

**Developing a Feedback and Grievance Redress Mechanism  
for REDD+ Implementation in Nepal**



REDD Implementation Centre  
Ministry of Forests and Soil Conservation  
Babar Mahal, Kathmandu, Nepal

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## Executive Summary

Nepal consists of a land area of approximately 147 thousand square kilometer, housing about 31 million peoples of which about 80% (more than 18,000 groups) depend on the forests for their daily livelihood. Many types of grievances are presently expressed by forest users who are primarily concerned about their access to the forest and user rights, especially because of a rapid shift in land tenure occurring since the 18<sup>th</sup> century. Besides forest user rights, grievances are also expressed on issues as illegal extraction of products, influence of elites, inequitable resource distribution and exclusion of resources to marginalized groups (women, indigenous peoples and Dalits). Forest users prefer handling grievances by informal grievance mechanisms and refer to customary forums in which accepted leaders conduct a mediation session to settle the dispute. If this is not successful, disputants may submit their grievance to the forest authority - District Forest Officer, Warden or relevant authority— who hears the disputants and has a final say in the dispute.

With the implementation of the REDD+ program, Nepal will construct a grievance feedback and redress mechanism (GRM) in the current structure of the Ministry of Forests and Soil Conservation (MoFSC). The GRM is a space for stakeholders to discuss problems and solve problems through an acceptable, independent and institutionalized mechanism for resolving conflict coming from REDD+ implementation. Grievances can be submitted by email, written letter, telephone, SMS and a suggestion/complaint box placed at the District Forest Office (DFO). Support from NGOs, interest groups and other stakeholders is necessary for helping local forest users submit their grievances. Grievances are assessed by subject-experts and DFO staff possessing substantial knowledge about forestry, REDD+ and conflict resolution. In relative difficult cases, an external expert can serve as a mediator in trying to reach agreement between disputing parties. If parties are unable to reach a resolution, they may submit an appeal to the REDD Working Group, who will decide on the case. As a last resort, REDD stakeholders can submit a formal complaint through the DFO or other parts of Nepal's justice system.

Operationalization of the GRM will take 15 months. In the first 9 months, several activities are undertaken such as staff training and administrative tasks to set up the grievance mechanism for the Terai region. Second level operationalization includes expanding to a nationwide GRM with case officers stationed in all five regional forest offices. The last three months of operationalization are dedicated to creating a digital modality for submission via email. The GRM will be introduced with a comprehensive communication plan, targeted to local communities, private forest holders, NGOs and other interest groups, regional and district level forest offices, experts in environmental and social sciences, REDD+ related structures, and GRM clients.

The study team concludes that with the quasi-judicial structure proposed. The grievance redress mechanism can be seen as an “in-between” step stakeholders can take after informal dispute resolution fails. This step is crucial, given the high amount of existing conflict, and the difficulty local forest users have accessing the formal system because of its complexity or anxiety to use the system. The study team recommends for the GRM to



become institutionalized and effective in handling grievances in an impartial and timely manner. On the *legal* topic, the team recommends to create legal provisions for GRM implementation, including amendment of laws and regulations. To ensure adequate *execution* of the GRM, the study team recommends to gradually expand the GRM from regional to national focus while learning. This will have to go together with expert guidance, raising awareness and providing incentives for stakeholders using the GRM.

## सारांश

नेपालले ओगटेको १४७ हजार वर्ग की. मि. क्षेत्रमा लगभग ३१ लाख घरपरिवारको गृहस्ती चलेको छ । जसमध्ये ८०% मानिसहरु (१८००० भन्दा बढी समुहहरु) आफ्नो जीविकोपार्जनका लागि वन-जंगलमा भर पर्दछन् । सन् १८ औ शताब्दी देखि पटक-पटक वनजंगलले ओगटेको जमिनको स्वामित्व परिवर्तन हुदाँ स्वामित्व सम्बन्धि विभिन्न खाले गुनासाहरु अहिले पनि सुन्न पाइन्छ जस्तै वन जंगल सम्बन्धि श्रोतमा पहुँच, उपभोक्ताको अधिकार आदि । वन श्रोतमा उपभोक्ताको अधिकार बाहेक ठुला-बढाको, प्रभाव, अवैध चोरी-निकासी, असमान वितरण र महिला, दलित र आदिवासीको श्रोतको प्रयोगबाट बहिष्करण भएका जस्ता गुनासाहरु पनि छन् । वनका उपभोक्ताहरु विवाद/गुनासाहरु समाधान गर्न अनौपचारिक निकायहरु रुचाउँछन् । त्यस्ता परम्परागत निकायका व्यक्तिहरुद्वारा मध्यस्थता गरी विवादहरु समाधान गर्दछन् । यदि अनौपचारिक निकायबाट विवाद समाधान नभएमा मात्र जिल्ला वन अधिकारी, वार्डेन, वा सरोकारवाला अधिकारीहरु समक्ष गुनासाहरु दर्ता गर्ने चलन छ जहाँ विवादको सुनुवाई गरी अन्तिम निर्णय दिइन्छ ।

रेड कार्यक्रमको कार्यान्वयनका निम्ति नेपालले वन मन्त्रालयको वर्तमान संयन्त्र भित्रै गुनासो समाधान संयन्त्र (GRM) स्थापना गर्ने छ । जसमा सरोकारवालाहरु छलफल गरी समस्याको समाधान खोज्ने छन् । परिणाम स्वरूप सो संयन्त्र सर्व स्वीकार्य, स्वतन्त्र, निष्पक्ष र संस्थागत भई रेड कार्यक्रमको कार्यान्वयनमा आउने विवादहरु सहजरूपमा समाधान हुनेछन् । गुनासा तथा विवादहरु पत्र, इमेल, टेलिफोन, एस. एम. एस. द्वारा अर्थात् सुझावपेटी आदिमा प्राप्त हुन सक्नेछन् । स्थानीय वन उपभोक्ता समूहलाई विवादहरु दर्ता गर्न स्थानीय गैह्र सरकारी संस्था, इच्छुक व्यक्ति तथा समुहहरु आदिले सहयोग गर्न सक्दछन् । विवाद/गुनासाहरुको परीक्षण तथा समाधानको पहल विशेषज्ञहरुले र जिल्ला वन कार्यालयका कर्मचारीहरु जसले विवाद समाधानको प्रयाप्त ज्ञान र शीप राख्दछन्ले मात्र गर्नेछन् । केही कठिन विवादहरुमा भने बाह्य व्यक्तिहरुले मध्यस्थता गरी विवादीत पक्षलाई मेलमिलाप गराउने छन् । यदि विवादित पक्षहरु सहमतिमा पुग्न नसकेमा, उनीहरु आफ्नो विवाद रेड कार्य समूहमा दर्ता गर्न सक्नेछन् । अन्तिम उपायको रूपमा भने सरोकारवालाहरु राज्यका न्यायीक औपचारिक निकायहरुमा जान सक्नेछन् ।



गुनासो सुनुवाई संयन्त्र (GRM) लाई कार्यात्मक रुप दिन पन्ध्र महिना लाग्ने छ । शुरूका नौ महिनामा थुप्रै क्रियाकलापहरु गर्नुपर्ने छ जस्तै कर्मचारी तालिम, प्रशासनीक व्यवस्थापन तथा अन्य आवश्यक व्यवस्थापन गरी तराई क्षेत्रमा GRM संयन्त्रको स्थापना गरिने छ ।

त्यसपछिको दोश्रो चरणमा देशभरी GRM स्थापना गर्न र पाँच वटै क्षेत्रिय वन कार्यालयहरुमा केस अफिसरहरु व्यवस्था गर्न लाग्ने छ । अन्तिमका तीन महिना इमेल मार्फत विवाद दर्ता गर्ने व्यवस्था र वेभ साइट निर्माण गर्नलाई छुट्याइएको छ । गुनासो सुनुवाई संयन्त्र वृहत संचार योजना सहित स्थापना हुनेछ, जसको लक्ष्य स्थानीय समुदाय, नीजि वनवाला व्यक्तिहरु, गैर सरकारी संस्थाहरु तथा अन्य इच्छुक समूहहरु, क्षेत्रिय तथा जिल्ला वन कार्यालय, वातावरण र सामाजिक विज्ञहरु, रेडप्लस सँग सम्बन्धित संरचनाहरु र GRM प्रयोगकर्तालाई समावेश गरिने छ ।

अध्ययन समुहले अर्धन्यायिक GRM संरचना प्रस्ताव गरेको छ । GRM अनौपचारिक र औपचारिक निकायहरुको बीचमा रहनेछ । यदि सरोकारवाहरुले अनौपचारिक निकायबाट आफ्ना विवादहरु समाधान गर्न असफल भएमा GRM मा आउने छन् । वन क्षेत्रमा व्यापक मात्रामा गुनासाहरु हुनु र स्थानीय वन उपभोक्ताहरुलाई औपचारिक न्यायिक निकायहरुको प्रयोग गर्ने ज्ञान नहुनु र प्रकृया जटिल हुनुको अवस्थामा एउटा मजबुत GRM को स्थापना हुनु आफैमा एउटा महत्वपूर्ण चरण सावित हुनेछ । जनगुनासाहरु निष्पक्ष र प्रभावकारी रुपमा समयमै समाधान गर्नका लागि GRM लाई संस्थागत गर्ने उद्देश्यले अध्ययन कार्यदलले निम्न सुझावहरु प्रस्तुत गरेको छ । GRM को प्रभावकारी कार्यन्वयनका लागि कानुनका क्षेत्रमा स्पष्ट कानुनी आधार वा प्रावधान निर्माण गर्न वर्तमान कानुन तथा नियमावलीहरुलाई संशोधन गर्ने सुझाव दिन्छ । GRM विस्तार गरी देशव्यापी कार्यन्वयन गर्ने सवालमा सर्वप्रथम क्षेत्रीय तहमा कार्यन्वयन गरी सिकाईको आधारमा मात्र देशव्यापी विस्तार गर्ने सुझाव दिन्छ । यो कार्य गर्न विशेषज्ञहरुको सुझाव तथा निर्देशनका साथसाथै समुदायको सचेतना, सम्बन्धित सरोकारवालाहरुलाई उपलब्ध गराइएको प्रोत्साहन तथा GRM को प्रभावकारी प्रयोग आदिमा भर पर्नेछ ।



## Abbreviations

ACOFUN	: Association of Community Forest Users Nepal
BZMR	: Buffer Zone Management Rule, 2052
CoFSUN	: Community Forest Support Network
CoNRF	: Confederation of Natural Resource Federations
CFCC	: Community Forest Coordination Committee
CFUG	: Community Forest User Group
DDC	: District Development Committee
DFO	: District Forest Office/Officer
DFCC	: District Forest Coordination Committee
FA	: Forest Act, 2049
FAN	: Forest Action Nepal
FCPF	: Forest Carbon Partnership Facility
FPIC	: Free Prior Informed Consent
FoPAM	: Federations of Protected Area Management
FR	: Forest Rules, 2051
GRM	: Feedback and Grievance Redress Mechanism
GIS	: Geographic Information System
GoN	: Government of Nepal
HIMAWANTI Association	: Himalayan Grassroots Women's Natural Resource Management Association
IAIA	: International Association of Impact Assessment
IAS	: Invasive alien species
ICEM	: International Centre for Environmental Management
IAT	: Independent Assessment Team
ICIMOD	: International Centre for Integrated Mountain Development
IEE	: Initial Environmental Examination
IIED	: International Institute for Environment and Development
ILO	: International Labor Organization
IP	: Indigenous People
IPO	: Indigenous People Organization
LFUG	: Leasehold Forest User Group
LSGA	: Local Self-Governance Act 2055
LSGR	: Local Self-Governance Rules 2056
MoFSC	: Ministry of Forests and Soil Conservation
NEFIN	: Nepal Federation of Indigenous Nationalities
NEFUG	: Nepal Federation of User Group
NAPA	: National Adaptation Programmes of Action for Climate Change
NFA	: Nepal Foresters' Association
NoIN	: Networks of Indigenous Nationalities
LAPA	: Local Adaptation Programmes of Action for Climate Change
NGO	: Non-Government Organization
NPAWCA	: National Park and Wildlife Conservation Act, 2029
OECD/DAC	: Organization for Economic Co-operation and Development/ Development Assistance Committee



OP	: Operational Policy
PES	: Payments for Ecosystem Services
REDD	: Reduce Emission from Deforestation and Degradation
SEA	: Strategic Environmental Assessment
SES	: Social and Environmental Safeguard
SESA	: Strategic Environmental and Social Assessment
TOR	: Terms of Reference
UN	: United Nations
VDC	: Village Development Committee
VFCC	: Village Forest Coordination Committee
WB	: World Bank
WWF	: World Wide Fund for Nature





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## Chapter 1 Introduction

Nepal consists of a land area of approximately 147 thousand square kilometer which is landlocked between India and China in South Asia. Nepal's forest cover is dispersed over three geological regions: the flat plan in the South (Terai river plain of the Ganges River), the highly elevated Himalaya mountains in the North and the central hill region situated between the Terai and the Mountains (Figure 2). The country houses about 31 million peoples (July 2014) of which about 80% depend on the forests for their daily livelihood.

Deforestation is the result of increasing pressure of peoples on the forest. The Government of Nepal (GoN) aims to combat these drivers of deforestation by implementing a program of Reducing Emission from Deforestation and Forest Degradation (REDD+<sup>1</sup>). In recent years, Nepal has been working on preparing the REDD+ program in order to gain benefit from i) reducing emissions from deforestation, ii) reducing emissions from forest degradation, iii) conservation of forest carbon stocks, iv) sustainable management of forests and v) enhancement of forest carbon stocks.

The REDD+ program is led by the REDD Implementation Center in the Ministry of Forest and Soil Conservation. The objective of the Nepal Readiness Preparation Program is to prepare Nepal to engage in and benefit from the potentially emerging performance-based system from REDD+ within the context of the international climate negotiations of the United Nations Framework Convention on Climate Change. The Forest Carbon Partnership Facility of the World Bank (FCPF) is supporting Nepal in its national efforts towards "REDD+ Readiness".

The REDD+ readiness activities for Nepal are guided by the Readiness Preparation Proposal (R-PP) which was approved by the Forest Carbon Partnership Facility of the World Bank in 2010, providing Nepal with a grant to implement the activities outlined in the R-PP. In the readiness phase, Nepal needs to design several structures and processes to prevent forest destruction. These are: establish an effective management structure, conduct a broad and inclusive consultation and participation of stakeholders, prepare a national REDD+ strategy, develop a reference scenario, develop a system for measuring, reporting verification (MRV) and a monitoring and evaluation framework.

The readiness program has been making steady progress to establish these structures and processes until today under leadership of the REDD Implementation Center which has a capacity and confidence to manage the readiness process in both technical aspect and administrative management. One of the final requirements under the readiness management structure is to develop a feedback and grievance mechanism to help REDD Implementation Center in learning and improving in the implementation phase.

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<sup>1</sup> REDD+ stands for a country's efforts to reduce emission from deforestation and forest degradation and foster conservation, sustainable management of forests and enhancement of forest carbon.

Introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources and on sharing cost and benefits of REDD+. It has therefore become requisite for Nepal to prepare and introduce a Feedback and Grievance Redress Mechanism (GRM) to address conflict over sharing of forest resources benefits. A team of experts on Conflict Resolution (team leader), Sociology and Environmental Law was tasked to prepare the GRM in order to respond to contentious issues, complaints and disputes related to REDD+. The GRM is intended to complement, not replace, formal legal channels for managing grievances in Nepal (e.g. the court system, organizational audit mechanisms etc.).

## 1. Purpose of the Assignment

The main reason for this study is to assist the REDD Implementation Center and other policy makers in building a long term and effective REDD+ program that can be useful to eradicate poverty and promote sustainable livelihoods for Nepalese individuals, families, and communities. In this context, the present study is a first step towards the design of a GRM aimed at reducing the vulnerability of communities and strengthening their participation in and accountability of the program.

The GRM study aims to **build on the existing social, economic and political structures in Nepal in developing an integrated, acceptable and functional grievance redress mechanism for the implementation of climate change mitigation efforts under the REDD+ scheme**. The specific requirements of the study are:

- Assess existing formal and informal feedback and grievance redress mechanisms at local, district, regional and national level
- Identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism, including a plan for building on strengths and closing the gaps to strengthen grievance redressing capacity
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders.

There is an inclusive and adaptive process needed for the development of an effective GRM. The embedded nature of the GRM requires a thorough understanding of the context, and therefore follows an **exploratory approach with a multidisciplinary team of experts**. For the largest part of the assignment, the team of consultants is interacting with stakeholders from various parts of the country, each with a different culture and level of development, livelihood goal, forest dependency and management. This diversity provided the point of departure for development of the GRM, which involves a review and gap analysis of existing policies, laws, regulations, institutions and procedures leading to development of new ones as needed. A significant amount of time is dedicated to

review existing structures and context, to ensure an integrated GRM in the REDD+ framework rather than a stand-alone structure.

## **1.2Contents of the Study**

The study consists of nine chapters. It starts with a brief introduction to the assignment, after which the methodology for designing the grievance mechanism is presented in Chapter two. In this methodology chapter, we explore the study site and approach before going into more details about study design, sampling, data collection and analysis. The Chapter ends with a discussion of the challenges as well as the expected outcomes and limitations of the study.

The essence of Chapter three is to elucidate the nature of a feedback and grievance redress mechanism and how it related to the current international regime in REDD+. Furthermore, specific international and national conditions by which the feedback and grievance redress mechanism should adhere are outlined and discussed in the Nepal context.

Chapter four outlines the context of forest management systems on which the REDD+ program is built. The Chapter gives a historic overview of Forestry in Nepal necessary to understand the root of conflict and grievances existing today.

In Chapter five we give an overview of existing formal and informal grievance redress systems. The Chapter starts with a review of forestry laws regulated to grievance and continues with an assessment of current effectiveness of these laws in handling forestry related disputes. We also review existing informal systems for dispute resolution and its effectiveness towards grievance regulation in the forestry sector.

Chapter six summarizes different types of grievances potentially influencing REDD+ implementation. First, grievances arising from the current situation in the forestry sector are identified and discussed. Potential grievance from environmental and social risk expected from climate change and those identified by stakeholders are also outlined.

Chapter seven explains how the GRM is designed based on the outcome of the analysis in previous chapters. The Chapter starts with setting out the scope and goal of the mechanism, after which the structure and procedures are discussed. The discussion continues with measures for successful operationalization and recommendations for institutional mainstreaming of the GRM. The Chapter concludes with a framework for grievance monitoring and evaluation.

Chapter eight presents measures for successful operationalization and recommendations for institutional mainstreaming of the GRM. The Chapter further proposes a framework for grievance monitoring and evaluation, and ways to improve the GRM. The Chapter concludes with a plan for communicating the GRM to stakeholders during initiation and operations.

In Chapter nine we present the conclusion of this study and recommendations for future GRM implementation.



## Chapter 2 Methodology

In this section, we present the methodology for designing the grievance mechanism. We first explore the study site before going into more detail about the study design, sampling, data collection and analysis. The Chapter ends with a discussion of the challenges, expected outcomes as well as the limitations of the study.

### 2.1 Study Objective and Approach

The study aims to design a feedback and grievance redress mechanism that is supportive to the Nepal REDD Implementation Center in getting the country in an advanced readiness stage and to address the positive and negative feedback from different stakeholders affected by climate change and interested in participating in REDD+. Our exploratory study will present a GRM design for the current political, economic and social context of Nepal.

The team responsible for execution of this study consists of three experts. The team is led by Gwendolyn Smith PhD. who is an international conflict analysis and resolution specialist and further consists of sociologist Shambhu Kattel PhD. and environmental lawyer Amar Jibi Ghimire LLM. In addition to these academically trained researchers, logistics manager Satish Pokharel joined the team for six weeks to arrange transportation, lodging and food for consultation visits and meetings. The REDD Implementation Center supported the team with organizing consultation meetings with forest offices in the selected districts for consultation.

For an effective though process, the team proposed an integrated and systematic approach, consisting of three distinct study phases (Figure 1).

#### Phase 1: Inquiry and Analysis

The inquiry and analysis phase is characterized by exploratory desk and field research. With three types of desk studies – social, legal and conflict, the team gathered all necessary baseline information on grievances in forest management, including the historical trends, current practices and potential future of communities and other stakeholders to utilize such grievance mechanisms. Specific research questions that the team seeks to answer in these desktop studies are shown in Table 1.





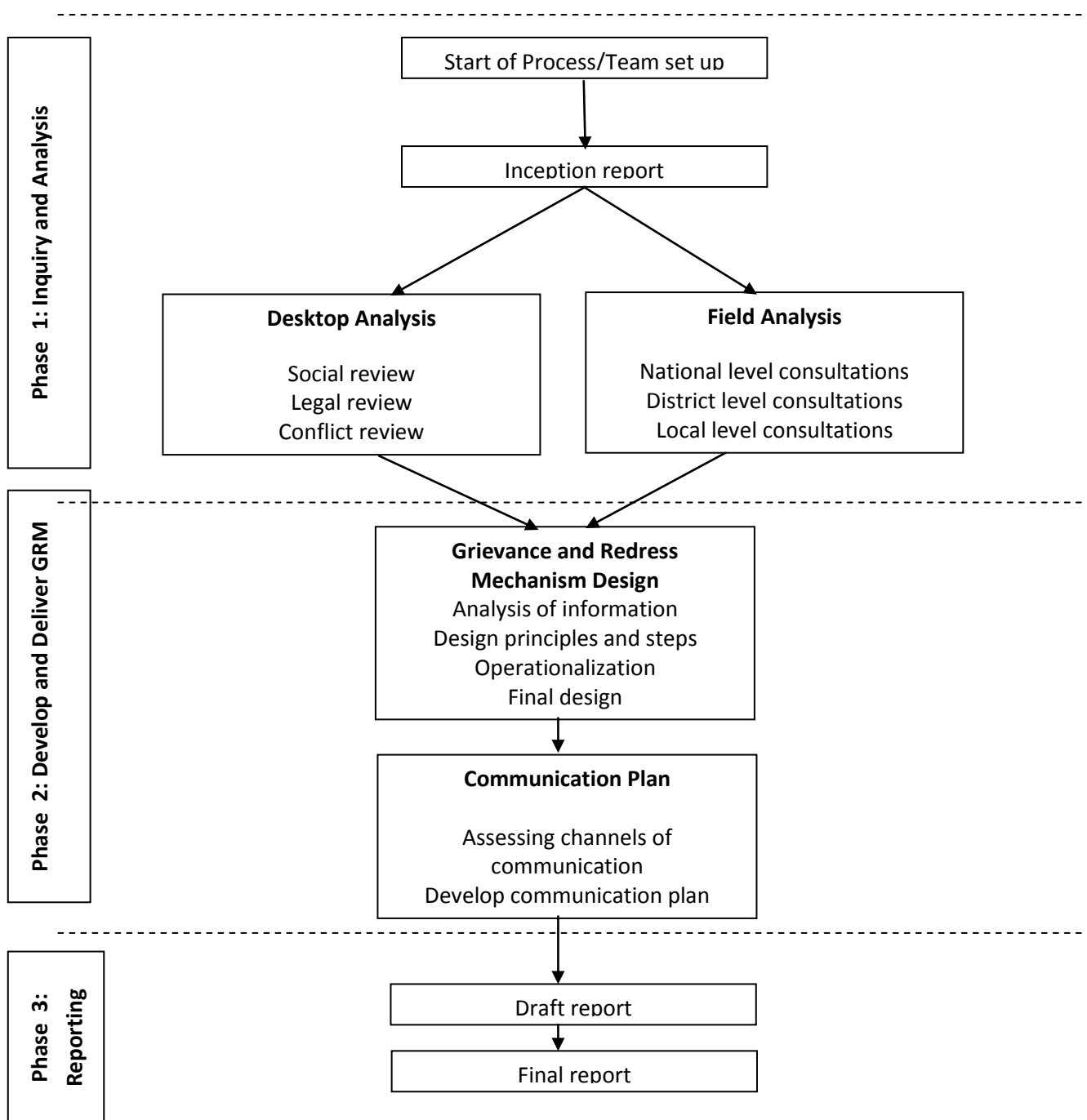


Figure 1: Flow chart for developing a System of Feedback and Grievance Redress Mechanism

Table 1: Research questions guiding the desktop studies

Type of Desk study	Research Questions
Social desk study	<p>What is the history of grievances in the forest sector? What is the evolution of responses?</p> <p>What social/informal mechanisms are there to handle forest-related grievances?</p>
Legal desk study	<p>What type of grievance-related legislation, policy, regulations, procedures, administrative systems are currently present? How are these legal instruments affecting and driving grievance?</p> <p>What are potentially conflicting legislation, agency policies, procedures and actions with respect to grievance? Identify gaps and deficiencies.</p>
Conflict desk study	<p>What existing structures for grievance/conflict exist and how have they been functioning since REDD+ inception?</p> <p>What grievances and conflict are expected to occur with ongoing pressures from climate change?</p>

Besides desk research, the team conducted a nation-wide consultation process to gather the views of stakeholders – local and vulnerable communities, forest officers, academia, civil society and decision-makers in Government – in a participatory process executed in the field. The field research consisted of 6 local, 9 district, 5 regional and 2 national consultations sessions in 14 out of a total of 75 districts.

With the set of guiding questions, the team visited stakeholders and facilitated interviews and discussions on several relevant topics such as: existing and potential grievances in forest management activities, level of awareness and participation in the readiness process and for the technical and communication requirements of the future grievance mechanism. The guiding questions to the participatory discussion are specified for local level and district/regional level, and included in Annex 1.

Several other methods were applied to gather as much as possible information from the field in the short time dedicated to this assignment, such as case study analysis, key informant interviews and focus group discussions.

#### Phase 2: Develop and Deliver the Feedback and Grievance Redress Mechanism

In the second phase of the assignment, the team worked closely with the REDD Implementation Center in the design of the GRM. The design process included strategic choices based on purpose and functionality of the GRM, as well as integrating the mechanism into the Government's REDD Implementation Center.

In addition to the grievance mechanism itself, the team developed a communication plan to inform the stakeholders about the existence of the GRM and instructions of operation. The communication plan includes aspects of stakeholder-targeted communication channels, facilitators, multipliers and timelines.



### Phase 3: Reporting

The team submitted an inception report and held a national workshop with stakeholders to discuss the study approach. After completing the consultations, a draft report was submitted. After the report was reviewed by the client and presented by the team in a national workshop and suggestions and comments were collected, the final report was completed.

## **2.2 Study Methods**

Study methods denote systematic gathering and analysis of the data. For this study, method includes the review of related literature, such as existing laws, frameworks and guidelines of the GoN and international institutions, existing grievance handling mechanism and practices, consultation and discussion meetings from central to community level for data generation. Moreover, it also includes study design and the definition of the process for data collection, interpretation and analysis.

### Field sample sites and selection criteria

The study aimed to identify an integrated, practical, people friendly, easily accessible and cost effective grievance redress mechanism (feedback system) that legally acceptable and socially recognized. Study sites were selected considering a widest possible representation of stakeholders in Nepal, based on the following criteria: geographical variation, level of development, conflicting areas and issues, concentrated presence of indigenous groups, REDD+ piloting project areas, caste and ethnic characters, physical infrastructure<sup>2</sup>, presence of squatters and forest dependent people, forest types and forest management practices. The study areas are shown in Table 2 and Figure 2 below. The time table of field activities is found in Annex 2.

### Data sources

The GRM study profoundly relied on qualitative data although both qualitative and quantitative data were collected. The qualitative data consisted of the reflection of the respondents such as types of conflict and cases, whereas the quantitative data addressed the number of disputes and so on. The study required both primary and secondary data. Primary data was gathered from the field and the secondary data was accumulated by reviewing the published and unpublished literature, documents, journals, newspaper and legislations.

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<sup>2</sup>Advancement in infrastructure is linked with level of awareness of the area's inhabitants

### Data Collection Tools and Techniques

The required primary data was generated by applying the following research tools and techniques.

#### *Interview/Consultation Meetings and Discussions*

The research team used the guiding questions to steer the consultation meetings and discussions. The guiding questions included all areas of concern discussed with the more than 200 interviewed stakeholders for identifying a best feedback system for REDD+ in Nepal. The research team organized consultation meetings and discussions at the regional level, district level, community level and also conducted interviews with experts and authorities.

Table 2: Sample study sites

<b>Development regions</b>	<b>Terai Districts (Plain land)</b>	<b>Hill Districts</b>	<b>Mountain Districts</b>	<b>Actual days**</b>
<b>Eastern</b>	1.Morang/Biratnagar(EDR)*	10.Dhankutta 11.CFUG		3
<b>Central</b>	2.Parsa 3.Chitwan 4.National park people 5.Hetauda (CDR)*	12.Kathmandu 13.Lalitpur 14.CFUG Kabhre 15.LFUG Kabhre	19.Dolakha	9
<b>Western</b>		16.Kaski (WDR)* 17.Protected Area	20.Gorkha	3
<b>Mid-western</b>	6.Banke 7.BardiyaNational Park	18.Surkhet (MWDR)*		4
<b>Far-Western</b>	8.Kailali (FWDR)* 9.Kanchanpur			2

Note: \* regional level consultations, \*\* the days includes working days only, not including travel days

EDR refers to Eastern Development Region

CDR refers to Central Development Region

WDR refers to Western Development Region

MWDR refers to Mid Western Development Region

FWDR refers to Far Western Development Region

CFUG refers to Community Forestry User Group



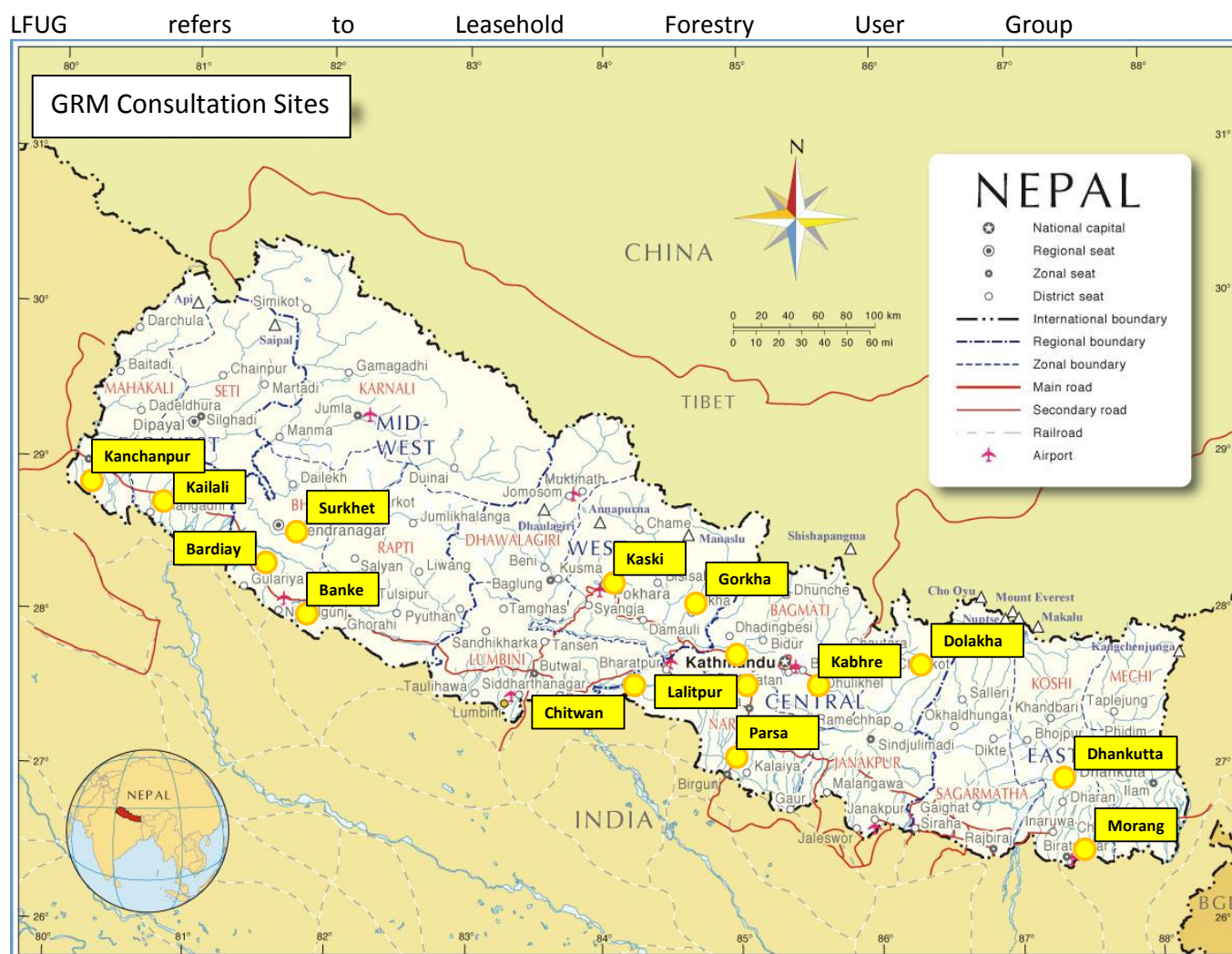


Figure 2: Geographical location of the study sample sites

### Observations

Data were gathered from the field by using three different disciplinary insights; conflict resolution, sociology and law. Research team members grasped the data/information as per their academic background while observing in the field and consensually verifying and analyzing data through discussion. Finally, the study team discussed and triangulated issues and captured the relevant information required for the GRM.

### Key Informant Interviews

Several key informant interviews were held during the process of field data collection. The key informants consisted of Government authorities and experts on conflict between local peoples and local forest management systems. Interviews were also conducted with forest-related experts (forest network members, representatives of community forest federations, NGOs working in forestry) to help identify and explain about traditional and modern social conflict management systems and practices. Informal interviews were carried out at individual as well as team level to get all relevant information. Moreover, local government bodies and project staff of a previously executed road and bridge

project, implemented by the World Bank and Asian Development Bank, were selected as key informants to learn about their grievance redress mechanisms and practices.

#### *Focus Group Discussion*

Focus group discussions were conducted at local level, especially with peoples in parks, conservation areas, community forest and leasehold forest. The objective of focus groups was to gather specific information about forest management, conflict, indigenous peoples, gender issues, Dalits and ethnic issues related to natural resources, forest encroachment, and forest livelihoods, amongst others. In the case of focus group discussion, the research team divided as per TOR requirement.

#### *Case Study*

The research team also collected case studies related to park/conservation conflict. Specific information was collected on potential and existing conflicts with regard to management systems and current practices ongoing in the National park/conservation areas. Moreover, case studies of feedback and grievance system were collected from other projects as a way to compare and contrast designs and build on the lessons learned.

#### Data Presentation and Analysis

All data was condensed, categorized and recorded according to agreed themes formulated by the team members and the REDD Implementation Center. The quantitative data is presented in tables and figures and analyzed accordingly. The qualitative data is presented systematically and when it was required to describe more detailed context, sequences and realities estimated for strengthening the argument in answering the study's inquiries. High standard critical analysis was made before preparing this report.

### **2.3 Study Logistics and Challenges**

A challenge was to collect answers to our queries in a relatively short time. This challenge was overcome by the sociologist's wide social network within Nepal. During data collection, it was obvious that at every location, the sociologist knew one or more of the participating stakeholders which facilitated obtaining trust and cooperation from the entire group. In addition, the margin of error in data collection was limited because the sociologist and lawyer were continuously checking data against their realist values based on years of experience working in Nepal.

Unfortunately, Nepal was struck with **two major earthquakes** that caused lots of damage in terms of social structure and infrastructure. As a result, field consultations were postponed for several weeks. The work routine was interrupted and District Forest Offices, NGOs and local communities were busy rebuilding their lives. The GRM team changed the original schedule and continued the analysis and design by meeting through the internet. The situation never normalized during the study. With daily experiences of

aftershocks, the team dedicated as much time as possible towards delivering quality output required for the assignment under the given circumstances.

In addition, **Nepal is currently undergoing a process of Government reform**. The team originally designed for the GRM to operate under the REDD Implementation Center as a separate entity under the MoFSC, as was indicated by the REDD leadership. However, after the design was completed, it became evident that the political system decided differently. The original design had to be changed to operate from the Forest Offices of the MoFSC. It should be noted that the GRM team included this new condition and designed a new GRM.

## 2.4 Study Outcome and Limitations

The study team designed a GRM that works in the social, economic and environmental context of Nepal. This empirical study's quality of the end product is ensured by several measures during the course of the GRM study, such as:

- Effectively design the GRM by including the sensitivities as they unfold during the study
- Engage as much as possible the REDD Implementation Center in the design process
- Capture highest divergence of views possible for stakeholder consultation in the GRM design
- Include all engagement aspects and shortcomings in the design of the GRM
- All team members present at the consultation process to have a multidisciplinary and team approach towards the design of the GRM.

The GRM study builds on previous studies that were conducted within the readiness process. The baseline situation, described in the R-PP, gives an overview the contextual situation on which REDD+ program is constructed. Based on the drivers of deforestation mentioned in the R-PP, a Strategic Environmental and Social Assessment (SESA) was made to analyze the potential risks associated when Nepal implements its REDD+ strategy. However, the SESA provided an incomplete analysis of the potential risks, mainly because the REDD+ strategy was still in the last phase of completion. This further translates into the GRM study hampered the study team to give a comprehensive overview of the drivers of grievance.

The study team approached this difficulty by differentiating between two types of grievance drivers in the forest sector: existing grievances and future grievances. By making this distinction, the study team aimed to give a better overview of grievances already existing and those that are expected emerge with REDD+ implementation. This will help the MoFSC with handling grievances in a better way and also predict for new emerging grievances in case risks and/or strategies change.





## **Chapter 3 International Laws and Guidelines related to REDD+ and the Grievance Redress**

The essence of this chapter is to elucidate the nature of a feedback and grievance redress mechanism and how it related to the current international regime in REDD+. Furthermore, specific international and national conditions by which the feedback and grievance redress mechanism should adhere are outlined and discussed in the Nepal context.

### **3.1 International Laws related to REDD+**

Nepal has ratified two instruments under international law which are the point of departure from which the GRM should be developed: International Labour Convention (ILO) 169 treaty on indigenous and tribal peoples, ratified on 14 September 2007, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Both conventions are instrumental in respecting the rights of tribally living peoples participating in REDD+, and will be discussed below.

#### **3.1.1 ILO Convention 169 on Indigenous and Tribal Peoples**

The International Labour Organization (ILO) Convention no. 169 is a binding international treaty that includes certain basic guarantees that are not recognized by most national laws. The ILO convention 169 regulates different aspects with regard to rights of Indigenous peoples; from policy, recruitment and conditions of employment, vocational trainings, education and communication to land rights. In the REDD+ context, the regulations with regard to collective rights, self-determination, and nature conservation and of course, their rights to land are important.

#### ***Participation***

Article 2 of the ILO convention poses that Governments in consultation with the indigenous and tribally living peoples will develop a coordinated and systematic policy to protect the rights of these peoples and observe their integrity. This implies that indigenous peoples need to be closely involved in the design of the legal framework that recognizes their right under REDD+. For REDD+ and the GRM, it means to have transparent forest tenure legislation to protect the rights of forest users.

By virtue of article 6, indigenous peoples need to be involved in formulating legislation that will directly affect them. The Government will also have to make available means for participation of the people concerned in the decision-making. Translated into REDD+, this means that the GoN needs to create room for effective participation, according to the ways indigenous peoples are accustomed.



By virtue of article 7, peoples have the right to decide themselves on the development priorities in their territory. The Government also needs to ensure that environmental and social impact studies are performed for intended development projects. In REDD+, the provisions are made to conduct a Social and Environmental Impact Assessment (SESA) to outline potential risks to the peoples involved. The GRM specifically considers risks and corresponding grievances coming from this SESA.

Article 8 states that in applying the national laws and regulations, customs and customary laws of the indigenous peoples will need to be considered in a proper manner. Furthermore, it is stated that where necessary, procedures have to be introduced to solve conflicts that may arise in applying this principle. This article specifically points to the GRM as a way to solve conflicts in a cultural sensitive manner (Del Prado, 2006).

### ***Rights to Land and Prior Informed Consent***

Article 13 dictates that the GoN shall respect the relationship that indigenous peoples have with the land.

Article 14 deals with the recognition of the rights of ownership and possession of peoples who traditionally occupy land. In addition, measures are needed to safeguard rights of the peoples concerned to use lands to which they have traditionally had access for their subsistence and traditional activities. In the REDD+ architecture, this has been a source of conflict because the performance-based scheme is not particularly focused on historical efforts of conservation but looks only at present endeavors.

Article 15 deals with the rights of peoples to natural resources on and in their lands. This article has been formulated quite generally because according to the makers of the treaty it needs to be applicable to various national situations. The article indicates that indigenous peoples have to be involved in decision-making about the use, management and the conservation of natural resources on their lands.

Article 16 deals with relocation of the indigenous peoples from the land they live in. It allows, by way of exception, that indigenous peoples can settle elsewhere only with their free and prior informed consent (FPIC). Where their consent cannot be obtained, such relocation shall take place only when following appropriate procedures established by national laws and regulations, including public inquiries, where appropriate, which provide the opportunity for effective representation of the peoples concerned in the processes and procedures.

Article 17 deals with the transfer of land rights among members of indigenous peoples groups. Customary ways of transfer shall be respected, also with the implementation of REDD+.

Article 18 stipulates that Governments shall establish adequate penalties for unauthorized intrusion upon, or use of, the lands of indigenous peoples, and that Governments shall take measures to prevent such offences (Del Prado, 2006).

### 3.1.2 UN Declaration on the Rights of Indigenous Peoples

The text of this document is formulated by the UN working group for indigenous peoples in close cooperation with indigenous peoples' representatives from all over the world and reflects more strongly the rights of indigenous peoples than stipulated in the ILO convention. The intention of this declaration is that member countries of the UN, recognize indigenous peoples as a group that is different from the rest of its population and thus Governments need to adjust national legislation where necessary. The treaty promulgates participation of indigenous peoples in decision-making within their living and working areas, but does not recognize a comprehensive right to remuneration or compensation in case of economic development.

Many Governments consider collective rights and rights to land as challenging to the State. They hesitate to grant collective rights to one specific group, as they see that as a violation of their constitution, which prohibits preferential treatment of one group versus the other citizens. The differential treatment of one group is not uncommon though, as also for children, women, and disabled people and workers, separate legislation has been developed and special international treaties and declarations have been written (Del Prado, 2006).

#### ***Participation***

The UN declaration has dealt with indigenous people's demands for self-determination by specifying the definition. It is assumed that the indigenous peoples do not want a separate State, but that they want the room and possibilities to live their lives according to their own traditions and customs.

#### ***Rights to Land***

The articles 25 to 30 of the Declaration specifically deals with the rights to land.

Article 25 recognizes the spiritual and material relationship that the indigenous peoples have with the land is the need for its protection.

Article 26 grants the indigenous peoples the right to own, develop, control and use land and territories that they have traditionally owned or otherwise occupied or used. This is a far-reaching article and will probably, in practice, depend on the size of the area that the indigenous peoples claim. Furthermore, indigenous peoples have the right to restitution of lands that have been confiscated, occupied, used or damaged without their free and prior informed consent (FPIC). Where this is impossible, they have the right to just and fair compensation of lands. This provision has a direct impact on the user rights of indigenous peoples under REDD+.



By virtue of article 28, indigenous people have right to the conservation, restoration and protection of their total environment and the productive capacity of their lands. The Government is also obliged to guard against storage or disposal of hazardous substances that take place in the territories of indigenous people. In principle, this article reflects into the user rights and benefit sharing under REDD+.

Article 30 gives indigenous peoples the right to determine their own priorities and strategies about development in their territory. At the same time, they may demand from the State prior permission before activities that may affect their area are approved.

### ***Free and Prior Informed Consent (FPIC)***

In addition to the FPIC provisions to the rights of lands, the following rules on FPIC are stipulated in the UNDRIP which are relevant to REDD+ and the GRM.

In Article 10, the declaration explains that indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the FPIC of indigenous peoples concerned. This is an important article for definition of user rights in REDD+.

Article 11 defines that Governments shall provide redress through their effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples with respect to their cultural, intellectual, religious and spiritual property taken without their FPIC or in violation of their laws, traditions and customs. This article stresses the need for a GRM when customary aspects and FPIC are violated.

By virtue of Article 19, Governments shall consult and cooperate in good faith with indigenous peoples through their own representative institutions in order to obtain their FPIC before adopting and implementing legislative and administrative measures that may affect them. This article refers to all aspects of REDD+ design and implementation.

Article 32 explains that Governments shall consult and cooperate in good faith with indigenous peoples through their representative institutions in order to obtain their FPIC to any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. REDD+ is thus a project that requires a full process of FPIC (Del Prado, 2006).



Box 1: Overview of Fundamental Rights to Indigenous Peoples under the ILO 169 and the UNDRIP

**ILO 169**

- The people shall be involved in the decision-making
- Social and environmental impact studies shall be conducted before engaging in development activities on the territories of these peoples
- The customs and the customary laws of these peoples shall be considered and FPIC exercised
- The ownership of and property rights to the lands that they traditionally occupy shall be recognized
- Where necessary, the Government shall take measures to identify the land of these people
- While the treaty deals with safeguarding rights to natural resources, the use, the management and protection, those countries in which the State is the owner of the sub-terrestrial sources are also taken into account.

**UNDRIP**

- Recognition and protection of the spiritual and material ties the Indigenous people have with the land
- Indigenous rights to have in ownership, to develop, manage and to use their land and their territories, inclusive of the air, the waters, the coastal waters, sea-ice, flora and fauna and other resources, etc.
- The right to restitution of attached, occupied and damaged land. If not possible, the right to compensation.
- The right to preserve, recover and protect their environment
- The right to participate in the decision-making.
- The rights to Free and Prior Informed Consent (FPIC).



### 3.2 International Feedback and Grievance Standards and Guidelines

As stipulated in the readiness proposal phase (R-PP) Nepal will develop a feedback and grievance redress mechanism (GRM) to the stakeholders, and make it operational early in the REDD+ implementation phase. This arrangement is an essential part of the World Bank FCPF framework and is required by R-PP component 1a, in which participating countries design the National Readiness Management Arrangements.

Under the REDD+ framework, a feedback and grievance mechanism is defined as:

- **A process for receiving and facilitating resolution of queries and grievances** from affected communities or stakeholders related to REDD+ activities, policies or programs at the level of the community or country;
- A mechanism to focus on **flexible problem solving approaches** to dispute resolution through options such as fact finding, dialogue, facilitation or mediation; and
- The mechanism is not intended to be a substitute for legal or administrative systems or other public or civic mechanisms; or remove the right of complainants to take their grievances to other more formal recourse options.

Feedback and grievance mechanisms are designed along a set of guidelines and standards, designed by organizations that facilitate and support individual countries in progressing through a REDD+ readiness and implementation process. International laws, guidelines and negotiation outcomes related to the global negotiations are guiding the GRM design. These are discussed below

#### 3.2.1 Cancun Safeguards

In 2010, the parties of the United Nations Framework Convention on Climate Change (UNFCCC) have agreed upon specific safeguards to ensure REDD+ will be beneficial for all stakeholders, especially marginalized groups which are largely dependent on forests. The seven Cancun safeguards are outlined Table 3, of which safeguard on the rights of indigenous peoples (2c) and stakeholder participation (2d) are relevant to development of the GRM.

#### ***Stakeholder Participation (Cancun safeguard 2d)***

The Cancun safeguard 2d, which address stakeholder participation in REDD+, is the point of departure from which the GRM is designed and implemented. The standard outlines the rights-based and interest-based framework in which stakeholders should be engaged (Table 3). It includes plans to inform, consult and ultimately involve all groups that are directly and indirectly dependent on the forest in the stakeholder engagement process in order to understand their perspective on issues related to REDD+. This is done through information dissemination and awareness raising (Tier 1), input solicitation processes (Tier 2) and ultimately joint decision-making (Tier 3). Effective involvement includes soliciting the ideas and concerns of the stakeholders after they have been informed about the concept of REDD+.



Table 3: Cancun safeguards and corresponding principles and guidelines related to REDD+

<b>Cancun Safeguards related to REDD+ (2010)</b>	<b>World Bank Operational Policies (OP)</b>	<b>UNREDD-FCPF Guidelines</b>
2a.. Actions complement or are consistent with objectives of national forest programs and relevant int. conventions and agreements	OP 4.01 <sup>3</sup> (3) and 4.36 (14,6)	
2b. Transparent and effective national governance structures taking into account nat. legislation and sovereignty	OP 4.01 (3,13), 4.36 (14). 4.04 (5), 4.10 (10) and OP 4.12 (2)	
2c. Respect for the rights and knowledge of indigenous peoples and local communities, by taking into account by taking into account relevant international obligations	OP 4.10 (1,16,17,19,21) and 4.36 (4,10,14)	FPIC guidelines <sup>4</sup> : Adherence to FPIC if the country has ratified ILO 169, adopted national legislation on FPIC or if a development partner applies the principle
2d. Full and effective participation of relevant stakeholders, in particular, forest dependent indigenous peoples and local communities	OP 4.01 (14,15), 4.10 (1), 4.04 (10), 4.12 (7), 4.36 (11,12)/	Stakeholder Engagement Guidelines: The guideline stipulates the inclusion, consultation and treatment of other vulnerable groups, including women.
2e. Consistency with the conservation of natural forests and biological diversity, ensuring that REDD+ is not used for the conversion of natural forests	OP 4.04 (1, annex a) and 4.36 (1,2,5,7)	
2f. Actions to address the risks of reversals		
2g. Actions to reduce displacement of emissions		

<sup>3</sup> OP 4.01 concerns Environmental Assessment, OP 4.04 concerns Natural Habitats, OP 4.10 concerns Indigenous Peoples, OP 4.12 concerns Involuntary Resettlement, OP 4.36 concerns Forests.

<sup>4</sup> Consultation with all relevant stakeholders, particularly indigenous peoples is emphasized, yet the World Bank Operational Policies, FCPF Charter and Guidelines on Stakeholder Engagement do not expressly mandate consent in FPIC.

For Nepal, engagement activities are implemented along a set of principles, which include:

- Participative and Inclusive process, which includes all concerned stakeholder groups to ensure an inclusive process based on socio-economic and geographic equity. Nepal has a wide variety in human capacity and development level between different regions which is addressed in the approach for stakeholders' engagement.
- Mainstreaming gender and equity concerns at all levels. Given Nepal's recent history with the caste system and marginalization of specific groups such as women, a specific gender and inclusion strategy has been developed to guide the engagement process of these groups.
- Multi-stakeholder collaboration. The REDD+ process follows a model of multi-stakeholder and multi-sectoral coordination and collaboration.
- Integration with the safeguard measures. This means that all activities are implemented following the Cancun safeguards on REDD+ to prevent potential adverse effects on all stakeholders.
- Rights-based approach. Nepal respects the rights of local communities and indigenous peoples as outlined in the ILO 169 and the UNDRIP. Such rights include adhering to the FPIC process.
- Capacity building of stakeholders. There is a gap in knowledge about climate change, REDD+ and related issues among different stakeholders at different levels. Nepal prioritizes capacity building activities before being able to effectively engage different stakeholders.

Nepal's stakeholder engagement strategy is heavily focused on **first tier engagement activities: awareness raising, capacity building and consultation**. As such, stakeholders are sensitized on the REDD+ issue through a wide range of written, audio, video materials through media, website and other means. At the local, district and regional level selected individuals are prepared to become REDD+ trainers and meeting facilitators. And consultation has occurred throughout the entire country through workshops, public hearings, round tables and expert consultations.

The second tier engagement would include a broader framework for establishing dialogues with stakeholders. It is during this two-way communication that feedback and grievances are expected to be submitted by affected stakeholders. **Efforts to move consultative participation into a more mature dialogue are therefore necessary to have a functional and effective mechanism that guides the GoN in its leading role for REDD+ implementation.**

Improving stakeholder participation towards a practice of dialogue (Tier 2) is therefore necessary for establishing a functional GRM in Nepal. In addition to these this particular condition, the GRM should adhere to two set of grievance specific guidelines: REDD+ SES and FCPF/UNREDD. These standards underline the requirements needed in the design of the grievance mechanism for REDD+ implementation in Nepal. Both guidelines will be the basis for the design and development of the Nepalese GRM, and will be discussed below.



### ***Respect for the Rights of Indigenous Peoples (Cancun Safeguard 2c)***

FPIC is the establishment of conditions under which people exercise their fundamental right to negotiate terms of policies, programs, and activities that directly affect their livelihoods or wellbeing, and to give or withhold their consent to them.

Processes that generally require FPIC are i) removal from traditional lands, ii) removal of cultural, intellectual, religious and spiritual property, iii) decisions regarding pilot activities location, iv) decisions on benefit-sharing when benefits derived from lands, v) decisions on activity implementation on lands.

Processes that generally do not require FPIC are i) information sharing, awareness, capacity building, ii) assessment of land use, forest law, policy and governance, technical and scientific studies, iii) assessment of social and environmental risks, potential impacts, iv) setting up a MRV system.

The World Bank Operational Policies, FCPF Charter and Guidelines on Stakeholder Engagement do not expressly mandate consent in FPIC. However, Nepal has ratified ILO 169 so has to adhere to these principles regarding FPIC with design of the GRM.

### **3.2.2 REDD+ Social and Environmental Standards (September 2012, version 2)**

The REDD+ SES standards are designed as a mechanism to help Governments in their implementation of the REDD+ process. These broadly designed safeguard standards recognize REDD+ as a multi-stakeholder process, and can be specifically used in the program design and implementation of REDD+. Governments can apply these standards to continuously adapt their approaches and improve the anticipated outcomes of the REDD+ programs. These standards are adopted into a national safeguard system that consists of:

- policies, laws and regulations that set out the safeguards for REDD+;
- a safeguards information system for monitoring and reporting on safeguards implementation;
- a grievance and redress mechanism that enables stakeholders affected by REDD+ to receive feedback and appropriate responses related to the implementation of safeguards.

In each of these topics, the GoN works to build a **safeguard system from existing elements and developing new elements as needed through a transparent and participatory process** (Government of Nepal, 2013a).

According to the REDD+ SES standards, grievance mechanisms are tools to ensure that are relevant right holders and stakeholders participating fully and effectively in the REDD+ program (Principle 6). In order to meet this goal, the REDD+ program needs to identify and use processes for effective resolution of grievances and disputes relating to the design, implementation and evaluation of the REDD+ program, including disputes over rights to lands, territories and resources relating to the program (Criteria 6.4). This specifically includes indicators to assess whether and how a particular grievance mechanism related to the REDD+ program has been planned, established and implemented.





Such indicators are used to assess if a process is established to identify and resolve grievances and disputes related to the REDD+ program (indicator: 6.4.1). These include:

- Includes national, local, regional, international and customary processes;
- Includes grievances and disputes that arise during **design, implementation and evaluation of the REDD+ program**;
- Includes grievances and disputes over **rights to lands, territories and resources and other rights relating to the REDD+ program**;
- Includes grievances and disputes related to **benefit sharing**;
- Includes grievances and disputes related to **participation**;
- The processes are **transparent, impartial, safe and timely accessible, giving special attention to women , poor and marginalized and/or vulnerable groups**;
- Grievances are **heard, responded to and resolved within an agreed time period, leading to adequate redress and remedy**;
- Includes grievances related to **the operational procedures of relevant international agencies and/or international treaties, conventions or other instruments**.

In addition, indicators are necessary to ensure that a process is instated to ensure that no activity is undertaken by the REDD+ program that could prejudice the outcome of an unresolved dispute related to the program, which includes disputes over rights to lands, territories and resources and includes disputes related to benefit sharing (indicator 6.4.2). The indicators defined here are an integral part of Nepal's environmental and social management framework for REDD+.

### 3.2.3 Forest Carbon Partnership Facility (FCPF)/UNREDD guidelines (November 2013, v 3)<sup>5</sup>

For participating in REDD+ projects under the FCPF program, Nepal has to follow guidelines set forth by the World Bank's and UNREDD-FCPF. Stakeholder engagement occurs here along a set of principles which include:

- Include a broad range of relevant stakeholders at the national and local level
- Provide transparency and timely access to information
- Consultations to facilitate dialogue and exchange of information
- Let engagement occur voluntarily
- Engage indigenous people through their own existing processes, organisations and institutions
- Practice Free and Prior Informed Consent (FPIC)
- Impartial, accessible and fair mechanisms for grievance, conflict resolution and redress.

The last mentioned, the GRM, should be developed along voluntary guidelines and principles which are explained below.

- Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes.

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<sup>5</sup>Retrieved from: <http://www.undp.org/content/dam/undp/library/corporate/compliance-and-dispute-resolution/Joint-FCPF--UN-REDD-Programme-Guidance-Note---Establishing-and-Strengthening-Grievance-Redress-Mechanisms-EN.pdf>

- **Accessible:** being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.
- **Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation
- **Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.
- **Transparent:** keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.
- **Rights compatible:** these processes are generally more successful when all parties agree that outcomes are consistent with applicable national and internationally recognized rights.
- **Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.
- **Based on engagement and dialogue:** consulting the stakeholder groups for whose use they are intended, and focusing on dialogue as the means to address/resolve grievances.

The FCPF/UN-REDD and REDD SES standards and guidelines will be considered in the design and the operational plan for the GRM. In addition, other Worldbank publications (2012a) and (2012b) that exist the theory and practice of grievance will be considered.



## Chapter 4: Social Context of Forestry and Grievance in Nepal

This chapter outlines the context of forest management systems on which the REDD+ program is built. The Chapter gives a historic overview of Forestry in Nepal necessary to understand the root of conflict and grievances existing today.

### 4.1 Practices of Forest Management

Since the beginning of Nepal's civilization, forest has been an integral part of the rural economy. Above 80 percent of rural livelihoods are small collectors with less than one acre of land or small cultivators with between 1-2 acres of land (Acharya et al., 2009). The majority of inhabitants are directly depended on forest and practice agriculture and animal husbandry. Forest generally provides for house construction materials, agricultural equipment, fuel, fodder, herbal medicine, fruits, and vegetables and so on. Moreover, it also offers a healthy environment with full of oxygen and water sources.

However, managing forests for local livelihoods and long-term environmental sustainability has remained a global challenge and is also a challenge in Nepal (Sunderlin et al., 2006). Forest management regimes in Nepal have been frequently changing due to the efforts from the GoN to improve resource management and provide more benefit to different stakeholders. The political power of these stakeholders has also been changing, together with the management regimes and the tenure arrangements inherent to these regimes (Acharya et al., 2008).

Due to the poor policies and implementation efforts in forest management of the GoN and an unstable political situation, the forest resources of the country have decreased at alarming rate after the first multiparty democracy in 1950. In 1986, the GoN took immediate action and prepared a Master Plan for the Forest Sector (MSFP) with the assistance of the Finish Government. This plan finished in 1989 and included a possibility for implementing a system of participatory forest management. As a result, during the 1990s, a community forestry program was introduced which significantly changed the scenario of forest management in Nepal. A brief overview of forest management history is presented because it is the foundation on which the REDD+ program is built and evidently an existing source of grievance for forest stakeholders.

#### Forest as Private Property of State Nobilities (until mid-1950s)

In 1769, the present Nepal was unified after the Shaha King from the town of Gorkha conquered other small principalities. This provided a basis for a strong monarchy to rule the country, along with a wide network of royalist and State nobilities. One of these groups, called Rana, were once allies of the monarchy. After revolting against the monarchy they emerged as *defacto* rulers in 1846 and ruled the country for over a hundred years.



During the executive rule of the Gorkha King (1743-1846) and the Rana family (1846 - 1951), **the main strategy for forest governance was the distribution of land to local officials and State nobilities** (Regmi, 1978). This strategy was primarily implemented to collect rent and extend political control. When the Rana family ruled Nepal, the British Kingdom governed most of the South Asian countries, including India. The strategic choice for Rana was to exploit the Terai forest (plains) to facilitate export of railway sleepers to India. The motivation was to gain revenue and facilitate the British Government in India in order to secure their political authority in Nepal (Regmi, 1978).

#### Forest as State Property (mid 1950s to late 1970s)

After the end of the Rana regime (1951), Nepal's political system witnessed some changes towards democratization: the monarchy allowed a limited form of multiparty democracy and permitted a parliament election in 1959. There was a movement promoting a strong welfare state in the region of South Asia which started after World War II. As a result, the elected Nepal Government was bound to convert private forest resources of the Rana family and their loyalties to public ownership.

This resulted in the creation of several forest institutes by the GoN. The Ministry of Forest was established in 1959 and in the same year, the Institute of Forestry was created to house a large pool of technical officers. These efforts undermined local people's tenure rights, and as a result, there was limited incentive for local people to protect the forests. This situation led to unregulated extraction, encroachment of forest and an increasing number of conflicts arising between the local people and the Department of Forestry (DoF) (Ojha et al., 2007).

In the late 1960s, King Mahendra dismissed the elected Government and imposed a non-party rule under his dictatorship (Panchayat). This King further strengthened forestry organizations together with enacting a new set of regulations to reinforce State control over forests. The Department of Forests was expanded into 14 areas with 75 forest offices in 1968.

In this important decade two key Forest Acts were passed in 1961 and 1967. The key features of 1961 and 1967 acts were the strict control by the state and it was a common practice in the South Asian Countries. Several forest resource based organizations were also established during this period – Timber Corporation Nepal (1961), Rhino Sanctuary of Chitwan (1964), Fuelwood Corporation (1966) and Trishuli Wildlife Conservation Project (1968).

During this time forest management was a top-down process. **The State controlled most forest resources and prepared working plans for scientific management.** However, these plans were prepared without providing any opportunity to local communities to participate in the planning process.



### Selective Allocation of State Forest to Agriculture (1963s onward)

**The strategy of centralized forest control changed when the Government started a resettlement program in 1963.** The King Mahendra gave the opportunity to Nepali nationals who were living abroad (Burma, India, etc.) to settle in the northern located forests of Terai. Peoples living in the hill area of Nepal were encouraged to move to the Terai region. During this period, forest areas were heavily deforested, also by landlords who occupied significant areas of Terai forest. Veterans were given priority for settlement in the northern border areas.

### Conservation without Utilization (from 1970s onwards)

Until the mid-1970s, King Mahendra believed that the Government agencies supported by the military were sufficient to protect and manage forest resources (Bhattarai et al., 2002). At the same time, the global environmental movement pushed for a centralized state control of natural resources. While the conservation agenda was promoted by international agencies such as International Union for the Conservation of Nature (IUCN) and World Wide Fund for Nature (WWF). These organizations emphasized the conservation of natural ecosystems, however, paying less attention to social and livelihoods issues. In this context, **in 1973, the first protected area was established (Royal Chitwan National park) and this strict conservation approach was gradually expanded throughout the country.**

The GoN established four more National parks in 1976. The King Mahendra Trust for Nature Conservation (KMTNC<sup>6</sup>) was established to look after the natural resources, biodiversity and cultural heritage in 1982. Outside of protected areas, the Department of Forests was continuously strengthened to promote and enforce centralized control over forest resources. **By the late 1970s, forest officials realized that strong actions were unsuccessful in conserving the forests. This led to an important conference, in which forest officials explored the possibility of cooperating with local peoples for achieving the goal of forest conservation.** The conference resulted in the country's first forestry plan, known as the National Forestry Plan 1976, which sought to explore cooperation with local communities in forest management. This further resulted into development and promulgation of Panchayat Forests (PF) and Panchayat Protected Forests (PPF) rule in 1978 and laid a strong foundation for community forestry in Nepal. This was the beginning of the very successful present day community forestry program in Nepal.

In 1980, the GoN launched an Integrated Conservation and Development Program (ICDP) to mitigate conflicts that emerged from protected area management, specifically between park Wardens and local forest users. Because of increasing conflicts, the KMTNC initiated Annapurna Conservation Area Project (ACAP) in 1986. The ACAP established the foundation for participatory forestry in the protected area. Other conservation areas followed the principles that were tested in the ACAP, such as the Buffer Zone concept, as a supplementary strategy of Protected Area management. The Buffer Zone concept

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<sup>6</sup>Converted to National Trust for Nature Conservation, NTNC



became popular in the 1990s, and basically followed the idea of ICDP. It has been labeled as the hallmark outcome of the ACAP.

#### Participation and Decentralization (from early 1980s onwards)

The period of mid 1970s was highly influenced by participatory development which also proved crucial for shifting the paradigm of natural resource management in Nepal. The donors became highly concerned with environmental protection and it was further accelerated by the “Theory of Himalayan Degradation”. According to Malla (2001), this theory explains that increasing problems of deforestation in the Himalaya acted as a stimulus to a paradigmshift in forest management.

The major change in policy and practice occurred **in the 1980s, with the implementation of a nation-wide community forestry program to transfer user rightsto groups of traditional users so they could meet their basic needs and at the same time conserve the forest** (Kanel, 2004). The shift from forest user rights held by village-level political bodies to user groups was sparked by the first national level workshop on community forestry held in 1987. In the meantime, the recently developed community forestry program stressed the importance of participation of local communities in decision making and benefit sharing as a key for sustainable and equitable forest management. In 1991, the multiparty democracy restored and promoted decentralization in forestry governance. The most noted event was the enactment of Forest Act 1993 and Forest Rule 1995, entrusting to local communities the rights to control and manage forests.

The increasing demands for community participation eventually resulted in the formulation of Buffer Zone Regulation (1994). The related Buffer Zone Management Program is considered an important policy intervention in the history of participatory conservation. This has reduced a long-term “park versus people conflict” by redistributing the benefits of conservation to the local peoples and involved them in conservation efforts.

#### Participatory Conservation and Livelihoods (from mid 1990s onwards)

The protected area and conservation area models always focused on conserving only biodiversity, but effective conservation of soil and water was critical in the eyes of policy makers. Therefore, in 1974, the GoN established the Department of Soil Conservation and Watershed Management (DoSCWM) with the objective of helping people to practice better land and water management. A few years later, laws related to conservation (1882) and corresponding Regulation (1985) were promulgated to regulate activities of watershed management. Thus, **since the beginning of 1990, the watershed management concept has been developed, stimulating user groups to implement such specific conservation activities.** However, until today, very limited efforts have been made in addressing the issues of environmental benefit sharing between upstream and downstream users in watershed management programs.

### Collaborative Management of Terai Forests (since 2000 onwards)

Once the malaria epidemic was controlled in the 1960s, the Terai region became very attractive to people in search of productive land from the hills and those fleeing from Northern India (Shrestha, 2001). The Terai forest was considered the wealth of nation because of its valuable species and source of revenue until the end of the Panchayet political system (1990). The Terai forest was also an attractive source of illegal earning for various interest groups. Therefore, compared to the hills, transferring the forest user rights to the community was not easy because of competing interests between multiple groups (Acharya et. al. 2008).

From 2000 onward, the Government introduced collaborative forest management. The idea for this new type of forest management came from forest officials with the support of the political leaders who often benefit from the decisions made by the MoFSC (Ojha et. al., 2009). **The collaborative forest management redefined forest users and dividing them into two categories: peoples living close to the forests and peoples living away from the forests, called distant users in the Collaborative Forest Management (CFM) terminology.** The distant users consist of the original inhabitants of the Terai region. Thus, in CFM, the distance users along with the local government bodies and local forest official are managing forests which since the beginning has created a conflict between the users of Collaborative Forest Management and Community Forest Management. Collaborative Forest Management has substantially protected the forest from encroachment and has been receiving financial and expert support from donors and the GoN.

### Current Forest Management Practices

In summary, when reviewing the history of forest management practices in Nepal, it is obvious that several attempts for effective forest management have been made in a short period of time. Several Governments have tried to protect the forest by introducing new laws/policies/programs or having policy interventions such as with the Buffer Zone Management Rule (1996). Stakeholders have expressed that **thelarge amount of different policies and programs introduced over the years has created confusion to forest users about the right adhered to the different forest management systems.**

Nowadays, the GoN sees forest as a good source for earning State revenue and provide for livelihoods of the local farmers and landless people. Forest management can be classified based on ownership as well as on types of management practices (Figure 3). Two types of forest management systems are distinguished on the basis of ownership: State managed forests and privately managed forests. The privately managed forests are those areas where trees are grown on private land, for which the land owners received a certificate from the District Forest Office (DFO). The owners of private forests are free to utilize the forest products according to their interests.

On the other hand, the State managed forests are known as National Forests. The State owns the forest land and possesses the right to give rights to local communities for its management, control and utilization. Yet these communities receive technical support for



forest management from forest technicians such as for preparing operational plans. The national forests are categorized in the following five types of management:

*Government-managed Forest:* The forests which are directly managed by the Forest Department and not fall in any other category.

*Protection Forest:* These are “National forests” that the government has declared protected in consideration of their environmental, scientific and cultural importance.” This regime does not include National Parks, conservation areas, wetland areas, hunting reserves etc. nor does it work the way protected area are operated in Nepal.

*Community forest:* This has been proven a successful model of participatory development, in which local communities formally receive rights to the nearby located forests for its protection and management and the utilization of forest products.

*Leasehold forest:* Government can grant National forests to any institution, industry or community with the aim of conservation and management. Mostly leasehold forest is designated to extremely poor peoples. Certain degraded parts of forest are given to poor people living around the forest for a certain period of time. The users are obliged protecting the forest and planting new trees while being free to utilize the land. Normally, these users produce cash crops and some annual and perennial cereal crops in degraded forest land.

*Religious forest:* These are National forests that have been entrusted to a religious entity, group or community (Government of Nepal, 2014). A patch of National forest protected by local community with a spiritual/cultural value is designated as religious forest. Religious forest is strictly prohibited for personal use and forest products and their income is solely used for the religious and cultural propose. Religious forests are handed over to local communities after they prepare a constitution and operational plan with the help of forest technician, and get approval by the DFO.

Moreover, some special types of forest management are found in practice under the above mentioned forest management modalities. Some outer parts of particular protected areas are given to local inhabitants as Buffer Zone Community Forest.

Thus, in long run, the GoN wants to involve local peoples in forest management and community development activities such as skill development and income generating programs to improve their living condition, health and sanitation as well as adult and non-formal education. The main five types of forest managements will be further discussed in Chapter 5.





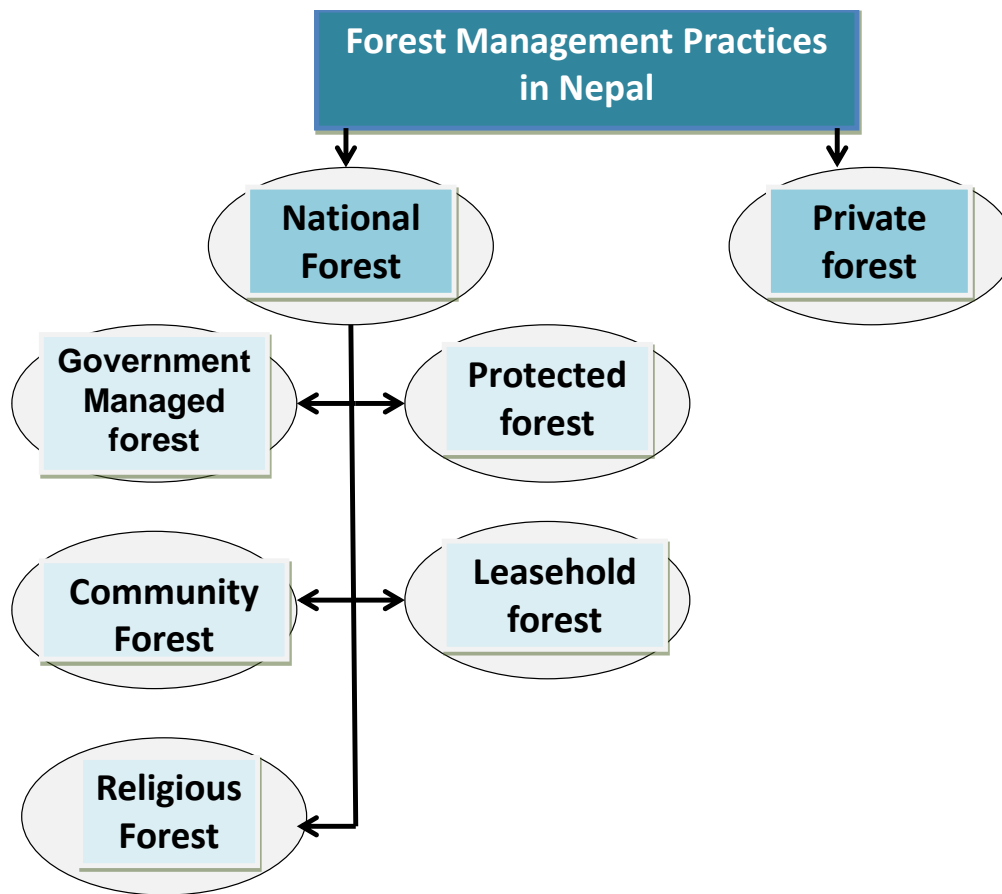


Figure 3: Types of Forest Management in Nepal

*[Handwritten signature]*

## 4.2 Grievances in Forestry: Patterns and Trends

Complaints in the forestry sector have been recorded since the 18<sup>th</sup> century. In this period, the ruling Rana family created tension between the nobilities and the State on division of revenues coming from forest resources. There were also feuds among local forest users over resource tax (Regmi, 1978). The expression of grievances changed along with the shift of the political system of Nepal. After democracy was established, the Government obtained all existing privately owned forest through the Private Forest Nationalization Act in 1957. Two years later the Government created the Ministry of Forest with regional and district forest offices to control and manage forest resources. Since then, **the main grievance in the forestry sector comes from local forest users in relation to the Government's policy on granting user rights**. Grievance has also been conveyed about unclear boundaries between forest land and private land (Ojha et al., 2008).

According to Ghimire and Adhikari (2002), grievance related to forest resources vary as per forest type, type of users and type of forest management. For example, in the mountain region complaints are mainly related to conflict between Government forest officials and the cattle herders. The herders argue that they can graze freely in all forest areas because it is their cultural domain, whereas forest officials think that conservation areas are restricted for grazing because the forest belongs to the Government. In the hill region, complaints emphasize boundaries and user rights. In the Terai region, with its valuable timber, the main grievance is about boundaries, user rights related to users coming from distant areas. Distant users started expressing grievance after the Government gave part of the Terai forest to near users as community forest. The government immediately stopped formation of community forest as an emergency strategy to handle conflicts between forest users, and introduced Collaborative Forest Management in which the forest office, local government bodies and the users are managing the forest. This created a dispute between the NGOs (including the federation of community forest user groups) advocating for community forest and the Government. On the other hand, collaborative forest users expressed grievance about the efficacy of this forest management type (Ojha et al., 2007).

Soon after decentralization of forest management in 1987, grievances expressed by forest users changed. Since then, forest users assign complaints to different types of forest management systems rather than geographical region.

### Grievance in National Forests

The **main grievance in National forests throughout the country is encroachment**. Farmers and voluntary settlers (including the squatters) increasingly occupy parts of the National forest to extend their own private land, which ultimately leads to mutual tension. Encroachment-related grievance is largely felt in the Terai forests and especially among the landless people who are using this practice (Graner 1997; Ghimire and Adhikari, 2002). Other complaints are related to tension between the District Forest Office (DFO) and local users about user rights, sharing of income, and so on. The DFO

controls the collection of forest products and grazing areas, whereas local peoples aim to daily collect and gather from the forest.

#### Grievance in Community Forests

According to Gilmore and Fisher (1991), Chheri and Pandey (1992), Graner (1997), Luintel and Bhattarai (2006), conflict in community forestry has to be studied as i) conflict within community forest user groups, ii) between user groups and iii) between forest user groups and district forest office/Government. **The common grievance in community forests are related to conflict between user groups.** Complaints are given over the influence of elites, inequitable resource distribution, unclear contribution of far distant users, and exclusion of local communities from the forest and encroachment by neighboring and nearby dwellers. Other types of grievance heard from community forest users are allocation of forest income between Government and users, unnecessary legal provisions for the DFO on control/enforcement, unclear user rights, and incomprehensible scientific methods for forest management typically used by DFOs.

#### Grievances in Leasehold Forests

**Leasehold forest users complain about encroachment from nearby dwellers.** Because pro-poor leasehold forestry permits agricultural cropping, there can emerge a situation of competition between forest uses and agriculture. From our consultations with the leasehold forest users, the internal competition between users seems a serious grievance.

#### Grievance in Terai Forests

There are huge grievances in **Terai forests such as boundary disputes, encroachment, illegal poaching and extraction of forest resources, amongst others.** In Collaborative Forest users express grievance about tensions between different groups: community forest users and the Government, encroachers and forest users and between powerful users and less powerful users such as squatters, poor and marginalized groups. The latter are unable to contribute their time to forest protection because they need to allocate all their time for gathering forest products for daily use (Ojha et al., 2006).

#### Grievances in Private forests

Private forests are established for tree planting and protection of tree species. Private forest owners are free to utilize the private forest as per their interests but for timber selling they need a legal document from the DFO. The process for acquiring such a certificate is lengthy and complicated and generally discourages private forest owners. Private forest cannot obtain Government subsidies for seedlings and technical services and are charged with land taxes. The forest owners argue that they provide services for landscaping and esthetics but still have to pay taxes. Therefore, in discussions with



private forest owners, **grievance were expressed about absence of tax reduction, technical services and subsidy for seedlings, and an easy legal process.**

It is noted that grievances in all public forests are mainly expressed by forest users who are concerned about their access to the forest and user rights. Since 18<sup>th</sup> century, there has been a rapid shift in ownership and legislation which seems to promote insecurity among and between the various forest users. There have been different types of forest users identified – elite/poor, distant/close, local/national interest – operating in different forest types with different rights. With the introduction of new systems over the years, the problems in the old systems have not been sufficiently addressed. **The GoN has repeatedly changed local peoples' user rights, resulting in historically embedded right-based conflicts between different types of forest users.**



## Chapter 5: Regulatory Context of Forestry and Grievance Redress in Nepal

In course of designing the GRM, we need to assess the present legal and regulatory framework, and determine if these are effective enough to capture REDD+ related grievances. In this Chapter we will review existing formal and informal grievance redress mechanism related to the forestry sector. The Chapter starts with a review of forestry related laws regulating grievance, and continues with an assessment of current effectiveness of these laws, policies and directives in handling forestry related disputes.

### 5.1 Review of Forest Related Formal Grievance Redress Systems

In order to create a suitable environment for implementing REDD+, there should be a designated forest area where REDD+ can be applied. The GoN proposes to implement REDD+ in twelve districts of the Terai region (Figure 5). Reviewing formal legislation and procedures concerning forest user rights and management in Nepal is therefore significant to develop an effective GRM. This section provides a review of the different types of forest, forest management mechanism, and assesses if there is any applicable legal basis for application of a GRM.

#### 5.1.1 Major Types of Forest and Forest Management in Nepal

Nepalese Forests are mainly governed by two Acts:

- a. Forest Act, 2049 (“FA”)
- b. National Park and Wildlife Conservation Act, 2029 (“NPAWCA”)

However, Local Self Governance Act, 2055 (“LSGA”) has also made some kind of forestry related provisions and these are also analyzed hereunder.

#### Forest Managed under FA

FA classified forest under two different groups

- i. National Forest
- ii. Private Forest.

As describe by FA, National Forest means all forests excluding Private Forests within the Nepal, whether marked or unmarked with Forest Boundary and the term shall also include waste or uncultivated lands or unregistered lands surrounded by the Forest or situated near the adjoining Forest as well as paths, ponds, lakes, rivers or streams and riverine lands within the Forest.

Further FA classified national forest as follows:

- i. Government Managed Forest



The forest managed by Government of Nepal by fulfilling legal conditions is called Government Managed Forest.

ii. Protection Forest

The Forest declared by Government as a Protected Forest, considering it to be of special environmental, scientific or cultural importance.

iii. Community Forest

When Forest is handed over to a users' group for its development, conservation and utilization for the collective interest, then such forest is called as community forest.

iv. Leasehold Forest

As per FA this forest is the forest handed over to any institution established under prevailing laws, industry based on Forest Products or community for the specific purposes.

v. Religious Forest

A forest handed over to any religious body, group or community for its development, conservation and utilization.

FA has defined Private Forest as a forest planted, nurtured or conserved in any private land owned by an individual pursuant to prevailing laws. These forests are also required to be registered with the forest office.

Above all types of national forest are well controlled by government through different legal mechanism. Likewise, private forests are all to some extent control by the government.

During our various community consultations, we have heard about a model of Collaborative forest management. After having reviewed different documents, we have found that a proposed second amendment to FA has introduced further clear concept of Collaborative forest. The definition of "Forest Area" introduced by the second amendment is elaborative whereby the Forest Department has grounds to exercise much more power.

Forest managed under NPAWCA

The NPAWCA has also described different types of forest areas - National park, Buffer Zone, Conservation Area and Reserve - which are hereinafter jointly called "Protected Area System".

An area set aside for the conservation, management and utilization of flora, fauna and scenery along with the natural environment is called National Park.



Reserve means the following:

- i. Strict Nature Reserve which means an area of ecological importance or important otherwise and set aside for scientific studies.
- ii. Wildlife Reserve which means an area set aside for the conservation and management of wildlife resources and their habitats.
- iii. Hunting Reserve which means an area set aside for the management of wildlife for allowing hunters to hunt them.

An area managed according to an integrated plan for the conservation of natural environment and balanced utilization of natural resources is called conservation area.

A peripheral area of a National park or reserve in order to provide facilities to use forest resources on a regular and beneficial basis for the local people is called a Buffer Zone. As described by the Buffer Zone Management Rule, 2052 ("BZMR") there are four classes of buffer zones: *which are* Buffer Community Forest, Buffer Religious Forest, Buffer Private Forest, and Buffer Zone Forest.

#### Concept of Forest and Forest Management under Local Self Governance Act 2055 ("LSGA")

LSGA does not provide a specific definition of forest even though a number of forest-related provisions are made in the LSGA. NPAWCA also does not provide the definition of forest; however, this legislation is strong enough in demarking the forest area which is to be regulated under NPAWCA. There are already two major legislations regulating forest and forest areas in Nepal, but a question to answer is which forest and forest area is referred to in various sections of the LSGA.

The LSGA has provided a mechanism for afforestation within the VDC, Municipality and DDC (hereinafter referred to as "local bodies"), enabling these local bodies have their own forest under their domain. LSGA has given sufficient ground under which these local bodies can grow their own forest through afforestation in bare land, hills, steppe, steep land and public land. If this is the forest as referred to in the LSGA, then there are no grounds for conflict between different agencies working in the forestry sector.

However, during our consultations with stakeholders we have been informed that there is **some misperception about the interpretation of LSGA by local bodies, which resulted in difficulties in managing forest under the FA and NPAWCA**. Stakeholders are not clear why such difficulties arose between local bodies and different forest authorities.

From our study, these are the following seemingly confusing/conflicting issues:

1. The LSGA has granted power to local bodies to prepare plans on forests, vegetation, biological diversity and soil conservation, and also to implement those. The confusion here is for which forests the local bodies can make plans.
2. The LSGA has entitled local bodies to obtain the amount of royalty on behalf of the Government for mines, petroleum products, forests, water resources, and

other natural resources. The definition of forest referred here is unclear to stakeholders.

3. The LSGA has granted power to local bodies to sell the forest product located within the forest area, such as dried timber, fire woods, branches, splints, twigs, roots etc. Although the local bodies have power to sell forest product, it is unclear which forest products are included in this provision of the LSGA.
4. The LSGA refers to a fund held by the local body which should include the amount of monies obtained for extending cooperation in preventing smuggling and theft of forest products. This provision is unclear to the stakeholders.
5. The assets of the local body are acquired by the forest resource, according to the existing forest laws or forests handed over by the GoN. This is also creating confusion.

This confusion can be easily removed by clarifying the definition of forest in the LSGA. However, if the provisions are kept this way, they may create conflicts at the time of REDD+ implementation in LSGA forests.

#### **5.1.2 Rights and Conflict over Forest Managed under the FA**

During our community consultation we heard that there has been a great amount of confusion about rights over forests under FA. Peoples are generally clear that Government managed forests, protected forests, National Parks, Conservation areas and Reserves are belonging to the GoN. The GoN can grant user rights to other peoples for managing the forest with a document issued by DFO. Communities are confused about having only contractual rights over forest rather having legal rights. Therefore, we need to review the laws regarding rights over forest.

##### *Government's Right over Forest*

The GoN is the owner of all types of National Forest. As per FA, no person has power to register or cause to be registered land within the National Forest. Furthermore, the NPAWCA has conferred rights to the GoN when it is necessary to declare a National park, reserve, conservation area and buffer zone, by publishing a notice declaring the area. The GoN may abandon or transfer the ownership or alter the boundaries of an area, which has once been declared as a National park, reserve, buffer zone or conservation area by publishing a notification. **This provision has given clear-cut power to GoN to declare any area as Protected Area System, and no requirement is cited in legislations of any community level consultation before declaring any area as Protected Area System.**

According to the Forest Rules, 2051 ("FR"), the **GoN can execute any project in forest areas when this project is seen as a national priority.** In case the execution of any project of national priority in a forest area causes any loss or harm to any local individual or community, the operators of the concerned project itself shall bear the amount of compensation to be paid in consideration thereof. When a project becomes more significant than standing forest, GoN can let the project proceed.





The law has given reasonable power to GoN to grant any part of National Forest to different types of forest management/users. Any part of the National Forest suitable for management by a user group shall be handed over to a community as Community Forest and shall not be handed over as Leasehold Forest.

The GoN has the right to transfer and retract National Forest to and from third parties for specific purposes. Forest taken back by the GoN may be re-handed over to the same users group, in case the decision related to seizing the forest thereof is cancelled.

*Rights of the Government for Demarcation of Boundaries of National Forests*

The law has **provided power to the DFO to determine forest boundaries**. Subject to the provision of the law, the DFO may demarcate the boundaries of National Forests of concerned district and install boundary marks. If land has to be acquired, Law has also provided a procedure of land acquisition while determine the forest boundaries which shall be as follows:

- i. The DFO shall have to affix a public notice with the reasons for demarcating boundaries of any national forest, in case any public land or private land belonging to any person and any house or hut constructed on such land within or adjoining a national forest have to be incorporated within the forest boundaries for the protection of the forest or its boundaries. The DFO should fix a notice at the residence of the concerned person as well as at the Office of the VDC or Municipality, the Revenue Office or Land Revenue Office and the place where the land is located in a way to be seen by all persons.
- ii. While issuing the notice for acquiring the land, details about the area of the land or house to be acquired and boundaries and category of the land has to be stipulated.
- iii. The DFO has to notify the persons who have right to such land or are using such land that they may file a claim for compensation along with the evidence of their title to the DFO within seventy days after the affixture of the notice or after they get information thereof, excluding the time required for the journey and that no complaint shall be entertained if they do not file an application within such time limit.

If anyone is discontent with the notice issued as above, he/she may file an appeal to a committee<sup>7</sup> and if further unhappy with the decision of committee may file an appeal to the Appellate court.

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<sup>7</sup>Committee consisting of Chief District Officer – Chairman, A member designated by the District Development Committee – Member, Chairman of the concerned Village Development Committee or the Mayor of the Municipality – Member, Land Revenue Officer – Member, District Government Advocate – Member, Chief of the Maintenance Survey Branch in the district – Member, DFO or a Forest Officer designated by him - Member –Secretary.



**Although the DFO has power to expand forest boundaries, the DFO cannot acquire the land as above without giving any compensation.** The DFO has to pay the amount determined for compensation to the concerned person from the Government funds. A committee decides for granting land acquisition and determines the level of compensation. The committee shall have to take the following matters into consideration while determining the amount of compensation for house and lands to be acquired:

- i. Value of the house and land at the rate prevalent in the village market, on the date when a notice is issued,
- ii. In case standing crops and trees on such lands are also to be acquired, the losses which the concerned person will suffer,
- iii. In case the concerned person is compelled to quit his residence or the place of concern and shift elsewhere, reasonable expenses to be incurred while doing so.

### *User Rights Over Forest*

Users group have only contractual right (no ownership) over the National Forest as defined under the respective laws. Different users' based forest managements and user's rights are highlighted below.

#### *Community Forest*

The DFO, as determined by the law, may grant any part of a national forest to a user's group in the form of a community forest to develop, conserve, use and manage the forest and sell and distribute the forest products according to a work plan. The DFO may constitute a users' group by mobilizing users and provide technical and other assistance required to prepare the work plan. While handing over a community forest, the DFO shall issue a certificate of alienation of the community forest. The DFO, may decide to cancel the registration of community forest and take back such community Forest, in case the users group of community forest cannot operate its functions as per the approved work plan. This includes any activity which may cause significant adverse effect in the environment or does not comply legally binding terms and conditions.

FA has prescribed special restriction in granting forest to other use when the forest is better suitable for community forest (highest priority). Further, the First Amendment to the FA, brought a provision that any users group shall expend at least twenty five percent amount of the income derived from the forest (as stipulated in the workplan) for the development protection and management of the community forest and remaining amount for other development work.

#### *Religious Forest*

Any religious body, group or community who desires to develop, conserve and utilize the national forest in any religious place or its surroundings, shall have to submit an application to the DFO mentioning the area and boundaries of such forest, functions to be carried out and other details as prescribed. On the receipt of an application, the DFO shall conduct necessary research, after which the DFO can handover such forest to a

religious group or community as a religious forest. While handing over the forest, an arrangement will be made to protect rights and interests of its traditional users. The DFO may also decide to seize a religious forest, in case the concerned religious body, group or community operates any function contrary to the law or cannot comply with the terms and conditions to be complied pursuant to law.

#### *Leasehold Forest*

Any corporate body, industry or community established under the prevailing law which desires to have rights for a leasehold forest shall have to submit an application to the Regional Forest Director (RFD) mentioning the area and boundaries of the proposed forest, operational program, and activities stipulated to achieve the objectives and prescribed other details and an economic feasibility study. Government may grant any part of the national forest in the form of a leasehold forest for the following purposes:-

- i. To produce raw materials required for the industries based on forest products.
- ii. To sell and distribute or utilize the forest products by promoting its production through afforestation.
- iii. To operate the tourism industry in a way that is compatible with the conservation and development of the forest.
- iv. To operate agro-forestry in a way that is compatible with the conservation and development of the forest.
- v. To operate farms of insects, butterflies and wildlife in a way that is compatible with the conservation and development of the forest.

The RFD may decide to cancel the lease and take back such leasehold forest, in case the forest lease holder cannot operate its functions in accordance with the forest lease in the leasehold forest or operates any functions which may cause significant adverse effect in the environment or does not comply with the terms and conditions to be complied pursuant to law.

#### *User Rights to File Grievances when Forest is Retracted*

Although the DFO or RFD has the right to retract forest from different users such as community forest users' group, religious body, group and/or community or lease holder, respective group or leaseholder has to be given reasonable time to submit clarification before making decision to cancel the registration of community or religious or leasehold forestry before taking these back. In case the **Community forest users group, religious body, group and/or community are not satisfied with the decision made by the DFO, such community forest user group may file a complaint to the RFD.** The decision made by the RFD in respect to such complaint shall be final. There has not been given any jurisdiction for handling complaint other than within the periphery of MOFSC.

**In case the leaseholder is not satisfied with the decision made by the RFD to retract the leasehold forest, one may file a complaint to the Appellate Court** within thirty five days from the date of the receipt of such decision. Under the leasehold forest management there has been given jurisdiction out of the periphery of MOFSC.



## Analysis on Rights, Conflict and GRM in Forest Managed under the FA

### *Findings on Right to Transfer and Seize of National Forests*

Grievances on forest user rights in National forest are ultimately decided within the authorities of MoFSC, either through the DFO or RFD and in only one case to appellate court. DFO has right to hearing in community and religious forests whereas RFD has hearing right in case of leasehold forest.

Granting and seizing user rights to forest is the sole jurisdiction of the DFO and RFD which are the institution under MOFSC. Only in the Local Self-Governance Rules 2056 ("LSGR") there is a provision for a local body to use land without rules set by the DFO, to carry out any development and construction work within its area. Also, in case of community, leasehold and religious forests, the DFO and RFD can only seize the land when the forest user is in compliance under their contractual obligation established by mutual agreed work plan. Such **high dependency on the content of the work plans leaves room for deliberation**, and this may lead to an opportunity for grievance if the same format is used in the future REDD+ program.

It is evident from the community consultation, **grievances expressed by community forest users are about ambiguity in the definition of user right**. Community discussion has brought more clarity on the tasks of forest users, however, provision mention other than in legislation is ineffective in case of the penalties and the corresponding compensation (see Chapter 6 for more details).

### *Findings on Demarcation of Boundaries of National Forests*

The GoN possesses jurisdiction to set boundaries in national forests and can obtain land and houses against a fair compensation to the owner. It should be noted that these laws and regulations operate within an economic pay-off scheme without mentioning the social and environmental impact on the owner or forest user. The Local Self-Governance Rules (2056) generally promotes for a project impact assessment, whether or not there is rise in awareness, change in lifestyle, culture and growth in social and moral activities of the local people or whether or not there is growth in opportunities for employment or self-employment, in business transactions, in purchasing power and overall economic activities of the local people.

From our stakeholders' consultations, we have heard a substantial amount of grievances about social impact, such as the historic importance of land occupied by third parties or land seized by the GoN. **The laws are currently not adequate for addressing these social impacts**. Yet, in the REDD+ architecture, there is strong emphasis on assessing and tracking the social and environmental impacts of the REDD program on the forest user. Closing this gap in legislation is an important step to prevent such problems ending up in the GRM.



### *Findings on the Right of Land Owners to Complaint against the Acquisition of House and Land*

If notice is given about acquisition of house and land by the GoN, any concerned person who is dissatisfied with such notice may file a complaint to the committee within thirty five days after the affixture of the notice. The committee shall take a decision after investigating the complaint. The person who is not satisfied with the decision taken by the committee may file an appeal to the Appellate Court within thirty five days from the date of receipt of such notice. In this case, the grievances handling mechanism is somewhat democratic, because the authorities to whom appeals are made are other than within the periphery of the MoFSC.

Furthermore, the law has created a more protective mechanism when acquiring private land. In case private land or a house is included within the boundaries of the National Forest, it shall be done subject to the following provisions:

- i. Private land and the house built on that land outside the National forest shall not be acquired except when it is essential to do so for the protection of national forest or the boundaries thereof.
- ii. In case such land and the house are to be acquired in such manner, the land in excess of two bighas in the Terai and four ropanis in the valley and the hilly region shall not be acquired without having a prior approval of the Government. Land in excess of five bighas in the Terai and ten ropanis in the valley and the hilly region shall under no circumstance be acquired unless the land owner has given his consent.
- iii. Land and houses which are registered in the name of any person and which are surrounded on all sides by a National Forest or situated within a National forest may be acquired and included within the boundaries of the National Forest.

The FA has provided special provisions for the protection of the private land owner, however, there is **less room for defense against a decision about acquiring land taken by the DFO.**

### *Grievance Redress under the Forest Act*

The FA has not given specific provisions for a GRM other than hearing and making decisions on criminal activities envisaged in the FA. The DFO has the legal power to handle all forestry related disputes. The FA states that the DFO has authority to hear and decide cases and has power to fine up to ten thousand Rupees or imprisonment for up to one year or both.

One good thing about the FA is that the **DFO has to finalize the case as quickly as possible** and therefore is required of hearing and deciding the cases by following the proceedings and exercise the powers as mentioned in the Special Court Act (1974). **Any party who is not satisfied with the decision made by the DFO may appeal to the Appellate Court** within thirty five days from the date of the receipt of the notice of the decision.



### 5.1.3 Right and Conflict over the Forest Managed under the NPAWCA

In addition to the FA, the NPAWCA governs Protected Area System areas. Effective implementation of REDD+ is also related to the forest managed under the NPAWCA. It is therefore imperative to review the rights, conflicts and GRM in the forest managed under the NPAWCA.

#### Rights of Government for Management of Protected Area System Area

The Warden is a person appointed by GoN for conservation and management of a National park, reserve, conservation area or buffer zone. The Warden has power to exercise when necessary for the proper management of a National park or reserve, hunt, remove any natural resources or perform any other necessary activities inside the National park or reserve. The Warden executes tasks related to the management and conservation of the buffer zone.

The Warden, in co-ordination with local authorities, may form a specific user's committee for the management of fallen trees, dry wood, firewood and grass in a National park, reserve, conservation area or buffer zone. Other rights, duties and responsibilities of the users committee formed shall be as prescribed. The Warden may provide prescribed forest products or other services by collecting prescribed fees inside a National park or reserve. As to the local communities' rights, NPAWCA has mandated for the expenditure of up to thirty to fifty percent of the amounts earned by a National park, reserve or conservation area for community development of local people, in co-ordination with the local authorities.

The GoN may, by entering into a contract, in the utmost interest of the National park, reserve or conservation area, make arrangements for operating hotels, lodges, public transport services or similar other services or facilities by itself or through other parties by entering into a contract. The GoN may, by publishing a notification in the Nepal Gazette, entrust management of a legally declared conservation area to any institution established with the objective of conserving nature and natural resources for the period prescribed in such notification.

According to the BZMR, the GoN can prescribe buffer zones of the peripheral area of National park or reserve by describing boundaries, and shall consider natural boundaries as the primary basis, and by also having considered the following factors:

- i. areas likely to be affected from National park and reserve,
- ii. geographical situation of National park and reserve,
- iii. status of the villages and settlements located within National park and reserve,
- iv. area that could be appropriate from the point of management of the buffer zone



### *Rights of Forest Users in the Protected Area System Area*

The warden decides how forest products are managed inside these areas. Entering into a National park or reserve shall be one's own responsibility. In case any person dies or sustains any injury, loss or damage within the National park or reserve, the GoN shall not be liable to pay any compensation for such death, injury, loss or damage. No one shall be allowed to enter into a National park or reserve without obtaining an entry permit as prescribed or a written permission from the authorized official. However, the legislation stated that this provision shall not be applied to persons who have right-of-way into the National park or reserve. Further No person shall be allowed to collect any specimen from a National park, reserve or any other wildlife habitat for scientific research without obtaining a license. These provisions clarify that these protected areas (other than buffer zone) are under full control of GoN.

Although there seems no legal right given to users to exercise power within the National park, conservation areas and reserves, **the GoN has an obligation to share benefits received from these special areas.** Up to thirty to fifty percent of the amounts earned by a National park, reserve or conservation area may be expended, in co-ordination with the local authorities for community development of local people. Although local communities do not have a direct right in the National park, they can get an indirect benefit. However, during our community consultation we have been informed that, the benefits they received from the earning made by Protected Area System is nothing in compare to the losses they suffered from damages created by wildlife. A large amount of grievances are found in the locality nearby Protected Area System area.

Furthermore, **it remains unclear who are local communities and how benefits are to be transferred, and the act of consultation with local users is absent in the law.** Nevertheless, specific focus on local communities is further emphasized in selecting projects. The users' committee shall give priority to those projects that meet the requirements of local people and conserves natural resources. In case any house or land of a local resident is located inside a buffer zone or falls within the existing natural boundary of a national park or reserve as a result of flood or landslide, and if such inhabitant's house is destroyed, the concerned National park or reserve on the recommendation of the user committee has to pay a reasonable compensation to him/her from the amount allocated for community development. NPAWCA has made a provision for a user committee.

Furthermore, forest users have some right over buffer zone. Buffer private forest can be cultivated by users. The rightful owner of the land within a buffer zone may then develop, conserve, manage buffer private forest and utilize the forest products as s/he wishes. The owner of buffer private forest is allowed to transport, sell or distribute freely the forest products of the buffer private forest within the buffer zone. Local communities can also collect forest materials in buffer zones.





### Grievance Redress in Protected Area System Areas

The NPAWCA stipulates different penalties in case any crime is performed. However, **there is no clear GRM outlined to regulate how peoples file and finalize grievances if their rights are infringed.** All investigations of offenses shall be conducted by a ranger or an employee up to the rank of Subedar who is connected with forest and wildlife management or by an employee at least of the rank of non-gazette first class or by an employee with at least the rank of sub-inspector in the Police force. Upon the completion of such investigations, he\she shall file the case before an adjudicating officer in the name of National park office or reserve office or wildlife conservation office or forest office or any other office discharging the functions relating to forests.

The cases falling under the NPAWCA are to be heard and decided by the Warden, and some other cases, related to other forests, to be heard and disposed by the DFO. In some cases, the assistance Warden and ranger are also granted power to hear cases or dispose cases. Here, the prescribed authority shall follow the same procedure. An appeal may be filed before the Appellate Court against the decision made or order issued by the Authority within thirty five days after such decision is made or order issued.

For buffer zones, the Warden shall have the power to dispose the cases of the offence related to the management and conservation of buffer zone, as stated under the NPAWCA. The party, who is not satisfied with the decision made by the Warden, may appeal before the Court of Appeal within thirty-five days after receiving the notice of such decision.

During our consultations, we were informed that Protected Area System areas are under strict rules enforced by the Warden. The Warden can enforce and take immediate actions to ill users because of the special status of the forest. The prevailing question is how such actions will filtrate into a REDD+ scheme. It is expected that currently preceding rules can become a potential source for conflict and grievance for local communities living near Protected Area System areas, such as: 1) The rights of the user committee to manage fallen trees, dry wood, firewood and grass. How are these rights and obligations defined, monitored and evaluated when REDD+ is active? and 2) Up to thirty to fifty percent of the amounts earned by a National park, reserve or conservation area may be expended, in coordination with the local authorities for community development of local people. How will this work when REDD+ benefits are coming in? **It is advisable to revisit these laws and rules to prevent confusion with forest users and as a result, potentially overflow the GRM.**





#### 5.1.4 Participation and Benefit Sharing Policies, Guidelines and Regulations

In 2007, the Ministry of Forestry and Soil Conservation launched a Gender and Social Inclusion Strategy (GESI) with the aim to change the policies and laws, create sensitive institutions and enhance equitable access to forest resources and benefit sharing. Within the forestry sector, Government institutions dealing with community forestry have a responsibility to mainstream GESI into their operations, including a grievance mechanism. Persons are assigned to GESI in each Department but until today, no such mechanism has been fully operational, as we heard from the stakeholders.

As per the Guidelines for Community Forest Development Program, 2064 (2008), the GoN should promote the empowerment of users by effective consultation with every household regarding forest related laws and policies, legal and social norms of community forest and the rights and duties of users must be conducted. In addition, the GoN should identify those groups with similar interests in order to contribute towards poverty reduction, formulation of necessary laws and plans for the equitable distribution of resources and to increase the access of women and poor class in decision making.

The Forestry Policy 2071, guides the Government to focus on REDD+ related activities. This policy set outs rules on value adding of forest products to the livelihood of forest users. Through increased participation and access of people, not only protection of forest becomes effective, but also tremendous employment opportunity can be created at the local level. In case forest users are in the position to obtain such an employment opportunity, the GoN should:

- i. Ensure equitable distribution through increasing the benefits accrued from the environmental services such as biological diversity and protection of resources.
- ii. Increase the access of indigenous, ethnic and local community in the sustainable management and utilization of biological diversity and water resources.
- iii. Make equitable distribution of the benefits through the ecological, economic and social strengthening of the forests managed by the community such as community forest, leasehold forest, partnership forest, protected forest and religious forest.
- iv. Increase, through the community managed forests, the access of the poor, indigenous, ethnic groups, Dalit, women and marginalized users who are far from the access of forests.

These participation guidelines, which should be implemented in policies and strategies, encourage and prioritize local ownership and management of forestry resources. The guidelines will also become part of future REDD+ implementation as stipulated in national REDD+ documents. It is expected that local communities can become (more effective) forest users and claim benefits from forest management in their effort of preventing deforestation and degradation.

The participation guidelines also stipulate encouraging participation of villagers, local government bodies and NGOs as collaborators. This guideline is important for the design

of the GRM. Also, stakeholders across Nepal have informed the study team that participation in forest governance is limited. One way to stimulate participation is to **develop a multi-party GRM**. This is a GRM in which not only the Government handle/decide on grievances, but a combination of different stakeholders in the forestry sector such as communities, NGOs, civil society, private sector and academia have an active role in grievance handling/decision-making.

### 5.1.5 Some Relevant Examples of Dispute Resolution Mechanisms in Nepal

There are several examples of dispute resolution that are relevant to the study of the GRM.

#### *A Few examples of Forestry Related Dispute Resolution Mechanisms (Non legislative mechanism)*

- i. Directive relating to the Collection, Sale and Distribution of Forest Products (Timber/Wood), 2057 states that the Ministry of Forest and Soil Conservation shall have the right to interpret the disputes arising in respect of the matters contained in this Directive.
- ii. District Forest Products Supply Committee (Procedure) Directive, 2063. The interpretation made by Ministry of Forest and Soil Conservation under the Government of Nepal shall be final in respect of any dispute concerning the interpretation of any provision contained in this Directive.
- iii. Directive relating to Establishment and Operation Procedure of Forest Development Fund, 2064 (2008) prescribed that the Ministry of Forest and Soil Conservation under the Government of Nepal shall have the final right to interpret any disputes arising in respect of the matters contained in this Directive.
- iv. Resin (Khoto) Collection (Procedure) Directive, 2064 (2008) stated that it shall be the power of the Department of Forest (DoF) to interpret the disputes concerning the matters contained in this Directive.
- v. The Private Forest Development Directive, 2068 (2011) states that the interpretation made by Ministry of Forest and Soil Conservation under the Government of Nepal shall be final in respect of any dispute concerning the matters contained in private forests.

In addition, some other forest bodies can have a role in dispute resolution relating to the forestry sector.

- i. The Directive relating to the Establishment and Operation of District Forest Coordination Committee, 2062 (2005) says that the coordination committee can settle the conflict and disputes existing in the development of forest sector and settle the disputes arising in User's Group.
- ii. The Community Forest Development Program Directive, 2064 (2008) states that the stakeholders can facilitate in dispute management.



### VDC level Grievance and Dispute Handling under the LSGA(A Legislative Mechanism)

The Self Governance Act mentions jurisdiction of the Village Development Committee (VDC) to handle grievance. The VDC can settle different types of cases within a village development area. Jurisdiction of the VDC is related to different types of disputes, such as disputes about land boundary, public land, canals, dams, compensation for damage of crops, forced labor, wages, paupers, pasture land, grass, fuel woods, water bank and security of public property amongst others.

For hearing and finalizing disputes, the VDC has power to form an arbitration board to hear and settle the cases. The VDC has to appoint three persons in the arbitration board, as agreed upon between the parties. These derive from persons listed in the approved roster of arbitrators. In case the parties to a dispute fail to reach agreement on appointing an arbitrator from the roster of arbitrators created by the VDC, each party shall appoint an arbitrator of their own and provide the name of such an arbitrator to the VDC. The VDC receives the names of two arbitrators, and shall appoint a third arbitrator from the roster. If parties fail to reach agreement in appointing any arbitrator or the parties do not submit the name of an arbitrator, the VDC shall appoint three persons from amongst the persons enlisted in the roster, as arbitrators. The VDC has a responsibility to designate one arbitrator as the Chairperson of the arbitration board from amongst the appointed arbitrators.

The three arbitrators have the right to collectively deliver an opinion and the opinions of the majority shall be deemed the decision of the arbitrators. In case the majority of the arbitrators could not form one opinion and they hold different opinions, such opinions shall be submitted to the VDC and the opinion supported by the VDC shall prevail on that matter. The arbitrators shall, to the extent possible, insist the concerned parties to negotiate with each other on the case submitted and have the case compromised. In case the arbitrators could not succeed to reach a compromise between the disputed parties, the VDC shall exercise their power and decide on the case. In case a compromise or decision is made between the parties, the VDC shall put its seal on the compromise or decision, mention it in its records and file the case in the VDC. Any party not satisfied with a decision made may appeal to the concerned District Court within thirty-five days of the hearing or knowledge of the decision.

In cases where the parties agree to fulfill any obligation of making payment or handing over goods/services according to a compromise or decision made in regard to settling of disputes, the VDC shall execute the compromise or decision. In case any party fails to fulfill obligation of making payment or handing goods/services as stipulated, the VDC shall forward a list along with the details of the obligation to be so paid or fulfilled to the concerned Land Revenue Office. The Land Revenue Office shall, upon being so requested by VDC, execute the compromise or decision by fulfilling the procedures under the prevailing law. Although the set-up of the VDC is useful for REDD+, the structure has been dysfunctional for the last decade due to political influence.



### 5.1.6 Effectiveness of Decisions Made by the Formal Dispute Resolution System

The legislation has given the ultimate decision-making power in forestry disputes to the DFO, RFD or Warden. Besides decision-making power, the DFO and Warden also have significant amount of enforcement power to ensure that forests are protected against unwanted human-induced influences. There is an appeal possibility from the DFO to the RFD, RFD to Appellate Court, and Warden to appellate court. Nevertheless, there are only few GRMs highlighted in the FA and NPAWCA. **The two legislative instruments, FA and NPAWCA, seem to give full power to Government officials to control human-induced influences over the forest. Stakeholders therefore generally feel that they are powerless against decisions made in this forestry scheme.** During our various levels of consultations, they demanded a more balanced GRM, in which peoples have more voice.

The disputes being handled by the formal system are disputes about crop damage, lost and found domestic animals, water sources, pasture and land fodder and disputes about land (Chetri and Kattel, 2004). It is noted, however, decisions using the formal system have only 30-45% success of being resolved (Chetri and Kattel, 2004). This statement is supported by views of stakeholders, who find the final decision not being executed after spoken. Our consultations demonstrated that formal systems are the last resort for stakeholders in REDD when they are confronted with a dispute. One problem is that stakeholders feel that the **cases are never really resolved** because implementation of the decision is problematic. More specifically, stakeholders think that when decisions are made under laws, they often **lack cultural appropriateness** and therefore do not provide long term (sustainable) solutions.

Formal systems are labeled as unjust because forest user feels a decision is only based on using the law rather than considering the future relationship between the disputants. There is **limited discussion possible** between disputants, which leads to the win-lose outcome of formal decisions. Stakeholders rather want to engage in a discussion with each other than being forced to behave a certain way. Stakeholders have also noticed **political intrusion** in the system, which ultimately expresses itself in the decision-making. For example, some stakeholders have noticed that cases of powerful persons are given priority over Dalit cases.

An important aspect is that stakeholders believe that the system is **slow** compared to the informal system that handles disputes immediately. Cases usually take many years to resolve, while in the meantime the disputants have to continue using the forest together. Often this creates a situation with high tension, transforming an overt conflict into a hidden conflict. Such “put-away” conflicts have been accumulated in the last thirty five years after the introduction of the community forestry program.

**Formal systems are just not easily accessible to poor groups of forest users because they require a substantial amount of financial resource to file a case.** Each person needs to hire a costly lawyer to write and file the complaint. They also need to come to court several times, which is usually situated in town, far away from the forest areas. In addition, to follow the formal process, stakeholders have to be literate and understand

the rather complicated documents produced by the court. Some stakeholders even expressed fear to go to court.

Because the GRM should balance power and complement this legal system, **it is necessary to create an alternative route to the existing formal DFO structure for forest users to submit complaints.** In addition, **because of the existing conflicts between DFO and forest users at the District level (see Chapter 6), it is advisable to leave decision-making on grievance to an independent expert body.** In that way the GRM is unbiased and accessible to those stakeholders who have expressed fear for dealing with the DFO. This aspect will be included in the design of the GRM.

Quasi formal systems have been implemented for large-scale infrastructure projects. For example, the National Rural Road Program (Box 2). This kind of GRM system can be designed to be accessible to local users as it can be local, low-cost and with simple procedures. The REDD+ GRM can follow this model easily and learn from the particular deficiencies this system has and how we can overcome these in the future with REDD+. We will consider the lessons learned from this model into the design of the GRM.



## 5.2 Review of Informal Systems

Informal dispute resolution mechanisms and practices, primarily based on negotiation between disputing parties with the involvement of a third party, are common in most of the communities living in Nepal (Chetri and Kattel, 2004). A study pointed out that only 15% of all cases go to the court in Nepal. The remaining 85% cases are resolved by local communities themselves, under leadership of the community head or other leader (FREADEAL, 1995). Solutions are usually sought to foster relationships between disputant and ensure that disputants, as much as possible, keep their face within the community (Chetri and Kattel, 2004).

Local people prefer settling cases locally because of several reasons. **Researchers point out the main reason for choosing for informal systems is that solutions are locally available, procedures are easier than formal mechanisms, the system is familiar to most peoples, the system is simple, can handle oral complaints and it delivers immediate and effective justice** (Kattel, 2012; Bhattachan and Pyakuryal, 1996).

### 5.2.1 Characteristics of Informal Mechanism to Resolve Grievances

Historically, informal dispute resolution systems were designed in local groups for a specific purpose. Some groups developed such mechanisms to maintain collectivity within the group, while others were more concerned about preservation and transfer of social and cultural practices necessary to (spiritually) survive. Other groups used dispute resolution as a mechanism to maintain order and promote harmony and peace within the group (Chetri and Kattel, 2004).

Cases that are handled are disputes over boundary issues, unfair resource distribution, stealing of forest products, and illegal grazing in the forest land, membership of forest users are settled locally. Such cases are settled by mediators and respondents pointed out that they include: caste/ethnic head, community head, ex VDC chair, ward chair, ward member, school teacher, and executive member of community forest user group committee, leasehold forest user group committee, women group, respected social workers and local political leaders. Besides cases handled by a preferred community leader, some cases are settled in coordination with the area's Forest Office. The latter occurs when a case is serious between two forest user groups.



**Box 2: GRM for the National Rural Road Program, Department of Local Development and Agricultural Roads (DoLIDAR), Ministry of Federal Affairs and Local Development (MoFALD)**

Strengthening the National Rural Road Program (SNRTP) is a continuation of the Rural Access Improvement and Decentralization Project since 2005. As a project financed by the World Bank, it needs to adhere to the Involuntary Resettlement Policy (IRP) and the relevant laws, guidelines and policies of the Government of Nepal. The IRP required the project to establish an effective Grievance Handling Mechanism, which has been operational since 2009.

The projects' Environmental and Social Management Framework (ESMF) recognized the existing informal dispute resolution practices exercised within the country. The ESMF state that "informal dispute resolution mechanism and practices, based primarily on negotiation between disputing parties with the involvement of third party, are common in most of the communities in Nepal. Following the local tradition and cultural practices, unsatisfied people will go to Village Road Coordination Committee (VRCC) and Local Road Users Committee (LRUC) with their complaints at first. The VRCC and LRUC, as knowledgeable local peoples, receive complaints and hear the grievances of people. The VRCC and LRUC can resolve minor problems because the law allows resolving minor civil cases in the community. If they cannot resolve a specific case, then they forward such cases to the Grievance Hearing Committee" (ESMF 2009, p32). Moreover, "the grievances escalated due to land acquisition, structural damage, loss of livelihood and minor assets and related to compensation distribution, etc. directly goes to the GRM. The Grievance Hearing Committee receives the complaints, examines them with the support of local staffs and from VRCC and LRUC and verifies the information and then gives its decision" (p.33).

In this rural road construction and upgrading project, the GRM Committee is formed as follows:

- a. Chairperson: Nominee of District Road Coordination Committee
- b. Member: Planning, Monitoring and Administration Officer in District Development Committee (DDC), and
- c. Facilitator (invitee member): District Social Consultant.

The GRM office is established in front of the building of the District Development Committee and people can easily access the office and register their complaints. In front of the office there is signboard in Nepali- and local language. Complainants can submit written complaints and also oral complaints are easily registered with the help of the staff available at the office, who maintains the complaint register and informs the GHC Committee members. Once a week, the GRM Committee meets to discuss and resolve the cases.

The VRCC and LRUC members along with the GHC Committee members have received basic 3-day training in dispute resolution. They are familiar about the basic laws, human rights laws and the safeguard policy of the World Bank and Government of Nepal. Therefore, VRCC and LRUC at local level (in the rural road construction site) also records complaints and resolves them. If they cannot resolve the complaint locally they forward such cases to the Grievance Hearing Committee. If the GRM cannot resolve the case then the case goes to the social unit of the Central Office of the project. Victims are not forced to register their complaints to GHC in any way. They are free to go to formal forums/court or District Administration Office (DAO) because the Land Acquisition Act 1977 gives responsibility of land acquisition to DAO under Home Ministry.

The Grievance Redress Mechanism (GRM) is easily accessible, time efficient, free of cost and no legal procedures exists. It has become effective in all the 30 project districts in which the road was constructed. As a result, the GHC had received 927 cases and resolved 893 cases were resolved during 2010 to 2013. Most of the grievances received were caused by the lack of information and unfair distribution of compensation, which were easily resolved after hearing the disputants. The unresolved cases included land claims with the GoN. Therefore, such cases were recommended to be submitted to the Ministry of Home Affairs through District Administration Office or Supreme Court.

The lessons learnt in establishing a GRM for this project were very interesting. The first point was that the GRM should be well known locally, especially by representatives of the local peoples to win the trust of local peoples. The GRM should also follow an informal procedure during case registration and hearing, and one of the recommendations was that it had to accept oral complaints. Social scientists need to be hired to make local and affected peoples aware about the program and GRM system and conduct sessions regularly. On the top of this, the GRM should have staff that is trained on mediation skills and has basic knowledge on laws, human rights and social justice.



## *Procedures*

The informal procedures for case registration, resolution and implementation of decisions are well known to local communities in rural areas. According to the informants, the informal grievance resolution system is completely undocumented. Usually, a complaint is registered orally to an informal forum (most probably an accepted individual) and this leader invites the disputed parties and involved stakeholders for a resolution session.

In this session, the leader (mediator) informs the participants about the case: the complaint and objective of the session. The leader allows the complainant to present his/her grievance in the meeting. If a complainant is unable to present his/her case then family relatives or a supporter is given an opportunity to present the case. After presentation of each complainant, the leader seeks views of witnesses and attending community members.

Once all voices are heard, the leader seeks possibilities for reaching agreement in consultation with disputants and other participants aware of local traditions, culture and practices. With the help of attending community members, the leader selects the best option and puts it forward as an agreement which has to be implemented by the disputants. The agreement and corresponding arrangements for its implementation are usually unwritten.

A variant on this informal process was conveyed by community members and local organizations in Kaski. In case of a dispute, the community writes an official letter to the interest group FECOFUN or HIMAWANTI and invites them to the informal mediation process. These organizations then act as mediators and help the community settle the case.

### 5.2.2 Effectiveness of Decisions Made by the Informal Dispute Resolution System

**The majority of stakeholders consensually stated that informal mechanisms resolve cases permanently because they are community-based, widely accepted and deliver practical and timely decisions.** The high percentage of success in decisions made with informal dispute resolution is coming from the high ownership of decisions. The disputants are known to community members which binds them to accept the decision and implement them easily. However, an informal decision is not legally binding. Disputants are free to appeal, if they are dissatisfied with the decision made by the informal forum. Appeals against informal decisions are rare, and not a single appeal case was reported during our consultations.

The decision coming from an informal forum is morally binding. The disputants are under social pressure because they continue to live in the same community. Decisions made in the informal forum are considered decisions taken by the whole community and thus need to be fully implemented. Yet there is possibility of leaders being biased and prejudiced in decisions, especially if a community is divided into two groups on the basis of political and/or ethnic interests.





The REDD+ stakeholders expressed satisfaction with existing informal grievance redress mechanisms and prefer to use this type of practice in the future. Satisfaction with informal grievance redress mechanisms were based on the following reasons: i) one can express feelings easily, (ii) one can find out the cause of dispute, (iii) one can rely on a familiar authority and procedures, (iv) the system has easy access (v) the system has no cost to the service, (vi) the system accepts oral complaints, (vii) the system delivers fast and effective responses, (viii) the system is transparent so that everyone can observe the decision made by community, (ix) the system settles disputes collaboratively, and (x) the final agreement is practical and follows a win-win approach.

Some respondents in district and regional consultations were dissatisfied with informal mechanisms because these may become dominated by elites. Informal mechanism cannot sufficiently address human rights and Western laws. However, these stakeholders proposed to empower CFUG/LFUG members, forest networks and interest groups with tools for mediation and knowledge about human rights and basic laws. We have met several community mediators during our consultations that were trained by NGOs. These people have knowledge about both systems - informal community systems and human rights laws. A significant study on informal dispute resolution (Chetri and Kattel, 2004), demonstrates that mediation has growing popularity with rural communities in resolving minor civil cases. It provides a hub for poor and marginalized local communities to have access to justice. **Community mediators increasingly possess trust and ability, and can serve as mediators in the future REDD+ grievance mechanism.**





“With informal systems resolution you remove the tree by its roots, while using formal systems only permits to work at the top surface of the tree, leading the disputes to keep coming back”  
Women forest users, Dhankutta, 18 April 2015

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A handwritten signature in black ink, appearing to be a stylized name or set of initials.

## Chapter 6: Potential Grievances related to REDD+

This chapter summarizes different types of grievances which can influence REDD+ implementation. First, grievances arising from the current situation in the forestry sector are identified and discussed. Potential grievance from environmental and social risk coming from climate change and those identified by stakeholders are also outlined.

### 6.1 Existing Conflicts

Conflict in Nepal's forestry sector is mainly a result of contradictory interests and rights of users and concerned people regarding decision making and benefit sharing. In this section we analyze conflict in the forestry sector existing without a REDD+ program based on the consultation meetings during the study. The GRM team has identified conflict in the forestry sector on four distinct levels: international, national/regional, district and local level.

#### Conflicts at the International Level

There is a continuous tension between Nepal and neighboring country India over the Terai region. Not only is there a cultural and economic presence of India in the region, there is an increasing influx from Chinese and Indian citizens to Nepal that overburdens the pressure on natural resources. Although this conflict is now latent, it can expand when there are attractive opportunities created for payment from forest conservation and ecosystem services.

#### Conflicts at the Regional and National Level

These conflicts are between different parties and are typically felt at the regional or sometimes even nationally. There are competing interests in regions between sectors for land use, for example, the mining sector versus the forestry sector. Also large scale development projects, such as road infrastructure and hydropower dam construction, put enormous pressure on existing forest resources. This type of national conflict between different sectors is felt between officials operating in these sectors at the national, district and local level.

A more internal conflict is felt between the different hierarchical levels in the Government forestry departments. Lower level Government offices (DFO) are not always convinced about the steps the central Ministry and REDD Implementation Center takes and this will eventually translate itself in problems with the implementation of REDD+.



### Conflicts at the District Level

Conflicts between forest users are mostly evident at the District level (Annex 4). A latent conflict exists between the private forest users and the State or Community Forest User Groups (CFUG) over boundaries of user rights. Private forest owners also have covert disputes with various local communities who claim customary rights for use of the private forest. More widely present conflicts are over customary rights in National forests with the surrounding local communities and encroachers. It is in this type of conflict that local communities are worried about the boundaries of their usufruct area and those claimed by the National forest. A similar type of boundary conflict also occurs among different community forest user groups. Besides boundary issues, different community users fight over user rights as they are heavily dependent on gathering forest products needed for sustaining their own livelihood. There is less conflict noticed in religious forests. Conflict is also noticed between the users of buffer zone forest and the national park/conservation area as the wild animals destroy lives and livelihoods. When conflicts emerge in the bufferzone community forest, they are mainly over user rights, animal - human conflict, and about the distribution of forest products.

### Conflicts at the Local (Community) Level

In local communities, there can be competing interests over forest resources between different families/households. This results in a local level conflict that is usually resolved by the village leader or any other accepted person. Village leaders use informal dispute resolution systems, which have been historically cultivated, to address problems with the aim of maintaining the balance within the social unit. Besides inter-family/household conflict, there is sufficient evidence of elite capture by village leaders. Community leaders have an advanced position compared to other villagers in terms of contact with outsiders, knowledge, negotiation skills, and sometimes even language. Such leaders can easily access and negotiate benefits for themselves or their families without thinking about other villagers. Elite capture has resulted in many conflicts in rural areas in Nepal, and has been globally identified as one of the main problems in forest governance and REDD+ (Colfer, 2011). The existing conflict in different forest types is presented in Annex 4.

In a closer look at the existing conflicts in the forestry sector, we see that **district-level conflict is widely present and occurs in all forest management types, but more so in community forest (between local forest users) and national forest (between the GoN and local forest users)**. District level tensions mainly derive from confusion of the local forest users over their rights and obligations and evident in all three geographical regions. These conflicts have been going on for years (long term). Even with REDD+ strategies targeting the rights of these local forest users, especially marginalized groups like indigenous peoples, women and Dalits, it is not expected that trust in the forest user system will restore in the short period of time before REDD+ implementation starts. It is likely that the GRM will receive a relative high number of grievances related to conflicts at the district level.



## 6.2 Potential Grievances related to REDD+

The architecture of Nepal's society embeds a hierarchical system that makes it culturally tactless and unfitting to provide complaints to higher officials in the system. Grievance is not a comfortable activity for many Nepal citizens, but during consultation of the GRM team, a wide range of complaints were expressed on REDD+ by the stakeholders. Many drivers of grievance are also coming from outside the forestry sector. In this section we explore only grievances related to the future REDD+ implementation (Table 4). We also identify drivers for grievance, as follows.

### Environmental Drivers

In all three regions, stakeholders are worried about the lack of water available for sustaining their livelihoods. Changing water availability and soil fertility are directly having effect on the conditions of forests and the forest users. There is an evidential decrease in usable forest and land due to loss of fertility, degradation, presence of invasive species, pressure to convert land into farmland and chemical pollution.

Stakeholders in different regions identified forest degradation more specifically with disappearance of species. In all there geographical regions of Nepal, stakeholders reported disappearance of species, decrease in productive forest (timber) and depletion of fish resources. In some places – Kaski, Naulapur, Kanchanpur, Parsa, Bardiya, Kaski and Chitwan – forest users have to share forest resources with animals. When forest resources are lowering in quality and at the same time the forest extraction pressure is growing (Government of Nepal, 2014), it is expected that existing (district-level) conflicts between forest users will expand.

### Socio-Economic Drivers

According to Bista (1991), Nepalese are descendants of two major migrations from India and Tibet. The Hindu caste system, patriarchal social values and other socio-cultural and political factors is the basis for some categories of peoples to be more vulnerable than others in society: Adivasi/Janajati groups<sup>8</sup>, Dalits<sup>9</sup> and Women. For Dalits and women,

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<sup>8</sup>The Adivasi/Janajati groups are defined as social groups with a social and cultural identity distinct from the dominant society. The National Foundation for Upliftment of Adivasi/Janajati Act, 2058 (2002) defines those ethnic groups and communities who have their own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history. The Act recognizes 59 indigenous communities in Nepal, known as Adivasi/Janajati (Indigenous Nationalities). There are different levels of acculturation among the tribes: While Adivasi Janajati groups such as Rautes are still engaged in hunting and collecting food, Chepangs and Kusundas practice slash and burn, shifting cultivation and depend mainly on natural resources. On the other hand, Newars, Thakalis and Gurungs are more exposed to modern ways and are involved in foreign employment, government and nongovernment services, industry and commerce.

<sup>9</sup> Dalits are defined as those castes of people of Nepal who were categorized as 'untouchables' in the Old Civil Code of 1853 that prevailed until the promulgation of the New Civil Code of 1962. However, in Nepal, the word Dalit has generally come to mean a 'community or a person who suffers from caste discrimination and belongs to the bottom of the caste hierarchy'. They are the poorest peoples in Nepal and own just 1%

vulnerability increases as these vulnerable groups are living in poorer conditions and this structural marginalized position is the result of the deeply rooted caste system (Kattel, 2008; Ojha and Timsina, 2008).

The growing population, which boomed from 30-77 percent during 1991-2001,<sup>10</sup> puts extra pressure on the forests in the Terai region. In addition, peoples from India are entering into Nepal from the South-East to find a better life. These new inhabitants depend on natural resources to make a living when they first arrive. Both population and the North to South in-country migration put pressure on the Terai region, leading to increase of illegal actions such as encroachment (Government of Nepal, 2013d). With this double pressure, forest users who possess more resources are in a better position to obtain benefits. This long-lasting Terai conflict between rich and poor forest users (e.g. Dalits, indigenous peoples, and women) can expand with REDD+ implementation.

The majority of peoples in Nepal are trying to fit into modern society according to Western standards. Nowadays, a different type of forest user develops, one that is not only depending on traditional livelihood practices but also gathers forest products for actively participating in the market economy. This social change process also plays out at the national level where Government's forestry policies are adjusting as the peoples are changing. At the local level, community leadership also has to change because local level peoples are gradually having more Western interests.

Another driver is women marginalization. Almost all forest users operate from family farming systems. Although women comprise half of the total population, gender discrimination is still prevailing in society. The status of women with regard to their access to knowledge, economic resources, political power and personal autonomy in decision-making is quite low. Although this situation is improving, relatively poor women still lack access to and control over productive resources and are socially excluded from obtaining user rights to forests and thus forest products and credit. Only 10% of women own land while just 5.5% own a house of their own (CBS, 2004). This structural conflict has left poor women in a marginalized position. It is expected that this trend will continue with the implementation of REDD+ (Government of Nepal, 2014). The problem will express itself in benefit sharing within communities or even within families. Generally men will be in a more powerful position to capture benefits in REDD+ and use them to things they find necessary. Grievances of this kind have already been expressed by women's groups.

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of Nepal's arable land, and thus lack a 'traditional homeland' where they are numerically predominant. Instead, they are scattered throughout Nepal and are not homogenous. They can be divided in three broad regional groups: i) those in the hill areas; ii) those in the Newari community; and iii) those in the Terai areas. The practice of untouchability is more severe amongst the Madhesi community in the Terai and in the hills of the Mid-Western and Far- Western Development Regions of Nepal. The National Dalit Commission (2003) identified 27 Dalit castes in Nepal.

<sup>10</sup><http://www.prb.org/Publications/Articles/2002/PopulationGrowthContinuestoHinderNepalsEconomicProgress.aspx>





### Legal Drivers

Apart from the historically driven disputes between different forest user groups, there are other legal drivers. Our findings suggest that local communities and community user groups have a fear of losing their user rights. The communities have expressed concern about the Government seizing the land, especially now that forest conservation and combating deforestation becomes a profitable global scheme. Such fear originates from previous action of the GoN to redefine forest rights which negatively affected local communities (stakeholder consultations). If user rights remain unclear to the users, it can be a substantial source of grievance.

The GoN decided to follow a rights-based approach to REDD+ which means having respect for local people's rights. An important aspect of this framework is the right to Free and Prior Informed Consent (FPIC), which requires the GoN to inform the indigenous and local communities and then these communities can autonomously decide if they want REDD+ to proceed and under what conditions. FPIC is a seemingly important aspect of the REDD+ process for stakeholders in all three geographical regions. Stakeholders generally feel that their FPIC rights are not respected and they fear losing user rights to the land. These stakeholders may seek advocacy organizations that can help to fight for their rights such as NEFIN<sup>11</sup>, which in turn is part of an international indigenous movement. The historically existing right-based conflict may expand very rapidly because of the already formed linkages between national and international players.

### Potential REDD+ Program Drivers

Since 2009, the GoN has been preparing for REDD+ with the different stakeholders such as private sector, NGOs and local communities. Stakeholders have been engaged in the REDD+ process on the level of one-way information sharing and consultation. This means that views of stakeholders have been heard but not necessarily included in the process. From interaction with stakeholders, the GRM team has heard stakeholders complain about having insufficient information about the REDD+ program for them to effectively participate. In addition, stakeholders have explained to us that participation has been limited to umbrella organizations and, in many cases, has not reached the stakeholders operating at the local level. Complaints about information sharing and participation will continue if there are no changes made in the stakeholders' engagement strategy.

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<sup>11</sup>The Nepal Federation of Indigenous Nationalities (Adivasi Janajati) (NEFIN) is an umbrella organization of Adivasi Janajati groups. It has classified these groups into five categories. Of the total 59 Adivasi Janajati groups, 10 groups are categorized as "endangered", 12 as "highly marginalized", 20 as "marginalized", 15 as "disadvantaged" and 2 as "advanced" or better off on the basis of a composite index consisting of literacy, housing, land holdings, occupation, language, education, and population size. The first and second category of the Adivasi Janajati groups seems more vulnerable from an involuntary resettlement perspective.





Consultation with Leasehold forest users and District forest authorities on the Feedback and Grievance Redress Mechanism. Kabhre, 21 April 2015

REDD+ benefit sharing is a delicate issue which is very sensitive to grievance. The MoFSC is tasked to ensure adequate sharing after the benefits of REDD+ are centrally received. Many of the interviewed stakeholders expressed having doubt that benefits eventually will be reaching the areas they live in. Stakeholders have expectations that REDD+ will provide benefits for their historic effort of forest protection. They also feel that REDD+ benefits should improve their current livelihood situation. If this is not the case, it is highly likely that benefit sharing will become a major source of grievance in REDD+.

Local community user groups have explained that it is likely for user rules within the community to be subject to change when participating in REDD+. Especially communities that have previously participated in REDD+ pilot projects are worried about more stringent rules about use and extraction set by their leaders as a result of REDD+. They foresee that this will prevent them from gathering forest products on the level they are used to today. Such intra-community tensions can rise and elicit conflict.

#### Political driver

Nepal has been undergoing rapid change in terms of political climate. The country's wide diversity of ethnic groups has been historically dominated by a small group of elites. Since the democratic Government was elected in 2006, several groups have organized themselves claiming position and status. For example, nowadays, ethnic groups still can



request an indigenous status with the GoN. This identity seeking activity is a strategy to acquire more political power and puts extra pressure on the REDD+ program.

### *Coping mechanisms*

Stakeholders have been coping with the impacts from climate change in forest conservation. When communities have to deal with environmentally degraded forest- and water resources, they prefer to migrate to areas where forests are more productive, usually from North to South or within the Southern Terai region. Such in-country migration is widely occurring and has a high potential for grievance, if not properly guided.

Stakeholders are very worried about losing rights to land. They are also concerned about the lack of FPIC practice and think that advocacy may provide some support to their land rights claims. Several groups argue for compensation for their historical role as forest custodians. For legal boundary disputes, stakeholders normally seek an informal resolution by community mediation or in case that does not deliver results, submit the case to the forest authorities (DFO) or Court system.

In the Terai region, the population pressure leads to a coping mechanism dominated by encroachment of forests. At the same time, peoples are existing in a process of acculturation and gradually lose their traditional role of forest stewardship. To cope with this new trend, forest users seek new non-forest dependent livelihoods such as stone making or establishing a small store. Another high potential for grievance is the historical unevenness within families, more specifically women's marginalized position for receiving benefits with REDD+. Women are now organizing themselves and also freely engaging in advocacy (e.g. HIMAWANTI) to improve their position in the society as well as within the family.

It is expected that the REDD+ program will bring forward grievances on awareness and participation issues, because this part of the program is lacking behind the more technical aspects of REDD+ (Government of Nepal, 2013c). Benefit sharing can become a major source of grievance when there is too much space for deliberation on forest rights and obligations stipulated in future contractual agreements between forest users and the GoN. The stakeholders verbally wondered if they would receive sufficient benefits for (historical) forest conservation and, if necessary, will advocate this through international organizations.



Table 4: Drivers for potential grievance with REDD+ implementation

Category	Driver	Impact on forest user	Forest user coping strategy	Potential for grievance
Environmental driver	Loss of usable land	Expansion of district-level conflicts	In-country migration from North to South	High, because of country wide impact
	Loss of water resources			
Legal driver	Free and Prior Informed Consent (FPIC) not practiced	Rights not respected	Advocacy	High, because of international coalition
	Seizing of presently used land by Government	Fear of loss of user rights	None	High
	Boundary disputes between different users	Fear of loss of user rights	Dispute resolution	High
Socio-economic drivers	Changing interest of forest user (Westernization)	Need for more product	Find non-forest dependent livelihood	Medium
	Population pressure in Terai	Decreased user area	Illegal gathering e.g. encroachment	High, because of historical issue
	Women's marginalized position	Elite capture within family	Advocacy	High, because of historical issue
	Dominance of community leaders	Elite capture within community	None	High
REDD+ program driver	Inadequate information sharing and participation of stakeholders	Cannot effectively participate in REDD+	None	Medium
	Benefit sharing with communities who protect the forest	Unequal distribution of benefits	Advocacy	High
		Elite capture within community	None	Low
	Community leaders become more strict on user rules/restrict use	Decreased user area	None	Low
Political drivers	Identity seeking from different groups in society	More political power	Every group starts claiming its place within REDD+	Medium



## 6.3 Stakeholders Views on Grievance Redress

The views of stakeholders were gathered on the local, district, regional and national level. This section starts with an analysis of views on awareness and participation, after which the views on the rights, policies and procedure of the REDD+ program are discussed. The section ends with an overview of stakeholder views on the design and operation of the GRM.

### 6.3.1 Views on Awareness and Participation in REDD+

From previous reports and from the consultations with different stakeholders, it is evident that **awareness and participation are the center of attention in the REDD+ discussions**. Critique delivered by stakeholders is usually gathered in meetings, noted and then considered by the MoFSC/REDD Implementation Center, who is in charge of overseeing the whole readiness and implementation process. Umbrella organizations currently engaged in REDD+ are mainly devoted to advocate for a better position, as the GRM team has observed and noted. In this typical advocacy environment, it becomes difficult to initiate in-depth discussions in multi-stakeholder settings. Substantial dialogue on participation issues between stakeholders is thus hindered. Such a situation is reinforced with the current lack of professional facilitators to create transparency and equity in the stakeholders' engagement process.

#### *Awareness*

The majority of local level forest users is unaware about the REDD+ program or just recently heard about it. Community consultation and awareness campaigns have been widely executed over Nepal, but stakeholders have explained to the study team that they lack awareness material in their local language. In addition, local-level stakeholders have not yet learned about REDD+, or had in-depth discussions on the topic.

On a more positive note, most of the executive members of community forest, leasehold forest and buffer zone forest have general knowledge about the REDD+ concept but have limited knowledge about the REDD+ program's objectives, policies and procedures. Only at places where REDD+ activities were previously initiated, such as in the pilot sites, Ghorka, Dolakha and Chitwan, are local level peoples knowledgeable about REDD+ and thus ready to participate in activities.





First time held regional level meeting with interest groups, NGOs, and Government officials in the Central Region of Nepal. Hetuada, 15 April 2015

Most of the FECOFUN<sup>12</sup> district chapters have organized awareness programs on REDD+ inviting executive members of forest users. Incidentally have peoples participated in training sessions initiated by the REDD Implementation Center through consultants, such as “training of the trainer” (TOT) initiatives.

**The low level of awareness is a serious concern for GRM implementation. If REDD+ is implemented without boosting the awareness level of local users, there will be an overflow of awareness-related grievance that may express itself through more sensitive issues of benefit sharing. Therefore, as explained previously, the design of the GRM will allow wide enough accessibility for local users so they can have a channel of communication to talk and learn about REDD+.**

<sup>12</sup>FECOFUN is the federation of Community Forest Users in Nepal. As an advocacy organization, FECOFUN operates at the local, district and national level representing approximately 19,000 forest user groups. FECOFUN have participated in REDD+ pilot projects in Gorkha, Dolakha, and Chitwan.



Community Consultation with Balate community near Bardiya National Park. Referring to the red-colored text the hut, the community had never heard of REDD+ or the laws and concepts appointed to in the text. 10 June 2015.

### *Participation*

From our consultations, the DFO, RFO and local peoples from districts where REDD+ pilots programs have been implemented (Dolakha, Gorkha and Chitwan) were positive about the program. Predominantly members of district networks, civil society and NGOs have been engaged in REDD+ activities. Very few of the community level forest users have got a chance to participate in a REDD+ program yet. Generally, women, Dalits and indigenous peoples have low participation in the activities of community forest user groups (Maraseni et al., 2014).

Local level stakeholders feel left out and classify the REDD+ process as a top-down process. They feel if they express concern about REDD+, these concerns are not addressed in the current REDD+ scheme. Local stakeholders explain that only some peoples are trained on REDD+ and these peoples possess sufficient knowledge to participate in activities. Local stakeholders, particularly local leaders of umbrella organizations and Government forest officials, are such knowledgeable peoples. Local peoples that have heard about REDD+ lack the comprehension level to understand what it means in their lives, so having enough information to make a full risk- and opportunity



assessment. Only after such an assessment is made, local level peoples will be able to effectively participate.

However, engaging these local stakeholders is not always easy. **The DFO has difficulty engaging local forest users due to immobilization by a decade long political conflict.** Local forest users also seem to have limited time available besides taking care of their daily activities, to travel and participate in meetings (Maraseni et al., 2014). The study team found a mixed attitude among local communities towards participation in the REDD+ program. A few of them were very positive and see the GoN implementing the REDD+ program for the benefits of the local communities to ultimately reduce poverty. However, the majority of the stakeholders, especially the forest user groups and local members of FECOFUN have lots of doubt about the REDD+ program. The major doubts captured by the study team were:

- REDD+ is a strategy of the GoN to seize community forests. Some peoples think that the GoN may change community forests into protected areas.
- The GoN will not share the benefits equally to all the users and forest protectors. The GoN will claim forests belong to them.
- The REDD+ program will focus on forest protection while the community forests scheme also addresses utilization of forest products.
- Why do we have to preserve carbon released by rich countries?
- Decisions taking on REDD+ will be unfair because of influence of party politics.

These are common questions posted by the local participants and show a level of distrust towards the GoN. **It is therefore imperative that the GRM opens communication between local level users and creates possibilities for information sharing that leads to an improved understanding of the intentions of the GoN with the REDD+ program.**

Another observation made by the study team is that local users are not aware about REDD+ as a performance-based system. The local communities are very worried about gathering forest product will not be possible after REDD+ starts. Local communities should thus change from a collective system to a system promoting individuality. It is still a question if these communities will be able to comply with this new trade system for generating income.

### 6.3.2 Views on Rights, Policies and Procedures under the REDD+ program

From stakeholder consultations, the study team expected a variety of views about the rights, policies and procedures under REDD+ program from different levels of education, ethnic categories and from different location where stakeholders live. Against our expectations, we received a unified answer from the diverse pool of stakeholders. Overviews of the findings that are important for the GRM design are given below.

In District Forest Offices (DFO), specific persons are appointed for implementing REDD+ related activities in the district. All district and regional forest staff were aware about the REDD+ program, although most of them were not clear about its policies and procedures. The staff knew that the GoN was working on REDD+ readiness by establishing an implementation center (REDD Implementation Center) in the MoFSC. The REDD

Implementation Center has been effectively working on preparing the required policies, strategies and safeguard documents and at the same time raising awareness among stakeholders. The REDD Implementation Center published several important documents such as the ESMF<sup>13</sup>, SESA<sup>14</sup>, SES standards related to strategies, policies and guidelines. Although these efforts have been substantive, **many community groups and NGOs are unclear about their rights and policies and procedures of the REDD+ program.**

However, the awareness level on rights and policies of REDD+ is very different in regions where REDD+ activities have been promoted. For example in the watershed areas of Gorkha, Dolakha and Chitwan districts, a REDD+ pilot program has been conducted by a collaborative effort of ICIMOD, ANSAB, FECOFUN and the GoN from 2010 until 2013. Stakeholders that participated in the program received cash benefits for storing carbon in the year 2013. **Local peoples, interest groups, NGOs and district staff in these pilot districts were found better aware on the rights, policies and procedures under the REDD+ program.** Especially peoples in Dhankutta were fully aware of the opportunities presented to them by the REDD+ program, and are preparing them for REDD+ implementation by organizing awareness campaigns through the FECOFUN network.

Except these pilot districts, the local people in other consulted districts (community forest, leasehold forest and buffer zone forest users and their networks, representatives of Dalits, Janajatis forest users) did not possess any knowledge about rights, policies and procedures under REDD+ program. As a result, local people were raising some questions about REDD program to the study team.

The questions were:

- What is REDD?
- What are the differences between REDD and REDD+?
- When does the GoN start with REDD program implementation?
- How will the GoN distribute the benefits?
- Who will receive the benefits of REDD+ and how?
- Will local peoples receive benefits for the protection of trees in a garden?
- Will private forest owners also receive benefits?
- How will the measurement of carbon be executed?
- Will people be paid for stored carbon from the tree trunk or roots?
- Will REDD+ be applied for all districts?
- Does the REDD+ program restrict the use of forest products in community forest, leasehold forest and buffer zone forest?
- Does the REDD+ program acquire private lands and will it displace peoples living nearby forest?

These were common questions the study team faced in consultations with stakeholders from Community Forest, Leasehold Forest, Buffer Zone Forest, Protected Area, National Park and Conservation Area forest.



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<sup>13</sup> Environmental and Social Management Framework

<sup>14</sup> Strategic Environmental and Social Assessment

### *Disclosure of the REDD+ policy and procedures*

Nepal's REDD+ Program launched a website in which policies, procedures, strategies and related documents are available. The program directly concerns local level peoples who are the primary users, managers and conservers of forest resources. The program, its objectives and related strategic documents therefore need disclosure at the local level. In the present situation, the majority of local people, especially women, poor and marginalized groups and Dalits are unaware of the specifics of the program.

If the REDD+ program is implemented in the current state, it will suffer from lack of support of the local peoples/communities. **Therefore, disclosure of the policies, procedures and safeguard documents at local/community level are necessary for smooth implementation of the REDD+ program in the future.** These aspects will be taking into consideration in the GRM design by building it to the local level and opening possibilities for information transfer.

### 6.3.3 Views on the Design and Operation of the GRM

Forest users favor submitting grievances at the local level. When in conflict, forest users first access the informal system<sup>15</sup> and submit their grievance at the local community leaders, teachers or other recognized leaders. Whenever this system deems unsatisfactory, **the stakeholders propose establishing a locally-operating grievance redress system in which all parties are represented:** DFO, VDC, NGOs, forest federations, community leaders and so on. Stakeholders agree that the most important reason for choosing a collaborative model is because the decision should be made by the REDD+ beneficiaries, and as a result, it will be implemented properly. However, as the FCPF/UNREDD guidelines explain, the GRM should operate independently of all interested parties in order to guarantee fair, objective, and impartial treatment to each case. Making decisions by entities having a stake in the process is thus unacceptable (this includes also the GoN in some specific cases). When presenting this matter to various stakeholders, they agreed that the GRM should work independently but proposed that each party should have an explicit role in grievance redress.

In addition, the stakeholders particularly argued that the locally operating parties should have a legal right to settle disputes. The study team has noticed that forest users are not equally represented in community-based organizations. Community forest users, private forest users, indigenous peoples and women have strong advocacy organizations working on the local, district and national level. However, representative organizations of leasehold forest users and other poor communities, for example, are either struggling, non-functional or even non-existing. The obvious discrepancy in representation will create power polarization towards the more experienced and organized forest users, and this will eventually reflect in unfair decision-making.

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<sup>15</sup> In some parts of Nepal there is mixed population which lacks cultural representation of one or more ethnic groups. For example, in some parts of the Terai region, it will be difficult to find informal dispute resolution systems.



**Forest officers working in the district offices see dispute resolution as a task incongruent with executing forest management tasks.** Some officers see themselves better functioning in scientific forest management, which is a technical requirement for calculating carbon sequestration under the REDD+ scheme. Solving disputes between forest users on a day by day basis should be dedicated to the GRM or other institutions (e.g. VDC), district forest officers explained to the study team. Some of these forest officers proposed having a role in monitoring and enforcement of the agreement between disputants, after disputes have been settled.

After hearing the proposals set forth by stakeholders, the study team realized that the goal and function of a REDD+ GRM are unclear to the majority of stakeholders in REDD+, through all levels. A few knowledgeable peoples on GRM function (forest officers and in some places also NGOs and interest-based organizations) were also highly educated on REDD+. We therefore decided to **provide a full explanation of the GRM design process in this report**, so stakeholders can get a clear idea about their role in the GRM and potential opportunities to help steer the REDD+ program towards success.

#### *Grievance Uptake/Registration*

Stakeholders propose that **the best way authorities should receive grievances is in an oral format.** In that way, poor (illiterate) communities have a chance to access the GRM. Other modalities proposed are SMS, written letter, suggestion/complaint box, website and telephone hotline. The latter should ensure that every grievance is recorded. Stakeholders also stressed for registration of each received grievance by the REDD+ program authorities.



## Chapter 7: Proposed Grievance Redress Mechanism for REDD+: Principles, Structure and Function

This Chapter explains how the GRM is designed based on the outcome of the analysis in previous chapters. The Chapter starts with setting out the scope and goal of the mechanism, after which the structure is discussed. The Chapter continues with a set of procedures, followed by measures for successful operationalization and recommendations for institutional mainstreaming of the GRM. The Chapter concludes with a framework for grievance monitoring and evaluation.

### 7.1 Goals and Scope of the GRM

#### 7.1.1 Goal and Objectives of the GRM

The goal of the GRM is to channel grievance into an **acceptable, institutionalized mechanism for resolving conflict deriving from REDD+ implementation**. The GRM mechanism should focus on **dialogue and problem solving** as an intermediate way for stakeholders to discuss problems. The GRM is expected to primarily address interest-based REDD+ conflicts, meaning conflict in which groups with some form of interdependency have a difference in (perceived) interest, for example disputes between two forest users about land use. GRMs seek to complement the legal system, not replace it. In case REDD+ stakeholders are unable to find resolution with the GRM, they may seek their right (win-lose resolution) by submitting their case to legally provided formal dispute resolution mechanism through the DFO or court system.

Besides the overall goal of dialogue and problem solving, the GRM has several secondary objectives, discussed below (Figure 4).

1. **The GRM will support the MoFSC/REDD Implementation Center to have better and improved outcomes on the implementation of REDD+** by resolving REDD+ related disputes in a short time period. Especially because REDD+ is still an experiment worldwide and prefixed solutions to emerging problems are just not available. The GRM should therefore serve as the MoFSC/REDD Implementation Center's early warning system and capture grievances that expand into more complex (or even intractable) conflicts, thereby attracting more parties and dealing with a higher number of issues or expanding of conflict to a larger geographical region.
2. **Marginalized forest-dependent communities can be stimulated to get more voice in REDD+** through the GRM. The mechanism provides an opportunity to these poor peoples, especially those living in remote locations, to submit complaints and argue for a better social situation, which is an important goal of the REDD+ program (Government of Nepal, 2013c). More importantly, marginalized groups will have the opportunity to engage in dialogues with other forest user groups, NGOs, Government officials of the MoFSC/REDD Implementation Center. It is this feature of the GRM that



will give such marginalized groups (poor, Dalits, women and indigenous groups) ownership of solutions found through dialogue- and problems solving activity.

3. The **GRM should become the first line of response (“face”) of REDD+ for forest users.** For example, forest users can acquire information about REDD+ through the GRM in ways of putting forward a grievance on having limited information about REDD+. In that way, poor communities (especially women, landless and indigenous peoples) have a channel of communication to REDD+. This is rather important given the hampered dissemination of information to the local level we have heard from stakeholders all over Nepal.
4. One prerequisite for an effective GRM is to **improve stakeholder participation towards a practice of dialogues.** One of the biggest challenges is to ensure participation of at least 35% of the population who is managing around 25% of the forests (1.1 million hectare) (Acharya et al., 2009). Because these communities are dispersed over the whole country and many of them have limited financial means to effectively engage in Government activities, the GRM will be designed to promote participation. From our assessment and detailed feedback given by stakeholders, more substantial progress is needed on the equitable participation of poor peoples and respecting the rights of indigenous peoples and local user communities (Government of Nepal, 2013c).
5. From the consultations it is evident that forest users have problems trusting the GoN for bringing forward pragmatic solutions for resolving forest disputes. Through the GRM, there is an opportunity for these stakeholders to ask questions and the REDD Implementation Center is obliged to provide answers in the form of feedback. **Forest users then can get more trust in the process and feel more accountable for its outcomes.** Such efforts are expected to have an incremental effect in trust building and often is the most decisive factor in the success or failure of a project (Acharya et al., 2009).





Figure 4: Goal and objectives of the GRM for Nepal

### 7.1.2 Scope of the GRM

The GRM should particularly address the biggest challenges the REDD+ readiness process is currently facing and will potentially face in the future. The type of grievances that have to be captured by the GRM in Nepal are related to tensions that exist from conflicts over forest resources, as well as aspects related to REDD+ program itself. These grievances are related to the following topics:

- *REDD+ program*; includes the discrepancies and disputes which may arise during the technical design, implementation and evaluation activities which began with REDD+ start in May 2009 and will continue in the future. REDD+ stakeholders have expressed grievance about the application of the REDD framework, and particularly explained to the study team that **safeguards** are insufficiently addressed in the design of the program.
- *Rights-based approach to REDD*; includes grievances and disputes over processes to acquire (user) **rights to land and resources** related to the REDD+ program. Historically existing conflict over user rights is automatically embedded in the REDD+ structure and should be adequately addressed in the GRM. Complaints regarding the **process of**

**Free and Prior Informed Consent (FPIC)** should also be submitted to the GRM and handled accordingly to ensure compliance with the international guidelines and standards.

- *Engagement of stakeholders before and during REDD+ implementation*; includes the sharing of REDD+ information, raising of awareness and enabling participation of stakeholders. Compared to others, certain groups are structurally marginalized in society and need special attention for **awareness raising and effective participation** in the REDD+ program (such as women, indigenous peoples, Dalits). Grievances related to representation of these groups at district, regional and national level should be handled in the GRM, such as ongoing complaints about the absence of Dalits in the REDD+ Working Group<sup>16</sup>.
- *Benefit sharing for REDD+*, includes the **distribution of benefits between the different forest users/protectors and the GoN**. The majority of forest users are worried about the GoN capturing the majority benefits when REDD+ is actually implemented. Other forest users worry about poor groups not benefitting from REDD+ and this concern refers to women, Dalits and indigenous peoples, as well as other relatively poor forest users.
- *Customary practices*; includes the internal practices of communities and the position of these communities within society. With the growing acculturation and participation of forest user groups in the market economy, communities are likely to face internal conflicts over power. **Women inequity, elite capture and other internal power struggles** are expected to increase when benefits of REDD+ are distributed. Also, with the influx of new forest users due to internal migration, communities may have difficulty maintaining customary balance with their neighbors, which may lead to disputes.

From the analysis in previous chapters, it is clear that local stakeholders are most concerned with the REDD+ program. It is this local level REDD+ implementation which may face problems because these stakeholders generally have low levels of awareness (Government of Nepal, 2013b), few resources available for finding alternative livelihood strategies and are directly feeling the impacts of changes in the socio-economic and environmental circumstances. **Local level grievances are thus the first expected to appear when implementing REDD+**. The GRM thus has to prioritize capturing grievances from these local forest users.

#### *Geographical Scope*

The GRM will have a national focus and the rationale for this choice is the interconnectivity of the different landscapes and the high mobility of forest users. The currently proposed emission education project area is comprised of twelve districts in the Terai Arc Landscape (TAL), a landscape conservation area of the Terai physiographic

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<sup>16</sup> For an effective GRM, all stakeholder group representatives should be included in the REDD Working Group



region, encompassing 2.3 million ha and approximately 15% of the country's total land area (Government of Nepal, 2013d). It is therefore important to prioritize this area when setting up the GRM.

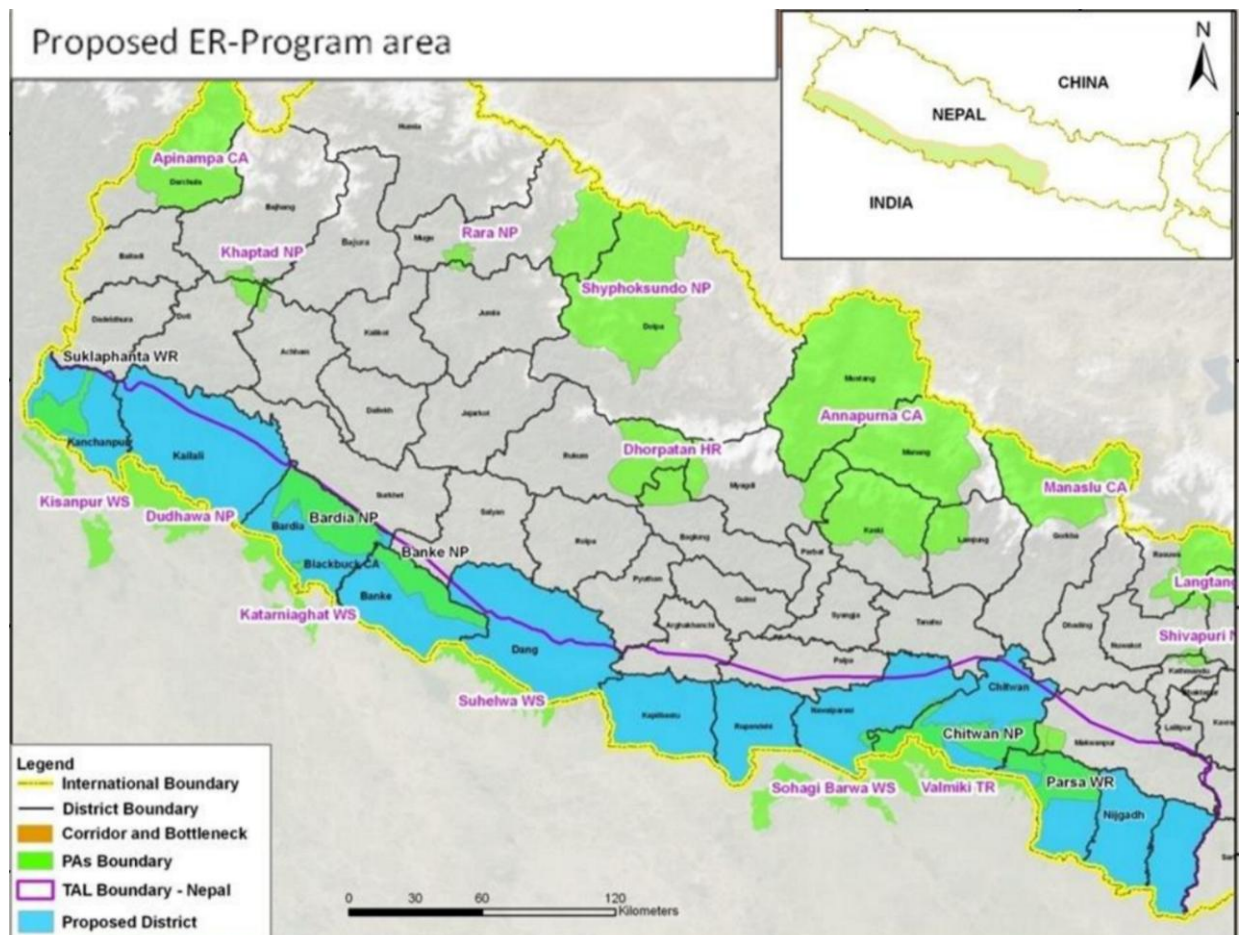


Figure 5: Map showing the Terai Landscape and the area designated emission reduction project area. Source WWF Nepal in Government of Nepal (2013d)

## 7.2 Proposed GRM for REDD+: Principles, Structure and Procedures

The GRM is designed to function at the REDD+ program level with a countrywide coverage, taking into account the REDD+ program unique operating context: for example, the size of the management unit, types of services delivered, beneficiaries' needs, and technical, financial, and human resource constraints. In case designed well, GRMs can provide operations with a wide range of benefits, such as curbing corruption, collecting information that can be used to improve operational processes and performance, empowering vulnerable populations, and enhancing the project's legitimacy among stakeholders. Thus, an effective GRM represent a step toward greater accountability and, ultimately, better project outcomes (World Bank, 2012a).



### 7.2.1 Principles

For capturing feedback and grievances at the local, district and national level, the GRM is designed based on thirteen principles. These principles derive from relevant international laws and standards on rights and grievance redress (Chapter 3), the team's social-and legal/regulatoryand conflict analysis(Chapter 4 and 5) and views from stakeholders nationwide (Chapter 6). The principlesare discussed below.

*Principle 1:* The GRM should **promote a personal communication culture**. Communication between Nepalese citizens is favored by personal (face to face) contact. The GRM needs to be culturally sensitive to this customary trait to become functional. Personal interactionalso should improve ongoing distrust between the parties.

*Principle 2:* The GRM should **harbor and improve relationships** given the existing distrust between forest users and the GoN. Nepal's culture in the forestry sector emphasizes harboring relationships between various groups of users rather than seeking for solutions which may favor one group above the other. As such, numerous forest user groups are encouraged to find peaceful ways to resolve conflict through informal dispute resolution mechanisms (see explanation in Chapter 5).

*Principle 3:* The GRM should **build on the reality in which local forest users live** to become accessible. For example, a reality is the adult literacy rate of 57.4% (2012). Most of the local forest users – poor groups, indigenous groups, Dalits, senior peoples - are illiterate and often afraid to visit Government offices and officials. Potential barriers for accessing the GRM need to be completely removed so these marginalized peoples can freely access the GRM.

*Principle 4:* The GRM should **have multiple channels to submit grievance**. In this way, stakeholders access different modalities which will enable local forest users to move beyond the existing tension/conflictwith the District Forest Office(DFO). A multiple channel modalitypromotes an equitable participation of all forest groups in REDD+, particularly inclusion of poor and marginalized groups.

*Principle 5:* The GRM should **build on existing structures of informal and formal dispute resolution** to enhance cost effectiveness. Relying on and strengthening these structures is an approach taken in establishing overall safeguards for the REDD+ program (Government of Nepal, 2013a). The GRM will rely on two existing systems: informal dispute resolution practices and the current district system for forestry management under the MoFSC. By doing this, the mechanism can easily become acceptable as the majority of stakeholders are already familiar with it.

*Principle 6:* The GRM should **encourage looping back to a customary (informal) way of dispute resolution** once there is a need for it. The GRM will create this possibility to loop back into a low cost and familiar informal system of dispute resolution, practiced by communities all over Nepal.



*Principle 7:* The GRM should **encourage taking decisions with multiple stakeholders in an independent manner**: NGOs, private sector, academia, Government and communities/forest users. A multi-party GRM is necessary to overcome power disparities, bring about different views on the dispute and promote cooperation in taking decisions about grievance. This is a GRM in which a combination of different stakeholders in the forestry sector make decisions such as communities, Government, NGOs, civil society, private sector and academia. Resolving local problems by the representatives of multiple stakeholders is a common cultural practice in Nepal which is working effectively until today.<sup>17</sup>

*Principle 8:* The GRM should **build capacity of REDD+ participants**, such as information about obligations, policies and procedures. In general, there is a low level of awareness<sup>18</sup> about REDD+ and many forest users are unclear about their own rights and the policies and procedures of the REDD+ program. The GRM should include a strong component for strengthening awareness of local stakeholders so they can effectively engage in REDD+ through deliberations and dialogues. The GRM will have to promote information sharing at the local level, in order to prevent unnecessary grievances to be submitted to the GRM.

*Principle 9:* The GRM should **be flexible in design so it can facilitate the REDD Implementation Center and various forest stakeholders in a mutual learning process**. Current formal disputes resolution systems in forestry end with decision without a process to learn and adapt. Therefore, the GRM design should encourage monitoring and evaluating grievance redress to learn and subsequently adapt strategies as necessary during REDD+ implementation.

*Principle 10:* The GRM should have **simple and friendly procedures which are understandable for each forest user**. Stakeholders will be fully informed about the procedures, so their trust in the system is promoted. In this way, the GRM will function as a transparent mechanism for handling complaints.

*Principle 11:* The GRM shall **promote fact-finding research to assess the context and create space among (local) experts to discuss the dispute and propose a resolution**. This will minimize the influence of any actor – either stakeholders or actors outside the REDD+ program – on the decision-making process. This is particularly important given the difference in level of expertise and organization of forest users and its representatives.

*Principle 12:* The GRM should **work independently of all parties**. Each grievance should be impartially judged based on fair and objective criteria of which each stakeholder is aware of. Therefore, it is very difficult to build on existing grievance mechanism in the forestry sector which promote district level decisions by the GoN because in many cases

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<sup>17</sup> This became effective during Maoist insurgency and is presently promoted by the absence of elected bodies in the VDC/municipality

<sup>18</sup> In the areas where REDD+ pilot projects have been implemented (Ghorka, Dhading, and Chitwan), awareness levels seem higher.



the GoN is party in a dispute (e.g. disputes between National forests and nearby user groups).

*Principle 13:* The GRM should include specialists in REDD+ with experience in conflict resolution. These Nepalese specialist need to follow conflict resolution tools and techniques so they can mediate conflicts in forestry. They therefore need to have expertise on forestry, conflict resolution and international and national developments in the context of REDD+ in order to mediate for workable solutions at the local level.

### 7.2.2 Structure

The GRM is designed as a **quasi-judicial body**: a public administrative body which has defined procedures and powers in resembling those in a court of law, and is obliged to objectively determine facts and draw conclusions from them as to provide the basis of an official action. The outcome of the GRM is a contractual agreement in which parties have binding obligations under Nepalese law. The legal provisions necessary for quasi-judicial functioning of the GRM are discussed in section 8.2.1.

Stakeholders have three type of options to address conflicts in REDD+, as follows.

**Option 1:** As explained by the wide majority of stakeholders consulted, forest users prefer submitting grievance to the **informal dispute resolution** mechanism such as local leaders, CFUG, LFUG, VDC, CFCC, and other forest networks and federations informal dispute resolution mechanism in their village or community (Figure 6, option 1). The function of informal dispute resolution is to solve value<sup>19</sup>- and interest based conflict based on traditional/customary systems, with the ultimate goal of finding a win-win resolution. During this type of resolution process, disputants are protected against face loss and are encouraged to maintain a workable relationship for the future.

**Option 2:** When informal dispute resolution has insufficiently delivered a resolution, disputants may submit their REDD+ related grievance to the **GRM** (Figure 6, option 2). The GRM envisages seeking a win-win solution by using a set of conflict tools for mapping out the interests, improving communication between parties and finding creative ways to mutually discover and seek solutions. Selected conflicts on rights-based processes, such as FPIC or user rights disputes can also be targeted. The GRM will build in a modality to bring disputants back into informal dispute resolution mechanisms, whenever appropriate.

**Option 3:** If the GRM is ineffective in transforming a particular conflict, the disputants are free to submit the grievance to the **formal system** - the DFO or Warden (Figure 6, option 3). The formal system is rights-based and applies the law to decide who wins and who loses. Here a final decision will be made by the DFO or Warden, after which the complainant has a possibility of appeal within the MoFSC. In case that is not successful, the complainant can submit their grievance to the Court of Justice.

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<sup>19</sup>Value conflicts are disputes over differences in long-held beliefs and worldviews e.g. customary practices.

The GRM is thus an additional step to capture existing problems with the ultimate goal to improve the REDD+ program so that every stakeholder can participate in the program and have satisfactory results (Figure 6).

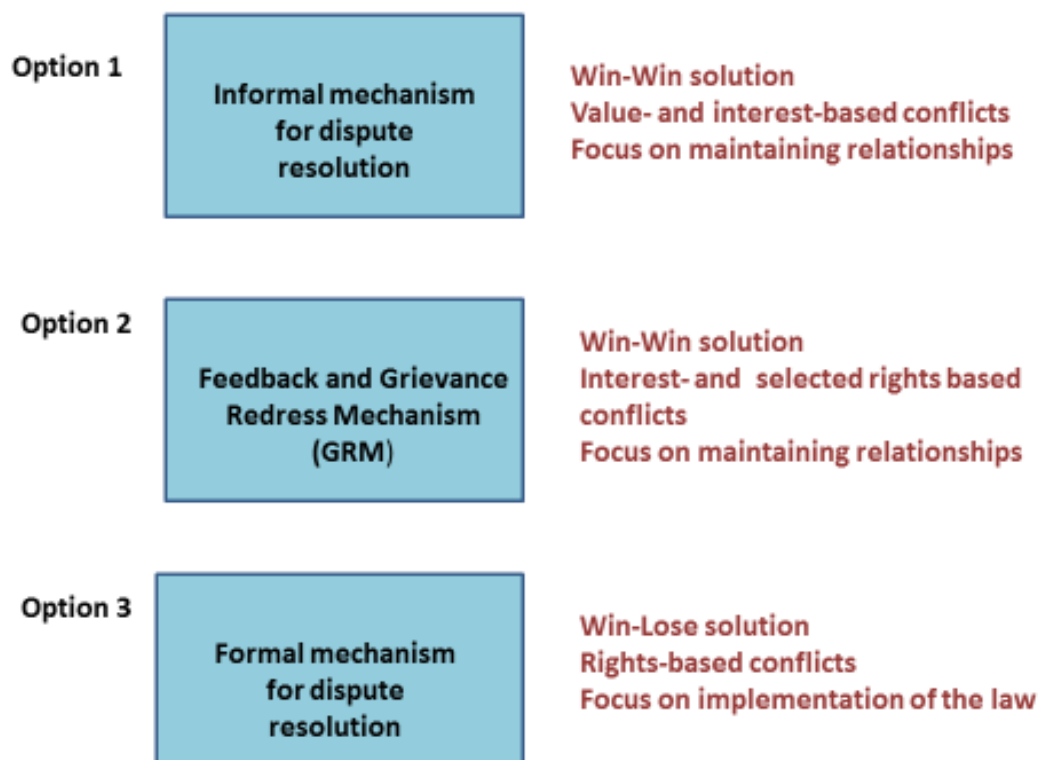


Figure 6: Various options for grievance redress in the REDD+ Program

### GRM Integration into the Ministry of Forest and Soil Conservation

The MoFSC is responsible for managing the grievances coming from the REDD program implementation. The GRM will be built into the existing structure of the Forestry Department which operates at the national, regional and district level.

**On the national level, the MoFSC Forestry Department assigns a Grievance Director (GD) who has overall responsibility for the GRM.** This person has a background in forestry, law, sociology, anthropology or conflict resolution. It is imperative that this person has received training in conflict resolution, for example, the GD can be a senior forest officer who have received training in conflict resolution or related field. The GD is responsible for central registration of all grievances coming from field offices and monitoring and evaluating the functionality of the GRM (see Table 10 for more details on the requirements and tasks of the GD).

**On the regional level, the Regional Forest Director (RFD) will act as the central point for registering grievances.** The RFD will receive the complaints from forest users directly and through the DFO and assigns the cases to district-level forest officers who will serve as

case officers in the GRM. RFDs are located in the forest offices of Biratnagar, Hetauda, Pokhara, Surkhet and Dhangadhi. In all of these locations there is also an additional person specifically assigned for REDD, which currently mainly operates for awareness purposes. This officer will help the RFD in the grievance handling.

**On the district level, the District Forest Office (DFO) will be responsible for coordinating three important tasks for grievance handling: uptake, fact-finding (research) and decision-making (as appropriate).** Forest officers will be assigned to help forest users in preparing grievances for uptake and registration. In addition, another forest officer is assigned to the case and will initiate a fact-finding mission with independent experts. Together they form an independent assessment team (IAT). These experts are carefully selected from different entities, such as communities, interest groups, NGOs, and private sector. The primary purpose of the IAT is to make an independent decision. After the decision has been made by the IAT, the DFO will ensure the decision is implemented within the laws and regulations of forest management in Nepal.

An overview of the structure within the MoFSC is shown in Figure 7.

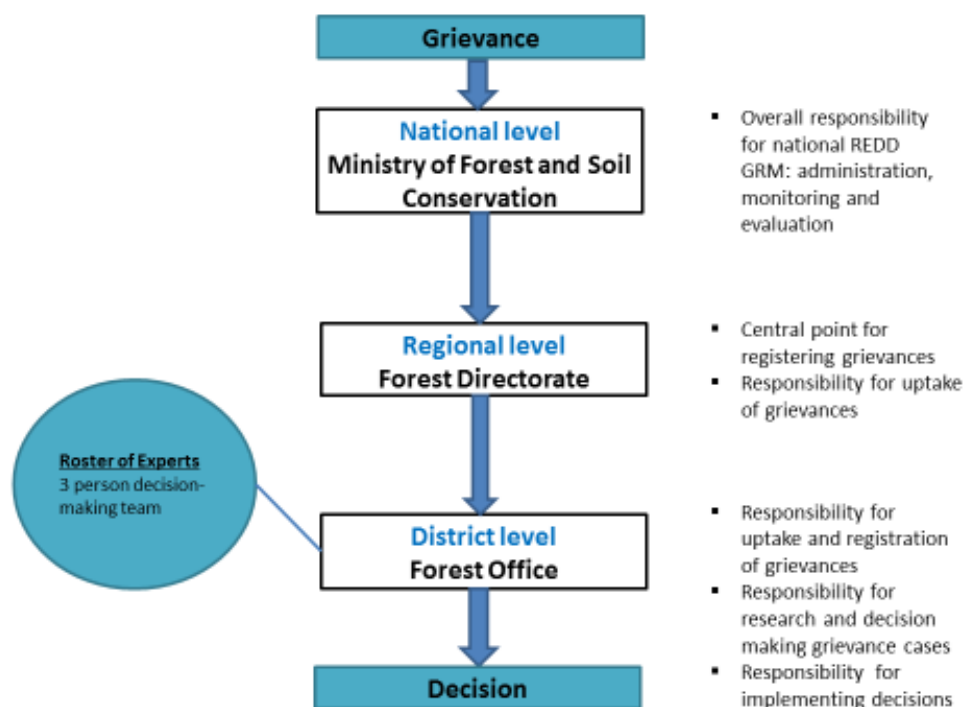


Figure 7: Structure of the GRM in the Ministry of Forest and Soil Conservation

*[Handwritten signature]*

### 7.2.3 Procedures

From the time the grievance is received until a resolution on the dispute is found (or not), is estimated taking **28 working days**. The grievance, once received, follows a systematic process consisting of six steps as shown in Figure 8. The process is inclusive and participatory: there is involvement from multiple parties early on (from step 2 onward). This is done to promote discussions among different stakeholders (especially between forest users and the Government) and jointly develop a workable resolution to the grievance submitted.

The process consists of six steps: i) Uptake, ii) Research, iii) Process, iv) Response, v) Implement, and vi) Monitor. Each of these steps are further described below.

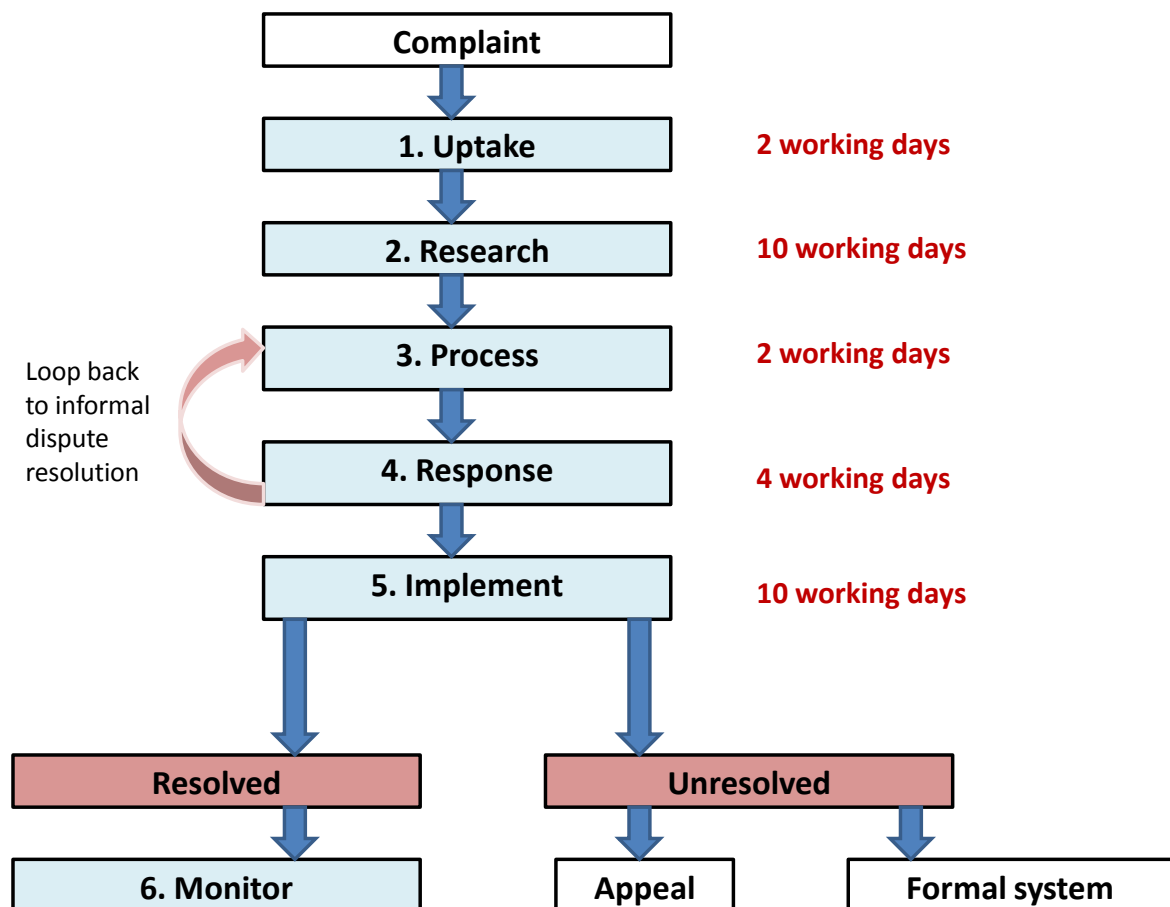


Figure 8: Process of grievance handling for REDD+

## Step 1 Uptake of Grievance

Receiving and registering feedback and grievance is a process where forest users, which are identified legally, **can submit grievances to the RFD, DFO and GD**, as follows:

- The RFD will receive grievance through written letter.
- The DFO will receive grievances through telephone/SMS and a suggestion/complaint box.
- The GD will receive grievances through email and will forward these to the RFD for registration (after one year of GRM implementation).

An overview is given in Figure 9.

Each grievance will be taken up with the following information: i) name of the complainant, ii) date of the grievance, iii) nature of the grievance, iv) number of persons involved, v) effect on complainant's activities, vi) type of proof and witnesses, vii) potential solutions. A typical grievance uptake for REDD+ can make use of predetermined grievance categories, for example grievance related to FPIC, related to elite capture or related to a boundary dispute (categories are identified and described in Table 5).

### *Grievance Uptake Modality*

**Local forest users are expected to be the main clients of the GRM** (Table 5). The GRM anticipates reaching these stakeholders in remote locations by offering easy, low cost ways to submit grievance face to face or digitally from a distance. Grievances can be submitted at two levels.

The majority of stakeholders are expected to deliver grievance by telephone. Because more than 70% of Nepali citizens have access to telephone services, the **DFO will uptake grievances through a toll free telephone number and SMS number**. When a stakeholder calls this number, the conversation will be recorded as proof of delivery. Simple questions and clarifications from stakeholders can then be easily addressed by the DFO on the phone. Stakeholders that have problems with writing can easily use this modality to submit a grievance and obtain follow up on the grievance in a similar manner.

Grievances can also be submitted through a **suggestion/complaint box at the local DFO offices**. Each DFO office will have a sign posted for case registration so stakeholder are aware that they can submit their grievance at the DFO office. Stakeholders have a possibility to talk to local forest officers about the grievance and they can help them in preparing it, for example in case they cannot write. Written grievances will be collected in the suggestion/complaint box. Boxes will be emptied every day by the DFO and faxed to the RFD. Such cases will be locally registered in close collaboration with the RFD.

Grievances can also be directly submitted to the **RFD by written letter and to the GD by email**.



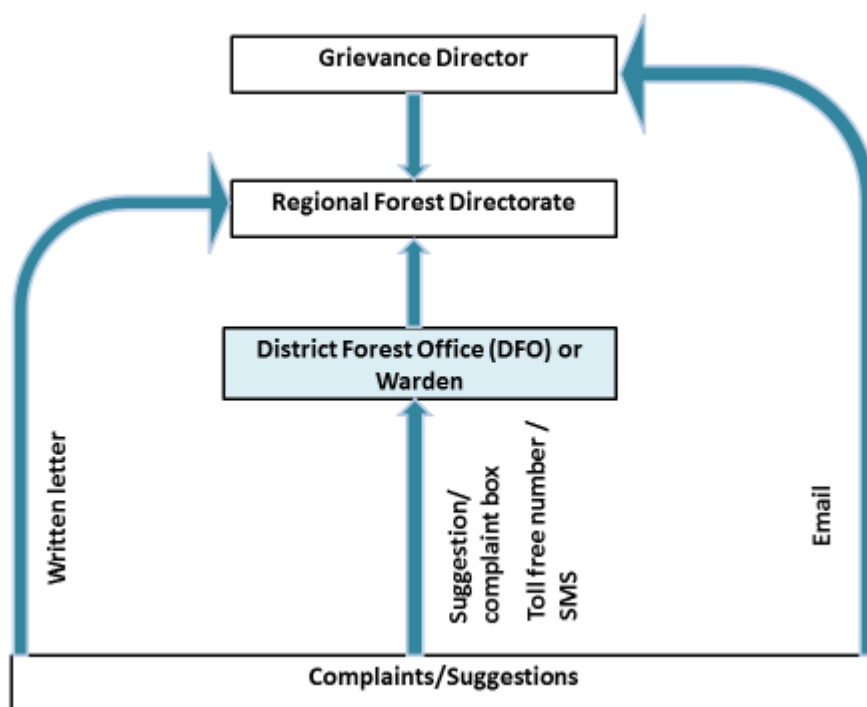


Figure 9: Channels for submitting REDD+-related grievances.

#### *Role of Support Groups*

An important driver for local communities to use the GRM is availability of a support system. From consultations, we have heard that local users often have difficulty understanding official formats and cannot participate in district level initiatives due to logistical problems – language and transportation. We have also learned that just a little piece of support can make a large difference in terms of participation of such groups. For example, receiving a small stipend can encourage local forest users to submit grievance and this can be channeled through the support groups. Such stipends should become an integral part of the grievance budget.

**Apart from the RFD/DFO, we anticipate that advisory NGOs, interest groups and community leaders become a support system because they are already in close contact with local forest users.** This support group consists of individuals/groups who will facilitate in preparing and submitting grievances, such as in: i) writing the complaint, ii) translating the grievance from one of the 125 local languages into Nepali, and iii) helping local users bringing the grievance for uptake to the RFD/DFO.

The support groups have another important task. It is evident from stakeholders input that many grievances are expressed through lack of information. The support groups can help **giving information to the local level stakeholders** and in this way prevent unnecessary grievances to be submitted. This is tier one of a two-tier modality for capturing of grievances based on problems in information sharing.

### *Grievance Registration*

The **DFO and RFD will registrar grievances** in Nepali language between Sundays until Friday during office hours of 10.00 AM-17.00 PM. Once received, grievance handling can begin. The DFO or RFD contacts the complainant by phone to confirm that the grievance has been officially registered. The complainant is also informed about the process of grievance handling and the RFD conveys the following information: i) acknowledge the receipt of the grievance, ii) overview of the steps in the grievance handling process, iii) the time frame by which a next response is expected from the grievance unit, iv) the registration number of the case, v) the contact person for the grievance handling in case there is any more information needed.

The total registration process takes 2 working days.

Table 5: Overview of clients of and supporters to the GRM

Scope	Potential REDD+ related grievance	Cause	Clients to the GRM	Potential support group
REDD+ program	Activities, timelines and responsible parties	Design, implementation or evaluation problems	Local forest users	DFO, Community leaders, VDC, NGOs, federations
Rights	User boundary	Dominance of State	Local forest users	Community leaders
		Unclear user rights		
	FPIC	Stakeholder's rights not respected	Local forest users	NGOs, federations
	Forest user right	Unclear user rights	Local forest users	DFO, Community leaders
	Land seizing	Dominance of State	Local forest users, usually poor and marginalized	NGOs, VDC, federations, Community leaders
	Encroachment	Poverty of marginalized and landless peoples	Poor, marginalized and landless peoples in Terai	DFO, Community leaders
		Influx of migrants	Local forest users in Terai	
Engagement	Participation	Poor engagement of stakeholders	Local forest users, usually poor and marginalized	DFO, VDC, Community leaders, NGOs, federations



Scope	Potential REDD+ related grievance	Cause	Clients to the GRM	Potential support group
Benefit sharing	Benefit sharing	Unclear agreements	Local forest users, usually poor and marginalized	NGOs , VDC, Community leaders, NGOs
	Identity claims by groups	Democratic maturation	Poor, marginalized and landless peoples	NGOs, DFO
Customary practices	Elite capture	Acculturation, Changing role leaders	Traditional community members	NGOs, DFO
	Change forest user rules	Acculturation, Changing role leaders		
	Women, Dalits and indigenous inequity	Historic social system	Women, Dalits and Indigenous peoples	Community leaders, NGO

## Step 2 Research: Screen and Assess the Grievance

### Screening

Grievance screening and execution should be separated tasks because there is a judgement made on eligibility. For example, in a case where the local DFO is party in the dispute, there can be some bias in judging the case for eligibility. Therefore, we suggest having **the RFD become the administrative organ and the DFO the executive organ for grievance**, so conflict of interest will likely be prevented. Thus, the RFD holds the central registrar and screens each grievance received to see if it is eligible for the REDD+ GRM. The grievance is screened for eligibility against several criteria:

- i) The complainant should **participate in the REDD+ program**. The RFD has an official register of each forest users (with phone numbers) participating in the program. Each participant commits to update the RFD/DFO by phone when contact information changes within a period of 10 days. If a participant fails to do so, he/she may risk being thrown out of the program or become ineligible for filing a grievance.
- ii) The RFD has mandate to handle **grievances related to potential impacts coming from the REDD+ program implementation**. Issues that are eligible for GRM handling are shown in Table 5. In many cases, eligibility is not arbitrary. It is therefore imperative for the RFD to be knowledgeable about REDD+ for making a sound judgement. Complainants can also provide incomplete information and the RFD make an effort to verify the content of the complaint before categorizing it. In case of doubt, the RFD registrars the grievance, after which the case – specifically how the complainant is affected by the REDD+ program - is further explored during the independent assessment.
- iii) The **complaint can be handled by the grievance mechanism**. The GRM can handle simple conflicts in which the focus is on reconciling the interests of the parties (wants, needs and concerns). Conflicts which can managed are about 1-2 issues between two



parties. For example, grievances are eligible in cases of a REDD+ benefit-sharing conflict between two forest users or when a forest user submits a complaint over not being able to participate in certain REDD+ activities. In that way the GRM can capture conflicts before they become more complex, stimulating forest users to submit grievance early on. In case conflicts become more complex, with more than two parties and multiple issues, the GRM is unable to handle it and therefore the complaint will be categorized as non-eligible. The **RFD screens each complaint and if the complaint is eligible, assigns a DFO case officer from a list of available case officers that is provided by each DFO office.**

#### *Independent Assessment*

The DFO case officer gathers information for identifying key issues that help determine whether and how the complaint might be resolved. **The DFO case officer appoints an expert-based independent assessment team (IAT) of which he/she is the leader.** Experts are carefully selected from different entities, such as communities, interest groups, NGOs, and private sector based on a specific requirements (Annex 3).

The amount of experts appointed is dependent on the case and there are two options.

**Option 1: The GoN is not a party to the dispute.** In this case, the DFO case officer appoints two persons who are independent experts on the issue. Decisions are made by the DFO and two other experts through majority vote.

**Option 2: The GoN is party to the dispute.** For example in a boundary dispute in a national park with local communities, the DFO case officer appoints three persons who are independent experts on the issue. These three experts take a decision on the case by majority vote.

During investigation, the IAT contacts the complainant and other relevant parties to gain first-hand information to better understand the problem. The team gathers views of the complainant and other main parties involved by filling in the matrix in Table 6. Involvement of the complainant acknowledges voice, increases mutual understanding of the problem and brings parties closer together. The IAT can also discuss with the complainant which process he/she finds suitable for resolving the dispute. Once all facts are collected and a resolution for the case is decided (outcome), the team dissolves. From that time on, the DFO case officer continues with handling the grievance alone.

When a DFO case officer is unsure about a specific resolution chosen by the IAT, he/she consults the RFD. Then, the RFD can call the IAT for a second term, or appoint new members and form a new IAT, in case there are special circumstances, such as social, economic or other sensitivities which were not taken into account by the IAT in the first place. This two tier system allows for checks and balances within the grievance process so that a resolution is always developed in multi-party teams and not solely dependent on the fate of an officer. The total screening and assessment process takes 10 working days. If there is more time needed for the assessment, the team may request an extension of 5 working days.



Table6: Information gathering tool during the assessment of the grievance

Stake-holders	Current complaint	Position Issues	Interest	Legal mandate	Importance of issues	Power	Interaction	Proposed resolution
Who are the interested parties	What do they complain about?	What do they want?	Why do they want it?	What mandate do they have to get what they want?	What are the central issues? What are other issues?	Type of relative power	How do they interact with others?	Based on possibilities outlined in Table 7.

For selection of experts, the DFO maintains a Roster of Experts in which independent experts are listed based on their field of expertise, background and relevant skills (Terms of Reference in Annex 3). Only experts from the Roster are eligible for becoming part of an IAT. Selected experts will adhere to a conflict of interest policy and are required to sign a contractual agreement stating different procedures and policies (e.g. non-partiality, confidentiality) for the assessment. Costs associated with such an assessment are covered by the REDD+ program as part of the grievance operational costs.

### Step 3 Process: Choose Resolution Approach

The DFO case officer sets forth a resolution approach based on the outcome of the independent assessment. A resolution approach is the proposal for a process in which the complainant and other (affected) party come together, mutually discuss the proposed resolution from the IAT, and mold it into an acceptable process for both parties.

#### *Option 1: Self-propose a Resolution*

**When complaints are simple, such as cases with clear solutions, or addressing comments and queries, the DFO case officer can self-propose a resolution** and convey this to the complainant and other affected party. An example is providing more information on the policies and procedures of the REDD+ program. In situations where conflicts are more complex, the case officer decides to follow one of three processes: i) informal dispute resolution, ii) self-problem solving and iii) external-party problemsolving (Table 7).

#### *Option 2: Informal Dispute Resolution*

**The DFO case officer can rely on indicators to assess if informal dispute resolution system can be applicable to the dispute**, such as: i) parties prefer harboring the relationship and have close community relations, ii) level of trust parties have in informal dispute resolution iii) acceptance of the outcome, iv) success rate, iv) earlier use of informal system on the current case. In case informal resolution is a feasible option, the case officer skips Step 4 – Formulate and Deliver a Response - of the grievance procedure. When this option is chosen cases are settled locally. The local forest user groups and their executive committee members available locally are encouraged to settle minor cases related to REDD forestry program following the local mediation practices.



Table 7: Resolution Approaches (Process) to Various Types of Grievance

Decision-making	Grievance Type	Example	Resolution Approach	Increased complexity of resolution ↓
Case officer proposes resolution	Comments, queries	Complaint about strict timelines	Grievance unit proposes resolution e.g. apology, information sharing	
	Complaints with an obvious solution	Encroachment	Grievance unit proposes resolution	
Case officers and stakeholders propose resolution	Conflicts between two local stakeholders over one issue	Dispute over forest use in one area between two communities	Informal dispute resolution, problem solving	
	Complex conflicts between two local stakeholders over one issue with distrust between the parties	Benefit sharing	Problem solving	
	Conflicts are about facts or data	Impact coming from water shortage	External-party problem solving	
	Conflicts have occurred in the past and have not been resolved	Boundary disputes	External party problem solving	

### Option 3: Self-Problem Solving

**Whenever informal dispute resolution is not feasible, the preferable method to use is problem solving.** The DFO case officer acts as the mediator to positively influence the interaction process but avoids interfering with the decision-making ability of parties. The Problem Solving Mediation Model (Moore, 2003) is a structured approach that is proposed to deliver such task results (Annex5). The DFO case officer role helps parties to solve what potentially could be a relationship issue or a dispute over the fairness of procedures. DFO case officers help the parties frame problems that might address their collective interests, evaluate options and select solution/package of solutions.

### Option 4: External-Party Problem Solving

In case there are **disputes with problems that have been reoccurring or there are discrepancies about facts or data, the case officer decides for intervention of an external mediator from the Roster of Experts.** An external party helps parties get involved to sort out difficult issues, improve communication and possibly reach agreement (Wilmot and Hocker 2007). It opens doors to parties to collaboratively come up with their own solutions, not specifically for the purpose of “profit”, but based on a renewed relationship. Generally mediation is a durable process because it gets parties to cooperate and usually penetrates deeper to address underlying interest of parties. The most important part is that mediation does not end up in win-lose situations, where one party wins and the other loses. Potential mediators are trained persons from anywhere: communities, CFUGs or NGOs such as VDC, FECOFUN, NEFUC, ACOFUN, HIMAWANTI, Trade Union, CFCC, NEFIN, Dalit organizations and resource-based organizations.

Choosing a resolution approach takes 2 working days.



#### **Step 4 Response: Formulate and Deliver**

Next, the **DFO case officer formulates a written response on the decision and resolution process (*process verbale*)**. The way the response is formulated is as important as the content of the response e.g. ensuring cultural sensitivity. A response generally consists of: i) the complaint and issues that are taking into consideration in the response, ii) the view of each party about the issues, iii) the rationale for the decision, iv) the decision and approach to resolution.

The **response will be communicated by the DFO case officer in a face to face meeting with the complainant and any other involved party**, preferably at location. The DFO case officer explains the proposed resolution to the parties in a step-by-step process. In case the complainant is not happy with the resolution approach, he/she can appeal or proceed to the formal system of DFO, VDC or justice court. If the complainant is content with the resolution approach, he/she will receive instructions from the DFO case officer on how to proceed further.

Formulating and delivering a response takes 4 working days.

From the time the response is presented, a complainant may become overwhelmed and decide to **loop back to informal dispute resolution**. This loop-back system enables flexibility to step out of the quasi-formal GRM procedure and look for a more informal resolution.

#### **Step 5 Implement: Problem Solve and Conclude**

##### *Informal dispute resolution*

The DFO case officer asks the complainant which authority will lead the dispute resolution session e.g. village leaders, community leaders, religious leaders, political leaders, teachers or any other dispute resolution authority to find a solution (see Chapter 5). Then, the DFO case officer **writes a request to appointed authority to conduct an informal session**. Responsibility for resolving the case lies with the parties and the appointed authority. The **DFO case officer requests parties to provide information about the agreement reached**, such as: what has been agreed? What are the responsibilities of parties after reaching agreement? And who will monitor if the parties keep to their agreement? This information is filed and then the case is closed at the DFO.



### *Problem-solving*

The DFO case officer or external mediator starts preparing for a resolution process. Preparation includes establishing a relationship with parties, selecting a strategy, collecting and analyzing background information and designing a mediation plan (Step 1-5 of model in Annex 5). Then, the DFO case officer or external mediator **conducts the problem-solving meeting with the disputants**. Observers and witnesses may be present in these meetings to ensure transparency.

The outcome of a successful problem solving is a **settlement agreement**: a contractual agreement between two parties under the Nepalese law. This contract is developed in similar fashion as a performance-based contractual agreement necessary between forest users and the MoFSC. The disputants will sign this agreement and are obliged to comply with its stipulations.

If no acceptable solution is found in the dispute, the DFO case officer makes an outcome report of the problem-solving session. The report is conveyed to the complainant and all other parties. The complainant can then choose to **submit an appeal**. Appeals are submitted to the REDD Working Group, which consists of a broad range of stakeholders who are expected to deliver a balanced and sustainable decision. Decision-making in the REDD Working Groups takes place by majority vote. After which, the DFO is informed by the decision taken, and can proceed to the next step.

The process of implementing the decision takes 10 working days.

### **Step 6 Monitor: Track and Inform**

**The DFO case officer is responsible for implementing settlement agreements.** The settlement agreement will have defined, clear and measurable milestones. The DFO case officer will work closely with the Grievance Director (GD) in this step. The GD sets up a national computer system for tracking grievances. Case information is channeled from the DFO to the GD for inclusion in the system. The monitoring system will be a simple database from which information can be analyzed to recognize grievance patterns, identify causes of grievance and evaluate how effectively grievances are handled by the grievance unit.

**Complainants and involved parties will be periodically informed by the DFO case officer on the progress made in implementation of the settlement agreement** (time frame outlined in the settlement agreement). If parties do not comply with the agreement, the DFO case officer uses the DFO's enforcement capacity to move parties to do so. If the agreement is properly executed, the case is closed and stored in an archive at the GD.

The DFO can ask other Government entities to help in the monitoring of an agreement. For example, in a case of women issues, the DFO can request the women's district office to help. Other entities that can play a role in monitoring of the agreement are: DDC, District Women's office in case women are involved, the District Soil Conservation office, VDC/Municipality and others.



The process of track and inform will take as long as the duration of the settlement agreement (usually between 3-12 months).

### **7.3 Potential Roles for Stakeholders in the GRM**

Besides the DFO who plays a central role in handling grievance there are roles assigned to different groups of stakeholders in each procedural step. The purpose of having stakeholders involved as much as possible is to adhere to wishes of the stakeholders and safeguards and international guidelines. The following stakeholders are involved:

#### Support Groups

In Step 1- Uptake of Grievances – forest user groups, FECOCUN, TRADE UNION, HIMAWANTI, CFCC, VFCC, DFCC, VDC/Municipality, NEFIN, Dalit organizations and other interest groups can help complainants with i) providing information so they drop the grievance in case of information-related grievances, ii) referring the case to informal dispute resolution, iii) ensuring culturally appropriateness in grievance uptake (Cancun safeguards 2c), iv) translation of the grievance, iv) logistical support in submitting the grievance (transportation).

#### Independent Expert/External Mediator

In Step 2 – Screen and Assess – independent experts with a Bachelor's degree on Environment Natural Resource Management, Sociology, Forestry, Rural Development, Climate Change, Agriculture, Economy and Finance, Intellectual Property and human rights and other relevant experts are needed for conducting an independent assessment.

In Step 5 – Implement – external mediators are necessary with background in conflict resolution or related topics. All experts are required to have the following skills and experience:

- At least 3 years in one of the tasks and topics detailed above, or closely related sub-areas, preferably including experience in the provision of policy advice, strategy development, and program development with a strong focus on integrating these areas with economic development and/or poverty alleviation. An excellent understanding of the requirements of the UNFCCC and REDD+ is required.
- The candidate is also to have a thorough understanding of the developing country context in Nepal, if possible based on working experience in the field.
- For conflict resolution specialists/mediators, a 42 hour training certificate is required which consists of three sections: human rights, Nepal law and mediation skills and tools, and is provided in Nepal.
- Of added value will be regional experience in South Asia, as well as experience in other.
- Excellent organizational and communication skills are also key to this position.
- Sufficient knowledge about international and national developments on REDD+
- Computer knowledge of Microsoft Office



### Other District-level Government Offices

In Step 6 – Monitor – the DFO located in the area where the grievance is submitted will play a major role in monitoring of the settlement agreement. The DFO can seek help from other offices such as the DDC, District Women’s office in case women are involved, the District Soil Conservation office, VDC/Municipality and others.

Figure 10 demonstrates the involvement of stakeholders from interest groups, NGOs, academia, private sector and Government in steps 2, 5, 6. The remaining steps - 1, 3, 4 - are administrative or technical steps guided by the GD.

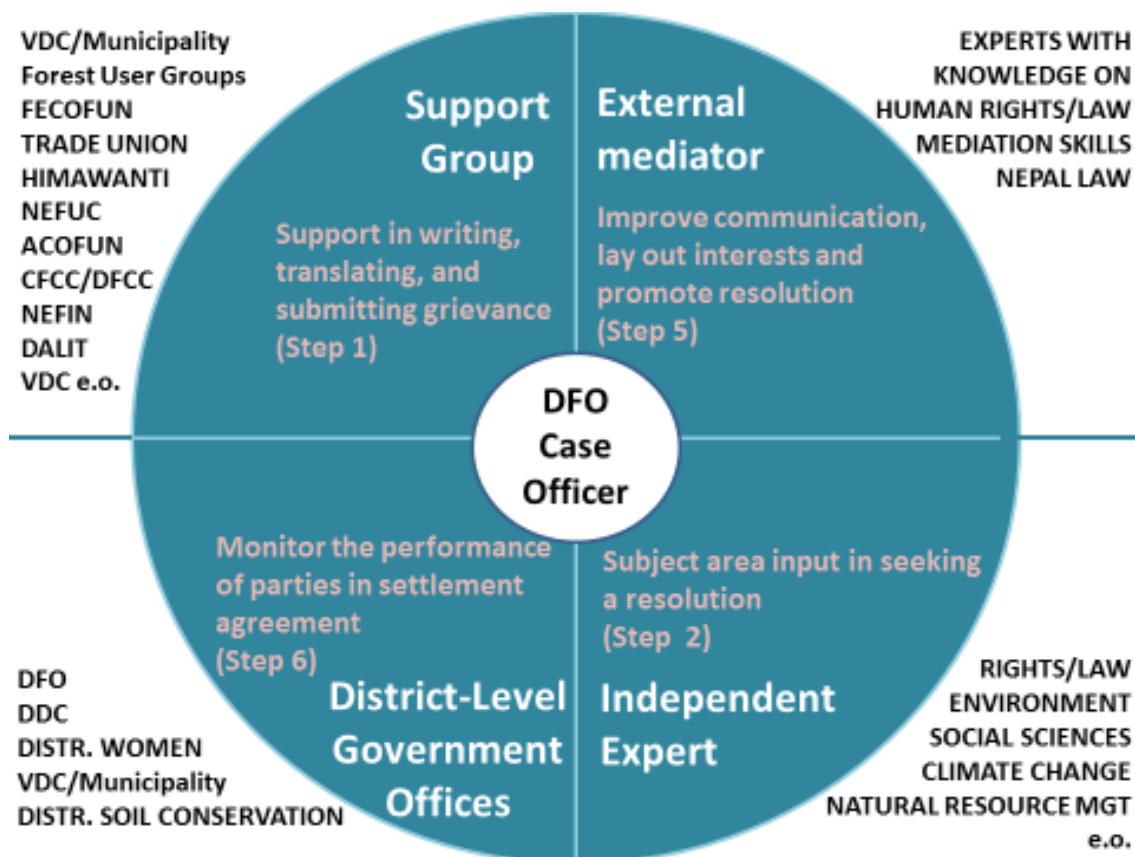


Figure 10: Role of different stakeholders in grievance redress for REDD+

## Chapter 8: Operationalization of the Feedback and Grievance Redress Mechanism

Chapter eight presents measures for successful operationalization and recommendations for institutional mainstreaming of the GRM. The Chapter further proposes a framework for grievance monitoring and evaluation and ways to improve the GRM. The Chapter concludes with a plan for communicating about the GRM to stakeholders during initiation and operations.

### 8.1 Operationalization of the GRM

The GRM will become fully operational within a period of 15 months. The point of departure for operationalization is the existing staff and infrastructure available at the MoFSC, and the decision to focus on the Terai region for REDD+ implementation. It is **difficult to foresee the amount of clients the GRM can expect, given the lack of grievances that have been officially reported in forestry in the past. Therefore, the study team decided to gradually operationalize the GRM in phases so it can adapt and grow as necessary.**

The operationalization will consist of three phases. In phase one, the focus is on establishing a strong team for uptake and handling of grievances in the Terai region project site (Figure 5). After the Terai region is operational, the GRM is expanded nationwide in the second phase. In the last phase, a digital uptake modality will become functional. A more detailed description of each phase is given below.

#### Phase 1: Establishment of Terai GRM (9 months)

The first phase resembles short term operationalization of the GRM for REDD+ implementation in the Terai region. **The GRM will start functioning in three Regional Offices: Dhangadhi (Far-West region), Surketh (Mid-west region) and Hetuada (Central region).** The RFD in each of the twelve districts of the selected Terai region appoints one DFO case officer for grievance handling. The RFD can decide to appoint more case officers into DFO offices from which they receive a high number of grievances.

For this short term operationalization, the MoFSC starts with appointing a Grievance Director (GD). After appointment, the GD has several tasks to accomplish in a period of 9 months:

- i) Develop procedures (handbook) for functioning of the GRM as part of the MoFSC. The head needs to establish operational procedures for staff as grievance has to be transparent process with little room for deliberation.
- ii) Develop Terms of Reference (TOR) for the work that needs to be provided by the RFD and the DFO case officer. The specific TORs for these functions are written based on the requirements, as specified in section 8.2.2. The GD works with the





MoFSC to adjust job descriptions of the RFD and DFO case officer for inclusion of GRM tasks.

- iii) Train the RFD and DFO staff in policies and procedures of grievances redress, relevant laws and regulations in the forestry sector related to grievance, and conflict resolution theory and tools.
- iv) Establish telephone infrastructure for a hotline and SMS uptake in the DFO office.
- v) Train NGOs, interest groups, environmental and social experts necessary to provide support services to the GRM. These groups will be trained on GRM policies and procedures, and the roles and responsibilities they have in the GRM.
- vi) Establish a local roster of experts. Each DFO sets up a roster of local experts on social and environmental topics, as well as mediators. These experts will be contacted to submit their CV for consideration (TOR in annex 3).
- vii) Expand uptake locations. The RFD works together with local DFO officers for operationalization of the suggestion/complaint box. The local DFO case office also can initiate collaboration with the local VDC, CFUGs and NGOs to position a suggestion/complaint box at the DFO office and develop procedures for its use.

After this phase is completed, the grievance unit can receive grievances in the Terai through simple modalities such as a written letter and telephone/SMS at the DFO office.

#### Phase 2: Establishment of a nationwide GRM(3 months)

**In the second phase, the GRM will expand to two remaining RFDs in the Western (Pokhara) and Eastern (Biratnagar) regions.** At first, each RFD appoints one case officer. Planning will occur according to the newly approved federal system of Government. Based on the amount of grievances received, Nepal will gradually expand the GRM nationwide and appoint more DFO case officers in areas that require grievance redress.

The tasks under this phase include:

- i) Establish telephone infrastructure for a hotline and SMS and suggestion/complaint uptake at the DFO offices.
- ii) Train new RFD and DFO case officers in procedures and technical aspects of grievance redress. The GD trains the staff in the policies and procedures of grievances redress, relevant laws and regulations in the forestry sector related to grievance and conflict resolution theory and tools.
- iii) Raise local awareness on GRM. The local DFO case officer has to raise awareness among other DFO officers, local communities and private forest holders about the function and procedures of the GRM.
- iv) Raise national awareness about the GRM to other REDD structures, such as APEX and REDD Working Group should also be informed about the GRM, its possibilities and how it can improve the REDD+ program.

All tasks will take three months to complete. After phase two is completed, the GRM is active nationally.



### Phase 3: Establishment of digital modality (3 months)

In the last three months of operationalization, the emphasis is set on **creating an opportunity for stakeholders to submit grievances by email**. The tasks under this phase include:

- i) A specific email address will be set up for grievance handling. A special address should be created on the mail server of the MoFSC. Stakeholders can then submit queries, comments and complaints by email.

This task will take 3 months to complete. All grievance uptake modalities will then be operational, and the GRM set up is completed.

## **8.2 Institutional mainstreaming of GRM**

### 8.2.1 Legal Provisions for GRM Institutionalization

For REDD+ institutionalization, it is important to understand how the Forest Act recognizes institutions for forest management. Forests defined as National forests - Government Managed Forest, Protected Forest, Community Forest, Leasehold Forest, Religious Forest, Private Forest – are recognized by the Forest Act and fall under the Department of Forest. Forest within National parks, Conservation Areas, Reserves, Buffer Zones do not fall under the definition of forest as defined by the Forest Act because these forests are dealt under National park and Wild Life Conservation Act where the Department of Forest has no role. Here reserve refers to a Strict Natural Reserve, Wildlife Reserve or Hunting Reserve.

REDD+ related grievances do not only relate to the carbon from the forest under the domain of Forest Act but also relate to any other existing forest. REDD+ can therefore be considered as a multi-dimensional forest concept, and needs to be recognized as such in the law and jurisdiction of the REDD+ coordinating institution. REDD+ and carbon emission trade fall under the concept of Payments for Environmental Services (PES) and recognize the economic value of forests. A clear legislative definition of REDD and carbon emission is necessary. Although the proposed second amendment to the Forest Act has provided elements of PES, a more detailed description of associated issues to PES is lacking in this amendment. **The recognition of rights related to forest products is important in determining the definition of carbon for REDD+ related forest management. Again, this is a requisite for effective legislative reforms to regulate the rights and corresponding grievances associated with REDD+.**

REDD+ and carbon emission related activities are now being handled by the REDD Implementation Centre (or REDD Implementation Center), an internal body formulated by MoFSC to coordinate REDD+ readiness activities. However, there is **no legislative mechanism present introducing the REDD Implementation Centre as the REDD+ regulating authority**, and therefore lacks legislative rights and duties under any legislation (Table 8).

The National Trust for Natural Conservation (NTNC) is another statutory organization working in the forest sector having ambiguous legislative power, as it is established under National Trust for Nature Conservation Act. Furthermore, President Chure-Terai Madesh

Conservation Development Board (PCTMCDB) is formed in (2014) 2071 under President Chure-Terai Madesh' Conservation Development Board (formation) Order. This institution seems to play a role in scientific forest management. How this body will be related to REDD+ in the future remains unknown.

Table 8: Legal amendment needed for mainstreaming the GRM

REDD+ coordinating body	Current jurisdiction for GRM	Gaps and deficiencies in jurisdiction for addressing grievance in REDD+	Conflict in jurisdiction that may influence REDD+ implementation	Implementation problems that may influence REDD+ implementation	Suggestions for streamlining REDD+ implementation
Ministry of Forest and Soil Conservation and REDD Implementation Centre	No Legislative Power	Amendment to laws are underway however, no Legislative power other than a definition of Payment for Environmental Services in the Second Amendment to Forest Act	Conflict between Forest Act and National park and Wild Life Conservation Act and other various rules and directives. Further, the second amendment has defined forest area which seems creating functional difficulties on forest related activities among various institutions working in forest related activities	REDD Implementation Center seems rather a research wing, as it has no legislative power	Legislative amendment is needed.

### 8.2.2 Technical and Human Capacity for GRM Institutionalizing

The GRM is an integrated part of the MoFSC/REDD Implementation Center operations, as they have the overall responsibility for reaching successful results. Mainstreaming the GRM in the MoFSC starts by assessing what technical and human capacity the office needs and compare this with what is presently functional. Important to notice is that the REDD+ office will rely on extended DFO infrastructure in the field. For the effective implementation of the GRM, staff and technical requirements are listed per activity in Table 9.

#### Technical capacity

The REDD Implementation Center currently hires services from an outside consultant to maintain the information technology (IT) infrastructure. The computer infrastructure consists of stand-alone units with a mail server to regulate email traffic. A network of connected computers does not exist, nor is there a server for storage of operational data.



For GRM institutionalization, three additional computer modalities are required. First, the Grievance Director (GD) needs to have a computer and printer available. Second, the GD should have a designated email address for stakeholders to submit their grievance. An additional email address can be easily added to the current mail server, according to the REDD Implementation Center staff. Third, the GD needs to have a modality for data storage e.g. server (rent). Pictures, audio files and text files for case registration and research should be stored in this secured place.

In addition, in each DFO there should be a designated GRM (cell)phone for uptake of telephone calls and SMS.

Table 9: Technical and human resources needed for mainstreaming the GRM

Process	Activity	Staff requirement	Technical requirement
1. Uptake	Empty suggestion/complaint box at local DFO locations	DFO and other such as VDC, CFUG	Fax
	NGOs, government officials, community leaders help in translation, writing and transportation of letters	--	
	Grievance log into to central register	RFD/GD	Computer and printer
	Answer and acknowledgement by phone	RFD/DFO	Dedicated toll free number
	Receive telephone/SMS, email and written letters	GD (email) DFO (telephone/SMS,suggestion box)	Designated email address/phone/SMS/internet connection for GD
2. Research	Eligibility screening	RFD	
	Assessment	DFO Case officer External experts (IAT)	Transportation and field support, lodging and food
3. Process	Decision on resolution approach	DFO Case officer	
4. Response	Compile response: process verbale	DFO Case officer	
	Conduct face to face meeting	DFO Case officer	Transportation DFO office
5. Implement	Conduct face to face meeting (problem solving)	DFO Case officer External mediator	Transportation DFO office
6. Monitor	Tracking of settlement agreement	GD DFO/other district level officer	Transportation
	Informing parties	GD DFO/other district level officer	Transportation
	Manage archive	GD	Storage modality



### Human capacity

The majority of experts working in the MoFSC and REDD Implementation Center are specialized in forestry. It should be noted that the REDD Implementation Center lacks a specific expert on social science, which is the essential for managing an effective GRM. Currently tasks related to social science (participation, engagement) are performed by technocrats. Yet there is a strong drive and commitment demonstrated by the REDD Implementation Center for performance and willingness to reflect, evaluate and adapt.

The human capacity needed for GRM operationalization is as follows:

**Grievance Director (GD):** The GD works for 100% level of effort and possesses a graduate level degree in social science, law, conflict resolution, forestry, is aware about the context of REDD+ and is fluent in Nepali and English. If the GD has not received conflict resolution theory and practices during his/her study, he/she needs to complete a 42 hour certificate training on mediation. The GD comes from the MoFSC.

**Regional Forest Directorate (RFD):** The RFD will function as the local administration to receive and register grievances. Regional officers work for a minimum of 25% level of effort and are existing officials in the Regional Forest Directorate, appointed with an additional task for grievance handling. When the volume of cases increases, the level of effort will increase.

**DFO Case Officers:** The case officers are selected from the DFO structure of forest officers. Case officers have an undergraduate background in forestry and also need to receive a 42 hour training certificate on mediation. The training consists of three sections: human rights, Nepal law and mediation skills and tools, and is provided in Nepal. The level of effort depends on the volume of cases handled. On average, one case takes about 15-25 % level of effort

An overview of the task and qualifications of the GRM staff<sup>20</sup> is given in Table 10.

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<sup>20</sup>The study team was unable to obtain an organogram to situate the GRM in the REDD IMPLEMENTATION CENTER organization



Table 10: Tasks and qualifications of the GRM staff

	<b>Grievance Director</b>	<b>Regional Forest Directorate</b>	<b>DFO Case Officer</b>
<b>Task</b>	Coach and supervise grievance staff	Receive and address incoming and outgoing phone calls and SMS	Coordinate with complainants and other relevant stakeholders on grievance
	Supervise administrative and general operations	Receive and address incoming and outgoing email and letters	Review policy and procedure for grievance handling
	Develop policy and procedures for grievance handling	Transfer cases to DFO case officers	Maintain roster of experts
	Oversee grievance handling and monitoring	Administration of cases to be delivered to GD	Facilitate teams of experts in grievance handling
	Select external experts for grievance handling	Act as a point of contact for complainants and other stakeholders	Organize and support in grievance meetings
	Work with the REDD Working Group in appeal cases		Prepare, execute and report on problem solving and mediation meetings
	Monitor, evaluate and adapt process as necessary		Act as a point of contact for complainants and other stakeholders
	Raise awareness about GRM		Raise awareness about GRM
	Act as a point of contact for REDD structures, media and others		
	Design, develop and maintain archive		
<b>Quali- fication</b>	Graduate level degree in social sciences or related fields	Undergraduate level degree in forestry or related fields	Undergraduate level degree in forestry or related fields
	Fluent in English, Nepali	Fluent in Nepali and widely other spoken languages	Fluent in Nepali and widely other spoken languages
	Certificate training in mediation (42 hours), if not part of academic study	Excellent verbal and written communication skills	Certificate training in mediation (42 hours)
	Excellent verbal and written communication skills	Strong organizational skills	Excellent verbal and written communication skills
	Strong leadership and organizational skills	Knowledge about REDD+	Strong organizational skills
	Knowledge about REDD+	Basic computer skills Microsoft office	Basic computer skills Microsoft office
	Basic computer skills Microsoft office and database program skills		



### 8.3 Monitoring and evaluation

#### Monitoring

GRM monitoring involves assessing the progress being made to handle grievances (World Bank, 2012b). The overall result of an effective GRM is to enable stakeholders affected by REDD+ to receive timely feedback and appropriate responses. In that way the governance structure for REDD+ readiness will be fully developed, ultimately leading to improved forest governance and biodiversity conservation (Government of Nepal, 2013e). To achieve this result, specific targets are set and overall improvement is tracked by a set of indicators. Monitoring is conducted by the Grievance Director (GD) using performance indicators, which are presented on two different outputs: participation and effectiveness every 6 months (Table 11).

For transparency, stakeholders will have an opportunity to track grievances as well. The monitoring officer will monthly publish/update a list of existing and new grievances on the grievance page of the REDD+ website. The name of complainant, the complaint itself, region/area and status of grievance handling are made public.

Table 11: Monitoring and evaluation framework for Nepal's GRM

Output	Indicator	Baseline	Target	Methods/ Sources of information	Frequency of data collection	Responsible entity
Participation	Number of complaints registered	N/A	10% decrease	Computer database	6 months	Grievance Director (MoFSC)
	Number of forest users by categories (community, leasehold, private etc.) that have used the GRM	N/A	5% increase	Computer database	6 months	
	Number of marginalized forest users by categories (Dalits, IP, women) that have used the GRM	N/A	10% increase	Computer database	6 months	
Effectiveness	Percentage of grievances resolved	N/A	80%	Computer database	6 months	
	Percentage of grievance addressed in set time frame	N/A	100%	Computer database	6 months	
	Percentage of grievances handled with simple conflict resolution techniques (apology, explanation, reframing etc.)	N/A	50%	Computer database	6 months	
	Percentage of grievances handled with more complex procedure (problem solving, mediation)	N/A	20%	Computer database	6 months	
	Percentage of positive feedback	N/A	30%	Computer database	6 months	
Output	Indicator	Baseline	Target	Methods/ Sources of information	Frequency of data collection	Responsible entity



Resolution	Percentage of grievances resolved with satisfactory output	N/A	100%	User survey	12 months	REDD Working Group
	Percentage of recurring complaints by categories (participation, rights, benefit sharing, program, customary practices)	N/A	20%	Computer database	12 months	

### Evaluation

GRM evaluation involves analyzing grievance data and making policy or process to improve the grievance handling process (World Bank, 2012b). The REDD Working Group, consisting of various stakeholders overseeing the REDD+ process, is the body responsible for steering the GRM to success. The REDD Working group works with the Grievance Director (GD) to gather lessons learned from the process, and subsequently using those to improve the GRM. Emphasis will be on the resolution of grievances. Besides the quantitative indicators in Table 11, the REDD Working Group can also use more general inquiries for evaluation of annual output against the expectations of GRM users. Some possible questions to pursue more qualitative statements about the functioning of the GRM as a whole are listed below.

1. Is the system making a difference and if yes, how?
2. What are the gaps? What is and what is not working? The evaluation has to address analyze the efficacy of all components of the GRM: types of responses that are more effective and can build trust with the stakeholders.
3. How effective is the system in resolving REDD+ related issues for women, Dalit, poor and marginalized? What actions would increase effectiveness?
4. How does the GRM facilitate identifying deeply rooted conflicts e.g. persistent, recurrent or unresolved conflicts? What kind of actions can be taken to address these root causes?
5. What kind of demonstrable change is the GRM producing in the REDD+ program, for the program management and for the stakeholders?

The outcome of the annual evaluation will be put back into the process as a way of learning and adapting to the needs of the stakeholders.

### **8.4 Overall Action Plan for Operationalization of the GRM**

In Table 12 we present a step by step plan for operationalization of the GRM. The MoFSC/REDD Implementation Center can use this planning scheme to carefully plan each step for the initiation (set-up) and general operations. Table 12 sums up each task/activity as discussed in Chapter 8 as well as the responsible entity and expected time frame to accomplish the task.



Table 12: Action plan for operationalization of the GRM

				Month after initiation																				
Initiation		Activity	Resp.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Phase 1: Set up of Terai GRM	1	Appoint Grievance Director	MoFSC																					
	2	Develop policies and procedures for grievance handling	GD																					
	3	Develop TOR for grievance officers from RFD and DFO	GD																					
	4	Train RFD and DFO officials in GRM policies and procedures	GD																					
	5	Establish phone and SMS infrastructure in 12 DFO offices	GD																					
	6	Set up a roster of experts in 12 DFO offices in Terai	GD																					
	7	Train NGOs, interest groups and experts about GRM and their role	GD																					
	8	Expand uptake locations with suggestion/complaint box in 12 DFO offices	RFD																					
Phase 2: Set up national GRM	9	Establish phone, SMS and suggestion/complaint box at RFD and DFO (expansion)	GD/RFD/DFO																					
	10	Train remaining RFD and DFO officials in GRM policies and procedures	GD/RFD																					
	11	Raise local awareness on GRM to DFO officials, NGOs and forest users	RFD/DFO																					
	12	Raise awareness of GRM to other REDD structures	GD																					
Phase 3: Set up email modality	13	Email modality set up at MoFSC	GD																					
Operation																								
	1	Grievance handling	GD																					
	2	Monitoring indicators measuring participating of stakeholders in GRM	GD																					
	3	Monitoring indicators measuring effectiveness of GRM	GD																					
	4	Evaluation of GRM and planning of future activities	GD																					

## 8.5 Improving the GRM

The GRM should evolve by adapting to the needs of the stakeholders. The information coming from the annual evaluation will be used by the MoFSC to learn and report to stakeholders about ways to improve the GRM. Improving the GRM includes reacting to changes in performance. One route for improving performance is through **overall assessment of monitoring indicators (trends and patterns) and evaluation output** (Figure 11, Step 1). The Grievance Director (GD) is responsible for gathering this data with his/her team. Important outcomes of data analysis exercise are: i) impact of GRM on the REDD+ implementation in terms of operations, management and benefit for the stakeholders, ii) identification of systemic changes, especially to ensure that recurring grievances will not recur, iii) identification of actions to make the GRM more effective.

Improvement of the GRM should be a participatory process, in which the REDD+ stakeholders play an important role. In the spirit of transparency and accountability, both the MoFSC and stakeholders (through the REDD Working Group) should have oversight when changes are being made. The GD takes the **output and discusses it with the various stakeholders in the REDD Working Group**. This is an important process during which space is created where these stakeholders become aware of the potential of the GRM, test it with their own reality and reflect upon it with alternative ideas and experiences they have encountered (Johnson, 2012). Various stakeholders will then collaboratively compile lessons learned and develop (new) actions for improvement (Figure 11, Step 2).

Once the actions for improvement are produced, the GD **translates those in programmatic tools**. For example, in case there is a new threat from REDD+ for local communities, the REDD Working Group may propose to include impacts from this threat in the monitoring and evaluation framework. The REDD Working Group can then develop a new indicator for tracking these new impacts. Developing new indicators, policies or procedures for the GRM are the results of this step, which is executed under the authority of the head of the grievance unit (Figure 11, Step 3).

Programmatic tools, once developed, should be **included in the annual planning process as part of the MoFSC** (Figure 11, Step 4). In this step, there can be different routes followed: i) inclusion of new indicators in the monitoring and evaluation framework, ii) adaptation of policies and procedures, as part of the operational guidelines of the GRM, iii) amendment of the REDD+ stakeholders engagement plan as a result of new insights, and iv) amendment of the awareness raising activities as a result of new insights.



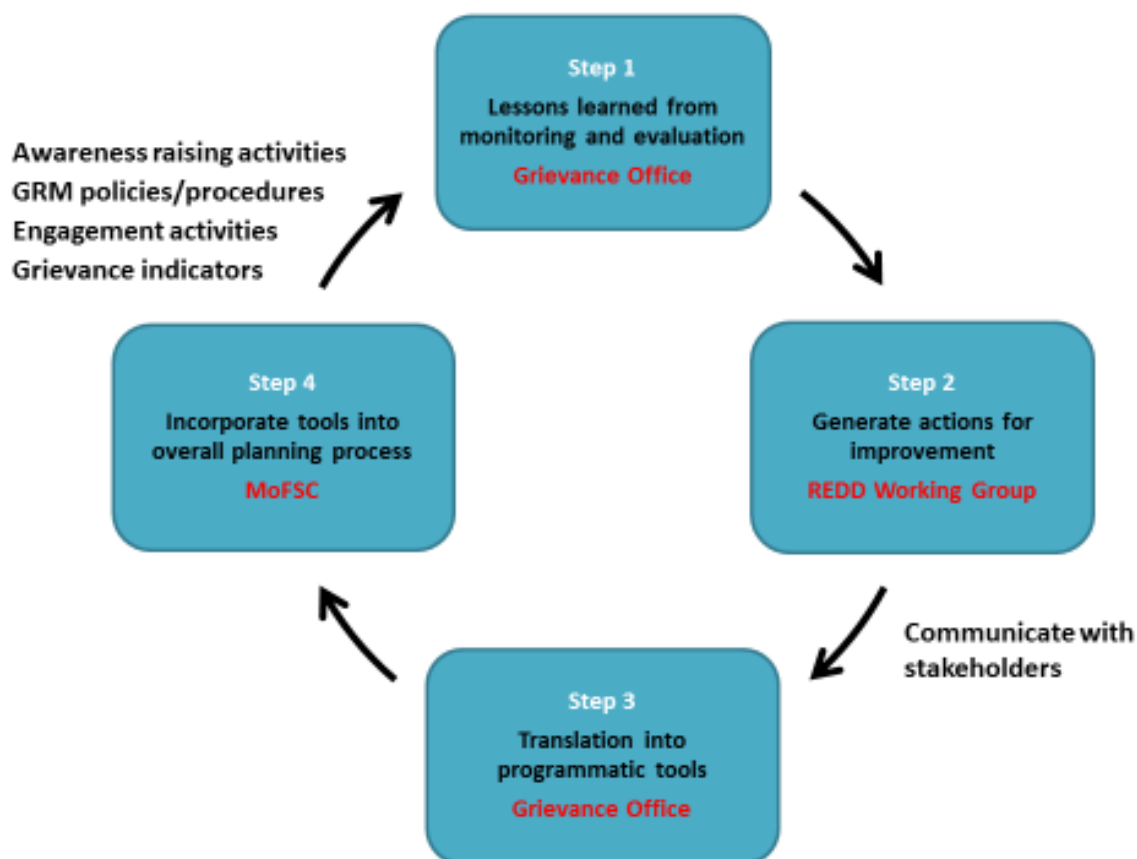


Figure 11: Adaptive learning cycle for continuous improvement of the GRM

For transparency, stakeholders will have an opportunity to learn about lessons learned and actions for improvement of the process as well. The grievance unit will communicate this with all stakeholders annually (see 8.6communication plan).

## 8.6 Plan for communication of function and use of GRM

### Plan for Introducing the GRM

The way the GRM is introduced to the stakeholders can have significant implications for its effectiveness. Important aspects to consider when introducing the GRM are: i) who are the target groups receiving information on the GRM existence, ii) what information to convey, iii) framing of message to deliver information effectively, iv) who is responsible for conveying the information and who can help doing it (multipliers), and v) what timeframe is necessary to communicate about the GRM. Each of these aspects are considered during the design of the communication plan.

For communicating about the GRM function, we distinguish several target groups, as follows.

- I. Local communities; operating at the community level and primarily dependent on the forests. These groups are relatively poor forest users.
- II. Private forest holders; this groups has a business oriented focus on forests. Compared to the local forest users they are in a better social and financial position.
- III. NGOs and other interest groups; these groups are locally and nationally organized and sometimes internationally-linked networks that have been formed for advocating rights of forest users. Some of them have experience on communication and conflict resolution for the mediation support.
- IV. Regional and district level forest offices; consisting of all staff working in district level and regional level forest offices.
- V. Experts in environmental and social sciences; these individuals possess expertise on a specific topic useful for independent assessment. Expertise can be on sociology, law, or environment for the assessment.
- VI. REDD+ related structures; these are the high-level structures within the GoN such as politicians and high officials in Ministries who have some involvement in REDD+.
- VII. GRM clients; these are REDD+ affected stakeholders submitting grievance. They can derive from stakeholder groups I through III, amongst others.

Each of these target groups will be approached in a different way. The information to be conveyed and the delivery modality are discussed for each target group (Table 13).

#### *Local Communities*

Local communities need to become aware about the existence of the GRM through a simple visual pamphlet and local billboards. In addition, they will be invited to a role play in the local DFO office. These delivery methods are specifically targeted to community members of whom most are illiterate. They will receive a message about the goals, process and specific grievance outcome for local forest users, and most importantly, specific instructions on how and where to use the GRM. The Grievance Director (GD) is responsible for compiling the message (with help of experts) and can multiply this message to the local level through NGOs and interest groups like FECOFUN.

#### *Private Forest Holders*

Private forest holder are reached through a pamphlet and a presentation at the local DFO office. The pamphlet is designed for literate users and with the presentation, a message is given about the goals, process and specific grievance outcome for local forest users, and most importantly, specific instructions on how and where to use the GRM. The GD is responsible for compiling this message (with help of experts).



### *NGOs and Other Interest Groups*

NGOs and other interest groups will be comprehensively informed about the GRM because they have a specific role in supporting local communities in grievance uptake. Learning about procedures for grievance uptake will be supported by an instructional presentation at the Grievance unit and/or local DFO office. With a general pamphlet, these groups can learn about the goals, process and specific outcome for local forest users, and most importantly, specific information about policies and procedures. Messages can be multiplied by NGO networks and federations. The GD is responsible for compiling the message (with help of experts).

### *Regional and District Level Forest Offices*

RFOs and DFOs have to provide logistical support in grievance uptake and handling. They will receive special instructions through email and formal letters from the MoFSC/REDD Implementation Center. In addition, a presentation will be given to convey general information about the GRM: goal, process, outcome, specific information about policies and procedures and instructions on grievance uptake and handling. The GD is responsible for compiling the message (with help of experts).

### *Experts in Environmental and Social Sciences*

Experts have a specific role to play in the GRM: independent assessment. They will be instructed in a similar manner as the NGOs/interest groups with the difference of receiving specific instructions on assessments rather than grievance uptake. Messages can be multiplied by professional- and consultancy networks.

### *REDD+ related Structures*

Although often underestimated, the functioning of the GRM as a management tool is imperative. The MoFSC/REDD Implementation Center should be aware about the functioning of the GRM for effective decision-making on the highest level (Apex body, politicians). This group of high level decision-makers will be informed through email, formal communication and a presentation about the GRM.

## Plan for Communicating GRM effectiveness after operationalization

In the operational phase, 15 month after starting GRM activities, the GD aims to communicate about GRM effectiveness. Specific messages are related to lessons learned during grievance handling and corrective actions taken for improving the grievance handling process. During operationalization, there is a more formal process for informing the stakeholders than in the initial (start-up) phase. For local communities, we propose to keep the original format of role play as a way to explain the faults, lessons learned and proposed actions (Table 14).

It is assumed that after operationalization, certain groups will become fully engaged in GRM operation, such as i) the DFO or other District authorities, ii) NGOs and interest groups and iii) local experts. These groups will also be advocates and keep informing forest users about the possibilities and procedures of the GRM at the local level.



The GRM clients are a new target group emerging after operationalization. Each year, the GDcontacts a randomized sample of clients by phone, hear the clients experience with the GRM and discuss what the unit has learned over time and solicit comments how to improve the process.





Table 13: Communication plan for establishment of the GRM

Outcome	Target group	Message	Tools for message delivery	Responsibility	Multiplier	Timeframe
GRM recognizable to local communities <i>Goal: Make GRM known to all local communities in forestry</i>	Leasehold forest users, community forest users, collaborative forest users, religious forest users, buffer zone forest users, watershed managers, local organizations of Dalits, women, indigenous peoples	General Information about GRM: goal, process, outcome. Instruction message on how and where to use the GRM	Simple visual pamphlet in local language Role play in VDC and DFO office Billboards at strategic locations	GD/DFO	NGOs, FECOFUN	6-12 months
GRM recognizable to private sector Goal: Make GRM known to all private sector holders <i>Goal: Make GRM known to all private forest holders</i>	Private forest holders	General Information about GRM: goal, process, outcome. Instruction message on how and where to use the GRM	Pamphlet in local language with general information and special instructions Presentation at VDC and/or DFO office for special instructions	GD/DFO		6-12 months
NGOs and forest interests groups are aware about GRM <i>Goal: Make NGOs and interest groups aware of existence of and potential role in GRM</i>	NEFIN, HIMAWANTI, FECOFUN, FOREST ACTION, IUCN, WWF etc.	General Information about GRM: goal, process, outcome. Specific information about policies and procedures Specific instructions on grievance uptake	Pamphlet with general information and special instructions Grievance handbook Presentation at Grievance unit and/or local DFO office	GD/DFO	Networks and federations	0-6 months
Government district and regional offices in forestry are aware about GRM <i>Goal: Make forestry offices aware of existence of and role in GRM</i>	District Forest Offices, Regional Forest Offices	General Information about GRM: goal, process, outcome. Specific information about policies and procedures Specific instructions on grievance uptake and handling	Mails/formal communication from MoFSC to DFO/RFD Presentation at local DFO/RFD office	GD/DFO		0-6 months

Outcome	Target group	Message	Tools for message delivery	Responsibility	Multiplier	Time frame
Experts in social and environmental sciences are aware about GRM <i>Goal: Make experts aware of existence of and potential role in GRM</i>	Individual consultants, firms	General Information about GRM: goal, process, outcome. Specific information about policies and procedures Specific instructions on assessments and mediation	Pamphlet with general information and special instructions Grievance handbook Presentation at Grievance unit	GD/DFO	Professional networks, consultancy networks	0-6 months
REDD+-related structures aware about GRM <i>Goal: Make group aware of existence of GRM</i>	MoFSC, Apex body, politicians.	General Information about GRM: goal, process, outcome.	Mails/formal communication from REDD Implementation Center Presentation	GD		0-6 months



Table 14: Communication plan for operations of the GRM

Outcome	Target group	Message	Tools for message delivery	Responsibility	Multiplier	Timeframe
Local communities informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Role play in VDC and DFO office (especially to capture illiterate groups)	GD/DFO	NGOs, FECOFUN	Every 12 months
Private forest holders informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Presentation at VDC and/or DFO office	GD/DFO		Every 12 months
NGOs and other interest groups informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Presentation at Grievance unit and/or local DFO office	GD/DFO	NGO Networks and federations	Every 12 months
Government district and regional level offices informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Presentation at local DFO office	GD/DFO		Every 12 months starting
Experts in social and environmental sciences informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Presentator at Grievance unit	GD/DFO	Professional networks, consultancy networks	Every 12 months



Outcome	Target group	Message	Tools for message delivery	Responsibility	Multiplier	Timeframe
REDD+-related structures informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Mails/formal communication from MoFSC Presentation	GD/DFO		Every 12 months
Clients informed about GRM progress and effectiveness <i>Goal: Inform group about outcomes evaluation and learning process.</i>	idem	Lessons learned/ actions to be taken	Presentation	GD/DFO		Every 12 months



## Chapter 9: Conclusion and Recommendations

### Conclusions

The GRM developed in this study models after a quasi-judicial structure. Quasi-judicial structures are not new to Nepal and have earlier been used in grievance provisions (e.g. Village Development Council). The GRM makes a strong link with the widely used informal system for dispute resolution, which is deeply trusted by local forest groups. And in case such informal dispute resolution is ineffective, REDD+ affected forest users can always find their way to the formal DFO grievance redress mechanism or the judicial court. Thus, **the GRM can be seen as an “in-between” step stakeholders can take after informal dispute resolution fails.** We expect this step to become crucial, given the high amount of (historically) existing local conflict and the difficulty local forest users have accessing the formal system because of its complexity or anxiety to use the system.

The GoN has proven ability to work together with local forest users in a wide range of forest management systems. Our design worked along laws and provisions of this so-called forest management. **Our study shows that existing laws and forest management systems are not perfect: in all of these management types there is large amount of conflict between different users over forest resources, many of which the GoN is party.** Nepal's history teaches us that power disparity has been prevailing in forest management. We also heard similar remarks from forestry stakeholders in present time. So we crafted a system in which each stakeholder can function effectively without becoming bias when participating in the GRM. The GRM particularly promotes judgments by subject experts rather than by existing government structures from the MoFSC.

This study has also some limitations. The GRM study builds on previous studies which were conducted during the readiness process. The R-PP gives an overview of the baseline situation on which REDD+ program is constructed. Based on the drivers of deforestation mentioned in the R-PP, a Strategic Environmental and Social Assessment (SESA) was made to analyze the potential risks associated when Nepal implements its REDD+ strategy. The SESA provided an incomplete analysis of the potential risks, however, mainly because the REDD+ strategy was still in the last phase of completion during our study. **The study team was hampered to give a comprehensive overview of the drivers of grievance.** To overcome this limitation, it is recommended to reassess these drivers of grievance before GRM implementation, so they are corresponding with the environmental and social impacts and safeguard framework.



## Recommendations

This study presented an analysis of the provisions necessary for a functional GRM for REDD+ implementation in Nepal. Compared other projects and programs, such as road or hydropower infrastructure construction, the REDD+ GRM is quite different. It is important to underscore that REDD+ is still an experiment worldwide and there is no blueprint on how to implement policies and programs, it is imperative for stakeholders to collaborate in governance. Thus, the GRM is not only a mechanism to simply receive and handle complaints but should be seen as **agovernance tool for continuous learning** and improving for crafting a way forward.

The study proposed two sets of recommendations: on legal provisions and on the operationalization of the GRM. Each of these set of recommendations are discussed below.

### Recommendations for Legal Provisions for the GRM

#### **Create Legal Provisions for REDD+ implementation**

In order to have effective REDD+ implementation, there is an urgent need to reform forest- and environmental laws. It is also required to harmonize legal inconsistencies between the various existing acts. Reform is necessary to introduce the following:

- i) Legal definition of REDD+, carbon emission, forest degradation, deforestation, environmental services
- ii) Provision defining the REDD Implementation Center as coordinating body and institution responsible for the GRM
- iii) Harmonization of forest related regulatory framework to clarify their roles in effective REDD+ implementation and functioning
- iv) Rights and interest of forest users group related to REDD+ benefits, specifically the interest of local, marginalized and indigenous people
- v) Cause and remedy of deforestation and degradation
- vi) REDD+ related benefit sharing modus operandi
- vii) Provisions about free prior and informed consent (FPIC) to comply with ILO 169. It is advisable to establish a transparent process for FPIC in legal regulations. The process should envisage stipulations about culturally sensitive ways of information sharing and consultation about the programs and potential risk and benefits, after which the community can speak out their consent about participating in REDD+.
- viii) Public-private participation and joint investment mechanism on forest development and management
- ix) Grievances handling mechanism such as jurisdiction of the REDD working group.

#### **Create Legal Provisions for GRM institutionalization**

Key aspects of the legal reform must emphasize the relation between various forest related benefits and operationalization of the natural ecosystem and people's settlement in the territory. It is prudent to recognize that PES provisions should be expanded to include REDD+ and its structures (such as GRM). Because REDD+ encompasses all types of forest user rights



and management types, it links to several laws as earlier discussed. In addition, the drivers of deforestation, the basis for the REDD+ program, are generally linked to several sectors, for example, to the social sector (poverty), agriculture (invasive species) and animal husbandry (overgrazing by cattle). Given the multi-dimensional and cross-sectoral aspect of REDD+, it is recommended defining provisions for jurisdiction of the GRM as part of the MoFSC. The GRM is not a standalone mechanism and connects with the informal systems of community dispute resolution and formal judiciary system at the district level. **District grievance handling, performed by the DFO or other relevant authority, will also need adjustment to become complementary to the GRM.** District level authorities have wide experience with settling disputes with a fine up to \$100. To keep functioning as the main forest authority handling formal grievance, this ceiling of \$100 needs to be increased. Then, cases can easily transfer to the formal system, in case disputants request it.

### Recommendations for Operationalization of the GRM

#### **Gradually Expand GRM from Regional to National Focus**

The primary focus of REDD+ implementation is on the Terai region for coming years. The focus on the Terai region will provide the MoFSC with lessons learned to continue nationalization of the GRM. It is therefore recommended to build the GRM gradually from the Terai region into a mechanism with a national focus while at the same learning from mistakes. **The first nine months are crucial for implementation and we therefore recommend for adequate guidance from experts in grievance and redress,** especially given the limited knowledge in this area at the MoFSC. Once the GRM is set up and there is trust from the stakeholders, the MoFSC can manage it on its own.

#### **Raise Awareness about the GRM from Initiation**

The study team observed that the way a GRM operates is unclear to the majority of stakeholders in REDD+. The few people knowledgeable on the GRM function (forest officers and in some places also NGOs and interest-based organizations) were also highly educated on REDD+. We therefore recommend **raising awareness about the GRM alongside its implementation to encourage stakeholders using the mechanism.** In this way conflicts are immediately addressed and trust is built. Awareness raising activities about the GRM can be best coupled with general awareness activities about REDD+.

#### **Create Incentives for Using the GRM**

The Nepalese culture and local circumstances teaches us that there are serious barriers for local level forest users for submitting grievances to the formal system. The GRM, as a quasi formal system, may face the same constraints for use by local forest users. It is therefore recommended to **create incentives for local level forest users to use the GRM.** Incentives can be created through simple stipends (such as transportation costs or telephone costs through their representative organizations) to local users so the GRM becomes accessible. Such costs, as well as other costs associated with the operationalization of the GRM should be obtained from benefits coming from REDD+.





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## **Annex 1: Guiding questions for stakeholder consultations**

### **Checklist for community consultation and discussion**

#### **1. Background information**

District

VDC and ward:

Total Participants:

No. of female participants:

Caste/ethnic composition:

Types of Forest Management:

Status of user group: (a) Formally handed over in ..... (b) Informal:

#### **1. Satisfaction with forest management**

- a. Fully satisfied:
- b. Satisfied but have to say something:
- c. Partially satisfied and have to say many things:
- d. Not satisfied:
- e. If not satisfied, can you tell us the reasons
  - i.
  - ii
  - iii

#### **2. Participation in forest management activities**

- a. Not participated in FM activities:
- b. Attend meeting of FM regularly but not speak:
- c. Attend meeting of FM regularly and engage in discussion:
- d. Attend meeting and take part in decision making:

#### **3. Community investment in forest:**

- (a) No cost investment:
- (b) Minimal investment and no significant contribution to livelihood:
- (c) Committed involvement and investment and contribute significantly to livelihood:
- (d) Devoted most/all time to the forest, diverted resources away to other livelihood activities;



**4. Climate change risk to livelihood**

- a. Realized any change in the pattern of climate change
- b. Realized risk to livelihood activities due to climate change
- c. Causes or reasons of climate change
- d. Changed adaptation strategies, if any

**5. Awareness level in REDD+**

- a. Never heard about REDD+ :
- b. Heard about REDD+ and plans myself but no idea what it is:
- c. Heard about REDD+ from individuals/organization/media but no idea what it is:
- d. Aware of REDD+ and PLAN fully:

**6. Participation level in REDD+**

- e. Not participated in REDD+ activities:
- f. Attend meeting of REDD+ regularly but not speak:
- g. Attend meeting of REDD+ regularly and engage in discussion:
- h. Attend meeting and take part in decision making:

**7. Attitude towards REDD+/Government**

- a. Full of respect and trust among all category people:
- b. Mild distrust and question:
- c. Due to suspicions clear divisions:
- d. Hostile towards each other:

**8. Existing grievances/conflicting issues**

- a. Grievance due to lack of information/participation:
- b. Grievance due to benefit sharing:
- c. Grievance due to REDD program and policies:
- d. Grievance due to FPIC:
- e. Grievance due to right to the land:
- f. Grievance due to unequal access to forest resources
- g. Grievance due to exclusion

**9. Interest of the grievance resolution**

- a. No, we leave the issues as is
- b. We prefer informal dispute resolution, but are limited in access/suppressed
- c. We prefer informal dispute resolution and it works for us
- d We prefer formal dispute resolution



**10. Existing mechanism to resolve grievances**

Do you know any informal dispute resolution forums?

If yes, what are they?

If no, why not?

a. Do you know any formal dispute resolution forums?

If yes, what are they?

If no, why not?

**11. Procedure used to claim the informal grievances**

a. Know the informal procedure:

b. Attending meetings and talking to leaders:

c. Writing letter to leaders :

d. Looking outside for support (shutting off communication with other sides):

**12. Procedure used to claim the formal grievances**

a. Know the formal procedure:

b. Attending meetings and talking to officials:

c. Writing letter to officials/formal forums:

d. Going to court;

e. Looking outside for support (shutting off communication with other sides):

**13. Decisions executed from the informal dispute resolution system**

a. Yes, we received the decision of the court and is well executed

b. Yes, we received the decision but not well executed

c. No, we did not receive the verdict

**14. Decisions executed from the formal dispute resolution system**

a. Yes, we received the decision of the court and is well executed

b. Yes, we received the decision but not well executed

c. No, we did not receive the verdict

**15. Satisfaction with informal grievance readdress mechanism**

a. Fully satisfied: Reasons of satisfaction?

b. Satisfied but have to say something:

c. Partially satisfied and have to say many things:

d. Not satisfied: Reasons of satisfaction?



## 16. Satisfaction with formal grievance readdress mechanism

- Fully satisfied: Reasons of satisfaction?
- Satisfied but have to say something:
- Partially satisfied and have to say many things:
- Not satisfied: Reasons of satisfaction?

## 17. Barriers for going to formal court

- a. Too far away
- b. Too complicated/unfamiliar
- c. Too expensive
- d. Outcome does not provide a workable solution
- e. Not culturally appropriate
- f. Takes too long

## 18. Preferred means of communicating grievances

- Email/letter
- Representative individual/organization
- Phone
- Direct meeting
- Proactive outreach

## 19. Preference grievance mechanism and modality

- 
- 
- 
- 

# Thank you



## Checklist for Regional and District level Consultations

### 1. Background information

District:

Types of Consultation:

Place of consultation meeting:

Total Participants:

No of female participants:

### 2. Types of the forest in the Region/District

- a. National forest:
- b. Protected Forest:
- c. Community Forest:
- d. Leasehold forest:
- e. National part and conservation area forest:
- f. Other (specify):

### 3. Types of forest that directly supports to local livelihoods

- a.
- b.
- c.

### 4. Types of forest that has more conflict and grievances

- a.
- b.
- c.

### 5. Climate change risk to forest/livelihood

- e. Realized any change in the pattern of climate change
- f. Realized risk to livelihood activities due to climate change
- g. Causes or reasons of climate change
- h. Changed adaptation strategies, if any





**6. Attitude towards REDD+**

- e. Full of respect and trust among all category people:
- f. Mild distrust and question:
- g. Due to suspicions clear divisions:
- h. Hostile towards each other:

**7. Participation level in REDD+**

- i. Not participated in REDD+ activities:
- j. Attend meeting of REDD+ regularly but not speak:
- k. Attend meeting of REDD+ regularly and engage in discussion:
- l. Attend meeting and take part in decision making:

**8. Existing grievances/conflicting issues**

- h. Grievance due to lack of information/participation:
- i. Grievance due to benefit sharing:
- j. Grievance due to REDD program and policies:
- k. Grievance due to FPIC:
- l. Grievance due to right to the land:
- m. Grievance due to unequal access to forest resources
- n. Grievance due to exclusion

**9. Interest of the grievance resolution**

- a. No, we leave the issues as is
- b. We prefer informal dispute resolution, but are limited in access/suppressed
- c. We prefer informal dispute resolution and it works for us
- d. We prefer formal dispute resolution

**10. Existing mechanism to resolve grievances**

- Do you know any informal dispute resolution forums?
  - If yes, what are they?
  - If no, why not?
- b. Do you know any formal dispute resolution forums?
  - If yes, what are they?
  - If no, why not?

**11. Procedure used to claim the informal grievances**

- e. Know the informal procedure:
- f. Attending meetings and talking to leaders:
- g. Writing letter to leaders :
- h. Looking outside for support (shutting off communication with other sides):

**12. Procedure used to claim the formal grievances**

- f. Know the formal procedure:
- g. Attending meetings and talking to officials:
- h. Writing letter to officials/formal forums:
- i. Going to court;
- j. Looking outside for support (shutting off communication with other sides):



### 13. Decisions executed from the informal dispute resolution system

- d. Yes, we received the decision of the court and is well executed
- e. Yes, we received the decision but not well executed
- f. No, we did not receive the verdict

#### 14. Decisions executed from the formal dispute resolution system

- d. Yes, we received the decision of the court and is well executed
- e. Yes, we received the decision but not well executed
- f. No, we did not receive the verdict

## 15. Satisfaction with informal grievance readdress mechanism

- f. Fully satisfied: Reasons of satisfaction?
- g. Satisfied but have to say something:
- h. Partially satisfied and have to say many things:
- i. Not satisfied: Reasons of satisfaction?

## 16. Satisfaction with formal grievance readdress mechanism

- d. Fully satisfied: Reasons of satisfaction?
- e. Satisfied but have to say something:
- f. Partially satisfied and have to say many things:
- j. Not satisfied: Reasons of satisfaction?

## 17. Barriers for going to formal court

- g. Too far away
- h. Too complicated/unfamiliar
- i. Too expensive
- j. Outcome does not provide a workable solution
- k. Not culturally appropriate
- l. Takes too long



**18. Preferred means of communicating/receiving grievances**

- f. Email/letter
- g. Representative individual/organization
- h. Phone
- i. Direct meeting
- j. Proactive outreach

**19. Preference grievance mechanism and modality**

- a.
- b.
- c.
- d.

**20. Your expected roles and place in the GRM mechanism**

**21. Other suggestions, if any**

- a.
- b
- a.

**Thank you for giving us valuable time and suggestions**



## Annex 2: Time Table of Field Activities

### 1<sup>st</sup> round trip

Date	Nepali date	From	To	Type of Consultation
13/4/015	30/12/071		Lalitpur	District Consultation
14/04/015	1/01/0172	Kathmandu	Chitwan	District consultation
15/04/015	2/01/072		Chitwan	Consultation to Park people, local community
15/04/015	2/01/072		Hetauda	Regional consultation
16/04/015	3/01/072	Parsa	Parsa/Kathmandu	District consultation

### 2<sup>nd</sup> round trip

Date	Nepali date	From	To	Type of Consultation
17/04/015	4/01/072	Kathmandu	Biratnagar/Morang	Regional consultation
18/04/015	5/01/012	Dhankutta		Community consultation
18/04/015	5/01/072	Dhankutta		District consultation
19/04/015	6/01/072	Biratnagar	Kathmandu	

### 3<sup>rd</sup> round trip

Date	Nepali date	From	To	Type of Consultation
21/04/015	8/01/072	Kathmandu	Kabhre	Community forest user consultation
21/04/015	8/01/072		Kabhre	Leasehold forest user consultation
22/04/015	9/01/072		Dolakha	District consultation
23/04/015	9/01/072	Dolakha	Kathmandu	

### 4<sup>th</sup> round trip

Date	Nepali date	From	To	Type of Consultation
6/06/015	23/02/072	Kathmandu	Pohkra	12.Protected Area peoples consultation
7/06/015	24/02/072	Kaski	Kaski	13.Regional Consultation
7/06/015	24/02/072		Gorkha	14.District Consultation,
8/06/015	25/02/072	Gorkha	kathmandu	15.District Consultation

### 5<sup>th</sup> round trip

Date	Nepali date	From	To	Type of Consultation
09/06/015	26/02/072	Kathmandu	Kailali	16.Regional consultation
10/06/015	27/02/072	Kailali	Kanchanpur	17.District consultation
10/06/015	27/02/072	Kanchanpur	Bardiya	18.Bardia National Park community consultation
11/06/015	28/02/072	Banke	Banke	19.District Consultation
12/06/015	29/02/072	Surkhet	Surkhet	20.Regional Consultation
13/06/015	30/02/072	Nepalgunj	Kathmandu	

District consultation: 9 (visited districts 14)Local community consultation: 6. Regional Consultation: 5  
National consultation meeting: 2



## **Annex 3: Terms of Reference for Roster of Experts**

### **Establishment of a Roster of Experts for the REDD+ GRM**

#### **BACKGROUND**

Reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+) has emerged as a forest mitigation approach for developing countries under the United Nations Framework Convention on Climate Change (UNFCCC). Guidance from the UNFCCC Conference of the Parties (COP) on REDD+ has been published regularly since 2007, with the most substantial guidance adopted through the Warsaw Framework for REDD+ at COP19 in November 2013. The seven REDD+-related decisions adopted at COP19 ('Warsaw Framework for REDD+') constitutes a near-complete the REDD+ 'rulebook'. Taken with earlier COP decisions, the UNFCCC has now set out the process for developing countries to receive results-based payments for results-based REDD+ actions.

Under the REDD+ framework, each country is to establish an effective management structure with a feedback and grievance mechanism. GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called "grievances," "complaints," "feedback," or another functionally equivalent term. The GRM focuses on flexible problem solving approaches to dispute resolution through options such as fact finding, dialogue, facilitation or mediation. The mechanism is not intended to be a substitute for legal or administrative systems or other public or civic mechanisms; or remove the right of complainants to take their grievances to other more formal recourse options.

#### **OBJECTIVE OF ESTABLISHING A ROSTER**

Based on a significant demand for Individual Contractors (ICs), the REDD IMPLEMENTATION CENTER wishes to establish a 'Roster' of qualified experts for various thematic areas. This roster, once established, will provide easy access to a pool of ICs who are potentially suitable and have a demonstrated track record on the required services to be performed. A screening procedure will be applied to select the prospective applicants that will be registered in this Roster. This roster will be maintained for a period of 3 years.

#### **DEMONSTRATED EXPERTISE, REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

The prospective experts that will apply for enlisting in this Roster should be able to demonstrate the following qualifications.



**Education:**

Minimal Bachelor's degree or above, in the following areas:

- Environment or Natural Resource Management,
- Sociology,
- Forestry,
- Rural Development,
- Climate Change,
- Agriculture,
- Economy and Finance,
- IP and human rights,
- Conflict resolution,
- Or related topics.

**Experience and skills:**

- At least 3 years in one of the tasks and topics detailed above, or closely related sub-areas, preferably including experience in the provision of policy advice, strategy development, and program development with a strong focus on integrating these areas with economic development and/or poverty alleviation. An excellent understanding of the requirements of the UNFCCC and REDD+ is required.
- The candidate is also to have a thorough understanding of the developing country context in Nepal, if possible based on working experience in the field.
- For conflict resolution specialists/mediators, a 42 hour training certificate is required. The training consists of three sections: human rights, Nepal law and mediation skills and tools, and is provided in Nepal.
- Of added value will be regional experience in South Asia, as well as experience in other.
- Excellent organizational and communication skills are also key to this position.
- Sufficient knowledge about international and national developments on REDD+
- Computer knowledge of Microsoft Office

**Language proficiency:**

- Fluency in Nepali (spoken and written). Knowledge of English is an advantage.

**EVALUATION, SELECTION PROCESS**

The evaluation of each applicant will be based on a set of selection criteria. Using the information provided in their respective submitted documents, the applicants will each be evaluated for each criterion and scored accordingly. The total scores will be used in the ranking of applicants. Those who pass a minimum passing score of 75% will be considered technically qualified and included in the roster. Technical Criteria weight; background 25%, Experience and skills 65%, Languages 10%.



#### Annex 4: Existing conflicts in different forest types in Nepal<sup>21</sup>

Operational level	Forest management type	Types of livelihood supported by forest	Existing conflict	Area	Geographical region
International	Various	Local communities	Conflict over migration of peoples from China and India into forests in Nepal	Terai	Terai
National/ Regional	National forest	General interest	Conflict between mining/development sector, agriculture and forest conservation	Lalitpur e.o.	Hills
	Various	Various	Conflict between regional /district authority and Central Government	Lalitpur Kabhre Kathmandu	Hills
				Chitwan	Terai

<sup>21</sup>This list is based on consultations with stakeholders all over Nepal



Operational level	Forest management type	Types of livelihood supported	Existing conflict	Area	Geographical region
District	Private forest	Private owner	Conflict between private forest owners and communities claiming customary right for forest use	Lalitpur Dhankutta Kanchanpur	Hills
				Ghorka	Mountains
	Private forest	Private owner	Conflict between private owner and Government over boundaries	Biratnagar	Terai
	Community forest/ Leasehold forest	Local communities	Conflict between different communities about boundaries, exclusion and user rights	Hetuada Chitwan Parsa Biratnagar Banke Kanchanpur	Terai
				Dhankutta Kabhre	Hills
				Dolakha Ghorka	Mountains
	National forest	General interest	Conflict between Government and local communities over user rights e.g. cattle grazing, farming, charcoal extraction	Chitwan Biratnagar Parsa Hetuada Kanchanpur Banke Kaski	Terai
				Dhankutta Kaski	Hills
				Dolakha Ghorka	Mountains
	Buffer zone forest	Local communities	Conflict between Government and local communities over user rights	Parsa	Terai
	Religious forest	Religious users	Conflict between Government and religious community user group over user rights e.g. temple construction	Hetuada	Terai
Local	Various	Local communities	Conflict between leaders and community members- elite capture	All regions	All regions
	Various	Local communities	Conflict between different family members in a community	All regions	All regions



## Annex 5: Overview of the Problem Solving Model

### Overview of the Problem Solving Model (Moore, 2003)

1. **Establish relationship**  
Built personal credibility with introduction  
Get rapport (feed-back) by pursuing personal style  
Explain the process steps, and ask for feedback  
Ask for commitment to the process.
2. **Strategy selection**  
Identify goals  
Identify possible dispute outcomes with problem solving based on trust, dependency, equal, high investment, positive future relationship.  
Select an approach based on cost, participation, time, future relationship of disputants.  
Seek commitment to approach.
3. **Collecting and analyzing background information**  
Deconstruct stories to identify interests by reflective listening, open-ended questioning, entitlement question and approaching from the others perspective.  
Clarify information and review interests with parties.
4. **Designing a mediation plan**  
Setup mediation room based on personality: table seating, atmosphere  
Set an tentative agenda for the meetings process (time, get agenda items from disputants, with distinction in information-sharing items, discussion items and decision making items – also distinguish high/medium and low priority.
5. **Building trust and cooperation**  
Prepare disputants for strong emotions  
Handle negative emotions: caucus, ground rules,, encourage reframing by disputants, reflective listening, open ended-questions, identify positive historic emotions, avoid stereotyping, identify points in common  
Make perceptual change: rewarding/punishing  
Legitimacy of opponents' feelings/words: change wording, redefine issue, ask someone else to state legitimacy of issues.  
Create trust: state ideal relationship with other party, how they think other party perceives interests.
6. **Opening statements**  
Introduction, Explanation of model and benefits, Use metaphor for describing model, Develop rapport,  
Statement of impartiality and neutrality, Explanation of a caucus, Statement of confidentiality, Suggestions for ground rules,  
Securing commitment, Preview the session.
7. **Defining issues and setting an agenda**  
Ask questions that externalize person from problem to map out influence  
Ask open ended questions and reframing to translate into interest or identify larger goals. Summarizing  
Focus on relationship between parties  
Built on interest that came from validated stories  
Foster positive emotions and flexibility  
Generate shared needs and common ground (shared meanings and shared interest)
8. **Uncovering hidden interests**  
Focus on the evolution and impact of the conflict (cost)  
Focus on the time orientation  
Dissemble cultural constructs  
Engage in interested oriented discussion, look at overall interest  
Brainstorm to uncover hidden interests  
Restate parties' interest and get conformation that you are correct.
9. **Generating options for settlement**  
Raise awareness that multiple choices are possible  
Help parties generate several options and seek for shared outcomes
10. **Assessing options for settlement**  
Clarify with parties that options are doable  
Define options that are substantive through brainstorming, hypothetical scenarios, looking in future, model agreements, package agreements.  
Access the costs and benefits of the options.  
Define the borders of each option  
Gain commitments through 1) active listening, restating and summarizing for physiological needs and 2) gain commitment to explore settlement options
11. **Final bargaining**  
Incorporate deadline in final agreement as necessary  
Psychological closure – acknowledgment, apologies, ownership, validating  
Schedule follow up (if necessary)



## Annex 6: List of Participants in the GRM Consultations

**Types of Consultation:** *District consultation*

**Meeting Place:** *District Forest Office, Lalitpur*

**Date of the workshop/consultation:** *13<sup>th</sup> April 2015*

### Attendance Sheet

SN	Name of the participants	Position	Organization	Remark
1	Binod. Pd. Devkota	DFO	District Forest Office, Lalitpur	
2	RajKumar Shrestha	Member	Deurali CFUG	
3	Nirmala bajgain	Secretary	FECOFUN, lalitpur	
4	MitraLal pathak	Research Officer	NHPL,Godawari	
5	Jitendra Mahat	AFO	District Forest Office, Lalitpur	
6	Kedar Pokhrel	Staff	CFRC	
7	Rajaram Poudel	Coordinator	CFRC	
8	Harishyam Ghimire	Member	Deurali CFUG	
9	Sushila sapkota	Member	Deurali CFUG	
10	Gangaman Gurung	Chairman	Darraj Nepal NGO	
11	Durga Bisunkhe	User	Patale CFUG	
12	Nira bayalkoti	User	Patale CFUG	
13	Sundar Bdr. Shrestha	User	Patale CFUG	
14	Anjana Pokhrel	User	Patale CFUG	
15	Purnima Pokhrel	User	Patale CFUG	
16	Laxmi Lama	Member	NGO federattion	
17	Kamal Bdr. Nepali	Botanist	National Horticulture Centre	
18	Prem Prasad Khanal	Secretary	REDDIC	
19	Chudamani Khatiwada	User	Deurali CF	
20	Durga pokhrel	User	Deurali CF	



**Types of Consultation:** District Consultation, Chitwan

**Meeting Place:** Bharatpur, Hotel Global

**Date of the workshop/consultation:** 14<sup>th</sup> April 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Bhaisu Gurung	Member	NEFIN Centre	
2	Baburam Biswakarma	Member	District Dalit Network	
3	Premal Pokhrel	CFUG member	Jaldevi CF	
4	Purna Bdr. Shrestha	Member	Herbal network	
5	Ram Bdr. Bhujel	Secretary	NEFIN District Committee	
6	Mitral al Bote	Chairman	Nepal Bote Samaj	
7	Bhim Bdr. Chepang	Secretary	Nepal Chepang Association, Chitwan	
8	Shaligram sapkota	Member	Naw Jagrati CFUG	
9	Visnu Sapkota	Joint Secretary	FECOFUN, Chitwan	
10	Usha Paudel	Member	Pvt. Forest Association	
11	Prakash Dahal	User	Jaldevi CFUG	
12	Jitendra Biswokarma	Member	Dalit District Committee	
13	Dhruba Chaudhry	User	Jaldevi CFUG	
14	Rajendra Bote	User	Jaldevi CFUG	
15	Indra Adhikari	User	Jaldevi CFUG	
16	Jivan Basnet	Member	Naw Jagrati CFUG	
17	Dev narayan Chaudhry	Member	Nawa jagriti CFUG	



**Types of Consultation:** *Community Consultation, Patiyani-26 Bharatpur*  
**Meeting Place:** *patiyani-26, Bote Community, Sub-Metro City-26, Bharatpur*  
**Date of the workshop/consultation:** *15<sup>th</sup> April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Dev Raj Sigmel	Member	BelSahar buffer zone Forest	
2	Padam Ghimir	Joint Sec.	BelSahar buffer zone Forest	
3	Tularam Gurung	V.Chair	Gurung National Academy	
4	Sant ram mahto	Chairman	NEFIN district Committee	
5	Laxman Rai	Chairman	Nepal Gaire Utthan Samaj	
6	Ram Bdr. Bhujel	Member	NEFIN Chitwan	
7	Binda Baramu	Member	Nepal Baram Utthan Samaj	
8	Indira Bote	Advisor	Nepal Bote Samaj	
9	Dutpati Bote	Member	Nepal Bote Samaj	
10	Bina Bote	Member	BufferZone CFMC	
11	Mitral al bopte	Chair	Nepal Bote Samaj	
12	ShivShanker Sharma	User	Belsahar BZCF	
13	Dev Prasad koiri	User	Belsahar BZCF	
14	Prakash Sharma	User	Belsahar BZCF	
15	Govind gairhe	User	Belsahar BZCF	
16	Prakash Koiri	User	Belsahar BZCF	
17	Krishna Prasad	User	Belsahar BZCF	



**Types of Consultation:** *Regional Consultation*

**Meeting Place:** *District Forest Office, Makwanpur, Hetauda*

**Date of the workshop/consultation:** *15 April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Buddha Lama	Advisor	NEFIN	
2	Pradip koirala	Advisor	NEFUK	
3	Rassbodh Jha	AFO	District Forest Office, Makwanpur	
4	Pravin Bindari	AFO	District Forest Office, Makwanpur	
5	Rajesh Tamang	APRO	Dist.Plant Resource Office	
6	Kedar Prasad Bartaula	Member	SFCD	
7	Bishnu Prasad bartaula	Member	SFCD	
8	Bishnu Prasad Neupane	Secretary	Rani CFUG	
9	Pancha Maya Syangtan	Chairperson	FECOFUN District	
10	Bishal Bhattarai	Ranger	District Forest Office, Makwanpur	
11	Yajna Pd. Kandel	Vice Chair	Forest seed cooperation	
12	Achyut Raj Mainali	Member	NTFP seller	
13	Bikash Nepal	Member	Danguna CFUG	
14	Ram Pyari Raut	Member	HIMAWANTI, Nepal	
15	Draupati Rai	Member	HIMAWANTI, Nepal	
16	Yadbindra Paudel	Subedar	District Forest Office, Makwanpur	
17	Bhimsen poudel	Secretary	Rani CFUG	
18	Gopal Sharma		District Forest Office, Makwanpur	
19	Karma Lal majhi	DFOA	District Forest Office, Makwanpur	
20	Kamal Sharma	Member	District Forest Office, Makwanpur	
21	Shankar D. Sharma	Member	Chure CFUG	
22	Jitendra Kumar	Member	Chure CFUG	
23	Dharm Pd. Ghimire	Member	Chure CFUG	
24	Anand Shankar Rai	Member	Chure CFUG	
25	Amarnath Yadav	Member	DCS	



**Types of Consultation:** *District Consultation*

**Meeting Place:** *Hotel Pujan, Birgunj, Parsa*

**Date of the workshop/consultation:** *16<sup>th</sup> April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Nirmala Devkota	secretary	FDFAN	
2	Prabhu Hajara	Member	Dalit Coordination Committee	
3	Arvind Gupta	Member	O.B.C. District Committee	
4	Harendra mahaseth	Member	Jagriti CFUG	
5	Pramod Das	Member	Collaborative FM	
6	Ramrijhan sardar	Member	Collaborative FM	
7	Lakhan sah	User	Jagriti CFUG	
8	Amarnath Sudi	User	Jagriti CFUG	
9	Rajesh Ram	User	Collaborative FM	
10	Ganesh Mandal	Member	Pvt. Forest Network	
11	Ghanashyam Yadav	User	Jagriti CFUG	
12	Sushil Shahu	User	Jagriti CFUG	
13	Hari Shankar Sharma	Member	Collaborative FM	
14	Shiv Nath Badhai	Member	Collarative FM	
15	Dhaneshwor Choudhry	Member	Terai Indigenous Network	
16	Devendra Rai	User	Collaborative Forest	



**Types of Consultation:** *Regional Consultation*

**Meeting Place:** *District Forest Office, Biratnagar, Morang*

**Date of the workshop/consultation:** *17<sup>th</sup> April 1015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Ganesh Chaudhary	AFO	District Forest Office, Morang	
2	Samita Shrestha	Ranger	Area Forest Office, Salakpur	
3	Raj Kumar rai	User	Latijhoda Collaborative FUG	
4	Dipak Pokhrel	Ranger	District Forest Office, Morang	
5	Ram Lakhan Thakur	AFO	District Forest Office, Morang	
6	Janak Padhya	M. Secretary	Latijhoda Collaborative FUG	
7	Rajanath Chapagain	Forester	District Forest Office, Morang	
8	Rewat Bdr. Karki	President	Pvt. Forest Network	
9	Nira Pokhrel	User	Hariyali CFUG	
10	Mahesh rai	President	Hariyali CFUG	
11	Durganand Jha	AFO	DFO, Biratnagar, Morang	
12	Govind Sshedhai	ATO	RCT	
13	Laxmi Prasad Nepal	A/c Officer	RCT	
14	Arjun K. Timsina	Secretary	FECOFUN	
15	Anand Sagar Timsina	President	Bhogteni CFUG	
16	Kaji Khatiwada	DA	Regional Forest Committee	
17	Lila Sardar	Motivator	Latijhoda Collaborative forest	
18	Milan Kumar Rai	Chairman	NEFIN District Committee	
19	Indradev Raut	AFO	District Forest Office, Morang	
20	ShreeMohan Lal Karn	AFO	District Forest Office, Morang	
21	Achyut Parajuli	OA	PFO	
22	Badri Pd. Sharma	Member	Latijhoda Collaborative Forest	
23	Govind Pd	L.P.M	Loclal	
24	Dev Chandra lal	Member	Bayarban CFUG	
25	Chandra pd. Sah	Member	Bayarban CFUG	



**Types of Consultation:** *Community Consultation*

**Meeting Place:** *Chuliban, Tomuwa, Dhankutta*

**Date of the workshop/consultation:** *18<sup>th</sup> April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Mana Kumari Rai	Joint. Sec.	ChuliBan Deurali CFUG	
2	Ful Maya Rai	Member	ChuliBan Deurali CFUG	
3	Chandra kumari Rai	Treasurer	ChuliBan Deurali CFUG	
4	Dil Kumari Rai	Secretary	ChuliBan Deurali CFUG	
5	Renu Rai	Member	ChuliBan Deurali CFUG	
6	Bhulsari rai	ChairPerson	ChuliBan Deurali CFUG	
7	Eiti Maya Rai	Member	ChuliBan Deurali CFUG	
8	Karta Maya Rai	Member	ChuliBan Deurali CFUG	
9	Parvati Rai	Member	ChuliBan Deurali CFUG	
10	Rupkala Rai	Member	ChuliBan Deurali CFUG	
11	Ramola Rai	Member	ChuliBan Deurali CFUG	
12	Binda rai	Member	ChuliBan Deurali CFUG	
13	Sashi Kala Rai	Member	ChuliBan Deurali CFUG	
14	Kokila Rai	Member	ChuliBan Deurali CFUG	
15	Hari Priya Rai	Member	ChuliBan Deurali CFUG	
16	Laxmi Rai	Member	ChuliBan Deurali CFUG	





**Types of Consultation:** District Consultation

**Meeting Place:** District Forest Office, Dhankutta

**Date of the workshop/consultation:** 18<sup>th</sup> April 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Yadav Dhital	DFO	DFO, Dhankutta	
2	Chaturlal Viswas	AFO	Chuliban Ilaka Forest Office	
3	Sujan Dhimal	Ranger	DFO Dhankutta	
4	Eiko Dol	Intern	RRN- MSFP	
5	Yogesh Dhakal	PO	RRN- MSFP	
6	Rajendra Khadka	Chairman	FECOFUN	
7	Hira Guragain	Treasurer	Chuliban CFUG	
8	Durga Neopane	Chairman	SABNager Mahasang	
9	Sanjay Santoshi Rai	Member	NEFIN	
10	Dil Bdr Rai	Reporter	Radio Dhankutta	
11	Santabir Lama	President	FONIJ Dhankutta	
12	Manu Rai	User	Chuliban Deurali	
13	Renuka Rai	User	Chuliban Deurali	
14	Govinda Khatri	Member	DFODHPN	
15	Shambho Pd. Dahal	Forester	DFO, Dhankutta	
16	Bina Rai	Treasurer	Ghyelpe Pataangwa CFUG	
17	Ram Pd. Rai	Member	Chuliban Deurali CFUG	
18	Dipak Sharma	User	Chuliban CFUG	
19	Ganesh Khadka	User	Chuliban CFUG	
20	Shankar Karki	User	Chuliban CFUG	



**Types of Consultation:** *District Level Consultation,*  
**Meeting Place:** *District Forest Office, Kabhre*  
**Date of the workshop/consultation:** *21<sup>st</sup> April 2014*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Ganesh Ray	DFO	DFO Kavre	
2	Prakash Nepal	AFO	DFO Kavre	
3	Krishna Bahadur Thapa	AFO	DFO Kavre	
4	Badri Adhikari	Secretary	Dhaneshwor CFUG	
5	Gyan Bd. Tamang	Leasehold	ManeDibhan LFUG	
6	Ram Sharan BajgainSecretary	Secretary	Nala CFUG	
7	Rita Manandhar	Facilitator	NRCTEN	
8	Binod Sapkota	Chairman	FECOFUN, Kavre	
9	Bachelm Ram Pudasaini	AFO	Ilaka Ban Karyalaya	
10	Hirakaji Tamang	User	Lamrangaua Danda CFUG	
11	Shyam Sundar Sapkota	EG	PanchKhal Forest Office	
12	Bhairab K.C	Chairman	Gosaikunda CFUG	
13	Navarang Bajgain	Secretary	Paanchkhal Nagar	
14	Baburam Aryal	AFO	DFO, Kavre	
15	Jagadish Regmi	AFO	DFO, Kavre	
16	Muktinath Pokhrel	AFO	Comm.Forest, Kabuliyat Ban	
17	Rajendra Pd. Sapkota	Chairman	Ratamaty Comm. Forest	



**Types of Consultation:** *Leasehold Forest Users*

**Meeting Place:** *Royal Lease Hold Forest, Kabhre*

**Date of the workshop/consultation:** *21<sup>st</sup> April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Dhana Maya Tamang	Member	Chisapani LFUG	
2	Bir bahadur Tamang	Member	Chisapani LFUG	
3	Aaite Tamang	Member	Chisapani LFUG	
4	Jhamak Tamang	Member	Chisapani LFUG	
5	Ful Kumari Tamang	Treasurer	Chisapani LFUG	
6	Sukamaya Tamang	Chair Person	Chisapani LFUG	
7	Indra Bdr. Tamang	User	Ryale LFUG	
8	Harsha Bahadur	User	Chisapani LFUG	
9	Chandra Bahadur Tamang	User	Ryale LFUG	
10	Ramkali Tamang	Member	Ryale LFUG	
11	Devi Tamang	Member	Ryale LFUG	
12	Dil Maya tamang	Secretary	Ryale LFUG	
13	Parvati Tamang	J.Secretary	Chisapani LFUG	
14	Harimaya Tamang	User	Chisapani LFUG	
15	Krishna Kumari Tamang	User	Chisapani LFUG	



**Types of Consultation:** *District Consultation*

**Meeting Place:** *Kuber Hotel, Dolakha*

**Date of the workshop/consultation:** *23<sup>rd</sup> April 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Sher Bdr. Bhujel	V. Chairman	NEFIN, Dolakha	
2	Savita Viswakarma	Member	Dalit Network, Dolakha	
3	Durga bahadur Bhujel	Secretary	MiteriPakha CFUG	
4	Chandra Bdr Thapa	AFO	DFO Dolakha	
5	Basudev Khadka	AFO	Varshe Danda pari CFUG	
6	Suvas Basnet	AFO	Chanovati CFUG	
7	Dhruba Karki	AFO	Sita Kund CFUG	
8	Pratima Ghimire	J.Secretary	HIMAWANTI, Dolakha	
9	Gayatri Acharya	Member	FECOFUN, Dolakha	
10	Kamala Basnet	Chairperson	FECOFUN, Dolakha	
11	Uddhav Pokhrel	Chairman	FNJ Dolakha, Dolakha	
12	Jagannath Basnet	G.Secretary	FECOFUN, Dolakha	
13	Prabhu Jirel	Member	NEFIN, Dolakha	
14	Gokul Prasad Neopane	Chairman	Simpani C.F	
15	Harihar Pd. Neopane	Chairman	CFU Fedration, Dolakha	
16	Ramesh Bimali	Participation	DFO Office, Kavre	
17	Govind Dahal	AFO	DFO. Dolakha	



**Types of Consultation:** *Regional Consultation*

**Meeting Place:** *Regional Forest Directorate, Pokhara, Kaski*

**Date of the workshop/consultation:** *7<sup>th</sup> June 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
+1	ShantaMuni Tamrakar	RD	Regional Forest Directorate, Kaski	
2	Krishna kumara Nepali	Chairperson	HIMAWANTI	
3	Aarati shrestha	V. Chairperson	HIMAWANTI	
4	Ram Aseshwor mandal	Dy. Secretary	Forest Department	
5	Prabhat Sapkota	DFO	DFO, Kaski	
6	Rina Rai	Member	CFUG	
7	Dipak Dhakal	Member	NEFIN	
8	Laxmi Aryal	Member	Women Welfare Committee	
9	Kiran B.K.	Member	DWC	
10	Sneha Sharma	Member	Women Empowerment Committee	
11	Anjali Pariyar	Member	Dalit welfare Committee	
12	Hari Sharma	User	CFUG	
13	Pramila Tamang	User	CFUG	
14	Pradeep Gurung		NEFIN	
15	Arun Nepal	User	CFUG	
16	Krishna Kumar Paudel	User	CFUG	
17	Dev Gurung	Member	NEFIN	
18	Dibakar Baskota	User	CFUG	
19	Kanchan Gurung	Suer	CFUG	
20	Aman Nepali	EX member	Dalit welfare Committee	



**Types of Consultation:** *District Consultation*

**Meeting Place:** *FECOFUN OFFICE, Gorkha*

**Date of the workshop/consultation:** 7<sup>th</sup> June 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Shyambabu Kattel	Chairman	FECOFUN, Gorkha	
2	Kavita Aryal	Secretary	FECOFUN, Gorkha	
3	Dipa Shree bhattarai	User	CFUG member	
4	Pampha Tiwari	Chairperson	HIMAWANTI	
5	Hom bdr balchodi	AFO	DFO, Gorkha	
6	Kamal Prasad Lamichhane	Member	FECOFUN Gorkha	
7	Kajiram Roka	Chairman	NGO Federation, Gorkha	
8	Premdhwoj Thapa magar	Secretary	NEFIN, Gorkha	
9	Shital Magar	Member	HIMAWANTI	
10	Raghav Lama	Member	NEFIN District Network	
11	Bhojraj Bhattarai	Member	CFUG	
12	Devika Chaulagain	Member	CFUG	
13	Prem rai	Member	Media Hub	
14	Pragati Pant	V. chairperson	Women's Empowerment Committee	
15	Kamal Ramtel	Member	Dalit Federation	
16	Nirmal Gurung	Member	NEFIN District Network	
17	Prakash BK	Member	Dalit Federation	



**Types of Consultation:** *District Level Consultation*  
**Meeting Place:** *DDC, Kathmandu*  
**Date of the workshop/consultation:** *8<sup>th</sup> June 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Tirtha raj Bhattarai	LDO	DDC Office, Ktm	
2	E. Anil Nath Shrestha	EO	DDC Office, Ktm	
3	Meghnath Kafle	D.L.P.Offocer	D.L.P.Office, Ktm	
4	Mahesh Chandra Neopane	CDE	D.T Office, Ktm	
5	Anita Adhikari	W.D.Officer	W. & C. D. Office	
6	Krishna Thapa	Chairman	NGO Federation, Nepal	
7	Gita Khanal	Chairman	FECOFUN, Central Member	
8	Suwarna Dahal	Secretary	CFUG	
9	Kanchha Bahadur Dulal	Vice Chairman	Dalit Coordination Committee	
10	Ram sharan Ale Magar	Chairman	Lagate Pakha CFUG	
11	Nirmala Shrestha	G.Secretary	Himawanti, Nepal	
12	Ram Krishna Basnet	Chairman	Dollu C.Forest	
13	Nil Kaji Shakya	V. Chairman	Janajati Adibasi	
14	Kedar Nath Katel	APO	Shivpuri Nagarjun NC	
15	Guru Prasad dahal	Act.DFO	DFO, KTM	
16	Shanta ram baral	AFO	DFO, KTM	
17	Utsav Thapa	AFO	DFO, KTM	
18	Narayan lamichhane	Staff	DFO, KTM	
19	Prem Khanal	Jr. Secretary	REDDIC	
20	Ram Maharjan	Staff	DDC, Ktm	



**Types of Consultation:** *Regional level Consultation*  
**Meeting Place:** *Regional Forest Directorate, Dhangadhi*  
**Date of the workshop/consultation:** *9<sup>th</sup> June 2015*

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Balram Adhikari	RD	FWRFD	
2	Jagdiah Prasad Gupta	DFO	DFO, Dhangadhi	
3	Madhusudan Thapa Magar	PRO	District Plant Research Office	
4	Raj Bdr. Air	Chair Person	CFCC, Kanchanpur	
5	Maheshi Dutta joshi	Chair person	CFCC Kanchanpur	
6	Dandiraj Subedi	Secretary	FECOFUN	
7	Jagat Bdr. B.K.	Chair Person	DWO, Kailali	
8	Krishnaraj Joshi	Chair Person	GEFONT	
9	Khadga Gurung	RPTL	IDE Nepal	
10	Tirtha Uday	RMPC	IDE Nepal	
11	Yagyaraj Bhatta	RE	SAPPRPS Nepal	
12	Upendraraj Kuikel	FC	IDE Nepal	
13	Gauri Lama	Member	Collaborative forest	
14	Haribamsha Acharya	DSCO	DSCOV Office, Dhangadhi	
15	Ghanshayam Air		NTUC	
16	Tika Duh Joshi	Chairman	NEFUG, Kailali	
17	Dhanraj Joshi		NTUC	
18	Bhaskar Bhattarai	Sr. Officer	WWF/TAL	
19	Chandra Gurung	Member	CRCC Mohna	
20	Binod Sharma	Member	IDE Nepal	





**Types of Consultation:** *District consultation*

**Meeting Place:** *District Forest Office, Kanchanpur*

**Date of the workshop/consultation:** 10<sup>th</sup> June 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Suresh Singh	DFO	DFO, Kanchanpur	
2	Karna Bdr. Kunwar	PRO Officer	SWR/BZMC Kanchanpur	
3	Dev Bdr. Chand	Vice-chairman	Chure Conservation Society	
4	Rabindra B. Kunwar	Chairman/CCM	Chure Conservation Society	
5	Dilip Kumar Yadav	Manager	Laljhadi P. Forest	
6	Shirraj Awasthi	Ranger	Betkot Ilaka Ban Karyalaya	
7	Laxmi Saud	Chair person	FECOFUN, Kanchanpur	
8	Basanti Chaudhari	Chair person	Jailaxmi CFUG	
9	Sita Thapa Magar	V. Chair person	NAFIN	
10	Pushpa Bishta	Member	CUOFSON	
11	Ramgee Bohara	J. Secretary	CON Nepal	
12	Bir Bdr. Thagunna	AFO	DFO, Kanchanpur	
13	Chetra Bdr. Khatri	AFO	Brahamodeo Ilaka Ban	
14	Premilal Prasad	AFO	DFO, Kanchanpur	
15	Ram Nath	Member	FECOFUN	
16	Prajwal Kumar	Member	CUFSON	
17	Divas Karki	User	Belkot Ilaka Forest	
18	Sandesh Air	Uuser	Brahamodeo Ilaka Ban	
19	Mohan Hamal	User	Belkot Ilaka Forest	
20	Shambhu Pd. Sarma	Member	CCN	



**Types of Consultation:** *Bardiya National Park People*

**Meeting Place:** *Naulapur-1 Balate, Bardiya*

**Date of the workshop/consultation:** 12<sup>th</sup> June 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Sundar Lal Chaudhry	Local people	Balate community	
2	ThaloRam Choudhri	Local people	Balate community	
3	Lal bahadur rana magar	Local people	Balate community	
4	Bhajirath Bhattarai	Local people	Balate community	
5	Nanda kali gautam	Local people	Balate community	
6	Chakrapani Gautam	Local people	Balate community	
7	Parshuram sapkota	Local people	Balate community	
8	BhaktiPrasad Acharya	Local people	Balate community	
9	Shadananda Sapkota	Local people	Balate community	



**Types of Consultation:** *District Level Consultation*

**Meeting Place:** *Hotel Indreni, Nepalgunj, Banke District*

**Date of the workshop/consultation:** 11<sup>th</sup> June 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Pushpa Raj bartaula	DFO	DFO,Banke	
2	Ganesh Bdr. Khadka	AFO	DFO,Banke	
3	Shyam bdr. Bhandari	PO	Care Nepal	
4	Rajendra Ray	LDO	DLSO, Banke	
5	Basur Ahmad Khan	D.A.D.O	D.A.D.O. Banke	
6	Surendra Yadav	Chief	Dist.Plant Resource Office	
7	Basanti Adhikari	Member	HIMAWANTI Bank	
8	Rajesh Lamsal	A.C.O.	Banke, NP	
9	Dilli Giri	Chairman	FECOFUN	
10	Krishna bahadur Bk	Chairman	D.W.O.Banke	
11	Krishna Adhikari	Reporter	NTV	
12	Shiva Krisshna	Member	FECOFUN	
13	Raman Khanal	Member	NGO federation	
14	Shailesh B.K	Member	DFO Banke	
15	Roshaan Gurung	Member	Adibasi janajats	
16	Manoj Basnet	Member	NGO federation	
17	Laxman sharma	Member	C.F.U.G	



**Types of Consultation:** Regional Consultation

**Meeting Place:** Regional Training Centre, Surkhet

**Date of the workshop/consultation:** 12<sup>th</sup> June 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Rajdev Pd. Yadav	RD	MWRFD Surkhet	
2	Indira Chalise	Secretary	Bharam Samudayik	
3	Krishna Pd. Gautam	Reporter	janajagaran	
4	Dilli Pd. Thami	Secretary	FECOFUN	
5	Matiram Sharma	G.B. Jaban	Jaban Nepal	
6	Dinesh Kmr. Paudel	Secretary	Nepal Ban Paidawar, Business Corporation	
7	Laya Pd. Subedi	ED expert	Sundar Nepal/MSFP	
8	Krishna Dev	CO	Regional Forest Surkhet	
9	Prakash Paudel	Reporter	Hamro Naya Nepal Daily	
10	Mohan Maya Dhakal	Secretary	WAF	
11	Ajaj Ahmad Ansari	Ranger	MWRFD, Surkhet	
12	Shisir kumar khadka	Na.su.	DSCO, Surkhet	
13	Mun Bdr. Rawat	T.O.	MWRFTC, Surkhet	
14	Hemraj Bist	DFO	DFO, Surkhet	
15	Prabhakar Sharma	Member	Bharam samudayik	
16	Dinesh Prasad Paudal	Member	Fecofun	
17	Rita kumari	Member	WAF	
18	Chandrakala Tiwari	Member	JABAN	
19	Ashok Air	User	Community Forest	
20	Dipendra Parajuli	Member	N.B.P.B.C.	



**Types of Consultation:** *Panchase Community Consultation*

**Meeting Place:** *Bhadaure-deurali, Kaski*

**Date of the workshop/consultation:** 6<sup>th</sup> June, 2015

**Attendance Sheet**

SN	Name of the participants	Position	Organization	Remark
1	Dil Bahadur Gurung	Advisor	Deurali CF	
2	Antaram Ramtel	CF member	Bhadaure CF	
3	Ratna Bdr. Gurung	CF Chair	Bhadaure CF	
4	Kanchhi Gurung	CF Member	Bhadaure CF	
5	Hariman Gurung	Secretary	Deurali CF	
6	Rabilal Ghale	CF member	Bhadaure CF	
7	Bahadur Gurung	Treasurer	Bhadaure CF	
8	Indra Ghale	CF member	Deurali CF	
9	Antare Gurung	Member	Deurali CF	
10	Harkaman Ghale	Advisor	Bhadaure CF	
11	Birkha Bdr Biswakarma	User	Deurali CF	
12	Maharani Gurung	User	Bhadaure CF	
13	Hirakaji B. K.	User	Bhadaure CF	
14	Kali Gurungseni	User	Deurali CF	
15	Maiya Ghale	User	Deurali CF	
16	Deb Bdr. Nepali	User	Deurali CF	
17	Gore Damai	User	Bhadaure CF	
18	Harka Bdr Ghale	User	Bhadaure Cf	
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## **Annex 7: Terms of Reference per Individual Consultant**

Government of Nepal  
Ministry of Forests and Soil Conservation  
**REDD Implementation Centre**  
Forestry Complex, Babarmahal Kathmandu, Nepal  
Terms of Reference for

### **Individual International Consultant (Conflict Management Specialist) for Developing a System of Feedback and Grievance Redress Mechanism (GRM): FCPF/REDD/S/IND-32)**

#### **Background**

Nepal is preparing itself for a future REDD+ mechanism, which has the potential to generate financial flows to reward countries for improved management of its forest resources, and could thus ultimately contribute to the country's sustainable development. Being "ready" for REDD+ will require increased capacity to develop and coordinate land use policies with the view of mitigating future impacts on forest cover, while ensuring that benefits from forests flow to those communities dependent on these resources and to stakeholders taking actions to address deforestation and forest degradation.

The Forest Carbon Partnership Facility (FCPF) (with the World Bank as its delivery partner) is supporting Nepal in its national effort towards "REDD+ Readiness". The objective of the Nepal Readiness Preparation Program is to prepare Nepal to engage in and benefit from the potentially emerging performance-based system from Reducing Emissions from Deforestation and Forest Degradation (REDD+) within the context of the international climate negotiations of the UN Framework Convention on Climate Change. Such a performance-based payment system (reduction of emission) are based on environmentally and socially sound policies and programs to reduce deforestation and forest degradation, a credible and marketable reference level (forest carbon emission "baseline" scenario) and technically robust systems of forest monitoring and emissions reporting. The Program will also develop forest policy and management systems, information and data, participatory methods and other human and institutional capacity of direct use in management and development of forests in Nepal for national poverty reduction, economic development and environmental purposes.

The introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources, and on sharing cost and benefits of REDD+. Hence, the purpose of this study is to strengthen capacity for grievance resolution in order to respond to contentious issues, complaints and disputes.

#### **Introduction**

GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and



operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedback,” or another functionally equivalent term. GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g. the court system, organizational audit mechanisms, etc.). Stakeholders always have the option to use other, more formal and potentially more complex, costly and time-consuming alternatives, including legal remedies.

It is important to emphasize that national GRMs are not intended to replace the judiciary or other forms of legal recourse. The existence of a GRM should not prevent citizens or communities from pursuing their rights and interests in any other national or local forum, and citizens should not be required to use GRMs before seeking redress through the courts, administrative, legal procedures, or other formal dispute resolution mechanisms. Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or major and systematic violations of rights and/or policies, are normally referred to organizational accountability mechanisms for formal investigation, rather than to GRMs for collaborative problem solving.

### **Objectives**

The objective of the study is to develop a feedback and grievance redress mechanism to establish or improve the GRM’s institutional performance, in order to reduce negative impacts and increase the REDD+ program’s positive contributions to people’s lives.

Specific tasks expected under this consultancy service include the following

- Assess existing formal & informal feedback and grievance redress mechanisms at local and national level
- identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism, including a plan for building on strengths and closing the gap to strengthen grievance redressing capacity.
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders.

### **Expected Output**

A Conflict Resolution Specialist (Team Leader) will work in a team of other two national experts, Environmental Lawyer and Sociologist in carrying out necessary research, consultation and developing a report. The REDD Implementation Centre needs to receive well referenced and comprehensive report on framework for feedback and grievance redress mechanism as specified in the objectives above.

### **Study Approach**

The study will be based on desk review of available secondary information and structured interactions with key stakeholders in the field.

Some sources of information include:

- Grievance-related legislation, policy, regulations, procedures
- GRM enabling legislation, policy, regulations, procedures



- Review of local practices, national policies, programs and actions associated with grievances
- Academic analyses, news articles, consultant and NGO studies
- UNDP guidance and references to international good practice standards
- Case records/database
- Stakeholder interviews

### **Field visits and consultation workshops**

The Environmental Lawyer with other two experts, one in conflict management and other one in sociology, needs to collect information from field interviews and observations. For the collection of primary information, the team is expected to spend sufficient time on field visits. Participatory appraisal techniques can be adopted to obtain quantitative and qualitative information. The process requires information from a variety of sources that include:

Key person interviews and discussions with local forest authority,

local government authority,

local communities,

local NGOs working in forestry;

Direct observations at group level

GRM users (actual and potential)

External experts (academics, journalists, consultant etc.)

Other external stakeholders affected by REDD+ programs and operations (e.g. public interest groups, community associations, related government agencies, business associations)

### **Study Team**

The study team will be comprised of an international team leader and two national experts each of them hired separately as individual consultants. The Conflict Management Specialist (Team Leader) will be responsible for the overall coordination of the study and delivery of the final report. He/she will also ensure that all tasks specified in the TOR are performed correctly and addressed properly in the final report. The Conflict Management Specialist is expected to have knowledge and expertise on the following three areas.

Social and environmental assessment of REDD+

Conflict resolution and/or grievance redress

Institution building and organizational development;

### **The key required skills, competencies and experience for the Conflict Management Specialist**

Minimum of a postgraduate degree in social sciences or law and preferably a PhD degree in social sciences or law specially focused on conflict resolution.

Minimum of 10 and preferably 12 years of experience in grievance mechanism or conflict resolution in general and at least 5 years of experience in conflicts related to forestry or natural resources.

Understanding of Nepalese government's forest and related policies and regulations





Understanding of ongoing climate change negotiations and the challenges facing the forest sector in developing countries  
 Sound socio-economical and legal background and experience in Forestry/or NRM/ or environment aspects  
 Experience on REDD+ and its evolution at the international and national arena  
 Ability to coordinate and work in multi-culture teams  
 Good communications skills  
 Good command of English  
 Good publishing record, particularly on REDD+ in developing countries..

#### *Workplan*

The Conflict Resolution Specialist (Team Leader), with two other national experts, is expected to prepare an inception report with a detailed work plan that shall guide the process. This work plan will describe how the study will be carried out that includes work schedule, methodology to be used for data collection related to each specific task, framework, information collection and analysis, and reporting. Based on the work plan, a detailed plan of study will be discussed and finalized jointly by the study team and the REDD Implementation Centre.

#### **Selection Procedure**

A consultant will be selected using the World Bank's individual consultant selection method. For further details refer to the World Bank's [Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers](#), January 2011 (Consultant Guidelines). Consultants will be evaluated and short-listed based on the approved evaluation criteria.

#### **Duration of work**

This assignment will have to be completed within a period of three months. This study will start tentatively on March 15 and should be completed by June 15, 2015.

#### **Client's input to the consultant**

The client will provide a working space in REDD IMPLEMENTATION CENTER and access to the reports submitted by different consultants, as applicable. REDD IMPLEMENTATION CENTER will also designate a focal officer who will supervise and oversee the contract and to help implement the study by providing feedback and coordination with other government agencies as necessary. The focal officer will also facilitate the consulting team to arrange consultation meeting with the relevant stakeholders at different stages of this study.

#### **Reporting requirement (deliverables)**

A comprehensive and fully referenced report including detailed recommendations must be submitted at the end of the assignment. The report must contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (Pressure, state, impact and response) framework. The following reports or deliverables are mandatory.



Inception report (2 weeks after signing the contract).

Draft report on assessment and recommendations on grievance redress mechanism.

Final report that is comprehensive and fully referenced. It should include clear recommendations and process of grievances redress mechanism. The report should contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (pressure, state, impact and response) framework.

All reports should be in English. Executive summary in both English and Nepali should be included in the final report. Both hard copy and soft copies of all reports should be

submitted to REDD Implementation Centre of MoFSC. Electronic files of the reports should be in an editable format using Microsoft Word. All data (raw, primary and secondary) collected during the study should be submitted as electronic files editable with

Microsoft Excel. Electronic files of maps for submission may be in native software format. PDF or Jpeg files of reports, data and maps will not be accepted.



Government of Nepal  
Ministry of Forests and Soil Conservation  
**REDD Implementation Centre**  
Forestry Complex, Babarmahal Kathmandu, Nepal

**Terms of Reference for  
Individual National Consultant (Sociologist) for Developing a System of Feedback and  
Grievance Redress Mechanism (GRM): FCPF/REDD/S/IND-34**

**Background**

Nepal is preparing itself for a future REDD+ mechanism, which has the potential to generate financial flows to reward countries for improved management of its forest resources, and could thus ultimately contribute to the country's sustainable development. Being "ready" for REDD+ will require increased capacity to develop and coordinate land use policies with the view of mitigating future impacts on forest cover, while ensuring that benefits from forests flow to those communities dependent on these resources and to stakeholders taking actions to address deforestation and forest degradation.

The Forest Carbon Partnership Facility (FCPF) (with the World Bank as its delivery partner) is supporting Nepal in its national efforts towards "REDD+ Readiness". The objective of the Nepal Readiness Preparation Program is to prepare Nepal to engage in and benefit from the potentially emerging performance-based system from Reducing Emissions from Deforestation and Forest Degradation (REDD+) within the context of the international climate negotiations of the UN Framework Convention on Climate Change. Such a performance-based payment system (reduction of emission) are based on environmentally and socially sound policies and programs to reduce deforestation and forest degradation, a credible and marketable reference level (forest carbon emission "baseline" scenario) and technically robust systems of forest monitoring and emissions reporting. The Program will also develop forest policy and management systems, information and data, participatory methods and other human and institutional capacity of direct use in management and development of forests in Nepal for national poverty reduction, economic development and environmental purposes.

The introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources, and on sharing cost and benefits of REDD+. Hence, the purpose of this study is to strengthen capacity for grievance resolution in order to respond to contentious issues, complaints and disputes.



## **Introduction**

GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedback,” or another functionally equivalent term. GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g. the court system, organizational audit mechanisms, etc.). Stakeholders always have the option to use other, more formal and potentially more complex, costly and time-consuming alternatives, including legal remedies. It is important to emphasize that national GRMs are not intended to replace the judiciary or other forms of legal recourse. The existence of a GRM should not prevent citizens or communities from pursuing their rights and interests in any other national or local forum, and citizens should not be required to use GRMs before seeking redress through the courts, administrative law procedures, or other formal dispute resolution mechanisms. Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or major and systematic violations of rights and/or policies, are normally referred to organizational accountability mechanisms for formal investigation, rather than to GRMs for collaborative problem solving.

## **Objectives**

- The objective of the study is to develop a feedback and grievance redress mechanism to establish or improve the GRM’s institutional performance, in order to reduce negative impacts and increase the REDD+ program’s positive contributions to people’s lives.
- Specific tasks expected under this consultancy include the following
- Assess existing formal & informal feedback and grievance redress mechanisms at local and national level
- Identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism, including a plan for building on strengths and closing the gaps to strengthen grievance redressing capacity
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders



### **Expected Output**

A Sociologist will work in a team of other two experts, International Consultant on Conflict Management (team leader) and a National Environmental Lawyer in carrying out necessary research, consultation and developing a report. The REDD Implementation Centre needs to receive well referenced and comprehensive report on framework for feedback and grievance redress mechanism as specified in the objectives above.

### **Study Approach**

The study will be based on desk review of available secondary information and structured interactions with key stakeholders in the field.

Some sources of Information includes:

Grievance-related legislation, policy, regulations, procedures

GRM enabling legislation, policy, regulations, procedures

Review of local practices, national policies, programs and actions associated with grievances

Academic analyses, news articles, consultant and NGO studies

UNDP guidance and references to international good practice standards

case records/database

Stakeholder interviews

Filed visits and consultation workshops

The Sociologist with other two experts, one in conflict management and other one in Environmental Lawyer need to collect information from field interviews and observations. For the collection of primary information, the team is expected to spend sufficient time on field visits. Participatory appraisal techniques can be adopted to obtain quantitative and qualitative information. The process requires information from a variety of sources that include:

Key person interviews and discussions with local forest authority,

local government authority,

local communities,

local NGOs working in forestry;

Direct observations at group level

GRM users (actual and potential)

External experts (academics, journalists, consultants etc.)

Other external stakeholders affected by REDD+ programs and operations (e.g. public interest groups, community associations, related government agencies, business associations)



### ***Study Team***

The study team will be comprised of an international team leader and two national experts each of them hired separately as individual consultant. The Sociologist is expected to have knowledge and expertise on the following three areas.

Social and environmental assessment of REDD+

Conflict resolution and/or grievance redress

Institution building and organizational development;

### ***The key required skills, competencies and experience for the Sociologist***

Minimum of a postgraduate degree in sociology and relevant disciplines and preferably a PhD degree in sociology, conflict resolution and relevant disciplines.

Minimum of 7 and preferably 10 years of experience in grievances mechanism or conflict resolution in forestry or natural resources.

Sound social background and experience in forest and environmental aspects

Experience on REDD+ and its evolution at the international and national arena

Ability to coordinate and work in multi-culture teams

Good communication skills

Good command of English

Good publishing record, particularly on REDD+ in developing countries.

Understanding of Nepalese government's forest and related policies and regulations

Understanding of ongoing climate change negotiations and on the challenges facing the forest sector in developing countries.

### ***Work plan***

The Sociologist (Team Member), with two other experts-Conflict Management Specialist (Team Leader) and Environmental Lawyer, is expected to prepare an inception report with a detailed work plan that shall guide the process. This work plan will describe how the study will be carried out that includes work schedule, methodology to be used for data collection related to each specific task, framework, information collection and analysis, and reporting. Based on the work plan, a detailed plan of study will be discussed and finalized jointly by the study team and the REDD Implementation Centre.

### ***Selection Procedure***

A consultant will be selected using the World Bank's individual consultant selection method. For further details refer to the World Bank's Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers, January 2011 (Consultant Guidelines). Consultants will be evaluated and short-listed based on the approved evaluation criteria.

### ***Duration of work***

This assignment will have to be completed within a period of three months. This study will start tentatively on March 15 and should be completed by June 15, 2015.



**Client's input to the consultant**

The client will provide a working space in REDD IMPLEMENTATION CENTER and access to the reports submitted by different consultants, as applicable. REDD IMPLEMENTATION CENTER will also designate a focal officer who will supervise and oversee the contract and to help implement the study by providing feedback and coordination with other government agencies as necessary.

**Reporting requirement (deliverables)**

A comprehensive and fully referenced report including detailed recommendations must be submitted at the end of the assignment. The report must contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (Pressure, state, impact and response) framework. Both hard copy and soft copy of the report should be submitted to REDD Implementation Centre of the Ministry of Forest and Soil Conservation (MoFSC). The following reports or deliverables are mandatory.

- Inception report (2 weeks after signing the contract).
- Draft report on assessment and recommendations on grievance redress mechanism.
- Final report that is comprehensive and fully referenced.

It should include clear recommendations and process of grievances redress mechanism. The report should contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (pressure, state, impact and response) framework.

All reports should be in English. Executive summary in both English and Nepali should be included in the final report. Both hard copy and soft copies of all reports should be submitted to REDD-Forestry and Climate Change REDD IMPLEMENTATION CENTER of MoFSC. Electronic files of the reports should be in an editable format using Microsoft Word. All data (raw, primary and secondary) collected during the study should be submitted as electronic files editable with Microsoft Excel. Electronic files of maps for submission may be in native software format. PDF or Jpeg files of reports, data and maps will not be accepted.



Government of Nepal  
Ministry of Forests and Soil Conservation  
**REDD Implementation Centre**  
Forestry Complex, Babarmahal Kathmandu, Nepal  
**Terms of Reference for**

**Individual National Consultant (Environmental Lawyer) for Developing a System of Feedback and Grievance Redress Mechanism (GRM): FCPF/REDD/S/IND-33**

**Background**

Nepal is preparing itself for a future REDD+ mechanism, which has the potential to generate financial flows to reward countries for improved management of its forest resources, and could thus ultimately contribute to the country's sustainable development. Being "ready" for REDD+ will require increased capacity to develop and coordinate land use policies with the view of mitigating future impacts on forest cover, while ensuring that benefits from forests flow to those communities dependent on these resources and to stakeholders taking actions to address deforestation and forest degradation.

The Forest Carbon Partnership Facility (FCPF) (with the World Bank as its delivery partner) is supporting Nepal in its national efforts towards "REDD+ Readiness". The objective of the Nepal Readiness Preparation Program is to prepare Nepal to engage in and benefit from the potentially emerging performance-based system from Reducing Emissions from Deforestation and Forest Degradation (REDD+) within the context of the international climate negotiations of the UN Framework Convention on Climate Change. Such a performance-based payment system (reduction of emission) are based on environmentally and socially sound policies and programs to reduce deforestation and forest degradation, a credible and marketable reference level (forest carbon emission "baseline" scenario) and technically robust systems of forest monitoring and emissions reporting. The Program will also develop forest policy and management systems, information and data, participatory methods and other human and institutional capacity of direct use in management and development of forests in Nepal for national poverty reduction, economic development and environmental purposes.

The introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources, and on sharing cost and benefits of REDD+. Hence, the purpose of this study is to strengthen capacity for grievance resolution in order to respond to contentious issues, complaints and disputes





## **Introduction**

GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedbacks,” or another functionally equivalent term. GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g. the court system, organizational audit mechanisms, etc.). Stakeholders always have the option to use other, more formal and potentially more complex, costly and time-consuming alternatives, including legal remedies. It is important to emphasize that national GRMs are not intended to replace the judiciary or other forms of legal recourse. The existence of a GRM should not prevent citizens or communities from pursuing their rights and interests in any other national or local forum, and citizens should not be required to use GRMs before seeking redress through the courts, administrative law procedures, or other formal dispute resolution mechanisms. Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or major and systematic violations of rights and/or policies, are normally referred to organizational accountability mechanisms for formal investigation, rather than to GRMs for collaborative problem solving.

## **Objectives**

The objective of the study is to develop a feedback and grievance redress mechanism to establish or improve the GRM’s institutional performance, in order to reduce negative impacts and increase the REDD+ program’s positive contributions to people’s lives.

Specific tasks expected under this consultancy include the following

- Assess existing formal & informal feedback and grievance redress mechanisms at local and national level
- identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism, including a plan for building on strengths and closing the gaps to strengthen grievance redressing capacity
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders.

## **Expected Output**

An Environmental Lawyer will work in a team of other two experts, International Consultant on Conflict Management (team leader) and a National Sociologist in carrying out necessary research, consultation and developing a report. The REDD Implementation Centre needs to receive well referenced and comprehensive report on framework for feedback and grievance redress mechanism as specified in the objectives above.

## **Study Approach**

The study will be based on desk review of available secondary information and structured interactions with key stakeholders in the field.



Some sources of Information include:

- Grievance-related legislation, policy, regulations, procedures
- GRM enabling legislation, policy, regulations, procedures
- Review of local practices, national policies, programs and actions associated with grievances
- Academic analyses, news articles, consultant and NGO studies
- UNDP guidance and references to international good practice standards
- case records/database
- Stakeholder interviews
- Filed visits and consultation workshops

The Environmental Lawyer with other two experts, one in conflict management and other one in sociology need to collect information from field interviews and observations. For the collection of primary information, the team is expected to spend sufficient time on field visits. Participatory appraisal techniques can be adopted to obtain quantitative and qualitative information. The process requires information from a variety of sources that include:

Key person interviews and discussions with local forest authority,

local government authority,

local communities,

local NGOs working in forestry;

Direct observations at group level

GRM users (actual and potential)

External experts (academics, journalists, consultants etc.)

Other external stakeholders affected by REDD+ programs and operations (e.g. public interest groups, community associations, related government agencies, business associations)

### ***Study Team***

The study team will be comprised of an international team leader and two national experts each of them hired separately as individual consultants. The Environmental Lawyer is expected to have knowledge and expertise on the following three areas.

Social and environmental assessment of REDD+

Conflict resolution and/or grievance redress

Institution building and organizational development;

### ***The key required skills, competencies and experience for the Environmental Lawyer***

- Minimum of a graduate degree in law and preferably a postgraduate degree in environment law and policies
- Minimum of 7 and preferably 10 years of experience in practicing law; minimum 3-5 yrs. And preferably more than 5 yrs of specific experience in grievances mechanism or conflict resolution in forestry or natural resources.
- Sound legal background and experience in forest and environmental aspects
- Experience on REDD+ and its evolution at the international and national arena
- Understanding of Nepalese government's forest and related policies and regulations



- Understanding of ongoing climate change negotiations and on the challenges facing the forest sector in developing countries.
- Ability to coordinate and work in multi-culture teams
- Good communication skills
- Good command of English
- Good publishing record, particularly on REDD+ in developing countries.

### **Work plan**

The Environmental Lawyer (Team Member), with two other experts-Conflict Management Specialist (Team Leader) and Sociologist, is expected to prepare an inception report with a detailed work plan that shall guide the process. This work plan will describe how the study will be carried out that includes work schedule, methodology to be used for data collection related to each specific task, framework, information collection and analysis, and reporting. Based on the work plan, a detailed plan of study will be discussed and finalized jointly by the study team and the REDD Implementation Centre.

### **Selection Procedure**

A consultant will be selected using the World Bank's individual consultant selection method. For further details refer to the World Bank's Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers, January 2011 (Consultant Guidelines). Consultants will be evaluated and short-listed based on the approved evaluation criteria.

### **Duration of work**

This assignment will have to be completed within a period of three months. This study will start tentatively on March 15 and should be completed by June 15, 2015.

### **Payment schedule**

REDD IMPLEMENTATION CENTER intends to sign a lump sum contract with the consultant who secures top marks in the EOI evaluation. Each lump sum installment payment will be linked to a particular deliverable. Three time payments could be made - first installment of 20% of the contract amount against an acceptable inception report, second 50% against the draft final report and third and final 30% upon submitting an acceptable final report.

### **Client's input to the consultant**

The client will provide a working space in REDD IMPLEMENTATION CENTER and access to the reports submitted by different consultants, as applicable. REDD IMPLEMENTATION CENTER will also designate a focal officer who will supervise and oversee the contract and to help implement the study by providing feedback and coordination with other government agencies as necessary. The focal officer will also facilitate the consulting team to arrange consultation meeting with the relevant stakeholders at different stages of this study.

### **Reporting requirement (deliverables)**

A comprehensive and fully referenced report including detailed recommendations must be submitted at the end of the assignment. The report must contain an in-depth analysis of the



issues described in the objectives and should propose clear, implementable recommendations in PSIR (Pressure, state, impact and response) framework. Both hard copy and soft copy of the report should be submitted to REDD Implementation Centre of the Ministry of Forest and Soil Conservation (MoFSC). The following reports or deliverables are mandatory.

- Inception report (2 weeks after signing the contract).
- Draft report on assessment and recommendations on grievances redress mechanism.
- Final report that is comprehensive and fully referenced. It should include clear recommendations and grievances redress mechanism. The report should contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (pressure, state, impact and response) framework.

All reports should be in English. Executive summary in both English and Nepali should be included in the final report. Both hard copy and soft copies of all reports should be submitted to REDD Implementation Centre of MoFSC. Electronic files of the reports should be in an editable format using Microsoft Word. All data (raw, primary and secondary) collected during the study should be submitted as electronic files editable with Microsoft Excel. Electronic files of maps for submission may be in native software format. PDF or Jpeg files of reports, data and maps will not be accepted.

