

REDD-Forestry and Climate Change Cell

Ministry of Forests and Soil Conservation

Terms of Reference for

Developing a system of Feedback and Grievance Redress Mechanism (GRM)

1. Background

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

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

The introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources, and on sharing cost and benefits of REDD+.

Hence, the purpose of this study is to strengthen capacity for grievance resolution in order to respond to contentious issues, complaints and disputes.

2. Introduction

GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedback,” or another functionally equivalent term. GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g. the court system, organizational audit mechanisms, etc.). Stakeholders always have the option to use other, more formal and potentially more complex, costly and time-consuming alternatives, including legal remedies.

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

3. Objectives

The objective of the study is to develop a feedback and grievance redress mechanism and make it available to REDD+ stakeholders.

Specific tasks expected under this consultancy include the following

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

4. Expected Output

The REDD Cell needs to receive well referenced and comprehensive report on framework for feedback and grievance redress mechanism as specified in the objectives above.

5. Study Approach

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

Some sources of Information includes:

- Grievance-related legislation, policy, regulations, procedures
- GRM enabling legislation, policy, regulations, procedures
- Review of local practices, national policies, programs and actions associated with grievances
- Academic analyses, news articles, consultant and NGO studies
- UNDP guidance and references to international good practice standards
- case records/database
- Stakeholder interviews
- Filed visits and consultation workshops

The consulting firm or consortium of consulting firm needs to collect information from field interviews and observations. For the collection of primary information, the team is expected to spend sufficient time on field visits. Participatory appraisal techniques can be adopted to obtain quantitative and qualitative information. The process requires information from a variety of sources that include:

- Key person interviews and discussions with local forest authority,
- local government authority,
- local communities,
- local NGOs working in forestry;
- Direct observations at group level
- GRM users (actual and potential)
- External experts (academics, journalists, consultants etc.)
- Other external stakeholders affected by REDD+ programs and operations (e.g. public interest groups, community associations, related government agencies, business associations)

5.1 Study Team

The study team will be comprised of an international team leader and two national experts. The Team Leader is expected to have good understanding and more than 15 years of experience in grievance redress mechanism or conflict resolution in forestry or natural resources, or REDD+. The Team Leader will be responsible to coordinate the overall process and to ensure that all specific tasks of the ToR are being addressed satisfactorily in the report, while other members will help the Team Leader in specific activities. Other study team members are also expected to have a clear understanding and 7 – 15 years of experience in REDD+, social and environmental assessment, and conflict resolution in forestry or natural resource management. Minimum qualification for all members is a master's degree in conflict management, environmental law, sociology, social forestry, NRM or related disciplines. The following three member team is envisioned.

1. **Team Leader:** Conflict Management
2. **Sociologist:** Specialized in social conflict management over natural resources
3. **Environmental Lawyer:**

5.2 Work plan

The team is expected to prepare an inception report with a detailed work plan that shall guide the process. This work plan will describe how the study will be carried out that includes work schedule, methodology to be used for data collection related to each

specific task, framework, information collection and analysis, and reporting. Based on the work plan, a detailed plan of study will be discussed and finalized jointly by the study team and the REDD cell.

6. Qualification/experiences and competency of the consulting firm or consortium of consulting firms

The consulting firm or consortium of consulting firms to be involved in this assignment should demonstrate the ability to carry out this study with sufficient experience in leading multi-disciplinary teams. The firm has to have the proven capability of studying and producing consistent high quality reports. The consulting firm or consortium of consulting firms has to demonstrate proven expertise in the following areas (possibly one member can cover more than one field of expertise):

- Social and environmental assessment of REDD+
- Conflict resolution and/or grievance redress
- Institution building and organizational development;

7. Selection Procedure:

The REDD Cell requests all short-listed consulting firms to prepare a full proposal with detailed plan and budget. The proposal will have to be prepared in line with the provided ToR and with the procedures set out in the World Bank's Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers , January 2011 (Consultant Guidelines) adopting selection method of "Quality- And Cost- Based Selection (QCBS)". The consulting firms will be evaluated and short-listed based on the approved evaluation criteria. The proposal shall consist of a Technical Part and a Financial Part. Based on the recommendation of the evaluation committee, REDD Forestry and Climate Change Cell will select a firm to carry out the study.

Evaluation Criteria:

Evaluation criteria will be based on QCBS method. Technical Proposal will carry 80% and financial proposal 20 % weightage respectively.

8. Duration of work:

This assignment will have to be completed within a period of three months. The consultant should spend at least two person months in study sites. This study will start tentatively on 1 May, 2014.

Reporting Schedule:

Inception report: Two weeks after the date of contract signing

Draft Report ready: Last week of forth month

Reporting to: Planning section, REDD-Cell

Final report: 5 hard copies and one soft copy

Language: Full report in English and executive summary in English and Nepali

9. Eligibility criteria:

This study opportunity is open to both national and international firms. Service providers must be duly registered and be able to produce up to date tax clearance certificates.

10. Deliverables:

A comprehensive and fully referenced report including detailed recommendations must be submitted at the end of the assignment. The report must contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (Pressure, state, impact and response) framework. Both five hard copies and one soft copy of the report should be submitted to REDD-Forestry and Climate Change Cell of the Ministry of Forest and Soil Conservation (MoFSC). Full report in English and executive summary provided in English and Nepali.

11. Taxes:

The consulting firm will be liable to all taxes as per GoN rules.

12. Contact person:

The contact person at REDD Cell will be Mr Narendra Chand, Under-secretary in the policy and planning section.