levels.
11. Provide reports to donors, stakeholders and general public on the progress of the GRM	<ul style="list-style-type: none"> Compile regular reports (biannually) on the progress of the GRM and circulate to all relevant stakeholders. Use feedback from reports to help improve the GRMs processes, where necessary, and keep it relevant to the needs of the NRS.

4.1.4 GRM Unit Database & Registry

As mentioned briefly in previous sections of these Guidelines, the GRM Unit Database and Registry will also need to be in place to register the grievances received both from the subnational level and at the national level. It will need to be located in the CCDA within a central location and preferably near to the IT division or where there are existing servers. A specific office will also need to be allocated for this database and registry for purposes of security, if not able to be located within a secure office.

The database system will need to be able to track and monitor the process of grievance redress from the point of receipt to the point of resolution and eventual closure. This will cover all grievances referred from GRM FPs and any external GRMs located at the subnational level. The structure of this registry and database has been adapted from examples observed in other complaints mechanisms within other public and private sector organisations and adapted to suit the context of this GRM.

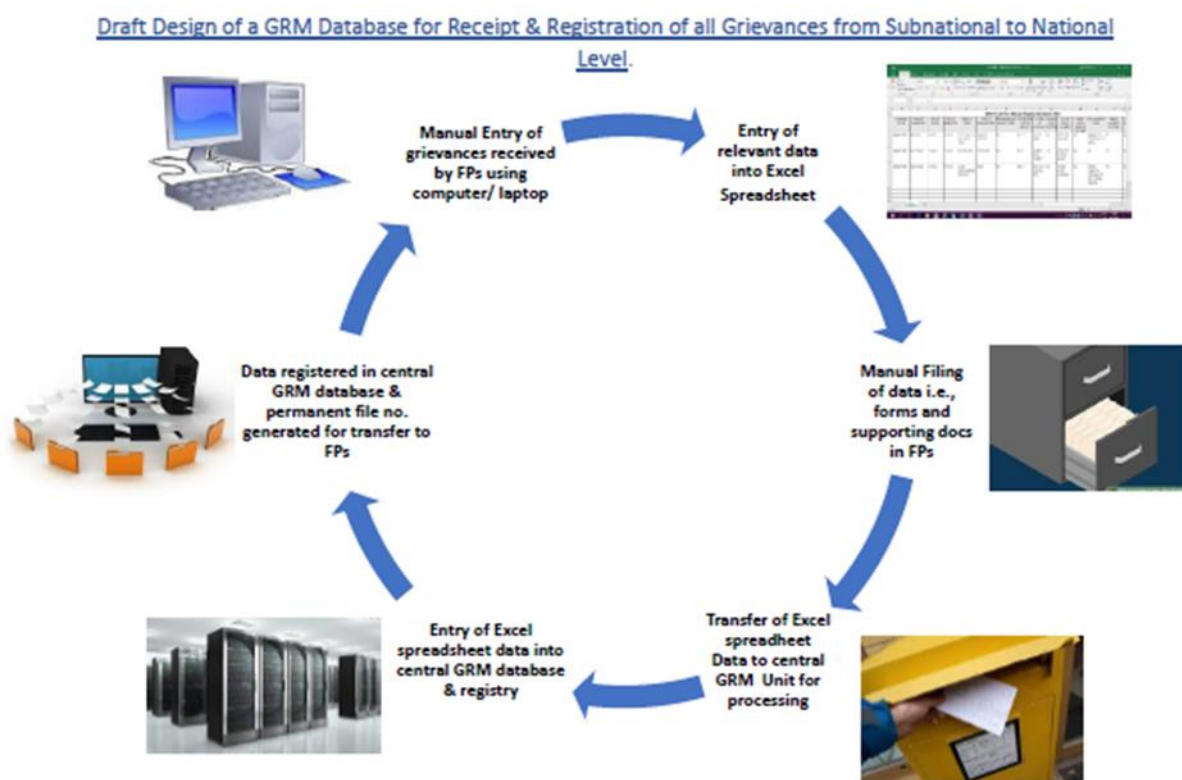
The registry and database work in tandem and begin their functions as soon as a grievance is input into the system. This process starts at the subnational level using the Grievance Lodgement Forms and manual

entry of all relevant data into the excel spreadsheet stored on the desktops/laptops provided for this purpose within the FPs.

These excel spreadsheets are then transferred to the central database and registry via either online transfer or storage on a CD Rom disk or USB drive that is then transferred to the GRM Unit via post/hand delivery. Once this data is received it is then input into the computers at the national level. The MRV and National Communications Division of the CCDA have been identified as the most appropriate division of the CCDA as indicated above, because of their internal functions as the division responsible for managing the existing servers that control the REDD+ Web Portal (and other relevant CCDA database systems). It is anticipated that this GRM database and registry will eventually be linked to these existing database systems either through a separate GRM portal or website.

This database and registry will obviously require dedicated staff, financial resources and technical expertise to both operate and maintain, and will need to be sourced mainly from within the CCDA's core budget, however, where additional financial and technical assistance is required, options to both fund and operate certain aspects of the system may be outsourced, if required.

Diagram 4: Steps for processing grievances within the GRM Registry and Database (subnational to national level).



4.1.4.1 Options for feedback

An important part of the operation of this database and registry is the need for a monitoring and evaluation function to be incorporated into its various tools. The most effective way to accomplish this is through an option for feedback from complainants, stakeholders and other users, which will need to be provided in either a manual or online form to measure the overall performance of this system. This means that this feedback option will need to be included in both the Grievance Forms when lodging a grievance

manually or as part of a feedback function online. This will help to collect necessary data on the effectiveness of the GRM system and its entities and will also identify ways to improve them.

4.1.5 REDD+ SMS Grievance Hotline

In the event that it is considered appropriate to use an SMS REDD+ Grievance Hotline for the receipt of grievances via mobile text messaging, the GRM Unit will need to elect a service provider to manage and control this specific tool. One of the key elements of a GRM system is to ensure that complainant's privacy is respected throughout the grievance redress process, as much as possible. One way this has been achieved in other public-sector complaints mechanisms is through the use of encrypted numbers so that complainants are not able to be identified after reporting and registering a grievance. Generic ID numbers are then issued to each complainant before it is sent to the GRM Unit for input and registration in the system.

This process safeguards against the possibility of outside interference or undue influence in the way the grievance is resolved and provides a safe and secure environment within which grievances are reported. This builds confidence in the credibility of the system and encourages its use at all levels.

4.1.6 Links to Existing REDD+ Sector Mobile Applications

As part of the process of stakeholder review, which was carried out over a two (2) month period following the finalization of the draft report, it was suggested for the GRM and particularly this aspect of its functions, to include existing computer and mobile applications developed within the key REDD+ sectors, e.g., agriculture.

As part of the GRM's core function of channelling grievances from the subnational to national level, it has been advised for some of the grievances from the agriculture sector to be channelled through the "Farm Force" App as part of the process of systematic tracking and M & E on specific agriculture projects or activities. This can also include information on socio-economic development trends and the identification of 'hotspots' for mitigation and adaptation measures.

"Farm Force" App is a new technology that is presently being used by farmers in some parts of PNG, such as Mt. Hagen, Western Highlands Province and in East New Britain Province and has proven to be effective in tracking issues and problems associated with specific commodities.

The technology basically allows the Extension Advisors (who act as Administrator of the App) to collect timely and systematic data and issues faced by all value chain actors. After this data is collected the Extension Advisors and the commodity company management team analyse the data/information and devise strategies or develop possible solutions or provide technical advice required to address the specific issues raised. Farmer's needs and concerns are also addressed through training programmes designed and conducted for the farmers and their farming communities.²¹

4.1.7 National GRM Technical Committee

²¹ Capacity building training programmes are usually held on site and increase the level of understanding of the commodity the farmers are involved in. It can cover anything from land preparation, nursery set up/ management, field planting/management, post-harvest and marketing techniques and food processing and preservation etc. Programmes specifically addressing gender equality are also integrated within this training.

The GRM Technical Committee is set up separately from the GRM Unit and is intended to be the final point of referral after pursuing the above-mentioned channel of grievance redress under the GRM system. Although both are located at the national level, the GRM Unit is located within the CCDA REDD+ Division, with recommendations for the GRM Technical Committee to be integrated into the internal CCDA management as an arm of the existing REDD+ SES TWC or other appropriate technical group. The reason being that this ensures its firm integration into the CCDA's core management structure, thus creating an easy channel through which grievances may be referred to the top management in the event of an appeal.

However, it is important to note, that although the GRM technical committee is integrated into the existing CCDA management it should remain independent from its direction and control in the manner in which grievances are deliberated upon. It should therefore act more as an advisory body and be subject to its own separate processes in this regard. As mentioned, the GRM technical committee normally is the last channel to pursue after all other GRM entities have been exhausted. However, there may be some cases in which grievances may need to be referred directly to the Technical Committee instead of following the other channels because of its specialized technical nature. These referrals may come from external entities.

*Attached at **Annex A.2** is a Table of the Types of Grievances that may possibly arise as well as the entity most appropriate to resolve the grievance.*

The GRM technical committee only reports to the CCDA Board, as and when required, but may in some instances also need to provide advice to the Minister, on any technical aspect of REDD+ that may require his/her decision to approve. In this instance however, the approval of the CCDA Board will need to be sought on the type of advice being sought by the Minister.

The GRM Technical Committee should consist of the following members:

- the CCDA REDD+ Division Manager,
- the CCDA MRV Division Manager,
- the CCDA National Communications Division Manager,
- A relevant REDD+ donor representative (FCPF/UNDP/FAO);
- Two (2) or more rotational REDD+ experts (not including CCDA staff) from the private/public sectors (PNGFA, CEPA, DLPP, DAL, NBPOL, Oil Palm Industry, FIA, etc.) as key advisors.
- Key environmental NGOs/civil society organisations (EFF, CIMC, Celcor, WCS, Forcert, TNC etc.)
- Representatives from academia/research institutions with knowledge on specific REDD+ related fields (UPNG, Unitech, NRI, NARI, PNGFRI etc.)

The experts will be called upon, as and when required, depending on the nature of the grievance to be determined. A tentative list of experts has been put together from preliminary discussions held between the CCDA, the FCPF and the consultant in various meetings. (This list is provided at **Annex A.4** of these Guidelines.)

It was recommended for key REDD+ related sector representatives not to be included as permanent members of this committee but rather to be included only when required (due to the nature of the grievance raised) and on a rotational basis. This is due to the fact that they are already involved in the grievance redress process at the early stages of the GRM through the use of their own internal redress processes. In addition, the types of grievances to be determined by this committee are expected to be purely technical in nature and would mostly fall within the jurisdiction of the CCDA.

The GRM technical committee is also seen as the last resort for resolving grievances within the internal GRM system. This means that if a grievance fails to be addressed by the GRM Unit and is not referred onto external bodies for resolution, then it will be automatically referred to this entity for redress.

The GRM Technical Committee will consist of a Pool of Experts who will possess the necessary expertise required to help resolve a grievance brought before them. Depending on the nature of the grievance referred to them, suitable or appropriate experts will be called upon, from those available, to assist in the deliberation of the matter. This will have to be stipulated within some form of agreement which will outline the ambit of their conditions of service for this period of time.

The only members of this committee who will not be expected to sign an agreement are the internal officers of the CCDA who will need to have permanent positions. These members will be appointed by the CCDA Board (when it is established). The reason for this is to ensure there is consistency in the operation of this entity and to retain institutional memory. The officers may be rotated on a 3-year basis, depending on the availability of the staff. (Refer to **Annex A.3 and A.4** respectively, on the TOR for the Technical Committee & initial Tentative Roster of External Advisers/Experts.)

4.1.7.1 Specific Functions of the GRM Technical Committee

Key Functions	Description of the Functions
1. Review referrals of grievances from the GRM Unit and determine technical issues	<ul style="list-style-type: none"> • Provide assistance to the GRM Unit on all grievances which are technical in nature and are unable to be resolved by any other GRM entities (or external agencies). • Ensure all grievances received comply with certain criteria demonstrated within Table on Grievances and Responsible Agencies at Section IV.
2. Seek clarification on referrals and ensure proper GRM procedural requirements were exhausted.	<ul style="list-style-type: none"> • Review and verify whether all grievances received were subject to proper investigation and all avenues for redress were exhausted prior to their referral.
3. Provide input and advice on core technical issues and make decisions to resolve the grievance.	<ul style="list-style-type: none"> • Specific experts are selected based on their field of expertise as it relates to the nature of the grievance before them. • Using the specific knowledge before them, a matter is deliberated upon and a decision reached.
4. Provide advice on the process to pursue in resolving the grievance	<ul style="list-style-type: none"> • The final decision reached will need to be conveyed to the GRM Unit and CCDA Board both in writing and in person. • A written account (minutes of the meeting) of the decision will need to be provided outlining the nature of the grievance, the issues that were considered, the reasons for the decision made and proposed actions to address it. • Copies of all records and supporting evidence used to reach a decision will need to be provided. • The GRM Unit will need to consider the decision made and actions proposed. • If the decision is not accepted by the Unit or complainant, they will refer the matter to the CCDA Board for review and further consideration.

5. Appeals from the decision of the GRM Technical Committee.	<ul style="list-style-type: none"> • All appeals against the decision of the Technical Committee would need to be referred to the CCDA Board. • The Board will review the decision and either uphold it or overrule it. • Any further appeals may be referred to the MD or Minister as the final option to pursue. (As per CCDA's internal redress options stipulated with the CCMA Act.)
6. Referrals to external entities where no appeal pursued (e.g. National Court, OC, Specific Sector Tribunals or Police).	<ul style="list-style-type: none"> • Where a grievance has exhausted the GRM processes as well as CCDA internal systems then it may be referred to the appropriate external entities as a fresh matter under the formal legal systems at the subnational or the national level. (Whichever has appropriate jurisdiction).
7. Alternative option for referral of grievances for mediation (e.g., ADR).	<ul style="list-style-type: none"> • Another option for grievance redress beyond the scope of the GRM/CCDA systems is to refer the matter for ADR (apart from the formal legal systems and depending on the nature of the grievance). • In this case, refer to ADR Courts in PNG for deliberation (pursuant to ADR Rules in PNG.)

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5 SUBNATIONAL LEVEL GRM

The most strategic entity in the entire GRM system is the GRM Focal Point (FP) due to its location at the subnational level and within the relevant sectors of REDD+. The FPs will be the first point of contact for all aggrieved parties involved in the development or implementation of the NRS at this level of government and in the pilot provinces where demonstration activities will be carried out. They have been positioned this way so that they become the key ‘entry points’ for REDD+ related grievances to be detected, reported and channelled through to the national level.

The FPs will be responsible for filtering the grievances that come in and identifying the best possible option for resolving them via a process of referral, where deemed necessary. This may require pursuing their own internal GRM processes, referring them to other FPs in other sectors at the subnational level, or referring them to formal (external) GRMs e.g., the Land Courts, District Courts or ADR.

The FPs will be the first point of contact for any grievances relating to or arising from the implementation of the NRS PaMs at their level. They will also become the primary conduits for all grievances from the subnational level to the national level (GRM Unit).

Due to their critical role all FPs selected by the CCDA will need to have access to reliable means of communication (e.g., office landline, mobiles or internet services). This will ensure that any attempts at communicating a grievance from subnational to national level will not be prevented. It is therefore imperative that the entity or sector agency selected to host an FP possesses these basic requirements prior to its establishment.

5.1 ROLES AND SCOPE OF GRM ENTITIES (MANDATE)

5.1.1 GRM Focal Points (FPs)

Table 6: Overview of Grievance Redress Process in the GRM at the Subnational Level.

Steps in GRM	Action	Timelines for Steps	Person in charge
<ul style="list-style-type: none"> Receipt of complaint by the GRM FP 	<ul style="list-style-type: none"> Interview Complainant (<i>See Annex A.1</i>) Complete GRM form (<i>See Annex A.5</i>) Generate an interim GRN on the manual excel spreadsheet & internal filing system. File the details of the grievance & complainant in a filing cabinet for records. 	<ul style="list-style-type: none"> Between 2 – 3 days 	<ul style="list-style-type: none"> GRM FP Staff/Officers
<ul style="list-style-type: none"> Determine appropriate grievance redress /course of action 	<ul style="list-style-type: none"> Conduct a preliminary assessment of the grievances received and determine following options: <ul style="list-style-type: none"> - a. Resolve internally - b. Refer to relevant sector agency. - c. Refer to GRM Unit - d. Refer to External Entity. 	<ul style="list-style-type: none"> Between 2 – 3 weeks 	<ul style="list-style-type: none"> GRM FP Staff/Officers

<ul style="list-style-type: none"> Referral of grievances to: <ul style="list-style-type: none"> a. Sector Agencies b. GRM Unit c. External entities. 	<ul style="list-style-type: none"> <u>Contact</u> the following people and provide details on the grievance (copy of the file): <ul style="list-style-type: none"> a. Relevant officers (legal) in the sector agencies. b. GRM Unit Officers c. Relevant officers in the external entities. 	<ul style="list-style-type: none"> Over 3 weeks but less than 2 months 	<ul style="list-style-type: none"> GRM FP Staff/Officers Relevant officers in the respective agencies.
<ul style="list-style-type: none"> Follow up on outcomes of grievances referred to Sector agencies, GRM Unit or external entities. 	<ul style="list-style-type: none"> Provide updates & maintain communication between GRM Unit & complainants at subnational level. 	<ul style="list-style-type: none"> Every 2 weeks 	<ul style="list-style-type: none"> GRM FP Staff/Officers Relevant officers in the respective agencies.
<ul style="list-style-type: none"> Identify trends in grievances 	<ul style="list-style-type: none"> Compile reports with recommendations on measures to avoid repeat of grievances & refer to GRM Unit. 	<ul style="list-style-type: none"> Every 6 months 	<ul style="list-style-type: none"> GRM FP Staff/Officers
<ul style="list-style-type: none"> Refer unresolved grievances to GRM Unit for resolution. Closure of resolved grievances. 	<ul style="list-style-type: none"> Contact GRM Unit to refer all complicated/ unresolved grievances. Close all files for grievances that have been resolved within the GRM FP. Inform the GRM Unit to close corresponding file in the database/registry at the national level. 	<ul style="list-style-type: none"> Over 3 months After 1 year 	<ul style="list-style-type: none"> GRM FP Staff/Officers GRM Unit Staff & Database & registry Officer

5.1.2 Composition of the GRM FPs.

The Focal Points (FPs) will be derived from entities which have core mandates, functions and responsibilities in each of the five (5) key REDD+ relevant sectors who are located within the Provinces. They should ideally sit within government entities, however, where this is impossible, due to various circumstances, industry or civil society organisations may be considered. These unique arrangements will need to be subject to special MOU's/MOAs outlining the powers, functions and responsibilities of these organisations in these situations. A Focal Point must not exceed more than one (1) for each REDD+ sector in any particular province.

Forestry:

- Public sector forestry agencies, e.g., PNGFA Provincial Offices.
- Private sector/Industry agencies e.g., reliable logging companies in the province (e.g., Cloudy Bay Timber company).
- Civil Society Organisations e.g., NGO's/CBOs that specialize in forestry, e.g., Forcert, EFF, Celcor and Barefoot.

Agriculture & Livestock:

- Public sector agencies e.g., Regional DAL offices, Provincial Government - Agriculture Divisions and any others which fall within this category.
- Private sector/Industry agencies e.g., NBPOL.
- Civil Society e.g., relevant NGO's/CBOs at the subnational level such as Farmer's Associations, Women in Business Associations etc.

Lands:

- Public sector agencies e.g., Provincial Government - Land Division, District Development Authorities and similar public-sector agencies at the subnational level.
- Private sector/Industry companies dealing with community land issues, e.g., Mining companies with special community land divisions.
- Civil Society e.g., relevant NGO's/CBOs such as EFF, Celcor and others who assist with land development issues.

Mining:

- Public sector agencies e.g., MRA Provincial Offices (if any) or any divisions of the MRA located at the provincial level.
- Private sector agencies e.g., reliable Mining companies e.g., Exxon Mobile or any other appropriate body with community affairs office.
- Civil Society e.g., relevant NGO's/CBOs such as Celcor, EFF, Women in Mining or similar organisations involved in mining projects awareness and advocacy.

Environment and Conservation

- Public sector agencies e.g., Provincial Government – Environment and Conservation Divisions, CEPA counterparts at the provincial level and any others which fall within this category.
- Private sector/Industry agencies e.g., reliable companies or private organisations in the province who have conservation divisions or help fund conservation projects.
- Civil Society e.g., NGO's/CBOs such as TNC, WCS, EFF, WWF, Celcor, etc.

Cross Sectoral Agencies:

- Public sector agencies e.g., Provincial Offices in general or District Development Authorities (DDAs), and any others which fall within this category.
- Community Development Department representatives at the subnational level e.g., ODW or other Women's Organisations.
- Civil Society e.g., Churches or Faith Based Organisations (FBOs) that address REDD+ related issues, TIPNG (especially as part of its CC/REDD+ division and ALAC program).

NB – It is recommended not to include Village Courts or District Courts as FPs because of their formal legal mandate. They are included as external agencies so will be referred to after the internal GRM processes are exhausted.

There should be at least two (2) staff members appointed within each GRM FP designated by the CCDA and the respective REDD+ related sector agencies. They would ideally need to have some basic understanding of REDD+ and the NRS PaMs, however, this is not a prerequisite for appointment as this will be covered by the CCDA REDD+ Division/FCPF PMU as part of the preliminary capacity building activities to be carried out as part of the REDD+ GRM Action Plan (to be annexed to these Guidelines once developed).

As stated above, the FPs are the key entry points for REDD+ related grievances at the subnational level and are very important in ensuring that the grievances received are screened to determine the most

appropriate mode of redress. This screening will ensure that any issues which are not REDD+ related or which are outside of the scope and jurisdiction of the GRM entities at the national level are detected earlier on and appropriately dealt with. Therefore, it is vital that the entity chosen to house this FP possesses the resources, capacity and competency necessary to carry out these basic functions and responsibilities. They will need to be able to effectively record, track and monitor the grievance and link it up with the main registry and database of grievances at the national level. Selecting an appropriate or suitable entity will help to cut back on unnecessary grievances being referred to the GRM Unit and will also be able to reduce the likelihood of creating congestion within the grievance redress system, especially for the CCDA.

5.1.3 GRM FP's Key Functions

Key Functions	Description of the Functions
1. Receive, record & register all grievances lodged at the subnational level.	<ul style="list-style-type: none"> • First point of call for grievances at the subnational level through the following forms: <ul style="list-style-type: none"> - One on one interviews with complainants. - Landline/Mobile grievances. - Email grievances (if internet is available) • Record and register all grievances on manual Grievance Redress Forms and enter all data into Excel Spreadsheet (template available). Provide temporary tracking number to complainant. • Transfer data from excel spreadsheet directly to the GRM Unit (on CD ROM or Flash drive via post/hand delivery) to enter data into system and generate permanent Grievance Redress Number (GRN). (Refer to Section VII of these Guidelines.) • Clarify grievances received from GRM Unit, where required.
2. Acknowledge and convey confirmation of receipt of grievances to the complainants.	<ul style="list-style-type: none"> • Reassure the complainant that their grievance will be addressed by acknowledging receipt of grievance through the most appropriate means of communication. Record this on the Grievance Redress Form.
3. Conduct a preliminary assessment of the grievances received and determine appropriate course of action.	<ul style="list-style-type: none"> • Investigate or further verify grievances through site visits, interviews, meetings, telephone/mobile calls or emails. • If the grievance is substantiated, conduct further assessments on the nature, circumstances or causes to determine most appropriate form of redress. • Depending on the outcome decide on the following options: <ul style="list-style-type: none"> - Resolve the grievance internally (subject to capacity and jurisdiction) - Refer the grievance to another relevant REDD+ sector agency - Refer the grievance to the GRM Unit in the CCDA - Refer the grievance to an external entity. • Seek guidance and advice from the GRM Unit and PCCCs on mode of redress, if uncertain.
4. Conduct monitoring on all grievances referred to external agencies and follow up on outcomes.	<ul style="list-style-type: none"> • If a grievance is referred to GRM Unit or external entity, carry out regular follow ups on progress of the grievance redress. • Provide regular updates to the complainants on the status of the matter. • Carry out the above in line with the 'Table of Grievance Responsibility and Time frames' set out in Section IV of the Guidelines.
5. Maintain regular communication between all agents of the GRM at all levels	<ul style="list-style-type: none"> • Maintain constant communication with GRM Unit to ensure necessary information is being relayed between the two entities. (This includes clarification on GRM system - use of the guidelines, forms, manual registry and database or NRS related activities or problems.)
6. Conduct awareness and education on the NRS GRM for all key stakeholders	<ul style="list-style-type: none"> • This function to be carried out by the GRM Unit in the initial period of establishment (1 – 2 years). • Once capacity of FP staff built up, will perform this function for respective agencies and stakeholders at the subnational level.

7. Identify trends in grievances and recommend measures to avoid them

- Observe and identify ‘trends’ in grievances reported within the GRM system at the subnational level and relay this information to the GRM Unit periodically for reporting purposes and eventual resolution.

5.1.4 Provincial Climate Change Committees (PCCCs)

The PCCCs are located at the subnational level and situated within the main provincial towns. They are provided for within the respective Climate Change Management Act.²² The objective of these organisations is to ensure there is an entity at the subnational level to assist in overseeing the implementation of the various climate change related projects and activities and to ensure there is a CCDA presence at that level.

It is suggested for these entities to form part of the GRM because of their core design as part of the CCDA’s institutional structure. As such they are able to perform an important role as a possible backstop for the FPs at the subnational level. The PCCCs will help to both monitor and support the FPs in the performance of their functions as part of the GRM by adding another dimension of checks and balances at the subnational level.

The PCCCs were selected to perform this role because of their core design, consisting of representatives from the REDD+ relevant sectors who are also represented on the various TWCs within the CCDA at the national level. This provides a strong link between the national and subnational level as well as between the sectors and the different levels of government and will help to minimize the likelihood of REDD+ related grievances arising as a result of improper application or incomplete NRS activities.

The PCCCs are quite comprehensive in their composition and extend beyond just the REDD+ related sector representatives. Some of these agencies include (but are not limited to) the following:

Public Sector: (7 Members)

- Provincial Disaster Office rep
- Provincial Fisheries Authority rep
- Provincial Forest Office rep
- Provincial Government sector rep – Agriculture and Environment
- National level CCDA rep – Prov Liaison Officer
- National Level CEPA rep
- Local Level Government rep

Private Sector/Industry: (3 Members)

- Mining rep
- Forestry rep
- Tourism rep

Civil Society Organizations: (5 Members)

- TNC/WWF/WCS/LMMA (1 organisation to represent NGOs)
- Terrestrial CBO rep
- Marine CBO rep
- CSO Forum – Churches (1 rep)

²² Refer to the National Climate Compatible Development Management Policy (NCCDMP) which refers to the establishment of PCCCs.

- CSO Forum - Women (1 rep)

Sponsor

- Provincial Administrator

Due to this degree of representation at the subnational level it would be important to include them, as much as possible, in the overall supervision and oversight for the FPs at the subnational level. However, it is also acknowledged that many of the PCCCs that have been established so far (7 out of the anticipated 22) are not functional. Those that are functional are limited in their ability to contribute meaningfully to the CCDA's strategies, policies and programs at the subnational level due to shortage of staff, resources and financial support. It is anticipated that this gap may possibly be bridged as part of the NRS PAMs implementation and funding allocated for the pilot sites, especially in relation to the support for all GRM entities.

Key Functions of the PCCCs

Broad CC Functions

- Ensure adherence to the broad policies and laws of the CCDA at the subnational level.
- Assisting in the implementation of Climate Change Action Plans at subnational level.
- Steering the implementation of the Climate Change policies, plans and activities at the subnational level.
- Facilitate and guide decisions concerning the proper implementation of climate change projects and activities at the subnational level.

Specific Functions

- Act as a backstop for the GRM FPs in the performance of their roles and responsibilities at the subnational level.
- Provide a crucial oversight role for the FP's functions.
- Assist in verifying grievances which the FPs may not be able to do themselves.
- Important point of linkage with other sectors at subnational level to assist with cross-checking the accuracy of grievances reported
- Provide added measure of legitimacy, transparency, and fairness.

5.1.5 VCS Projects & GRMs

As mentioned briefly in Section II.A, there are two distinct types of grievances at the project (subnational) level which will need (2) distinct approaches in terms of redress. This covers grievances that arise from either VCS projects certified and governed by the VCM system, such as the April-Salumei project or those that arise from the implementation of the NRS PAMs and related activities within the pilot sites at the provincial level. This section is concerned with grievances that arise from VCS projects.

Grievances that arise from projects governed by the VCS are required to be resolved in accordance with the separate internal complaints and dispute resolution policies and procedures developed and introduced by the project proponent within the terms of the agreement signed by all parties to the project. These conditions come into force from the time of its execution and are not subject to any other provisions of any other agreement including the NRS, unless specifically legislated by law.

Most grievance redress processes are often left to the discretion of the project proponent and the parties to the contract (e.g., government authorities responsible, ILG representatives, local community representatives). This means that many of the processes used to determine grievances combine both customary practices as well as VCS procedures (where required). The only aspects of the grievance redress processes that are not flexible are the timeframes, (time limitation of thirty (30) days resolution), the need for acknowledgements to be sent to aggrieved parties, the need for written decisions on the resolution chosen and notification to be sent to aggrieved parties on the outcome of the redress.

Apart from the above-mentioned processes, there were also instances in which certain grievances were required to be referred to external GRMs for redress, e.g., national or international legal or judicial agencies for determination. These grievances mainly related to issues of a very specific and highly technical nature (e.g., fraud, breach of contract, improper application of VCS or CCCB systems and processes, inappropriate carbon credit calculations or carbon trading procedures). Many of these grievances also possessed criminal elements, thus, requiring the need for external grievance redress processes to resolve them.

It is also important to re-emphasize that these VCS project approvals have to take place at the national level. This means that the CCDA are responsible for ensuring compliance within these processes on a periodic basis, as and when required, and cannot leave this to the subnational level agencies to deal with. They do not have the jurisdiction to do so. That means that all VCS project related approvals, implementation and compliance need to be referred directly to the national level at all times during the project's tenure.

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6 EXTERNAL ENTITIES & GRMs

The external entities that are mentioned in previous sections of these Guidelines which form part of the referral system within the GRM, have representatives or agents at the subnational level. However, the majority of their central operations, their core administration, high level decision making and directions are made at the national level. These entities are already a part of a government system which is well entrenched in the country and at the various levels. They already have links with the district and provincial offices in terms of channelling grievances from one level to another and the method or system of recording and registering them at the various levels.

That is the reason why they have been emphasized as being more appropriate as part of the referral system when the REDD+ GRM is not able to resolve the grievances brought before it. These entities are the last resort when the REDD+ GRM fails to achieve the desired outcome. These external entities are all well established by virtue of their enabling legislation which places them with the ultimate mandate and authority on all dispute resolution within the country.

In addition to these external entities is the existence of specific and standalone external GRMs which may or may not form part of these entities. The external GRMs are established by virtue of the Constitution of PNG, e.g., the Village, District, National and Supreme courts of the country.²³

The following is a brief overview of the roles and responsibilities of these external entities and external GRMs and the different ways in which they can support the REDD+ GRM.

Some of the external GRM entities mentioned previously include:

- REDD+ sector tribunals e.g., Lands, Mining and Environment and Conservation (CEPA).
- the Village, District and National Courts including the ADR 'Courts'
- the Ombudsman Commission,
- the Public Prosecutor or Public Solicitors Office;
- the Police

6.1 DESCRIPTION OF KEY EXTERNAL GRMs.

As mentioned in previous sections of these guidelines, the external GRMs are not a part of the NRS GRM itself as proposed herein, however, they constitute an important part of the overall system that exists to address grievances that arise within the country which could also include the NRS. The external GRMs are the final points of referral along this chain of grievance redress and only come into play once all other entities are exhausted and/or fail to reach the desired outcome.

These external GRMs are vastly different so they can only receive grievances that fall within their specific mandates. This will require the GRM entities (GRM Unit and FPs) to be well informed of the differences and of which types of grievances to refer to which entity. This is covered within the **Table of Grievances and Codes** attached at **Annex A.2** of these guidelines.

In order to facilitate this process, a list of the external GRMs will need to be created with the names of the respective contacts within these agencies. It will need to include their positions, telephone/mobile

²³ Sections 154 – 177 of the Constitution establishes the Judicial system and the various courts in the country that have the sole responsibility of determining disputes as well as those legal agencies responsible for administering this process.

numbers, email addresses and any other information required for this purpose. This will assist with the process of follow up and monitoring of the progress of a grievance and also for purposes of reporting. In some cases, the complainant will need to follow up directly with the external agency if not possible via the relevant GRM entity. In these instances, the GRM entities do not exercise any authority or responsibility over a grievance that has been referred to these entities so it's important for complainants to be made aware of this. This does not prevent the GRM entity from inquiring on its progress, but that is as far as it can go.

The GRM entity must respect the external GRM's authority and confidentiality in this case. The only instance in which they may be compelled to reveal information to the GRM entity is if its compelled by law to do so.

Table 7: Description of External GRMs & Entities.

Name of External GRM	Description of Entity
The REDD+ related Sector Tribunals	<ul style="list-style-type: none"> • These tribunals exist by virtue of national legislation • Deliberate over sector specific grievances/disputes not resolved via internal processes. • A semi-formal means of dispute (grievance) resolution in the form of a 'tribunal' or in some instances a 'court'. • Found most commonly in the economically viable sectors such as the land and mining sectors. • Further information on this provided within the "Proposal for a Grievance Redress Mechanism for Papua New Guinea's National REDD+ Strategy."
The Village, District, National and Supreme Courts²⁴	<ul style="list-style-type: none"> • These courts make up the formal judicial system in PNG and are the courts of inherent jurisdiction in all disputes brought before them. • Supersede any other dispute (grievance) redress mechanism that may exist in the country. • They are also referral courts in the event that disputes (grievances) fail to be resolved within the lower courts, informal or semi-formal GRMs in PNG. • The Village and District Courts exercise their sole jurisdiction at the sub national level • The National Courts exercise their jurisdiction as an appellate court and a court of 'first instance' at the national level. • Any matter may be brought before these courts from any sector and at any level except in relation to land disputes.
Alternative Dispute Resolution (ADR)	<ul style="list-style-type: none"> • Disputes may be referred for alternative dispute resolution if they fail to be resolved in the District or National Courts or require 'out of court' settlement. • Disputes that fall within this category register with the ADR Track of the National Court for resolution using ADR (i.e., mediation, negotiation, conciliation, arbitration etc.) • More efficient in resolving disputes and lessens the case load in the justice system.

²⁴ Ibid

Ombudsman Commission	<ul style="list-style-type: none"> • A constitutional office established by Constitution of PNG. • Has authority and power to set up and preside over Leadership Tribunals. • Leadership tribunals deliberate over grievances (disputes) which arise from breaches to the 'Leadership Code.' • Instituted as part of investigations by Police or as referrals from other constitutional offices/government agencies (e.g., the Public Prosecutor or Public Solicitor's Office.) • Cover disputes that arise from official corruption, offences by public officials. • Can investigate offences from the land and natural resource, however, only those involving public officials/leaders. • Receives, registers, investigates and prosecutes complaints (in some cases), and enforces the law.
The Public Prosecutor and Public Solicitors Office	<ul style="list-style-type: none"> • Mandated by the Constitution of PNG and individual legislation. • Performs its core functions at all levels of government. • Receives, records, resolves (prosecutes) and/or refers any dispute that is brought before it. • Handles all types of disputes brought before them – civil and criminal. • Has new Human Rights Division to address specific human rights breaches.
The Police (RPNGC)	<ul style="list-style-type: none"> • Mandated by individual legislation. • Receives, records, investigates and refers all complaints that are criminal in nature. • Government agency mandated to enforce the Criminal Code in PNG. • First point of call for the referral of all criminal offences. • Extensive network and presence at all levels of government.

7 CONCLUSION

The GRM system outlined in the various sections of these guidelines requires the involvement of multiple agencies, jurisdictions and levels of government to function effectively. This is no easy task to accomplish and will demand the cooperation, collaboration, time and money of each and every sector and agency identified in order to work. If this is able to be accomplished then it will be the first time for such a system to be devised and implemented in this country, especially one that does not require specific legislative enactments to exist.

The CCDA in partnership with the FCPF and relevant REDD+ sector agencies will have to appreciate that some measures may be implemented immediately whilst others will take more time to realize. This, however, is to be expected because of the GRMs unique design. The fact that it ties into an existing system and structure makes it much easier to implement than an entirely new one. The unique design adopted by this mechanism is reflective of the NRS/REDD+ in that it requires the involvement of more than one key sector to achieve its objectives, i.e., the involvement of climate change, forestry, lands, agriculture, planning, finance and others.

In concluding, it is therefore imperative that this mechanism functions as it was intended: as a multifaceted and multi-sectoral approach to grievance redress for REDD+/NRS throughout the country. These Guidelines and all accompanying documents and plans aim to facilitate this objective and ensure that all entities at all levels have the tools and guidance required to make this happen. When all sectors and all responsible entities have the same understanding on how this mechanism is required to function they can better understand their role in the overall design with minimal risk of cross jurisdiction or breaches in legislative mandates.

The GRM also, by virtue of its design, inadvertently extends beyond just REDD+ but also becomes an avenue for the detection of other key issues or concerns that may be addressed by the more formal legal systems in the country, which may otherwise be overlooked due to the lack of a collective pool of resources and/or a collaborative network of organisations from all sectors working to achieve a common objective.

8 WAY FORWARD

*An appropriate GRM Action Plan will be developed by the CCDA as part of their internal review process and planning strategy. An initial draft Action Plan was devised as part of the guidelines and is included as part of the accompanying documents attached at **Annex B.1** of these Guidelines. Details on the recommended measures to be taken are provided in that document for further interest.*

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9 ANNEXES

A. GRM Guidelines

1. Template of Questionnaires for interviews by GRM entities.
2. Table of Grievances Classification (for relevant or appropriate kinds of Grievances to report as part of the NRS.)
3. TORs for the GRM Unit and the Technical Committee.
4. Draft Template of Roster for GRM Technical Committee Experts
5. Template for Grievance Receipt & Acknowledgement Form.
6. Draft Design of Manual GRM Registry within proposed GRM FP's at the subnational level.
7. Draft Design of the online GRM database for receipt and registration of all complaints or grievances referred to CCDA.

B. GRM Action Plan

1. Sample of the Draft GRM Action Plan for review and further development by the CCDA.
2. Sample Generic MOU for the Key sectors hosting FPs in the Pilot Provinces.
3. Sample of Sector-specific GRM Guidelines and procedures for one agency.

C. Supplementary Documents

1. Table of the FCPF/UNDP Key performance criteria gaps and/or weaknesses identified in each of the key natural resource sectors assessed.