

## COMMENTS ON PROPOSED UNDP ACCOUNTABILITY MECHANISM AND UNDP RESPONSES<sup>1</sup>

SECTION & PAGE NUMBER	COMMENTS	SUBMITTED BY	RESPONSE
	<b>INTRODUCTORY REMARKS</b>		
	<p>The document's positive elements (apart from compliance) include:</p> <ul style="list-style-type: none"> <li>- Existence of the grievance mechanism in the field</li> <li>- Consideration of transparency issues</li> <li>- Independent review</li> <li>- Plan to take part to the meetings of the IFIs review mechanisms</li> <li>- Consultation that was launched for design of the policy</li> </ul>	Aarhus Convention Secretariat (Aphrodite Smagadi)	Noted, with thanks.
	Welcome UNDP's move to create a dual function Accountability Mechanism to supplement its existing Accountability Framework. Especially because it is in line with elements of the AusAID Due Diligence Framework that is under development and will require potential partners to demonstrate that they have policies and procedures (and comply with them) that meet key pillars (such as safeguards).	AusAID (Peter Raab)	Noted, with thanks.
	Accountability Mechanisms are legally significant, given the existence of immunity for international institutions, as they provide the only recourse mechanism for project-affected communities & vulnerable people	AusAID (Peter Raab)	Noted, with thanks.
	Ensuring compliance with safeguard and protecting interests of affected families will only increase in importance as states' adaptation and mitigation of predicted climate change results in increased displacement and resettlement as a consequence of wide-ranging environmental impacts. The UNDP experience may therefore provide salutary lessons for other development organizations.	AusAID (Peter Raab)	Noted, with thanks.
	UNDP's proposed compliance review and grievance processes represent an important step toward making the institution more accountable, particularly given the institutions' changing role in climate finance.	Accountability Counsel (submitted by Komala Ramachandra)	Noted, with thanks.
	The Proposal improves on several existing accountability mechanisms at other IFIs and advances UNDP's stated principles of fairness, independence, transparency, professionalism, accessibility, effectiveness, and being tailored to the institution.	Accountability Counsel (Komala Ramachandra)	Noted, with thanks.
	The proposal you have produced encapsulates the analysis and work to build participative and clear processes for enforcing social and environmental safeguards in all the countries in which UNDP carries out its important work. The document demonstrates UNDP's genuine commitment to ensuring the participation at all levels	Federation for the Self Determination of Indigenous Peoples (FAPI)	Noted, with thanks.

<sup>1</sup> Comments from Global Consultation held April – July 2012.

	of those benefitting from its work – be they communities, programmes, or countries.		
	Notes that the Discussion Paper is substantive and contains a lot of useful information and that it is overall a high-quality document.	Jessica Jansson (Bureau for Development Policy) ; Vanessa Retana (WWF)	Noted, with thanks.
	<p>Four issues are of particular interest to indigenous groups in the Discussion Paper.</p> <ul style="list-style-type: none"> <li>- One, UNDP is part of a larger international intergovernmental organization in which the world's countries act together to make decision.</li> <li>- Two, because it is a Delivery Partner of the World Bank's Forest Carbon Partnership Facility and wants to capture more climate change-related funds, UNDP is working to establish the processes at issue.</li> <li>- Three, these processes are meant to process complaints filed by people affected by UNDP-supported projects, including those related to REDD+.</li> <li>- Four, both UNDP and the UN-REDD Programme provide advice to developing countries that have assumed international human rights law obligations by ratifying, at least, one treaty and/or contributing to the crystallization of relevant rules of customary international law.</li> </ul>	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	Noted, with thanks.
	<p>As recognized in the Discussion Paper, accountability mechanisms are critical to ensuring UNDP's development activities protect the rights and interests of project affected people. We appreciate UNDP's efforts to:</p> <ul style="list-style-type: none"> <li>- Consider elements and functions of existing international accountability mechanisms</li> <li>- Assess the lesson learned, and</li> <li>- (Based on this analysis) Develop proposals for robust compliance review and grievance processes that fit appropriately within UNDP's institutional framework</li> </ul>	CIEL (US), Earthjustice (US), Asia Indigenous Peoples Pact (Thailand), Ateneo School of Government (Philippines), CDM Watch (Belgium), Climate Justice Programme (Australia), EOTO World (US), Environmental Investigation Agency (US), Federation of Community Forestry Users Nepal (FECOFUN), Forest Peoples Programme (UK), Foundation for GAIA (UK), Global Witness (UK), Hawaii Institute for Human Rights (US), Jeunes Volontaires pour l'Environnement (Nepal), Planetary Association for Clean Energy (Canada), Rainforest Foundation Norway, Society for New Initiatives and	Noted, with thanks.

		Activities (SONIA) (India)	
	The Discussion Paper sets forth well-developed proposals that – if properly implemented – could serve as a useful model for institutional safeguards system within the United Nations, as well as in new international climate finance mechanisms.	CIEL, Earthjustice, et al	Noted, with thanks.
	In general, there seems to be much more emphasis and details on mechanisms, processes, and resources required at the HQ than at the CO level (understandably), despite the key roles and responsibilities expected at the CO level. The paper seems to be assuming that COs can always absorb extra workloads without additional resources.	Akihito Kono (UNDP)	Agreed. UNDP recognizes that the success of the proposal will depend significantly on the ability of country offices to fulfill critical functions and this in turn will require additional training and resources at the CO level. The revised paper clarifies that the dispute resolution support office, in particular, will develop guidance and a system for training and supporting the dispute resolution efforts at the country office.
	The placement of this policy in, and interaction with other un-named policies and procedures constituting the “accountability framework?” ... The definition of “Accountability Framework” does not limit it to policies with an environmental impact/objective. If the intention is to subject environmentally focused policies to this review, the definition should be clearer: for policies to be subject to this compliance review process, it should be clear that it is limited to those policies that share a common theme/approach. [but I don’t know how this stacks up to the use of the term “accountability framework” in the 6 <sup>th</sup> sub-bullet of the second bullet in the executive summary, for example]	Cynthia Licul (UNDP)	The paper now more clearly defines the scope of the compliance review as UNDP’s environmental and social commitments including the “environmental and social elements of any UNDP policies.” This will include at a minimum UNDP’s proposed environmental policy and screening procedure and other environmental and social elements of UNDP’s Programme and Operations Policies and Procedures (POPP). UNDP policies that do not relate to environmental or social issues are not included in the scope of the proposed compliance review function.
<b>HUMAN RIGHTS and INDIGENOUS PEOPLES</b>			
	Stronger focus on human rights, particularly indigenous rights. Problematic that throughout the document says “local communities, people and individuals” without mentioning indigenous peoples or rights holders.	Rainforest Foundation Norway (Siri Damman)	Agreed. The reference to affected people used throughout the paper is intended, of course, to include indigenous peoples. UNDP has also added references to indigenous peoples in several instances in the paper.
	UNDP should signal and show respect for cultural and collective rights, including for instance the right to land and to self-determination	Rainforest Foundation Norway (Siri Damman)	UNDP will include references to indigenous peoples. Substantive discussions of those human rights that apply to UNDP and its activities will not be included in this document, but are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP’s policies and

			procedures.
Exec. Summary (p. 4)	Suggestions for changes to sentence: a grievance process that ensures individuals, PEOPLES and communities affected by UNDP projects have access to appropriate dispute resolution procedures for hearing and addressing project-related disputes.	Rainforest Foundation Norway (Siri Damman)	Agreed.
p. 4	Suggestions for changes to sentence: Provide access to processes that would empower and protect the rights and interests of indigenous peoples, local communities and vulnerable groups and afford them greater voice and a fair hearing in the development process, particularly in light of UN agency immunities	Rainforest Foundation Norway (Siri Damman)	Agreed.
p. 5 (top)	Suggestions for changes to sentence: UNDP's responsibility for ensuring that affected communities and indigenous peoples have access to a fair and effective grievance process will be the primary responsibility of the Resident Representative or their designee responsible for grievance processes (the – Country Office Designee).	Rainforest Foundation Norway (Siri Damman)	Agreed.
p. 6 (near end of 3 <sup>rd</sup> para)	Among other things, environmental and social safeguard policies are designed to avoid unreasonable environmental impacts, protect disadvantaged vulnerable groups (e.g., through indigenous peoples, gender and involuntary resettlement policies), and ensure participation of local RIGHTS-HOLDERS AND stakeholders (e.g., access to information and consultation policies). The policies also improve the consistency of project implementation and set substantive standards for managing the activities of international organizations. Unfortunately, this wording is typical for the whole document, also from page 6 onwards. I hope there is political will to add indigenous peoples as a category, and also the word rights-holders. This will show that concerns for indigenous peoples' rights and human rights in general are at the core of the UNDP efforts.	Rainforest Foundation Norway (Siri Damman)	Indigenous peoples will be added in relevant places throughout the document. UNDP believes that the term stakeholders is broad enough and is generally understood to include rights holders. UNDP further believes that all stakeholders should be provided full access to information and opportunities to consult.
Page 7	Free, prior, and informed consent will be particularly important to reflect in the guidelines (EBRD adopted a FPIC policy in 2008 and I know UNDP is leading discussions on FPIC with regard to UN-REDD). In 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples, which enumerates expectations for respecting indigenous rights. In order to implement the right to self-determination, the Declaration requires free, prior and informed consent of indigenous peoples for activities affecting them. Projects should, therefore, only proceed after receiving the free, prior and informed consent of affected indigenous peoples. This goes well beyond what is presently described on page 7 where it is stressed that the compliance review and grievance process “will afford them greater voice and a fair hearing.”	Patrick van Weerelt (Senior Mgr & Course Coordinator, Development & Human Rights Team – UN System Staff College); Jessica Jansson (Bureau for Development Policy)	The revised proposal will clarify that the accountability mechanism is available to address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.
Page 7	Suggestion: Add the following bullet to “general reasons for adopting a compliance review and grievance process:” Enhance a rights-based perspective for the advancement for human rights principles and standards into the programmatic work of UNDP.	Jessica Jansson (Bureau for Development Policy)	Agreed. The revised proposal will include language endorsing the rights-based perspective.

Page 7	Participation from a human rights based perspective also warrants access to information, capacity to understand the issues that affect them and how the UN conceptualize them, and of course the capacity to seriously participate in the development discussion that is often subject to elite capture and power-relations.	Jessica Jansson (Bureau for Development Policy); Patrick van Weerelt (Senior Mgr & Course Coord., Dvmt & Human Rights Team: UN System Staff College)	Agreed, but this policy only addresses the accountability mechanism; it is not intended to address substantive rights nor is it aimed at enhancing capacity of affected people.
	In developing the processes in question, UNDP should endorse the United Nations Development Group (UNDG) Guidelines on Indigenous Peoples' Issues. Surprisingly, the Discussion Paper did not call attention to this critical guideline, which was developed to "[s]et out the broad normative, policy and operational <i>framework for implementing a human rights based and culturally sensitive approach to development for and with indigenous peoples.</i> "	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	Agreed that this proposal reflect a rights-based approach. However, this proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of the development of UNDP's policy framework.
	UNDP's proposed processes should be guided by the UN Common Understanding and the UNDG Guidelines on Indigenous Peoples' Issues.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	Agreed. However, this proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.
	The Discussion Paper would benefit substantially if the UNDP or the Discussion Paper's authors would consult with UN human rights bodies, UN Inter-agency Support Group on Indigenous Issues, experts, and indigenous peoples about the revision of the Discussion Paper.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca); Patrick van Weerelt	Agreed. Comments have been received from human rights agencies and organizations and further consultations may be arranged in the future.
<b>HUMAN RIGHTS</b>			
	Seemingly the environmental and social screening procedure includes commitments the UNDP has made in its policies. This thus includes UNDP's human rights policy as well as its policy on indigenous peoples. This is important to note as human rights standards could be used to help prevent child labor, create opportunities for equal treatment of men and women, avoid elite capture of economic resources, and manage conflict among competing interest groups.	Patrick van Weerelt (Senior Mgr & Course Coordinator, Development & Human Rights Team, UN System Staff College)	The revised proposal will clarify that the accountability mechanism is available to address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.
	The draft paper understandably and elaborately references the experiences of the international financial institutions. While it is logical from a practice oriented	Patrick van Weerelt (Senior Mgr & Course Coordinator,	The revised proposal will clarify that the accountability mechanism is available to address

	<p>point of view, it will be important to uphold UNDP's intrinsic and institutional values as well. These firmly include the promotion and protection of human rights, and, in fact, provides UNDP with a comparative institutional advantage given that human rights issues have even been prominent in compliance debates in those organizations where human rights were/are considered outside the scope of their work (human rights have been a core issue in at least two WB Inspection Panel investigations: Chad-Cameroon pipeline (2002) and the Honduras Land Administration case (2007)).</p>	<p>Development &amp; Human Rights Team, UN System Staff College)</p>	<p>UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.</p>
	<p>Based on UNDP's explicit human rights policy (1998 &amp; 2005), it is recommended that UNDP stretches policy guidance as proclaimed by IFIs to include explicit requirements to promote and protect national and international human rights standards in programming. Specific human rights issues likely to come to the fore in compliance debates include the following (non-exhaustive):</p> <ul style="list-style-type: none"> <li>- Labor rights and standards</li> <li>- Non-discrimination</li> <li>- Free, active and meaningful participation (UN Declaration on the Right to Development)</li> </ul> <p>Free, prior, and informed consent (indigenous peoples)</p>	<p>Patrick van Weerelt (Senior Mgr &amp; Course Coordinator, Development &amp; Human Rights Team – UN System Staff College)</p>	<p>The revised proposal will clarify that the accountability mechanism is available to address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.</p>
	<p>Given the likelihood that these human rights issues will appear frequently, it is recommended that UNDP includes a human rights risk management system and integrates human rights standards directly into its safeguard policies. Human rights must thus become an integral part of UNDP's environmental and social compliance review and grievance process. I recognize that this may have been implicated in the draft, but it would be important to make this connection explicit in the guidance.</p>	<p>Patrick van Weerelt (Senior Mgr &amp; Course Coordinator, Development &amp; Human Rights Team – UN System Staff College)</p>	<p>The revised proposal will clarify that the accountability mechanism will address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.</p>
	<p>The Discussion Paper is a critical starting point for much needed further discussions on the processes at issue. In our opinion, these processes should not only be informed by existing related development practices, but more importantly, incorporate relevant principles of international human rights law. For reasons that are not clear, UNDP only takes into account the "accountability" mechanisms approach promoted by MDBs, and fails to incorporate critical standards reflected in the UN Common Understanding on the Human-Rights Based Approach to Development Cooperation (Common Understanding). From an international human rights law perspective, and discussed in our <i>Principles of International Law for Multilateral Development Banks: The Obligation to Respect Human Rights</i>, the "accountability" mechanisms are not effective in addressing human</p>	<p>Indian Law Resource Center (Leonardo Crippa &amp; Neasa Seneca)</p>	<p>We agree that UNDP need not take the same position as the MDBs with respect to human rights. The revised proposal will clarify that the accountability mechanism is available to address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's</p>

	rights violations resulting from MDB financed projects. Significantly, the UN Secretary General’s Special Representative on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises (John Ruggie) has found these mechanisms to be ineffective.		policies and procedures.
	<p>UNDP must live up to the human rights principles deeply rooted in all UN human rights bodies and agreed upon by all UN development agencies. Processes like the one UNDP outlines should consider human rights violations associated with supported development projects and take corrective actions as appropriate.</p> <p>The Common Understanding states that:</p> <ul style="list-style-type: none"> <li>- <i>All programmes of development co-operation, policies and technical assistance</i> should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.</li> <li>- <i>Human rights standards</i> contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments <i>guide all development cooperation and programming in all sectors and in all phases of the programming process.</i></li> <li>- <i>Development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights.</i></li> </ul>	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The revised proposal will clarify that the accountability mechanism will address UNDP’s international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP’s obligations. The substantive nature of UNDP’s obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP’s policies and procedures.
	Clearly, the standards outlined in the Common Understanding must play a central role in shaping the processes at issue. UNDP should pay particular attention to the principle on <i>Accountability and the Rule of Law</i> , which refers to the obligation of States and duty-bearers “to comply with the <i>legal norms and standards enshrined in human rights instruments.</i> ” Thus, as highlighted in the Common Understanding, “[p]rogrammes [should] <i>monitor and evaluate</i> both outcomes and <i>processes</i> guided by human rights standards and principles.”	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The revised proposal will clarify that the accountability mechanism will address UNDP’s international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP’s obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP’s policies and procedures .
	It would be useful to use more straightforward terms such as “human rights compliance” rather than “social compliance.”	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The reference to social compliance is meant to encompass a broad range of obligations, including but not limited to human rights obligations. The revised proposal will clarify that the mechanism addresses UNDP’s international legal obligations, including human rights obligations.
	The Grievance Process should pay particular attention to the obligation to prevent human rights violations, since human rights can neither be negotiated nor mitigated in the same way as other project impacts.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The revised proposal will clarify that the accountability mechanism will address UNDP’s international legal obligations, including human rights obligations. The proposal will also more clearly

			endorse a rights-based approach for both the compliance and grievance processes.
	The Discussion Paper lays out 7 critical principles that would govern the overall establishment and implementation of UNDP's Compliance Review Process. However, UNDP is not being guided by relevant principles of international human rights law. In so doing, UNDP's compliance review process is neither furthering the realization of human rights, nor helping developing countries meet their human rights obligations and/or rights-holders to claim their rights. We strongly believe that human rights principles would strengthen both the functioning and organizational structure, and staffing of this process.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The revised proposal will clarify that the accountability mechanism will address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.
	In developing the processes here, UNDP should lead development practices instead of following what MDBs have promoted for decades: strong focus on environmental protection with zero consideration of human rights. Indigenous peoples and other vulnerable groups in the developing world expect higher standards from UN development agencies, not identical to MDBs' standards. This is very concerning for indigenous peoples because of the devastating human rights consequences that MDBs' financed projects caused to indigenous communities.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	We agree that UNDP need not take the same position as the MDBs with respect to human rights.
	The establishment and protection of safeguards must be based on international human rights legislation. This is not made clear in the document.	Federation for the Self-Determination of Indigenous Peoples (FAPI)	The revised proposal will clarify that the accountability mechanism is available to address UNDP's international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating to human rights, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures.
	In general terms, it is clear that substantial funding is required for both processes to operate and highly qualified people must be recruited. We reiterate that it is important not to lose sight of the need for sensitivity and commitment to HUMAN RIGHTS and appropriate training in this area.	Federation for the Self-Determination of Indigenous Peoples (FAPI)	Agreed.
	<b>STRUCTURE</b>		
	The 2 functions (compliance review & grievance process) should be streamlined as much as possible for ease of access and maximum effectiveness: makes sense to integrate into existing OAI structure.	AusAID (Peter Raab)	Agreed.
	More clarification and guidance should be provided on the relationship between	Indian Law Resource Center	Agreed. The revised proposal will clarify the



	the Compliance Review Process and the Grievance Process.	(Leonardo Crippa & Neasa Seneca); CIEL, et al; Jessica Jansson (Bureau of Dev. Pol'y)	relationship between the Compliance Review Process and Grievance Process.
	Need more detailed information on what the difference is between the two processes (at HQ and at country level). What are their different mandates? At points, it seems that the two processes are part of one process and at other times they seem to be different processes.	Jessica Jansson (Bureau for Development Policy)	Agreed. The revised proposal attempts to clarify the roles and responsibilities of processes at the corporate, regional and country levels. The revised paper does clarify, for example, that the dispute resolution support office will develop further guidance and a system for training and supporting the dispute resolution efforts at the country office. Many of the details regarding the various roles and responsibilities, however, will be developed as part of the operating procedures in the next phase.
	Is there a hierarchy between the two processes (HQ level and country level)?	Jessica Jansson (Bureau for Development Policy)	There is no hierarchy between the two levels, although in general the proposal is meant to encourage that issues be resolved, where possible, at the country level. The revised proposal will clarify the roles and responsibilities of processes at the corporate, regional and country levels.
	How will claimants know which process in which to engage?	Jessica Jansson (Bureau for Development Policy)	The revised proposal will clarify the relationship between the Compliance Review Process and Grievance Process. Under the revised proposal, all claimants will be provided information about both processes (compliance and grievance). Grievance and Accountability staff will assess the complaint for UNDP compliance issues and potential for resolution through grievance handling. UNDP Grievance and Accountability staff will then propose a response to the complainants, which may include grievance resolution, compliance review or both on parallel or sequential tracks. After receiving, reviewing, and having the option to discuss UNDP's proposed response with Grievance and Accountability staff, the claimants may agree to the recommended process or discuss an alternative process with UNDP. Ultimately, the choice of process will remain with the complainants.
	Is what process the claimants choose to engage in subject to the exhaustion of local remedies?	Jessica Jansson (Bureau for Development Policy)	A formal exhaustion of remedies requirement is not included in the proposal. Claimants can raise issues

			of non-compliance to the compliance process without demonstrating that they have raised their concerns previously. For the grievance process, claimants may be referred to country level grievance processes if an effective process is available.
	The proposed methodology seems to place a lot of emphasis and reliance on the role of the Administrator determining how best to respond to the OAI issues/recommendations within 25 days (or an alternative period). What if the Administrator chooses not to respond? There should be a fail-safe reporting mechanism here other than their decision being sent to the complainants.	Australian Agency for International Development (AusAID) (Peter Raab)	The Administrator is the ultimate decision maker for UNDP and thus is given the responsibility of responding to any recommendations. Transparency is the primary pressure applied should the Administrator fail to respond, as all findings and recommendations are ultimately made public. We believe that clear, public findings of non-compliance would in almost all cases elicit a response from the Administrator.
Sec. III.F	In Sect. III.F, under Step 3, what is the role of the OAI Compliance Officer v. OAI, for example through the use of the term “its decisions” – is “its” the Officer or OAI?), what is the distinction, for determining eligibility of the complaint, between not alleging any specific policy violations and the Compliance Officer’s evaluation “of the complaint itself to determine if in its opinion the complaint raises issues of potential safeguard policy violations”? Also, the term “project sponsors” is unclear, as well as the “grievance officer” (who the person is, how would he/she be selected, and what the role would be of the individual?).	Cynthia Licul (UNDP)	The revised proposal clarifies that the decisions relating to eligibility and how to conduct an environmental and social compliance audit are determined by the Lead Compliance Officer, who reports to the Director of OAI. The revised draft clarifies how the senior dispute resolution specialist will be selected and their responsibilities.
	The compliance methodology seems to be driven by complaints – suggest delinking these to ensure in country programs are complying with policy requirements.	AusAID (Peter Raab)	The belief is that affected people who are meant to be supported by the environmental and social safeguard policies of UNDP should also have a compliance mechanism available to them. This will make the compliance function primarily complaints driven, although UNDP is still considering whether to allow for compliance audits to be triggered internally (on the compliance office’s own initiative) as a way of spot-checking implementation of the policies.
p. 16	Compliance Review Process: Need further clarity on the role of the Office of Audit and Investigation (OAI): <ul style="list-style-type: none"> <li>- To secure independence of OAI, the OAI compliance officer is NOT positioned to CONSULT with but clarify the facts filed by the complainants and to SEEK INFORMATION from the complaint, UNDP staff, and project sponsors, when determining eligibility.</li> <li>- The proposal (p. 16) states that the OAI compliance officer may consult the complaint, UNDP staff, and project sponsors when the OAI compliance officer determines eligibility. However, it is not appropriate for the OAI compliance officer to CONSULT with them, as UNDP staff</li> </ul>	Institute for Global Environmental Strategies (IGES) Climate Change Group	Agreed that the consultation with UNDP staff and project sponsors during eligibility is intended only to seek information regarding the facts relating to eligibility.

	and the project sponsors may wish to avoid complaints.		
	<p>Compliance Review Process: Specify the period when parties can file a complaint:</p> <ul style="list-style-type: none"> <li>- Current proposal does not specify the period in which affected parties can file a complaint.</li> <li>- Clarifying this period will be needed to provide operational certainty and ensure a smooth compliance process</li> </ul>	IGES Climate Change Group	Because of the nature and diversity of UNDP projects and project cycles, the paper does not identify a specific time period within which a complaint must be brought. Rather the revised proposal will clarify that claims will be eligible whenever they can show a clear causal link between UNDP-supported activities and the harm or potential for harm to the complainants.
	<p>Compliance Review Process: Information disclosure on comments on the draft Compliance Review Report by UNDP staff, complainants, and host government upon agreement of parties, as part of affording local communities/vulnerable groups' voice and fair hearing in the development process:</p> <ul style="list-style-type: none"> <li>- UNDP, complainants, or any other interested party can provide comments on the draft compliance, but there is no reference to disclosure (p. 16 Step 6 &amp; p. 18 I. Information Disclosure") of Comments provided on the draft Compliance Review Report.</li> <li>- Disclosure of their comments will facilitate the accountability of the OAI compliance officer, as the compliance officer will make final recommendations after considering comments. It should be noted, though, disclosure of comments from complainants and project sponsors/host government need agreements.</li> </ul>	IGES Climate Change Group	Agreed. The revised proposal will clarify that comments by all parties provided on the draft compliance review report should be made public, along with the public release of the final compliance review report.
	<p>We support the following aspects of the proposed compliance review process:</p> <ul style="list-style-type: none"> <li>- Recognition that a complaint need not identify a policy violation to be eligible</li> <li>- Authority for UNDP to independently initiate a compliance review of a project</li> <li>- Authority for UNDP to refer a complaint deemed ineligible for the compliance review process to the grievance process</li> <li>- Public reporting practices</li> </ul>	CIEL, Earthjustice, et al	Noted, with thanks.
	<p>Compliance Review Process (further clarification needed): UNDP proposes a broad policy scope for the compliance review process – more specifically, it states that this “process should be able to review compliance with any environmental and social related policies or commitments made by UNDP.” UNDP indicates that, at a minimum, scope will include its environmental and social policies, and may also include its “environmental and social commitments made in the context of specific funding programmes or projects, as well as any obligations imposed by international law.” ... [T]he compliance review process should require compliance with UNDP’s international obligations and commitments. In developing its policy scope, UNDP should also take into</p>	CIEL, Earthjustice, et al	The revised proposal will clarify that the accountability mechanism will be available to address UNDP’s international legal obligations, including human rights obligations. This proposal is not intended to address the substantive nature of UNDP’s obligations. The substantive nature of UNDP’s obligations and policies, including those relating to international obligations, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP’s policies and

	account the international obligations and commitments of the state(s) affected by or having a stake in any UNDP project because UNDP should be facilitating, and at a minimum not interfering with, those states' compliance with their own obligations.		procedures.
	The compliance review process seems to have a very broad scope: "the scope might also include environmental and social commitments made in the context of specific funding programmes and projects, as well as <i>any obligations imposed by international law</i> ." How will this affect the compliance review process?	Silje Haugland (UNDP)	Agreed. The purpose is to have a mechanism that can look at all relevant policies or obligations that relate to environmental or social issues. The ultimate scope of this mechanism will thus largely be determined by the scope of UNDP's environmental and social commitments, which include commitments made in policies, specific projects or programs, and international law obligations, if any. The substantive nature of UNDP's obligations and policies, including those relating to international obligations, are being discussed in the context of clarifying social and environmental sustainability requirements in UNDP's policies and procedures. This proposal does not expand or contract the substantive commitments that apply to UNDP, but it may require that those commitments be identified in specific cases.
	UNDP's proposed Compliance Review Process should pay greater and more attention to: The principles of due process of law and the right to an effective remedy, in order to ensure not only the process' performance in an effective and timely fashion, but also development projects' good governance and effectiveness The principle of non-discrimination and equality, for the purpose of embracing a culturally and gender sensitive approach to the process's staffing to ensure expertise within its organizational structure, especially on indigenous and gender issues.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The design of the compliance review process is intended to ensure basic standards of due process, fairness and effectiveness with the context of a non-judicial, administrative mechanism such as the one being proposed. UNDP is committed to embracing a culturally and gender sensitive approach to the staffing and operation of the process, and will ensure that appropriate expertise is available to support the process.
	Compliance Review – Proposed Process: In this section of the paper, UNDP proposes that the Office of Audit and Investigations (OAI) compliance officer will develop terms of reference (TOR) for its investigation, but provides no further detail regarding the purpose, scope, or content. UNDP should provide specific information as to what must be included in the TOR such as: <ul style="list-style-type: none"> <li>- Objectives and scope of the investigation</li> <li>- Specific investigation criteria to be evaluated</li> <li>- Brief description of the project to be investigated</li> <li>- Approach to the investigation, methods &amp; specific tasks</li> <li>- Schedule for the component tasks of the investigation with corresponding</li> </ul>	CIEL, Earthjustice, et al	Although we agree that the terms of reference should include the information you included, we believe the template for the terms of reference is best developed as part of the development of the detailed operating procedures for the compliance review function, and not as part of this more general framework.

	<p>time frames and reporting requirements</p> <ul style="list-style-type: none"> <li>- Guidance on the structure and format of reports to be submitted</li> </ul>		
	<p>Grievance Process: How can we guarantee that claimants feel comfortable submitting claims to UNDP at the country level if the entry point is a country designee (i.e. UNDP country office staff member)? Isn't there a potential for conflict of interest having the entry point as a country designee that is a UNDP staff member?</p>	Jessica Jansson (Bureau for Development Policy)	Agreed. UNDP recognizes that there may be times when claimants will not feel comfortable submitting claims at the country level, or that there may be a perceived or real conflict of interest. Accordingly, the revised proposal will clarify that multiple windows will be available for accessing the grievance mechanism, including a window at the corporate level.
	<p>Grievance Process: How prudent is it to put so much faith in one person at the country level especially given the staff diversity challenges that currently exist at UNDP?</p>	Jessica Jansson (Bureau for Development Policy)	As noted above, multiple windows will be available for accessing the grievance mechanism, including a window at the corporate level. Nonetheless, country offices will remain in many instances critical to successful dispute resolution. UNDP recognizes that training and support must be given to the country level in this context. The revised proposal clarifies that the dispute resolution support office shall provide guidance, training and support to the country level.
	<p>Grievance Process: The Discussion Paper also outlines a Grievance Process to address "project-related disputes." However, there is a lack of clarity regarding:</p> <ul style="list-style-type: none"> <li>- The relationship between this process and the Compliance Review Process</li> <li>- The difference between them</li> <li>- Whether or not the use of the Grievance Process precludes the use of the other process.</li> </ul>	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	Agreed. The revised proposal will clarify the relationship between the Compliance Review Process and Grievance Process, and the differences between them. The proposal will also explain that neither process is preferred over the other, and that the complainants will be given information and a proposed course of action that will help them make an informed choice about whether to pursue compliance, grievance or both processes.
	<p>Grievance Process: [W]e believe the Grievance Process should pay particular attention to the obligation to prevent human rights violations, provided that neither human rights can be negotiated nor their violations be mitigated as they imply irreparable harm to people.</p>	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The grievance mechanism is designed to be a voluntary process so that stakeholders can determine themselves whether to participate in the process or to come to any agreement under the circumstances. UNDP will endorse a rights-based approach to the grievance mechanism, which means among other things that rights-holders will be empowered to decide whether and how to pursue their rights in the context of the dispute resolution process.
p. 23, F	<p>Grievance Process: Specify how to conduct a monitoring report and its disclosure:</p> <ul style="list-style-type: none"> <li>- The proposal does not specify either how to conduct a monitoring report</li> </ul>	IGES Climate Change Group	Any resolution in the grievance process is dependent on the agreement of the parties. Arrangements for monitoring implementation of the agreement,

	<p>or its disclosure.</p> <ul style="list-style-type: none"> <li>- To ensure accountability, it will be better to disclose the monitoring report, similar to the condition applied to the Special Project Facilitator (Problem-Solving Function of the Accountability Mechanism of the ADB).</li> </ul>		including whether to make monitoring reports public, will, itself, be part of the agreement reached through the dispute resolution process. UNDP will in any case provide a regular, publicly available report with an overview of how its grievance mechanism is being used.
	<p>Grievance Processes: Importantly, UNDP acknowledges that ... grievance processes typically need to operate as close to the project level and affected communities as possible.</p>	CIEL, Earthjustice, et al	Agreed.
	<p>[I]t is not clear what the scope of the interim grievance process will be, and whether it will be limited to activities implemented under the FCPF, GEF, and the UN-REDD Programme.</p>	CIEL, Earthjustice, et al	The interim grievance mechanism is intended to apply to activities funded by FCPF and the GEF. However, UNDP may also pilot test the use of the interim grievance mechanism in other country contexts.
p. 20 (ii)	<p>Grievance Process: Set clear criteria to determine what constitutes an “ineffectual” grievance process:</p> <ul style="list-style-type: none"> <li>- The proposal states that the grievance mechanism is available when an existing program- or project-level grievance process does not exist or has been shown to be ineffectual.</li> <li>- It is often the case that affected people and project sponsor/host government do not have a good relationship, when affected people want to file a complaint to UNDP. Hence, usually project sponsors/government want to avoid filing a complaint to UNDP. It needs to be recognized that in these difficult circumstances, the Country Office Designee has to decide whether the complaint is eligible or not by determining the effectiveness of the existing grievance process established by the project sponsors/host government. Definitely the Designee will be placed in a difficult situation in practice.</li> <li>- A clear definition of what constitutes “ineffectual” or at least a list of elements to clarify what is “ineffectual” will help the Designee to determine the effectiveness.</li> <li>- The definition could be: (i) a case where no solution can be seen after a predetermined number of months of discussion in grievance process; (ii) a case where the Designee determines that governance of the grievance mechanism is oriented toward the benefit of the project sponsors/host government, e.g. all the members of the grievance mechanism are project sponsors, which is not fair to complainants.</li> </ul>	IGES Climate Change Group	Agreed on the need to clarify when complainants will have recourse to the UNDP grievance mechanism. UNDP recognizes the complex issues that the grievance process raises for the country office and its relationship with the government. The revised proposal will try to address and reduce some of those potential tensions, but cannot eliminate all of them. Under the revised proposal, responsibility for making the eligibility determination will be placed in most cases at the corporate level with input from the country offices. UNDP will also be providing guidance on what is an effective or ineffective grievance process to support those determinations.
	<p>Grievance Process: It is good that there are several routes and many windows to access the process. Furthermore, building up a national process also bodes well. However, how conflict is resolved is not made clear in the grievance process and one is left with</p>	Federation for the Self Determination of Indigenous Peoples (FAPI)	The specific steps for how a conflict will be resolved are purposefully left unspecified. They will need to be determined on a case-by-case basis depending on the context, interests of the parties, and judgment of

	the impression that the result will be a series of recommendations rather than reparations.		grievance resolution professionals. Where the grievance process results in an agreement between the parties that resolves the issues, that agreement could include a variety of forms of compensation.
	<p>Grievance Process:  Delegation of authority to the Country Office Designee and specifying eligibility of the Country Office Designee:</p> <ul style="list-style-type: none"> <li>- Unlike the compliance review, there seems to be no mention of the extent of authority for the Country Office Designee. It is important that clarity on the Designee's authority is given within the UNDP, so that the Designee has the status to make every effort to persuade parties to be positively involved in the Grievance Process without reference to compliance and/or non-compliance of the UNDP policies.</li> <li>- Also, unlike the compliance review, there seems to be no mention of the eligibility of the Designee. Since the nature of the grievance process is flexible and the means depend on each Designee, the Designee needs to be qualified enough to tackle with the issues raised: neutrality and experience of mediation.</li> </ul>	IGES Climate Change Group	The revised proposal will clarify the role of the Country Office Designee in implementing the grievance process. It is envisioned that the CO Designee will be supported by the corporate level dispute resolution support office, and that the role of the CO Designee will be determined case-by-case. UNDP recognizes that CO designees will need training and support to be effective in supporting grievance resolution.
Sec. IV	<p>General question on Grievance Process:  What is to prevent a doubling up of grievances filed by the same community or stakeholder with respect to the same matter, especially as/if this process is supplemental to other processes that are available?</p>	Cynthia Licul (UNDP)	The revised proposal will clarify that absent substantially changed circumstances, claims will not be accepted from the same stakeholder for the same matter that was addressed previously or is being addressed currently in an ongoing process. Similar claims brought by other stakeholders will either be consolidated or treated separately, depending on the circumstances, the parties' interests, and the judgment of grievance resolution staff.
	How do you avoid the danger of getting locked into a cycle of negotiation in the grievance case? This could result in complete stasis of projects. Is there a way around this?	Leo Peskett (UNDP)	UNDP will retain the option of stopping any grievance process if it determines that further negotiation or other steps are not likely to lead to progress in resolving the grievance.
Sec. IV	Just to be clear, the grievance process does not relate to infractions of non-compliance with UNDP environmental safeguards, but something else. Is that accurate? Can that something else be defined, or at least say that this process does not relate to the non-compliance issue?	Cynthia Licul (UNDP)	The grievance process is available to affected people who claim they have been harmed by the environmental and social impacts of a UNDP-supported project. Some claims may include allegations of non-compliance with UNDP policies, but this is not required. It is also possible that the same case will raise both compliance and grievance issues. If so, it is possible that UNDP would support both a grievance and a compliance process, either in

			parallel or sequentially. Other criteria also apply to grievance processes, including that all parties must agree to participate in the dispute resolution process for the process to go forward.
	Is it accurate to say the main, if not only, common feature of the Compliance Review mechanism and the grievance process, is that both must stem from a UNDP supported project, where UNDP may or may not be the implementing partner, but in the latter the adverse effect on the community/stakeholder does not relate to/stem from non-compliance with UNDP safeguards?	Cynthia Licul (UNDP)	This is mostly correct. All cases involving compliance review must include compliance issues, but grievance claims do not necessarily have to include compliance issues. It is important to keep in mind that the initial choice of which process to use is left up to the claimant based on advice from UNDP. In addition, it is possible in principle that the same case could trigger both grievance and compliance processes, either on parallel tracks or in sequence.
	Balance between the compliance and grievance functions: As the ESS is pretty broad and is mainly focused on procedures it seems more likely that it can be complied with, but at the level of substantive issues, like breaches in human rights, much will actually come into the realm of grievance. So it seems this mechanism needs to be particularly well resourced. This doesn't come across in the paper.	Leo Peskett (UNDP)	Agreed. Both functions must be adequately resourced.
	There seems to be no process in place for a grievance to trigger a compliance review, but the reverse is possible, and it's not clear to me why this is.	Kimberly Todd (UNDP)	The relationship between the grievance and compliance functions will be clarified in the revised proposal. A claim can go from the grievance process to the compliance mechanism, assuming that the claim raises potential issues of non-compliance with UNDP's environmental and social safeguards and that the claimant does not object to their claim going to the compliance process.
	I noted that the compliance review may refer to the grievance process, but not the other way around. I think it would be useful to outline more clearly the differences between the grievance process and the compliance review. The explanation of the differences seems clear on a theoretical level, but I wonder if it may be difficult to distinguish clearly in practice, since both processes can be linked to people/communities who are affected by UNDP projects.	Silje Haugland (UNDP)	The relationship between the grievance and compliance functions will be clarified in the revised proposal. A claim can go from the grievance process to the compliance mechanism, assuming that the claim raises potential issues of non-compliance with UNDP's environmental and social safeguards and that the claimant does not object to those aspects of the claim that raise compliance issues going to the compliance process.
	Perhaps affected people and others would want to pursue both processes at the same time.	Silje Haugland (UNDP)	Agreed. The revised proposal will clarify that claimants can choose to pursue both processes at the same time, or in sequence, assuming that their claims meet the criteria for both.



	There seems to be an important difference between the two processes in that the compliance review could – through the UNDP Administrator – decide that affected people should be “compensated or restored to a pre-harm state,” while the grievance process doesn’t seem to have this option clearly stated. If communities have grievances and would like compensation, is this an incentive to use the compliance review process instead of the grievance process?	Silje Haugland (UNDP)	The remedies available under the grievance process are not restricted in any way, except that all parties must agree to the remedies during the grievance process. Theoretically compensation from UNDP could be available through either process, but in both cases it would require UNDP’s agreement—in compliance through the Administrator’s response to the compliance findings and in grievance through the agreement supported by all parties.
p. 14	It is mentioned that the UNDP Administrator or the OAI Director have the authority to initiate a compliance review into projects, in consultation with the Senior Compliance Officer. Can UNDP staff, including CO staff, contact the OAI directly?	Silje Haugland (UNDP)	The proposal clarifies that the Lead Compliance Officer can initiate their own investigation or an investigation can be triggered by the UNDP Administrator.
	There are a variety of different methodologies here, and many different ways of doing conflict resolution and mediation. How does one decide which method to use, and how does one avoid disagreement about the technique used? Can we learn from other UN agencies here?	Silje Haugland (UNDP)	The determination of which method for conflict resolution to use is made on a case-by-case basis and is dependent on agreement of all the stakeholders involved in the specific case, and on the professional judgment of UNDP grievance staff (and consultants where employed). The knowledge and experience of other UN agencies will be helpful in developing and implementing the grievance mechanism, as will the broader experience and expertise available in grievance resolution in developing country contexts.
	What if the agreement reached in a grievance process is not in compliance with UNDP’s social and environmental policies?	Silje Haugland (UNDP)	UNDP will not endorse or agree to a voluntary agreement that violates UNDP’s social and environmental policies.
<b>DETERMINATION OF COMPLIANCE OR GRIEVANCE</b>			
Examples on page 19 and 24-25	It seems this practical example could trigger either a compliance review or a grievance. So who decides/how is this decided? All I see in the paper is that if the compliance review concludes that the complaint is not eligible, it could be referred to the grievance mechanism. But therefore there needs to be the reverse possibility – if a grievance is received by a CO, it could be referred to a compliance review.	Timothy Boyle (UN-REDD Regional Coordinator, UNDP Regional Centre – Bangkok)	The relationship between the grievance and compliance functions will be clarified in the revised proposal. The claimant will be able to choose which process they want to pursue, in response to a recommendation from UNDP. A claim can go from the grievance process to the compliance mechanism, assuming that the claim raises potential issues of non-compliance with UNDP’s environmental and social safeguards and that the claimant does not object to their claim going to the compliance process.
Examples on	The only difference in the examples seems to be with whom a complaint was first	Timothy Boyle (UN-REDD	The relationship between the grievance and

page 19 and 24-25	lodged. It appears that, if a complaint is lodged with a CO it will automatically become a “grievance,” whereas if lodged with another window it might become either a compliance issue or a grievance.	Regional Coordinator, UNDP Regional Centre – Bangkok)	compliance functions will be clarified in the revised proposal. The claimant will be able to choose which process they want to pursue, in response to a recommendation from UNDP. The primary difference between the functions is how they are implemented and which tools are used.
	We strongly suggest that UNDP allow project-affected people to choose whether to use the grievance process or compliance review function, and in which order. Complainants should be able to enter either process first or request that compliance review and the grievance process be conducted simultaneously. This decision should be left to the individuals or communities filing the complaint. Such flexibility will ensure that both channels remain accessible to complainants and that one process is not used to prevent access to the other.	Accountability Counsel (Komala Ramachandra)	Agreed. The claimant will be able to choose which process they want to pursue, in response to a recommendation from UNDP.
	It seems like all claims would need to be assessed by a joint panel comprising HQ and the CO to decide which channel deals with it. (This was stated in discussion of the examples for going to compliance process or grievance)	Leo Peskett (UNDP)	Agreed. The relationship between the grievance and compliance functions will be clarified in the revised proposal. All claimants will be provided information about both processes (compliance and grievance). Grievance and Accountability staff will assess the complaint for UNDP compliance issues and potential for resolution through grievance handling. UNDP Grievance and Accountability staff will then propose a response to the complainants, which may include grievance resolution, compliance review or both on parallel or sequential tracks. After receiving, reviewing, and having the option to discuss UNDP’s proposed response with Grievance and Accountability staff, the claimants may confirm the recommended process or discuss an alternative process with UNDP. Ultimately, the choice of process will remain with the complainants.
	Leo’s (see above) suggestion of a common entry point for the two could perhaps be a solution (to a lack of clarity in the differences between the two processes or inability to determine which process to do first).	Silje Haugland (UNDP)	Agreed. (See response above.) Although there will be multiple windows for receiving complaints, all complaints will be assessed with regard to both compliance and grievance issues.
	I understand that a grievance can be lodged even if UNDP is in compliance with its environmental/social safeguards, but a grievance can also be lodged that UNDP is not in compliance with its environmental/social safeguards.	Timothy Boyle (UN-REDD Regional Coord, UNDP Regional Centre – Bangkok)	Yes.
p. 16	Compliance Review process:	Federation for the Self	Agreed.

	In reference to the illustrative procedural steps for compliance review, the reasons for deciding that a complaint is ineligible must be justified and made clear to the complainant. As such, the complainant should not only be informed in writing that the complaint is ineligible, but should also be given the reasons for not proceeding.	Determination of Indigenous Peoples (FAPI)	
Sec. IV	<b>STAFFING</b>		
Page 4-5	On pg. 4, it notes OAI does not currently have an environment and social specialist and that this will be needed, however this function is not listed on pg. 5 in the list of additional staff that will be required. It would be good to ensure consistency in the text.	AusAID (Peter Raab)	Capacity to implement the environmental and social safeguards throughout UNDP, including the need for a specialist, is beyond the scope of this paper on the accountability mechanisms.
	Several parts of the document refer to the recruitment of experts and consultants. We believe this is desirable, as a UN body should not only prioritize technical criteria, but also knowledge and know-how about fundamental rights, such as human rights. This is important as complaints made during both the compliance review and grievance process will be based around environmental and social issues that have human rights implications.	Federation for the Self Determination of Indigenous Peoples (FAPI)	Agreed.
	Management of the Compliance and Grievance Process: Even though the process should be as “lean” and close to the ground as possible, one may need to reconsider the idea of putting so much faith in 1 person, the senior compliance officer. With some creativity we could possibly broaden the scope to include, for instance, a representative of OHCHR as an ex-officio member of the process, and the same could be true for the Secretariat of the Permanent Forum in case the focus would be on indigenous issues. After all, all these groups are part of the same Organization	Patrick van Weerelt (Senior Mgr & Course Coordinator, Development & Human Rights Team – UN System Staff College)	UNDP contemplates the use of consultants to provide expertise when specific claims raise issues beyond staff expertise. UNDP will look for ways to consult with or gain the advice of other UN organs, including OHCHR and the Permanent Forum, although this is unlikely to be in the context of specific cases that relate primarily to UNDP-supported activities.
	The compliance review process seems quite thorough. How to ensure quick staffing of sufficiently independent people for the compliance review without passing the deadline (the issue of delays is only mentioned under the grievance process, not with the compliance review)?	Silje Haugland (UNDP)	The revised policy will clarify that with both functions any delays beyond the required timelines will be explained to the claimants and the public.
	To guarantee there is non-discrimination and equality in the process’s Structural Organization and Staffing, UNDP should strongly embrace the principles of non-discrimination. It’s critical to ensure that cultural and gender diversity is endorsed within composition of the panel charged with carrying out the compliance review. ... Furthermore, this would set a higher standard than the MDBs, which only require their panel members to be different nationalities with a suitable level knowledge of the economic, social, and developmental issues, technical competence, and independence from the Bank they are affiliated with. We believe specific guarantees for non-discrimination and equality, with perhaps a particular	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	The recruitment and selection of staff members at UNDP are guided by among others the principle of diversity: UNDP’s workforce will reflect diversity and will strive to include equal numbers of men and women, staff members representing as wide a geographic distribution as possible and individuals from under-represented groups, indigenous groups and persons with disabilities. In order to achieve and

	consideration for appointing indigenous and women professionals, will adequately reflect the UNDP’s commitment to their policies regarding indigenous peoples.		maintain an equitable distribution of staff, preference may be given to equally qualified women and/or nationals of countries that are underrepresented in UNDP. Similarly, UNDP hiring managers are expected to reflect national diversity and balance in gender within country offices and headquarters units. Special efforts will be made to include staff from under-represented groups, indigenous groups and persons with disabilities.
	<b>ENSURING ACCESSIBILITY IN MAKING A COMPLAINT</b>		
	In submission of grievances, and to avoid possible reprisal, it will be critical to ensure that all complaints will also be received by HQ. In fact, people should be free to submit the complaint directly to HQ as well. The process of conflict resolution, etc. will obviously have to involve the country office, but we should strive to ensure that all complaints will indeed be received and dealt with, and sometimes HQ has an important role to play as issues may be too “sensitive.”	Patrick van Weerelt (Senior Mgr & Course Coordinator, Development & Human Rights Team – UN System Staff College)	Agreed. There will be multiple windows available to the claimants to access the mechanism, including a window at the headquarters level. There will be no requirement for claims to be reviewed first at the country level. All claims will be reviewed jointly by HQ and the CO as well as by representatives from both the compliance and grievance function. Although the CO is expected to be involved in most grievance processes, UNDP recognizes that in some circumstances the matter may have to be addressed primarily at the HQ and/or regional levels. Additional provisions, including the option for HQ grievance staff to keep the claimants’ names confidential, are also intended to ensure against reprisals.
	The potential complainant should be able to make the complaint anonymously. It won’t matter if a complaint is made this way if it is ultimately an eligible complaint. Communities where the inhabitants are disempowered by socioeconomic forces may be more apt to file a complaint if it can be anonymous. It will also allow subordinates on such a project to call into question anything that they may interpret as out of compliance, but is not questioned by a superior.	Andrea CS Berringer	Agreed. Complaints can be made anonymously, with the understanding that the processing of anonymous complaints may be less effective, particularly in the grievance context. Claimants’ identity can also be kept confidential as opposed to anonymous, which could aid UNDP in determining eligibility and otherwise proceeding with the compliance or grievance process.
	While the nature of grievance processes may not allow for complainants’ identities to be kept confidential throughout the process, this should be assessed on a case-by-case basis, taking into account factors like local security context, the nature of claims being made, history of retaliation, etc. If requested, the identities of complaints should be kept confidential during assessment of eligibility and interest of all parties to participate in a grievance process.	Accountability Counsel (Komala Ramachandra)	Agreed.

	There needs to be several ways in which UNDP can facilitate making a compliance review request to the review office. Some complainants may not have the ability to travel to turn in their complaint. There need to be many local routes to get a grievance to the Country Office Designees for grievances.	Andrea CS Berringer	Agreed. UNDP expects to accept claims via mail, email and a telephone ‘hot line’.
	It would be useful to have more insight on the eligibility question as it seems crucial to how a mechanism would function, particularly: How to determine attribution, especially for UNDP support to plans. The case given is pretty concrete in that it supported a study that was then used by the government in its process. But what about the case if it was funding e.g. a couple of workshops to discuss these issues? This seems similar to early FCPF dilemmas about whether safeguards can apply to plans or not.	Leo Peskett (UNDP)	Claims will be eligible for compliance review where there is the risk of potential harm from a UNDP support project that involves alleged violations of UNDP environmental and social policies. Requests for dispute resolution may be eligible where there are concerns about environmental and social impacts, even without reference to potential non-compliance with UNDP policies. A distinction should be drawn between eligibility requirements, which will provide only a low bar to reviewing the case, and, in the case of compliance review, the ultimate determination after review that of whether a policy violation occurred, or whether any violation could have contributed to any risk of harm.
p. 20	Principles for grievance procedures allow for diverse cultural approaches, flexible timelines and local governance procedures – needs to recognize different needs, communication modes, and preferences among community constituents within local contexts, not just between them.	AusAID (Peter Raab)	Agreed.
	Disclosure and reporting – the paper doesn’t provide much detail on how public information will be effectively disclosed or how accessibility/inclusivity will be ensured in the claims process (this may be outlined in UNDP Information Disclosure Policy – strong links will need to be made between the two documents)	AusAID (Peter Raab)	The revised proposal will continue to clarify the importance of information disclosure and set specific benchmarks for disclosure. Many of the details on the modalities of information disclosure will be developed during the implementation of the mechanism. The accountability mechanism will also follow UNDP’s Information Disclosure Policy.
	How will people with disabilities be reached and supported?	AusAID (Peter Raab)	UNDP is committed to reaching out and making the mechanisms accessible to all vulnerable groups, including people with disabilities. Details on the modalities of how to ensure such access will be developed during the implementation of the mechanism.
	Need to ensure claimants can receive/provide information through simple formats	AusAID (Peter Raab)	Agreed.
	The Proposal describes an admirable effort on the part of UNDP to guarantee the compliance review and grievance processes are as accessible to project-affected people as possible.	Accountability Counsel (Komala Ramachandra)	Noted, with thanks.
	Fully support UNDP’s intent to eliminate unnecessary barriers to accessing the	Accountability Counsel	Noted, with thanks.

	mechanism and agree that complainants should not have to allege particular policy violations, state specific desired remedies, or write in a designated language in order to be deemed eligible.	(Komala Ramachandra)	
p. 13: Sub-Section D 2 <sup>nd</sup> bullet point	We strongly agree with the Proposal that individuals and groups that are <i>potentially</i> affected by a UNDP-supported project should be able to file a complaint. Thus, the second bullet point in subsection D on p. 13 of the Proposal should be clarified so that a complaint can be “submitted on behalf of a person or people affected <i>or potentially affected</i> by the project or programme.”	Accountability Counsel (Komala Ramachandra)	Agreed.
	In addition to not having to allege specific policy violations, complainants should also not have to allege direct harm in the complaint, as discussed under accessibility and fairness of other international accountability mechanisms in Annex 1. A complaint should be found eligible where a complainant explicitly or implicitly raises compliance issues, which may or may not include an articulation of direct harm.	Accountability Counsel (Komala Ramachandra)	Eligibility for compliance review will be based on whether a UNDP-supported project potentially violates UNDP social or environmental policies. Claimants will not have to demonstrate direct harm as part of the eligibility phase.
	Compliance Review – Eligibility Requirements: UNDP states the following as likely requirements for eligibility: <ul style="list-style-type: none"> <li>- The complaint should relate to a “project or programme in which UNDP has a role (where ‘role’ would need further definition)” and</li> <li>- Should be submitted “by or on behalf of a person or people affected by the project or programme (where the type of ‘people or person’ may need further definition)”</li> </ul> The way in which both terms (role and people or person) are defined is critical to achieving UNDP’s objectives to avoid adverse environmental impacts, protect disadvantaged vulnerable groups and communities, and ensure effective participation of local stakeholders.	CIEL, Earthjustice, et al	Agreed. It is UNDP’s intention to interpret eligibility broadly to ensure the mechanism is accessible to all stakeholders potentially affected by UNDP-supported projects, with the understanding that there must be a plausible causal relationship between UNDP’s involvement and the risk of potential harm to some person or group.
	To achieve these identified objectives, the definition of “role” should include, at a minimum, provision of financing or other support (e.g. goods, services, or personnel) in support of a project or programme.	CIEL, Earthjustice, et al	It is UNDP’s intention to interpret eligibility broadly to ensure the mechanism is accessible to all stakeholders potentially affected by UNDP-supported projects. The revised proposal will clarify the eligibility requirements and is generally consistent with your comment.
	To achieve these identified objectives, the definition of “people or person” should include individuals, groups, or communities who are adversely affected or potentially affected by a project or programme.	CIEL, Earthjustice, et al	It is UNDP’s intention to interpret eligibility broadly to ensure the mechanism is accessible to all stakeholders potentially affected by UNDP-supported projects. The revised proposal should clarify the eligibility requirements and is generally consistent with your comment.
	Representative civil society groups must be eligible given the public interest in ensuring that UNDP is complying with its own social and environmental policies. Furthermore, civil society groups often can help directly affected individuals,	CIEL, Earthjustice, et al	Civil society groups can represent affected people in either the compliance or grievance processes. Civil society groups that are not directly affected by the

	groups, or communities effectively represent or protect their interests.		impacts from the UNDP-supported activity cannot otherwise bring a claim.
	Because complainants may not always be aware of alternative accountability processes at UNDP, we suggest that mechanism staff provide information about the two processes to a party submitting a complaint and the opportunity to amend their decision regarding which process to use.	Accountability Counsel (Komala Ramachandra)	Agreed. The relationship between the grievance and compliance functions will be clarified in the revised proposal. All claimants will be provided information about both processes (compliance and grievance). Grievance and Accountability staff will assess the complaint for UNDP compliance issues and potential for resolution through grievance handling. UNDP Grievance and Accountability staff will then propose a response to the complainants, which may include grievance resolution, compliance review or both on parallel or sequential tracks. After receiving, reviewing, and having the option to discuss UNDP's proposed response with Grievance and Accountability staff, the claimants may confirm the recommended process or discuss an alternative process with UNDP. Ultimately, the choice of process will remain with the complainants.
	The Proposal does not stipulate procedures by which complainants can amend their complaints, allege new violations, or provide additional evidence. Including a procedure to amend a complaint will make the process more fair and accessible to all complainants who need to initiate a process while collecting data or information to support their claims, and to those who discover new information or experience new harm after filing a complaint.	Accountability Counsel (Komala Ramachandra)	Agreed. Complainants are always free to provide new evidence in an ongoing compliance, and/or file an additional or new complaint based on new evidence. The specific modalities for filing and receiving such information will be developed as part of the operating procedures for the mechanism. Whether additional or new evidence alters an ongoing compliance or grievance process will be determined on a case-by-case basis.
	The Proposal does not specify the time frame for submitting an eligible complaint. To ensure that all project-affected people have access to the compliance review and grievance processes, we recommend that UNDP accept complaints throughout the duration of UNDP's involvement in a project. Because many projects, especially those that impact the environment or involve resettlement plans, could lead to long-term, serious, adverse impacts that become apparent only after many years have passed, "involvement" should be interpreted broadly and not pose a barrier to access.	Accountability Counsel (Komala Ramachandra)	UNDP intends to allow access to the compliance and grievance mechanisms as long as impacts can be fairly and reasonably traced to UNDP's involvement. UNDP is often involved with limited financial support at the planning or preparation phase, but recognizes that impacts may occur only after those planning and preparation phases are completed. Rather than fixing a formal deadline for complaints tied to financial criteria, UNDP is proposing that complaints may be brought at any time, so long as the alleged impacts can plausibly be attributed to UNDP-supported activities (and in the case of the compliance function,

			impacts could plausibly be attributed to violations of UNDP policies).
Sec. IV.C :	In Section IV.C, step 3 – UNDP is not necessarily a party to the grievance, right (for example, with respect to the settlement agreement referred to in Step 7)? If not, the Country Office Designee should not be considered a “party” to the consultation (step 8), but rather a facilitator.	Cynthia Licul (UNDP)	Agreed. The revised proposal will clarify the role and responsibilities of the Country Office. UNDP may be a party to the negotiations in a formal sense, or a facilitator in a formal or informal sense. Any agreement negotiated through the grievance process that assumes or requires specific actions by UNDP must also be agreed to by UNDP.
	The Proposal states that in assessing feasibility for UNDP-facilitated dispute resolution, the UNDP Country Office Designee must evaluate whether the complainant should first be required to file their complaint with any grievance process established by the project sponsor or host country. Greater clarity is needed on how the Country Office Designee will decide whether UNDP, a project sponsor, or a host country will facilitate the grievance process. We strongly urge UNDP not to require complainants to first use project sponsor or host country grievance processes, but rather to demonstrate a good faith effort on the part of the complainants to resolve their concerns with the relevant authority, either through the use of an established grievance process or by some other means.	Accountability Counsel (Komala Ramachandra)	The revised proposal will clarify that the claimants must demonstrate a good faith effort to resolve their disputes, including for example by using project sponsor or host country grievance process. UNDP will try to balance two sometimes conflicting goals: (1) encouraging the use of effective project sponsor or host country grievance processes on the one hand and (2) ensuring that all affected persons have access to a fair and impartial mechanism on the other hand. We agree that claimants should not be required in all cases to use a mechanism that does not meet certain minimum standards for effectiveness, fairness and impartiality, and UNDP is developing criteria for evaluating such mechanisms.
	While utilizing existing apparatuses can be effective in some cases, UNDP should not require project-affected people to first engage other processes where it would be futile or dangerous to the complainants. Ultimately, complainants should be able to decide whether they prefer to use processes at the program, project, or host country level, or the UNDP Country Office process.	Accountability Counsel (Komala Ramachandra)	We agree that claimants should not be required to use a mechanism that does not meet certain minimum standards for effectiveness, fairness and impartiality, and UNDP is developing criteria for evaluating such mechanisms.
	Given that a project- or programme-level grievance process may not always provide an effective means of recourse, UNDP’s decentralized approach is not appropriate in all cases.	CIEL, Earthjustice, et al	We agree that claimants should not be required to use a mechanism that does not meet certain minimum standards for effectiveness, fairness and impartiality, and UNDP is developing criteria for evaluating such mechanisms. In addition, UNDP will assess all complaints at HQ level and recommend a response, in consultation with the relevant Country Office(s).
	UNDP should allow a complainant to submit a grievance directly to UNDP (without referral below) if a complainant can show that the project – or programme-level process is non-existent, ineffective, or likely to be biased, or otherwise would not give the complainant a fair and impartial hearing.	CIEL, Earthjustice, et al	We agree that claimants should not be required to use a mechanism that does not meet certain minimum standards for effectiveness, fairness and impartiality, and UNDP is developing criteria for evaluating such mechanisms.



	To this end, UNDP should develop criteria for evaluating a project-level mechanism's effectiveness in enforcing such standards. Additionally, UNDP could establish minimum requirements that would have to be met before accepting such a case.	CIEL, Earthjustice, et al	Agreed. UNDP is developing such criteria.
	Important that the UNDP compliance and grievance policies refer to the Aarhus Convention because it is a UN programme.	Aarhus Convention Secretariat (Aphrodite Smagadi)	The revised proposal will clarify that the accountability mechanism will be available to address UNDP's international legal obligations, including implicitly any obligations under the Aarhus Convention. Many different UN programmes, including the Aarhus Convention, relate to this initiative and UNDP welcomes all opportunities for collaboration the Aarhus Secretariat.
<b>INDEPENDENCE</b>			
	As noted in the Proposal, independence is a key element required for project-affected people to trust the accountability mechanism. Thus, we should maximize the accountability mechanism's independence.	Accountability Counsel (Komala Ramachandra)	Agreed.
	The Proposal does not outline the hiring process for the Lead Compliance Officer. We recommend that civil society representatives should be included in the process of selecting the Lead Compliance Officer. This will enhance the credibility of and trust in the proposed compliance review process.	Accountability Counsel (Komala Ramachandra)	UNDP is committed to making the Compliance office functionally independent, and will lead an open and transparent process for hiring any compliance officer. Consistent with UNDP hiring policies and practices, however, civil society will not be included formally in the selection process.
Page 12	We support the Proposal's enumerated ways of promoting independence on p. 12. We, though, recommend that the Lead Compliance Officer not only be prohibited from having recently been employed by UNDP, but also be barred from future employment with the institution. This is critical to avoid the perception of a conflict by project-affected people and to ensure unbiased compliance reviews.	Accountability Counsel (Komala Ramachandra)	Agreed. The proposal now clarifies that the Lead Compliance Officer cannot work again for UNDP once they have served a five-year term. This will not be the case for the compliance officer during the interim phase.
	As stated in the Proposal, an important element in mechanism independence is establishing "clear reporting lines to top decision-makers." However, because the compliance review mechanism is in the pre-existing Office of Audit and Investigation (OAI), which already is an accountability office within UNDP, the proposed compliance review function is structurally different from most IFIs. In this Proposal, the Lead Compliance Officer reports to the OAI Director rather than a Board or the President, and then the OAI Director will issue the final compliance reports to the UNDP Administrator. This is a more attenuated chain of command between the Compliance Officer, who conducts the actual review, and the final decision-maker than exists in other IFI accountability mechanisms.	Accountability Counsel (Komala Ramachandra)	Agreed. There are already several aspects of the OAI Director position that helps to add to its independence. First, the OAI Director reports directly to the Administrator. Second, the OAI Director cannot work again for UNDP after their tenure is complete. Third, OAI has an advisory group made up of outside experts and officials that can provide independent advice to the OAI Director. UNDP believes these features will help to ensure the functional independence of the Compliance Officer.

	Therefore, the independence of the OAI Director is equally crucial, and the hiring process for the Director should be similarly transparent and independent.		
Sect. III.F (p. 16)	The role and extent of independence of the OAI compliance officer is not clear. There are several references in Section III.F, that indicate an independence of action even from OAI – for example, “the OAI compliance officer will have all of the powers currently enjoyed by OAI in conducting investigations ... also have sufficient budget and authority to hire consultants as it deems necessary” [as opposed to OAI “shall have authority to conduct reviews in the same way it currently does in other investigations, and shall have the budget to hire consultants to assist the OAI compliance officer”] ... step 5; “after completion its investigation and making findings, the OAI compliance officer will issue a draft compliance review report to ... the public” [as opposed to OAI or the OAI Director issuing such reports and a public release of a draft before the Administrator passes on and releases the final report per step 8] ... step 6; “the OAI compliance officer will issue to the Director, OAI, a final report ... The Director, OAI, will review and submit the report to the Administrator” [relates to the previous quoted text – where the draft is submitted by the Compliance officer directly, yet the final report is through the Director to the Administrator – is this consistent?] ... step 7.	Cynthia Licul (UNDP)	The revised proposal will clarify the role and responsibility of the Compliance Officer. The Compliance Officer will report to the Director of OAI who reports, in turn, to the Administrator. All compliance reports, as with all current investigations, will be reviewed by the Director of OAI.
Section III.B (p. 12)	(Related to box above) Section III.B states that “responsibility and accountability for the compliance function’s overall effectiveness if also clearly placed in one identifiable individual.” Isn’t this putting all our eggs in one basket and almost washing our hands if that compliance officer falls short of expectations? And how does this stack up with how OAI is presented on page 11, which gives the appearance that OAI will handle the compliance reviews, which it would do through services of certain individuals.	Cynthia Licul (UNDP)	The revised proposal will clarify the role and responsibility of the Compliance Officer. The OAI Compliance Officer is expected to hire and rely on consultants with specific expertise required for any specific investigation, but the Compliance Officer will remain responsible for the overall quality and findings of the report. This is consistent with how OAI operates in other areas.
	Due to the decentralized and supplemental nature of the proposed grievance process, UNDP needs to monitor existing project level and host country grievance processes to ensure they are following the stated principles for fair and effective accountability mechanisms. Affected communities often distrust processes operated by project sponsors or governments because of perceived or actual conflicts of interests. For these reasons, we strongly urge UNDP to maintain its own grievance process at the country level in all countries in which it operates to ensure an independent mechanism exists to facilitate fair, neutral, independent, and transparent dispute-resolution.	Accountability Counsel (Komala Ramachandra)	Agreed.
	UNDP should ensure that those project level and host country grievance processes are staffed by individuals that are equally independent from the project sponsor’s management, adhering to the guidelines established by the Proposal to minimize	Accountability Counsel (Komala Ramachandra)	UNDP is developing criteria for evaluating project level and host country grievance processes against criteria intended to ensure minimum standards for

	conflicts of interest.		effectiveness, fairness and impartiality.
	In both the proposals to be developed, no practical mechanism is envisaged for ordinary people. For example, the grievance process doesn't offer an effective process to resolve or make reparations for any damage, and what is set out to this regard is very tenuous.	Federation for the Self Determination of Indigenous Peoples (FAPI)	UNDP intends for the mechanisms to be available to ordinary people affected by UNDP-supported projects. The mechanisms are not meant to replace other avenues available to ordinary people, but should provide an opportunity to raise and resolve grievances in an impartial forum. Ultimate resolutions and remedies will be determined on a case-by-case basis, by the UNDP Administrator in response to a compliance report, or through the grievance process in which complainants will be active participants. They will engage and negotiate agreements in order to meet their concerns and realize their rights. UNDP cannot ensure that complainants will be fully satisfied by either the grievance or the compliance process; UNDP can and will ensure that they are well-informed, and that each process is designed to maximize opportunities for meaningful and effective participation by all concerned stakeholders.
	<b>ENSURING A FAIR OUTCOME</b>		
	Strongly support UNDP's efforts to create compliance review and grievance processes with fairness as a central tenet, particularly because project-affected people are often disproportionately vulnerable with little economic or political power.	Accountability Counsel (Komala Ramachandra)	Noted, with thanks.
	The Proposal is currently silent on the issue of representation for project affected people. Affected people may have limited capacity and means to obtain project information, conduct studies, or file a complaint, and therefore may choose to work with civil society or NGOs to access the mechanism. UNDP should support complainants' ability and choice to work with civil society to navigate the compliance review and grievance processes.	Accountability Counsel (Komala Ramachandra)	Agreed.
	In particular, complainants' decision to work with representatives could be marginalized when using a project sponsor or host country grievance process. Therefore, we recommend that UNDP develop principles that ensure integrity and fairness for those processes, which would protect a complainant's right to choose and work with their selected representatives.	Accountability Counsel (Komala Ramachandra)	UNDP is developing criteria for evaluating project level and host country grievance processes against criteria intended to ensure minimum standards for effectiveness, fairness and impartiality.
p. 19	Because project level and host country processes are prone to abuse, we are wary of the Proposal's statement that "most disputes should continue to be addressed at the programmatic or project level with minimum or little involvement by UNDP."	Accountability Counsel (Komala Ramachandra)	UNDP does not believe that project level and host country processes are necessarily "prone to abuse," although we recognize that some may not operate

	<p>Although, the Proposal goes on to say “UNDP also has an interest in ensuring that such processes are fair and effective, and available at the project, country, and corporate levels,” we believe that a stronger provision for UNDP oversight and monitoring of project level and host country processes is necessary. We recommend that project level or host country grievance processes related to a UNDP project include a UNDP staff member who can ensure the fairness and neutrality of the process. In addition, local grievance processes should have access to the Help Desk for knowledge resources on creating fair dispute resolution processes.</p>		<p>fairly or impartially. For this reason, UNDP is developing criteria for evaluating project level and host country grievance processes against criteria intended to ensure minimum standards for effectiveness, fairness and impartiality. UNDP will also look for ways to actively strengthen the design, capacity and operations of project level and host country processes.</p>
	<p>The use of UNDP Country Offices in the creation of a corporate level grievance mechanism, while establishing a central Help Desk, is an innovative way to maximize the unique structure of the institution, and promote flexibility and context appropriate responses. Decentralization, however, requires oversight to ensure quality and consistency of the processes. The final policy should include methods for monitoring and evaluating how Country Offices respond to complaints, and their ability to maintain the principles laid out in the Proposal for a fair, effective, and transparent process. In cases where Country Office processes are found to be deficient, there must be a process for the Help Desk to intervene and remedy problems.</p>	<p>Accountability Counsel (Komala Ramachandra)</p>	<p>The revised proposal will clarify the role and responsibilities of the headquarters and country office in the grievance process. All claims will be reviewed jointly by HQ and the CO and the progress of all claims will be monitored through a central database. UNDP expects that the Support Desk will provide both a capacity strengthening function and an oversight function.</p>
	<p>Where Country Offices cannot provide adequate distance and independence from the project to provide fair results, complainants should be able to appeal to a central office in UNDP to address their concerns about the grievance process.</p>	<p>Accountability Counsel (Komala Ramachandra)</p>	<p>Agreed. There will be multiple windows available to access the grievance function, including through Headquarters.</p>
<p><b>LEGAL IMPLICATIONS</b></p>			
	<p>Regarding the legal implications of the compliance and grievance mechanism ... The document states: “neither the compliance review nor grievance processes are courts of law nor should any finding change any underlying legal responsibility, immunity or liability of the UNDP.” What would be the implications for the project itself if breaches to communities’ rights result of the grievance mechanism procedure? The document is notably lacking in this regard, including possible redress/compensation scenarios. This should be clarified because if it’s not, then the mechanism can lose its relevance.</p>	<p>Vanessa Retana (WWF)</p>	<p>The grievance and compliance functions are not courts of law nor will they result in any legal finding. Findings under the compliance function will normally be limited to findings of noncompliance with UNDP policies, some of which might be similar to or derived from obligations under international or domestic law. Remedies under the compliance function will be at the discretion ultimately of the UNDP Administrator and will not be legal obligations. The grievance function will typically not involve any findings of noncompliance but will involve a negotiation culminating in a voluntary written agreement by all involved parties. That agreement could be legally binding if the parties agree. Any agreement that involves assumed or required actions by UNDP would</p>

			also have to be agreed to by UNDP.
Page 25	We don't fully understand the Legal Implications section and the privileges and immunities of UNDP.	Federation for the Self Determination of Indigenous Peoples (FAPI)	As an international organization, UNDP has certain privileges and immunities from lawsuits in domestic court. The mechanisms do not change UNDP's existing legal status in any way.
<b>TRANSPARENCY</b>			
	The use of an independent section (OAI) to undertake compliance reviews and investigations of grievances and provide recommendations is a positive step towards transparency.	AusAID (Peter Raab)	Noted, with thanks.
	UNDP needs to step-up its usage of programmes and project websites so as to remain transparent in the conduct of its work and activities.	Enoch Raymond (National Alliance Against Hunger & Malnutrition (NAAHM) - Nigeria)	This comment is beyond the scope of the proposed accountability mechanisms.
	In regards to the centralized registry of grievances proposed in this section, it is not clear whether this database will be made available to the public via the internet or some other means. Given UNDP's commitment to transparency and accountability as evidenced throughout the Discussion Paper and this consultation process, we would expect that the registry will be made public. It is important that UNDP explicitly state and require full public access, including via the internet.	CIEL, Earthjustice, et al	UNDP will provide public reporting on all complaints, available through the internet. The information to be included in public reporting will likely be more detailed for complaints that have been closed than for ongoing complaints, but basic information about the UNDP-supported program, project or activity in question and the status of the UNDP response will be provided for all complaints determined eligible.
	The Proposal outlines several important avenues to maintain transparency at every stage of the compliance review and grievance processes, including releasing draft reports which complainants can provide comment throughout the compliance review and at every stage, as well as maintaining an online database where the public can track complaints. We support these proposals and believe that their adoption is key to the maintenance of a truly transparent mechanism.	Accountability Counsel (Komala Ramachandra)	Agreed (see response immediately above).
	An accountability mechanism transparency policy requires transparency at the project level, so that project-affected people know they can use the UNDP compliance review and grievance processes. In addition to the planned outreach by UNDP staff to project-affected people and civil society, there should be an easily accessible database of UNDP projects and programs, with a clear description of activities and sub-projects, UNDP's roles in the project or program, any reports or impact assessments that have been conducted, sources of funding, timelines, contact persons, etc.	Accountability Counsel (Komala Ramachandra)	Comments regarding the transparency of UNDP-supported projects and activities are beyond the scope of the proposal for an accountability mechanism. UNDP has an access to information policy and is developing its substantive environmental and social policies. Commenters with substantive comments on the transparency in UNDP's project cycle or in disclosing basic information about UNDP projects are

			encouraged to raise them in the context of the development of UNDP's International Aid Transparency Initiative which aims to make UNDP operations information fully available to the public and our partners including easy-to access comprehensible project data and information.
Page 15	Compliance Review section: The Proposal enumerates various activities of the compliance review, which offer opportunities to enhance transparency. In the third, fourth, sixth, and eighth points on the list (on page 15), we recommend that the reports mentioned be released to the public via the website in addition to UNDP staff, complainants, and the Administrator. Releasing information to the public is one of the most important steps to ensure the mechanism's overall transparency and accountability.	Accountability Counsel (Komala Ramachandra)	The revised proposal will clarify which documents shall be made available to the public. In general, when the discussion paper refers to reports that are released to the requester, they will also be made available at the same time to the public.
	Compliance Review: Concerning the ninth enumerated activity that requires "reporting at least annually to the UNDP Administrator on the functions, operations, and results of the compliance review process," we urge UNDP to also make this information available to the public.	Accountability Counsel (Komala Ramachandra)	Agreed.
	Grievance Process section: A website for the grievance process, similar to that of the compliance review, should also be created. It should include the registry of cases maintained by the Help Desk, as well as be regularly updated with assessment and eligibility reports, public documents, progress updates, and anything else that parties agree to share publicly. It should also include full policies and procedures of the UNDP grievance process, information about project level and host country grievance processes, contacts to relevant Country Offices, and potentially a mechanism to submit complaints.	Accountability Counsel (Komala Ramachandra)	Agreed that UNDP will provide full policies and procedures, contacts and complaint submission on-line. The level of information about country- and project-level grievance mechanisms will be decided by UNDP Country Offices, following guidance from HQ, and appropriate information will be posted on Country Office web sites. UNDP will seek to maximize the transparency of grievance processes, subject to respect for stakeholder confidentiality in ongoing processes. The information to be included in public reporting will likely be more detailed for complaints that have been closed than for ongoing complaints, but basic information about the UNDP-supported program, project or activity in question and the status of the UNDP response will be provided for all complaints determined eligible.
	The grievance process and compliance review websites should be openly and clearly linked	Accountability Counsel (Komala Ramachandra)	Agreed.
<b>OUTREACH</b>			

	UNDP intends to adopt corporate level policy and guidance to set out conditions and procedures of dispute resolution processes tailored to local contexts – this should be strengthened by establishing the Accountability Mechanism as major conduit for outreach, and by requirements for project staff to proactively inform project affected people about the Accountability Mechanism.	AusAID (Peter Raab)	Agreed. Outreach is an important part of the function of the accountability mechanism. The details of how the outreach will be conducted will be developed during the implementation of the mechanism.
	The outreach ideas are a good start.	Andrea CS Berringer	Noted, with thanks.
p. 25	Need targeted outreach activities including a sound “Outreach Plan” on dissemination of information regarding the mechanism amongst vulnerable communities (local, rural, and indigenous). Could target the more general outreach mentioned in the national discriminatory and excluding contexts endured by these populations. For example, often, UNDP offices don’t seem very accessible to national populations particularly to	Vanessa Retana (WWF) ; Jessica Jansson (Bureau for Development Policy)	Agreed. Outreach, particularly to vulnerable communities, is an important part of the function of the accountability mechanism. The details of how the outreach will be conducted will be developed during the implementation of the mechanism.
	In regards to the claims that it is particularly important that <i>all</i> , including excluded and marginalized groups, have access and the possibility to submit claims, it should be noted that not everyone has access to websites, etc. This has to be considered in the design of the compliance review and grievance process so that <i>everyone</i> can submit claims.	Jessica Jansson (Bureau for Development Policy)	Agreed. Under the proposal, claims can be submitted in multiple ways from mail, email, in-person or over a telephone ‘hotline’.
	<b>EFFECTIVENESS</b>		
	The effectiveness of the mechanism is crucial if complainants are to trust the process and the overall accountability of UNDP dis to be increased.	Accountability Counsel (Komala Ramachandra)	Agreed.
p. 17	Compliance Review section: The Responses and remedies section is extremely important for complainants to be assured that their complaint can have a real impact on a project, and lead to positive environmental and social outcomes for people affected by UNDP-supported activities. These remedies will be critical for effectiveness. In particular, the ability of the Administrator, on the basis of the OAI Compliance Officer’s recommendation, to condition UNDP participation in a project on compliance with its policies is essential.	Accountability Counsel (Komala Ramachandra)	Agreed.
Page 15	Compliance Review section: The current Proposal recommends that the Administrator have the authority to stop UNDP’s financial disbursements and support to a project, pending the outcome of compliance review, at least where there is potential for irreversible damage to affected people should the project continue. To institutionalize this important protection for communities subject to suspect UNDP-supported projects, we recommend that an additional step be added to the Proposed Compliance Review Process (p. 15). After a complaint is deemed eligible (Step 3), we suggest that the Administrator be notified of the upcoming investigation	Accountability Counsel (Komala Ramachandra)	UNDP does not believe an additional formal step is necessary. The Compliance Officer will be aware of the Administrator’s authority and can make a recommendation in appropriate cases. Claimants also will be aware of the possibility and can make a specific request to stop payments where they think this could add protection. It should be noted as well that in many projects UNDP’s financial support is relatively small and used for the planning or

	and asked to make a formal determination as to whether UNDP will temporarily halt disbursements. For greatest transparency, this determination should be released to the public and published on the website.		preparation stages, so this remedy may be less effective or available in the context of UNDP funding. We agree that any funding determination made by the Administrator should be made public.
Sec. III.G	The power of the Administrator to condition disbursement on modifications, and the power to temporarily stop disbursements would have to be seen in light of the documentation. It would effectively be a suspension of the project. The product may need to have specific reference to this potential remedy – this would need to be studied further. The power to permanently suspend disbursements is a termination of the project, isn't it? Here, there is reference to the need for clarifying this in the project documents.	Cynthia Licul (UNDP)	Agreed. If the accountability mechanism includes as a potential response the possibility of suspension of disbursements, either temporarily or permanently, then this should be supported in project documents going forwarded.
	Compliance Review section: We also strongly support the OAI compliance officer's advisory function and power to make recommendations for systemic change. Making sure that this advice has a place in future UNDP programming will enable UNDP as a whole to improve the effectiveness of its operations. The Proposal contains provisions for making this process open to public input, and we would only add that final advisory documents should also be made available to the public.	Accountability Counsel (Komala Ramachandra)	UNDP agrees that being able to provide systemic advice based on individual cases will be an important function for both the compliance and grievance mechanisms. In most cases, advisory notes will be made public, although there may be rare instances where immediate public release of the advice may undermine the ability to make systemic reforms and so the public release of the advisory opinions will be determined on a case-by-case basis by the compliance or grievance officer in charge.
	Grievance Process section: The Country Office Designee should monitor the implementation of agreements reached by the parties through the UNDP grievance process, and issue periodic status reports available to the public until the agreement has been completed. UNDP should also monitor implementation of agreements reached through project level or host country grievance processes, soliciting periodic reports from the staff of those processes.	Accountability Counsel (Komala Ramachandra)	UNDP agrees that it will monitor implementation of agreements reached by the parties through the UNDP grievance process, and may issue periodic status reports to the public, assuming that the parties have not agreed otherwise.
	Grievance Process section: Because the Country Office Designee is in a unique position to comment on larger lessons learned during a dispute resolution process, his/her reporting and advisory function is essential for improving UNDP's overall effectiveness. Therefore, we recommend that the Country Office Designee oversee and provide reporting about all grievance processes related to UNDP activities, including those processes operated by project sponsors or host country.	Accountability Counsel (Komala Ramachandra)	The country officer will be required to monitor and report on grievance process operated by project sponsors or host countries that relate to a claim filed to the UNDP mechanism. The country officer will not be generally responsible for monitoring all country level or project sponsor grievance processes. However, the CO Designee will be responsible for reviewing the capacity and effectiveness of grievance mechanisms for UNDP-supported projects and programs. The depth of review will depend on an



			assessment of the level of grievance risk or occurrence associated with the project or program.
	Grievance Process section: We agree that the Country Office Designee’s final report summarizing the complaint, the steps taken to resolve the issues, and future recommendations should be made available to the public. This, along with monitoring reports, should be made available on the grievance process website.	Accountability Counsel (Komala Ramachandra)	Agreed.
	Compliance Review process: To ensure the process works in an effective and timely fashion, the principles of due process of law and effective remedy should also become central elements. As stated in our <i>Principles of International Law for REDD+: The Rights of Indigenous Peoples and the Legal Obligation of REDD+ Actors</i> (REDD+ Principles), these principles are intrinsically connected and essential for assuring not only the prompt and successful protection of substantive legal rights, but also development projects’ good governance and effectiveness. Indeed, they are the only ones that actually define what effectiveness and reasonableness of time mean under international law. They have been recognized extensively in core universal and regional human rights instruments, and may be considered a norm of customary international law. Since States cannot suspend these principles even during states of emergency, UNDP can neither ignore nor overrule them as a UN agency. We believe the essentials of these principles should inform <i>mutatis mutandi</i> the compliance review process.	Indian Law Resource Center (Leonardo Crippa & Neasa Seneca)	UNDP is committed to meeting the principles of due process of law and effective remedy within the context of an accountability mechanism for UNDP, keeping in mind that the compliance and grievance mechanisms are not courts of law. The compliance function is aimed at reviewing UNDP’s compliance with its own environmental and social policies as well as UNDP’s international legal obligations, including human rights obligations.
	<b>RELATIONSHIP TO AARHUS CONVENTION</b>		
	Given that UNDP mainly finances technical assistance projects and not large-scale infrastructure projects, therefore it is important that compliance with the provisions of the Aarhus Convention is <i>explicitly</i> mentioned in its environmental and social policies and procedures, and the principles are not followed only tacitly; and that compliance review includes compliance with UNDP policies/procedures that adequately reflect on the Aarhus principles.	Aarhus Convention Secretariat (Aphrodite Smagadi)	This proposal is not intended to address the substantive nature of UNDP’s policies and legal obligations. The substantive nature of UNDP’s policies and obligations, including those relating to the Aarhus Convention, are being discussed in the context of the development of UNDP’s policy framework.
Page 13	“The scope [of the compliance review process] might also include environmental and social commitments made in the context of specific funding programmes or projects, as well as any obligations imposed by international law.” ... It would be useful for there to be an explicit reference to the Aarhus Convention for both countries that are a party and for projects in countries that are not a party to it, so as to lead by example and raise awareness about the instrument (Convention). The Aarhus Convention is the foremost international instrument that has materialized Rio Principle 10. In addition to the Aarhus Convention, it would be	Aarhus Convention Secretariat (Aphrodite Smagadi)	This proposal is not intended to address the substantive nature of UNDP’s policies and legal obligations. UNDP has chosen not to list specific instruments that may provide obligations in specific contexts because the list would be very long and it is likely that some would be left off. The substantive nature of UNDP’s policies and obligations, including those relating to the Aarhus Convention, are being

	helpful if the review procedures aim also at review of the obligations taken by Parties to the Pollutant Release and Transfer Protocol to the Convention		discussed in the context of the development of UNDP's policy framework.
<b>DEFINITIONS AND MISSING ELEMENTS IN THE DOCUMENT</b>			
Annex I	Annex I (the list of available mechanisms) includes compliance review mechanisms primarily related to financing institutions' accountability mechanisms. There should be a separate annex that includes the Aarhus Convention compliance mechanism, as a compliance review mechanism in the context of an MEA under the auspices of the UN. Also, it should be noted that there is a compliance committee under the PRTR to the Aarhus Convention.	Aarhus Convention Secretariat (Aphrodite Smagadi)	Annex I is intended to include those mechanisms that relate to development or finance institutions.
	Vulnerable people is not defined in the paper	AusAID (Peter Raab)	Many concepts, including the term vulnerable people, will be defined through interpretation and practice as the mechanism is implemented. It is UNDP's intention to ensure a broad definition of vulnerable people.
Page 7	Several sections of the document mention "vulnerable groups," for example, page 7 discusses "provid[ing] access to processes that would empower and protect the rights and interests of vulnerable groups and afford them greater voice and a fair hearing in UNDP's development process." We believe the term "vulnerable groups" is not really appropriate given that, in our countries, indigenous peoples and other groups have been rendered vulnerable by unjust and historical acts meted out to them.	Federation for the Self Determination of Indigenous Peoples (FAPI)	Many concepts, including the term vulnerable people, will be defined through interpretation and practice as the mechanism is implemented. It is UNDP's intention to ensure a definition of vulnerable people sufficiently broad to include all indigenous peoples and ethnic minorities.
	The proposal discusses environmental and social compliance. How is the cultural dimension reflected? Is it part of the environmental and social dimensions? Is so, it would be useful to clarify this.	Jessica Jansson (Bureau for Development Policy)	This proposal is not intended to address the substantive nature of UNDP's obligations. The substantive nature of UNDP's obligations and policies, including those relating the cultural dimension, are being discussed in the context of the development of UNDP's environmental and social policy framework.
<b>WORKING WITH COUNTRY LEVEL SYSTEMS AND COUNTRY LEVEL EXAMPLES</b>			
	At country level, UNDP needs to harmonize their work plan so that its response in each country level mechanism where they work meets people's specific needs in that country. It appears that UNDP work differs from country to country in the UN link to stakeholders (as mentioned in the document sent).	Enoch Raymond (National Alliance Against Hunger & Malnutrition (NAAHM) - Nigeria)	Agreed. UNDP's approach is intended to provide flexibility for the country officer to implement the grievance mechanism according to the specific context of each country.
	UNDP compliance mechanism to address grievances of those affected by UNDP-supported projects must be made more compliant with CSO country level mechanisms rather than the current system as represented by project-level	Enoch Raymond (National Alliance Against Hunger & Malnutrition (NAAHM) -	UNDP will support both country level and project level grievance mechanisms, including those offered by civil society organizations where appropriate and

	grievance mechanisms established for those projects with potentially significant adverse environmental and social impacts. This would strengthen UNDP's capacity to respond to the needs of the people it aims to help.	Nigeria)	agreed with project partners.
	in DRC on REDD+, there is an accreditation process called "Procédure d'homologation" to validate REDD+ projects in which project holders must follow some social and environmental standards including: involvement of indigenous people and environmental integrity, and if these standards aren't followed then accreditation can be revoked. However, there is not any compliance review or grievance process.	Xavier Ndona (Technical Advisor, UN-REDD Programme, Democratic Republic of Congo)	The proposed mechanism is intended to fill the lack of a compliance and grievance mechanism that is identified in this comment.
	Grievance mechanisms in any society should be supported by a strong and fair justice system.	Xavier Ndona (Technical Advisor, UN-REDD Programme, DRC)	Noted, with thanks.
	As part of DRC's REDD National Strategy plan, the governance section has just started working on grievance mechanism in the REDD process. To do this, we are starting with: <ul style="list-style-type: none"> <li>- Capacity building of local people on different aspects of REDD to enable them to report or denounce any irregularity that affect them</li> <li>- Training of investigation journalists to publish anything wrong going on</li> <li>- Capacity building of inspectors and prosecutors to rules on cases related to REDD projects.</li> </ul>	Xavier Ndona (Technical Advisor, UN-REDD Programme, Democratic Republic of Congo)	UNDP recognizes and hopes to be able to support the significant amount of capacity building that will need to take place to support country level and project specific grievance mechanisms.
	Likes the strong focus on national offices.	Vanessa Retana (WWF)	Noted, with thanks.
<b>COST</b>			
	At the moment, it's not clear how much this would cost to implement – both in staff time and operationally. It would be good for UNDP to map this out	AusAID (Peter Raab)	UNDP is developing more detailed cost estimates, but there is always some uncertainty because the ultimate cost will depend on the number and complexity of complaints brought to the mechanism.
	Needs an approach to financing the Accountability Mechanism that recognizes its value in improving project quality/sustainability and contributing to better development outcomes in the long term.	AusAID (Peter Raab)	Agreed. Several similar mechanisms have access to a revolving, dedicated fund that allows for flexibility and independence in implementing the mechanism. The fund is replenished each year to ensure that sufficient resources are available to process all claims.
	What are the cost comparisons based on? Why won't UNDP's costs be as high as other mechanisms? Do these cost comparisons take into account the increased costs of all the aspects that will help to ensure compliance with a new system (e.g. the need to carry out much more extensive environmental/social screening), or are these assumed to be funded under other budgets?	Leo Peskett (UNDP)	The cost comparison assumes lower costs than similar mechanisms at development banks because in general UNDP's capacity development and advisory activities have less potential for direct and substantial negative impacts, and are less likely to lead to complex claims. The costs of implementing the safeguard policies and preparing projects to be in compliance generally are

			not included in these cost estimates.
	With respect to the grievance processes, the Discussion Paper states that UNDP’s involvement in a grievance process or in a particular country may require additional budgetary or staffing resources, which will be determined based on need. However, it does not indicate how these resources will be accounted for or where they will come from when such a need is determined.	CIEL, Earthjustice, et al	UNDP is developing more detailed cost estimates, but some uncertainty will persist because the ultimate cost will depend on the number and complexity of complaints brought to the mechanism. Several similar mechanisms have access to a revolving, dedicated fund that allows for flexibility and independence in implementing the mechanism. The fund is replenished each year to ensure that sufficient resources are available to process all claims. UNDP will explore the revolving fund option and other options to secure adequate funding.
	The Discussion Paper provides that the Grievance Help Desk will provide technical and administrative support for the Country Office Designees, but does not specify who will provide the financial resources to support these positions. It should be determined whether the salaries will be provided by the corporate office or country offices and, if the latter, whether budgets will be increased accordingly.	CIEL, Earthjustice, et al	UNDP is developing more detailed cost estimates and greater clarity about sources of funding to support the Accountability Mechanism.
	Under cost implication, there is no explicit mention of costs being shared by projects and programs.	Akihito Kono (UNDP)	UNDP is developing more detailed cost estimates and greater clarity about sources of funding to support the Accountability Mechanism.
	It would be important to do a proper need assessment at the CO level to equip the CO with appropriate resources as well.	Akihito Kono (UNDP)	UNDP recognizes the importance of ensuring sufficient resources are made available at the country office level.
	<b>OTHER COMMENTS</b>		
	Tone and Justification of the document: In reading the document, one could easily get the impression that UNDP’s sole interest in developing the policy has been the “possible” exclusion from future funding processes relating to FCGP and GEF. Even though this may have been the ultimate trigger for action, I would suggest to change the argument into one closely linked to the message stipulated in the part dealing with the grievance process. In there, it stresses that: “At all levels, the ultimate focus of the grievance process is to improve the environmental and social outcomes for local communities affected by UNDP-supported activities.” Such focus could easily be broadened and developed as the overarching objective driving this process. Similarly, the text could perhaps focus a bit more on the “value-added” of applying the guideline in the context of enhanced development effectiveness. Presently arguments are built around the “do no harm” approach, which is a minimalist approach, whereas the UN has moved forward in formulating a human	Patrick van Weerelt (Senior Mgr & Course Coordinator, Development & Human Rights Team – UN System Staff College)	UNDP will clarify that the primary purpose for adopting an Accountability Mechanism is to improve the development effectiveness of UNDP operations on the ground, both in specific projects and programs and over time. Explanation for the value added of an environmental and social policy framework will be included in the ongoing clarification of UNDP’s policies and procedures.

	rights-based approach, which requires us to “do good.”		
	It would be useful to have a section that elaborates on the current UNDP accountability framework. UNDP has a number of mechanisms for this including: POPP, RCA, Access milestones, scorecard, etc. Since there is a need for a more institutionalized and holistic framework (as is presented in the Discussion Paper), it would be useful to clarify and justify why the current accountability frameworks are insufficient and how the environmental and social compliance review and grievance mechanism can improve the accountability structures within the organization.	Jessica Jansson (Bureau for Development Policy)	UNDP will seek to clarify further how the proposed Accountability Mechanism for environmental and social issues fits within UNDP’s existing and evolving accountability framework more generally.
	Your response (prior to now) about the breadth of the application of this policy suggests that UNDP will be conducting reviews of an implementing partner or responsible parties’ failure to adhere to the environmental safeguard policy(ies), and will require compliance and cooperation of the various players to this process, regardless of the implementation modality. If that is not the intention, it should be clarified in this paper. If the intention is to apply this process and require compliance and cooperation across a broad spectrum, as a related action all documentation, including template product, CPAP, letters of agreements, PCA, etc. will need to reflect this requirement/undertaking.	Cynthia Licul (UNDP)	The Accountability Mechanism’s focus will be on ensuring that UNDP-supported projects are in compliance with UNDP’s environmental and social policies and any international obligations of UNDP. This will necessarily require cooperation by project sponsors and implementing agencies. Such cooperation should be required as part of the written conditions for UNDP support.
	It is interesting to see a statement indicating that UNDP competes for donor support. I guess that is a reality and true in a healthy way, but sounds a bit strange, especially in the context for the UN-REDD as a joint programme.	Akihito Kono (UNDP)	Agreed. UNDP will clarify this point in the revised proposal.
	<b>TIMEFRAME</b>		
	In the next draft, it would be useful to know the timeline for further development of accountability processes. Specifically it would be useful to know the timing of: <ul style="list-style-type: none"> <li>- The process by which OAI will modify its procedures for receiving and processing complaints to appropriately address the type of complaints to be received from affected communities</li> <li>- The process by which information regarding the interim grievance process will be made available to the public and will become operational (e.g. when will the consultant be hired and through what process)</li> <li>- The process by which UNDP will release a next draft of these proposals &amp; obtain public comment on that draft.</li> </ul>	CIEL, Earthjustice, et al	Agreed. UNDP expects to release a draft proposal for the Accountability Mechanism, which will be released for public comment. UNDP is also committed to providing an opportunity for public comment on other operating procedures for mechanisms as they are developed.
	The paper refers to the broad strategy of developing an interim system, piloting then incrementally rolling it out across the organization. It also outlines the need to engage subject matter experts. Clear timeframes for these activities should be inserted	AusAID (Peter Raab)	Agreed.
	The timeframe for rolling out across the agency (2 years) seems very generous.	AusAID (Peter Raab)	The Accountability Mechanisms represents a major

	Greater detail on the interim system could be included.		new commitment by UNDP. UNDP will operate an interim mechanism for FCPF and GEF funded projects/programmes and then will implement the permanent mechanism for all UNDP projects/programmes . This will allow UNDP to learn by doing and to make mid-course corrections to the mechanism if necessary.
	The compliance review and grievance process evaluation 3 years after roll out across the agency seems to be quite late. We suggest that consideration is given to doing this earlier.	AusAID (Peter Raab)	UNDP is trying to balance the need for a review soon enough to make mid-course corrections with the need to allow enough time to build up a record of operations. The ultimate time for the review may depend on the number of complaints in the initial years of the mechanism. If early experience suggests a need to revise the mechanism prior to the three years, then UNDP will undertake such a revision. We have clarified the paper to state that the mechanism will be reviewed no later than three years after operation.
<b>CONCLUDING REMARKS – CONTINUING THE CONSULTATION PROCESS</b>			
	We hope that UNDP will continue an open and participatory process in the development of the Environmental and Social Compliance Review and Grievance Processes.	Accountability Counsel (Komala Ramachandra)	UNDP intends to continue an open and participatory process.
	We urge UNDP to provide a public comment period and facilitate consultation on the draft policy once it is complete.	Accountability Counsel (Komala Ramachandra); CIEL, et al	UNDP will allow an opportunity for public comment and review of the draft policy.
	We ask UNDP to make all comments, from this round and future ones, publicly available.	Accountability Counsel (Komala Ramachandra)	Agreed.
	Finally, we feel it would be very interesting to undertake more work on this document, delivering small national and regional workshops so as to continue decisively contributing to the creation of these necessary and useful spaces within UNDP.	Federation for the Self Determination of Indigenous Peoples (FAPI)	UNDP will seek opportunities for feedback and consultation at national, regional and global levels on future drafts of the policy and the implementing procedures.
	UNDP presents well-developed proposals for compliance review and grievance processes that – if implemented properly – could serve as a model for the UN System and for new int'l climate finance mechanisms.	CIEL, Earthjustice, et al	.Noted, with thanks.
	We request UNDP to provide more detailed information about the interim grievance process, specifically with respect to its scope and function, operating policies and procedures, consultant hiring process, and projected timeline on	CIEL, Earthjustice, et al	UNDP will provide more information on the grievance process as it becomes available.

which it will become operational

**QUESTIONS ABOUT PARTICIPATION IN CONSULTATION AND ACCESS TO BACKGROUND ANALYSIS**

We would be very interested in learning more about UNDP's efforts in this area and whether you might be able to share the review of other accountability mechanisms carried out by UNDP.

John Grova (Business and Human Rights Team, OHCHR)

UNDP is happy to collaborate and share experience and knowledge with the OHCHR Business and Human Rights Team. We do not have any review of the other accountability mechanisms except that which is included in Annex I to the Discussion Paper.

I would like more information in how to participate in the consultation of the Discussion Paper. Since 2007, I have been studying the role of GIS and satellite based technologies in the formulation of environmental policies in the Amazon. ... In addition, I've worked ... focusing in particular on the evaluation of the deforestation control policies in the Amazon. I would be happy to share with you my research findings and experiences.

Professor Raoni Rajão (Universidade Federal de Minas Gerais)

UNDP will make copies of the proposed policy and future operating guidelines available for public comment. We look forward to your participation in future consultations.