

Development of a Feedback and Grievance Redress Mechanism To Support REDD+ Readiness in Suriname

Consultant's DRAFT Assessment Report

27 November 2013

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1. Assessment purpose and approach

This assessment was commissioned by UN-REDD Suriname, as a support to the ongoing development of REDD+ Readiness in Suriname. The objectives of the assessment are to

- review the risks of grievances and disputes that may affect the REDD+ Readiness and/or implementation in Suriname,
- assess existing and proposed REDD+ feedback and grievance redress mechanisms (FGRMs) in light of those risks
- make recommendations on refinement and strengthening of existing and proposed FGRMs to maximize their capacity to manage and resolve grievances and disputes.

The assessment was conducted using a desk review of REDD+ documents and documents on the forest sector, extractive industries, politics, culture and the political economy of natural resources in Suriname; and a one-week field visit to Suriname. During that visit, the UN-REDD and consultant team interviewed representatives of government agencies, indigenous and Maroon tribes, and independent experts with experience in forest management and the social and political aspects of land and forests in Suriname.

The UN-REDD and consultant team have drawn on their own experience and expertise in designing and implementing grievance and dispute resolution systems; on the [Joint UNDP-WB Guidance Note for REDD+ Countries on Grievance Resolution Mechanisms](#); on insights offered by interviewees; and on document review for this assessment and as a basis for proposing options for further consideration.¹

The UN-REDD and consultant team wishes to express its gratitude to all of the REDD+ stakeholders and experts we interviewed, and particularly to UNDP's Suriname Country Office for facilitating meetings and providing support throughout the visit.

2. Background on the forest sector in Suriname

Forest cover and demography: Suriname is a high forest, low deforestation (HFLD) country. It has the world's highest national percentage of forest cover: approximately 95% by recent estimates. The deforestation rate is estimated at less than 0.02% per year (UN-REDD 2013, 53). The country's population (of roughly 500,000), settlements and economic activity are concentrated in the north of the country on the Atlantic coast. The population in the interior is roughly 65,000, settled in more than 200 villages.

¹ This Draft Report was prepared by David Fairman, Managing Director, Consensus Building Institute (www.cbuilt.org), for UN-REDD Cambodia.

Population density in the interior is very low. Most residents in the interior are from indigenous and Maroon communities (UN-REDD 2013, 28).

Legal Framework: Suriname's legal framework for forest management includes constitutional, legislative and regulatory provisions; a recent legal judgment is also significant. Suriname's constitution establishes national government ownership of all natural resources. The Forest Management Act is the primary legal framework governing forest resources; the Mining Decree is also relevant as it establishes the procedure for mining permits to be issued on forest land. In 2008, the Inter-American Court of Human Rights decided a major land rights case in favor of a Maroon tribe, the Saramaka. The government of Suriname has acceded to the judgment, but significant questions about the judgment's implementation and its precedential impact on claims by other Maroon and indigenous peoples remain unsettled (UNDP 2013).

Economic activity and actors in forest areas: Historically, there has been limited commercial activity in the forested interior of Suriname. The primary resource users in the interior continue to be indigenous and maroon people, whose activities include harvest of non-timber forest products (NTFPs), farming, and small-scale mining.

The logging industry is relatively small, though there was an effort to expand it dramatically in the early 1990s via large-scale concessions. That controversial effort provoked international concern, and ultimately led to new regulations and institutions to ensure that logging would be sustainable and low-impact (UN-REDD 2013, 52-53). According to the Suriname REDD+ Readiness Preparation Proposal (R-PP) there has been a substantial increase in logging in recent years (UN-REDD 2013, 51), but its overall scale, impact on forest cover, and contributions to GDP remain modest.

In the postwar period, the most significant economic activities in the interior have been bauxite mining and aluminum smelting by Suralco in Para district, supported by the construction of the Afabako hydroelectric dam and Brokopondo Lake reservoir in the northeastern part of the country. Bauxite mines in Para district and near the coast are largely depleted. Other possible bauxite mining sites in eastern and western interior have been identified, but mining has not yet expanded to new areas.

There is a long history of small-scale gold mining in the eastern interior. Gold mining has expanded in recent years with the rise in gold prices; small-scale miners from Brazil have joined Surinamese in this activity, which is concentrated in eastern Suriname. Since the early 2000s, large-scale gold mining has also been undertaken at the Rosebel mine in Brokopondo District, currently operated by IAMGOLD. Another large-scale gold mine is under development (UN-REDD 2013, 54-55). To date, the impact of the mining and energy development has been limited to the area of operations and associated infrastructure, and has not led to substantial follow-on deforestation or land conversion.

Roads in the interior: There are very few paved roads in the interior, and the only major north-south road in the interior ends just beyond the southern end of Brokopondo Lake. The absence of roads in the interior has been an important factor limiting in-migration from the coast. However, the government has plans to expand the road network

southward from the coast through the interior, as part of a South American regional integration project (IIRSA); east-west roads are also planned (UN-REDD 2013, 60-61). The development of the road network could increase pressure on adjacent forests, both for settlement and for commercial logging.

3. Background on REDD+ in Suriname

Suriname's government seeks to use REDD+ as a tool to conserve Suriname's forests while promoting sustainable development. The stated strategic objective of REDD+ for Suriname is: "limiting the growth in the forest-transition curve and associated emissions, without limiting economic and social development" (UN-REDD 2013, 9). The government and other stakeholders involved in the R-PP process in Suriname acknowledge that a substantial amount of institutional capacity development will be necessary to achieve this objective.

In essence, Suriname to date has remained an HFLD country primarily because of limited pressure from economic and demographic drivers of deforestation, rather than through government policy developed and supported with active stakeholder participation. It is likely that the land and resources in Suriname's interior will become increasingly valuable for non-conservation uses over the next generation. Therefore, Suriname and its international partners have a significant but time-limited opportunity to put in place a set of policies, strategies, incentives and practices to achieve the objective of remaining an HFLD country while advancing economic and social development.

The centerpiece of government's current planning efforts is the Readiness Preparation Proposal (R-PP). The R-PP has been under development since 2010, with accelerated effort in 2012-2013. The Forest Carbon Partnership Facility (FCPF) approved Suriname's R-PP in May 2013, on the condition that Suriname and its implementing partner, UNDP, undertake several policy and technical actions (FCPF 2013). The R-PP lays out Suriname's plans to organize and engage stakeholders, develop a full REDD+ strategy and implementation plan, establish a baseline forest inventory, and establish ongoing systems for monitoring and evaluation of physical, environmental and socio-economic indicators relevant to REDD+ planning and implementation.

Effective mechanisms for grievance and dispute resolution are an important component of REDD+ management. Current joint FCPF and UN-REDD guidelines on readiness preparation call for all participating countries to develop grievance redress mechanisms (GRMs). The primary purpose of GRMs is to ensure that national stakeholders who wish to raise concerns about actual or potential negative impacts of REDD+ , or who have a dispute with government or other REDD+ stakeholders, have an accessible forum for raising and resolving their concerns and disputes.

Recognizing this need, Suriname's R-PP lays out a plan to develop a national feedback and grievance response mechanism (FGRM) to address concerns, grievances and disputes that might arise in the readiness or implementation phase. In brief, the R-PP

proposes to develop an “interim FGRM” with a new, multi-stakeholder Major Groups Collective (MGC) as the first level of grievance receipt and resolution; the Bureau for Contact with the People in the Cabinet of the President as the second level; and the Parliamentary Committee on Climate Change as the highest level body for grievance and dispute resolution.

The primary aim of this assessment is to support the work of Suriname’s government and other REDD+ stakeholders to develop an FGRM, by reviewing the issues and stakeholders who are potential users of an FGRM, assessing the existing institutional capacity to manage and resolve grievances and disputes involving those issues and stakeholders if they arise, and making recommendations on ways to refine the FGRM plan outlined in the R-PP to maximize its effectiveness.

4. Potential grievance/dispute risks related to REDD+

As noted in the background section above, Suriname is an HFLD country. That does not mean, however, that Suriname has no conflict over forest land and resources. Most notably, there are substantial and ongoing land claims disputes between the government and representatives of Maroon and indigenous peoples.

The Saramaka judgment recognizes Maroon and indigenous people’s land rights as legitimate. It requires the government to demarcate indigenous and Maroon lands, and to grant collective legal title over those lands and associated resources to Maroon and indigenous groups, in order to ensure their cultural survival.

The court has also established that indigenous and Maroon rights to land are not absolute. The judgment states that those rights may be restricted in the national interest, “where the restrictions are: a) previously established by law, b) necessary, c) proportional, and d) with the aim of achieving a legitimate objective in a democratic society” (UNDP 2013, 7). Therefore, the judgment invites both deliberation and dispute over when and how the government may restrict those collective rights.

In the context of REDD+, unresolved land rights issues may trigger disputes during the readiness phase, as forest conservation and management strategies are developed. There may also be disputes during implementation with regard to forest management, monitoring, and/or benefit sharing.

It is important to note and acknowledge ongoing efforts by the government of Suriname and representatives of Maroon and indigenous peoples to resolve outstanding claims. Those efforts pre-date the Saramaka judgment and are continuing now in light of and in response to the judgment. However, in the absence of an agreed resolution, disputed land rights remain a very significant risk factor for REDD+ in Suriname.

A second type of risk arises from alternative (i.e. non-conservation) uses and users of forest land. The R-PP (Table 11, pp. 63-65) identifies six potential drivers of deforestation linked to alternative land uses:

- Mining
- Logging
- Agriculture
- Energy production
- Infrastructure development
- Housing development

Each of these alternatives may create conflict with REDD+ forest conservation objectives and activities. For example, disputes might also arise over government issuance of mining or logging concessions, or the construction of roads and other infrastructure, in forest areas that REDD+ stakeholders intended to conserve.

In the recent past, it appears that the risk of grievances and disputes associated with mining and logging may be increasing, though there is no reliable source of data on grievances or disputes. In the mining sector, the increase in gold prices has stimulated the entry of major international mining companies (IAMGOLD, Newmont) and migrant miners from Brazil, and expansion of small-scale mining by Surinamese. The potential opening of new bauxite mines has also been a cause of concern. Though the geographic scope of these activities is limited, there is significant risk that the expansion of roads and increasing access to high-value mining areas could accelerate deforestation.

With regard to logging, large-scale commercial logging concessions have not been issued since the mid-1990s. The fact that reported logging volume has doubled in recent years (UN-REDD 2013, 51) raises a question about its future trajectory and about how government policies and regulations in the forest sector will balance conservation, sustainable management and forest land conversion to other uses (e.g. palm oil plantations).

Finally, the potential expansion of north-south roads through the interior as part of the IISA initiative could be a major source of grievances and disputes related to REDD+, if road expansion triggers an influx of migrants to the interior, as it has in other countries (e.g. Brazil's Amazon region). This risk might be heightened if the road network facilitates legal or informal immigration from other countries into Suriname's interior.

Connected to each of these individual risks, the existence of unresolved indigenous and Maroon land issues raises the risk of conflict over any alternative use. First, there is the possibility of disputes over government-sponsored or –authorized activities (e.g. road construction or mining concessions) that affect forests claimed by indigenous or Maroon communities and managed by them to produce REDD+ benefits. Second, there is the possibility of disputes over activities authorized or undertaken by indigenous or Maroon communities (e.g. small-scale mining, land clearance for agriculture) that affect government-designated REDD+ conservation forests.

In short, Suriname has been fortunate to date that most conflicts over forest have been relatively localized, and that pressure on forest land has been low. There is no guarantee that Suriname will be equally fortunate in the future. The set of risk factors identified here suggests the need for a robust feedback and grievance response

mechanism (FGRM), and also suggests the potential benefit of proactive dispute prevention strategies and policies.

5. Key issues in design of an FGRM

This section briefly reviews existing mechanisms for addressing the most significant grievance/dispute risks, and it reviews the FGRM proposed in the R-PP. It raises several questions about the fit between the proposed FGRM and the set of needs and capacities in Suriname. The next section offers additional options for consideration in the development of a REDD+ FGRM for Suriname.

5.1. Existing processes and mechanisms for addressing dispute/grievance risks

As noted above, outstanding land rights issues present a major risk of grievance and dispute for REDD+ in Suriname. There are ongoing processes to manage and resolve those issues. The Saramaka tribe's claims have been adjudicated through the Inter-American Court of Human Rights, resulting in a judgment recognizing those rights, also finding that they are not absolute, and directing the government of Suriname to give full legal recognition to those rights and to the juridical personality of indigenous and Maroon tribes. Specifically, the judgment finds that the government should:

- ensure the effective participation of indigenous and tribal peoples in conformity with their customs and traditions in formulating development or investment plans that affect them; and seek their free, prior and informed consent (FPIC) prior to authorizing activities that could have major impacts on them;
- enable indigenous and Maroon people to participate fully in environmental and social impact assessment of projects and plans that could affect them
- ensure that indigenous and Maroon people benefit from projects on their lands, particularly when those projects will have negative impacts on them (UNDP 2013, 7-8).

Currently, there are multiple formal and *ad hoc* efforts to address disputes over implementation of the Saramaka Judgment. Those efforts involve Maroon and indigenous leaders and advocates, senior government officials, MPs, and the private sector. The primary institutional mechanism currently being pursued by the government (since mid-2013) is the establishment of a Presidential Land Rights Bureau and appointment of a Commissioner to lead the government's response to the claims and the Saramaka judgment. Prior to that appointment, the government response included several commissions, task forces and conferences, and a "roadmap" that was agreed in principle in 2011 but whose finalization and implementation have stalled.

Importantly, interviewees indicated that most indigenous and Maroon land claims have now been delimited (on maps) and many areas have also been demarcated (on the ground). In order to minimize the risk of disputes and grievances, completing the process of delimitation and demarcation and defining area-specific resource rights will be essential.

On the other hand, the assessment team heard that government's repeated transfer of responsibility for resolving Saramaka implementation issues across ministries and Commissioners has left indigenous and Maroon leaders frustrated. Some of those leaders perceive the transfers as a way of "buying time," or simply putting off a politically contentious issue.

From government's perspective, interviewees indicated that it has sometimes been challenging to work with the collective representation of the Saramaka people via VSG (The Association of Saramaka Authorities) and indigenous representatives via VIDS (The Association of Village Leaders of Suriname). In the view of some government interviewees, the leaders of these associations have not always been able to ensure alignment of their members, raising a question of how best to ensure full and final resolution of land claims by the full range of indigenous and Maroon claimants.

In short, at the national level, there is ongoing claims resolution work, but there are major outstanding issues with regard to representation, mutual commitments, and finality of determinations.

With regard to non-conservation land uses and users in forest areas (mining, logging, infrastructure, conversion to agriculture), there is less clarity about existing mechanisms for grievance and dispute resolution. Based on multiple interviews with a range of government and non-government stakeholders who have been involved in disputes and their resolution, the assessment team has developed the following understanding.

For grievances related to commercial land/resource concessions and public infrastructure, commonly used channels are

a) Complaints to local police. The police tend to be involved when local residents believe that commercial mining or logging operations are either illegal or are having clear negative impacts on them; when there are disputes among local forest land users, e.g. about pollution from small scale mining; or when commercial mining or logging companies believe local residents are unlawfully interfering with their operations.

b) Complaints to local (resort or district) representatives and/or to MPs. The assessment team heard that local government representatives are generally perceived as ineffective in resolving disputes. However, in particular cases where personal relationships between local representatives and the disputing/aggrieved parties are strong, or where local representatives are known to have good contacts in national government, they may be helpful. MPs are seen as more influential, particularly with regard to the operation of government-issued concessions, and with regard to plans or proposals for future commercial activity,

such as mining, that raises serious concerns for local residents. However, it was also noted that MPs are sometimes interested parties in commercial land transactions, so they are not always motivated to respond fully to residents' concerns.

c) **Petitions to Ministers and the President.** Suriname has the advantage of being a very small country, with relatively accessible senior political leaders who see response to individual constituents as an important part of their work. The assessment team heard several accounts of direct petitions to Ministers and/or to the President leading to successful resolution of grievances and disputes. Several interviewees noted the President's decision to stop a planned river diversion project in response to concerns raised by residents in the interior who would have been adversely affected. However, for residents in the interior, communication with and travel to Paramaribo can be time-consuming and expensive. Moreover, some projects with government support are effectively insulated from local resident appeals and petitions.

There are clear merits to each of these channels, and also clear limitations. For purposes of REDD+, it would be unwise to assume that these relatively informal channels will be sufficient to ensure systematic, effective grievance and dispute resolution. The UN-REDD team that drafted the R-PP has offered several additional mechanisms to increase the likelihood that grievances and disputes will be systematically received, assessed and resolved.

5.2. Dispute prevention and FGRM mechanisms outlined in R-PP

The R-PP includes at least two processes and institutions that are designed primarily for consultation and joint decision making, but may also be useful for both preventing and resolving grievances and disputes.

REDD+ Steering Committee: First, the REDD+ Steering Committee (RSC) is designed to be a multi-stakeholder forum for deliberation and development of REDD+ strategies, and for oversight of implementation. With NIMOS (National Institute for Environment and Development in Suriname) as its secretariat and implementing arm, the RSC is designed as "an independent oversight and advisory body" with representation from "governmental institutions, the private sector, indigenous, Maroon and other forest-dependent communities, civil society and academia." Along with its responsibilities for advice and information sharing among the stakeholders, the RSC "will also serve conduit to bring forward any concerns and requests for clarification from their corresponding constituencies" (UN-REDD 2013, 18).

If well designed and managed, the RSC can anticipate and prevent a wide range of potential grievances and disputes, both those related specifically to indigenous and tribal land issues, and those related to government allocation of forest land for non-conservation uses. By bringing together the main government Ministries, private sector

mining and logging representatives, indigenous and Maroon peoples, the RSC can identify potential conflicts of interest that proposed REDD+ strategies may raise, and can also identify potential area-specific land use and conservation conflicts.

Though the RSC has high potential for dispute prevention, it will need to develop clear and agreed Terms of Reference and guidelines on representation, decision making and dispute resolution among its members. It will also be very important to clarify whether, when, and how decisions made by the RSC are binding on government Ministries.

Free, Prior, Informed Consent Protocols: Second, the R-PP lays out a plan for consultation with and participation of indigenous and Maroon communities in developing and implementing REDD+ strategies. At the center of the plan are FPIC protocols, to be developed in collaboration with each tribal group (UN-REDD 2013, 44-47). Government, UNDP, indigenous and Maroon representatives jointly developed this plan.

If implemented effectively, the FPIC protocols are likely to be a powerful tool for preventing and resolving grievances and disputes at an early stage. However, in order for the protocols to be effective, the FPIC approach must be accepted and used systematically by Suriname's government agencies, and procedures for negotiation and dispute resolution among government, indigenous and business actors during the conduct of FPIC processes must be developed. Likewise, indigenous and tribal people must work out their internal procedures for determining whether there is community consent, resolving internal disagreements, and binding the full community to respect consent when it is given.

FGRM for dispute and grievance resolution: The R-PP also proposes a dedicated REDD+ feedback and grievance redress mechanism, with three "tiers" or sequential opportunities for dispute resolution: first, a new Major Groups Collaborative; second, the Bureau for Contact with the People in the Cabinet of the President; and third, the Parliamentary Commission on Climate Change (UN-REDD 2013, 21-23).

The Major Groups Collaborative (MGC) is envisioned to include representatives of the nine "major groups" defined in Agenda 21 and recognized by the government of Suriname: business and industry, children and youth, farmers, indigenous and tribal people, local authorities, NGOs, scientific and technological community, women, workers and trade unions. The R-PP submitted in March 2013 indicated that the MGC had recently been formed; interviewees indicated that as of September 2013, it was still in a formative stage. For purposes of grievance and dispute resolution, the MGC is supposed to act as a two-way channel for stakeholders from these groups to raise concerns and complaints related to REDD+ readiness activities and potential strategies, and for the members of the MGC to address and resolve those concerns where possible.

If the MGC is not successful in resolving a grievance or dispute, it can forward the case to the Bureau for Contact with the People, which is empowered by the Cabinet of the President to assist in resolving disputes and grievances involving the government, somewhat like a national ombudsman office, and empowered by its placement within

the highest level government body. Finally, if the Bureau for Contact with the People were unsuccessful in resolving the grievance or dispute, it could forward the case to the Parliamentary Commission on Climate Change, which has an oversight role with regard to REDD+.

The R-PP envisions that whenever the Bureau for Contact with the People or the Parliamentary Commission on Climate Change was involved in a case, proposed resolutions would be reviewed by the MGC before a final decision or resolution.

5.3. Issues related to the proposed FGRM

In assessing the potential of the proposed three-tier FGRM to resolve disputes, it is useful to note the primary characteristics of effective and legitimate GRMs, as laid out in the Joint World Bank-UNDP Guidance Note on Grievance Resolution Mechanisms (World Bank-UNDP 2013, 2-3). That guidance highlights the following key characteristics of effective GRMs:

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

Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.

Predictable: providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.

Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.

Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.

Rights compatible: ensuring that outcomes and remedies accord with internationally recognized human rights.

Enabling continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

In addition, it is very important to assess the institutional capacity of the GRM to manage and resolve grievances and disputes. A mechanism that on paper appears to align well with the characteristics listed above may nonetheless fail in practice, if the human and organizational resources to support it are inadequate or misaligned.

In brief, each tier of the proposed FGRM could do well on many of the characteristics listed above. However, there are significant capacity questions about the MGC, and significant transparency and accessibility questions about both the Bureau for Contact with the People and the Parliamentary Commission on Climate Change. There may also be potential conflicts of interest for the Bureau for Contact with the People and the Parliamentary Commission on Climate Change for some cases, particularly though not exclusively cases involving indigenous and Maroon land rights.

More specifically, the proposed FGRM raises the following issues:

Major Groups Collaborative:

- The MGC would have merit of independence from government, strengthening its legitimacy, and could likely operate with a high degree of transparency and accessibility.
- However, the non-governmental nature of the MGC (with the partial exception of local authorities) may be a major problem in many cases, where governmental decisions and authorities are be involved, and where the MGC would not be empowered to engage government stakeholders on an equal footing with complainants. In particular, it seems unlikely that the MGC would be able to revise or challenge a proposed resolution offered by the Bureau for Contact with the People or by the Parliamentary Commission on Climate Change.
- Its multi-sectoral composition could enable the MGC to create task teams from its membership that are tailored to the issues and stakeholders in particular disputes. However, the MGC's collective capacity to manage and resolve disputes is an open question, given that none of its members is likely to have specialized expertise in this domain, and given that many disputes will be specific to a small subset of the MGC's members (indigenous and Maroon groups, businesses with a focus on natural resource extraction, and perhaps some NGOs).
- There is likely to be significant overlap of MGC membership with RSC membership, and this may also create confusion about roles.

Bureau for Contact with the People (BCP):

- The BCP is little known by stakeholders interviewed. Questions were raised about its lack of transparency, about its perceived legitimacy in the eyes of non-government stakeholders, about its ability to act impartially on issues involving government interests, given its location in cabinet.
- BCP's capacity to act as effective dispute resolution entity is also uncertain. Some government interviewees indicated that they knew of cases where the BCP had successfully facilitated dispute resolution, but the fact that so few stakeholders we interviewed had any awareness of the BCP suggests that its activity and impact to date have been limited.

Parliamentary Commission on Climate Change (PCCC):

- PCCC's representation of political decision makers in Parliament could position it well to address highly polarized disputes with a political dimension.
- However, PCCC's capacity to act cohesively as an impartial dispute resolution body is questionable, given that it is composed of MPs who may have divergent perspectives and interests on issues brought to it.
- Transparency and predictability may be a major challenges for PCCC as well, given that individual MPs may prefer to act "behind the scenes" to minimize the political risks involved in taking on a dispute resolution role.
- Capacity is also a major question for the PCCC, given that it is a group of parliamentarians who have limited time to facilitate dispute resolution given their other commitments.

6. Additional FGRM options for consideration

The UN-REDD team and the full complement of REDD+ stakeholders who contributed to the development of the R-PP are to be commended for a creative and thoughtful set of ideas with regard to grievance resolution. Given the issues raised above, the UN-REDD team and REDD+ stakeholders may wish to consider additional options for refining and strengthening the proposed FRGM. Following are several such options.

6.1. Ensure that the REDD+ Steering Committee terms of reference and procedures include clear guidelines on representation, deliberation and decision making

As noted above, the RSC has high potential as a dispute and grievance prevention mechanism. Several steps could be taken to help the RSC realize that potential.

- It will be very important for indigenous and Maroon people to clarify how they will be represented in the RSC; the extent of their representatives' authority to speak on behalf of individual tribes and villages; and processes for consultation by their RSC representatives with tribe and village leaders. The goal of those processes should be to ensure that representatives have clear authority, that both indigenous and Maroon communities and other stakeholders understand and respect that authority, and that there is effective consultation between representatives and their constituents before final decisions are made, so that particular groups and leaders do not challenge decisions after they are made.
- By the same token, it will be very important for government to clarify who will coordinate government agency representation and ensure that government can speak with one voice when necessary, while also ensuring that the full range of government interests is represented. In particular, it will be important to clarify whether this inter-ministerial coordination

responsibility falls to NIMOS (in its role as Chair of the Inter-Ministerial Advisory Committee), or to another body or level of government.

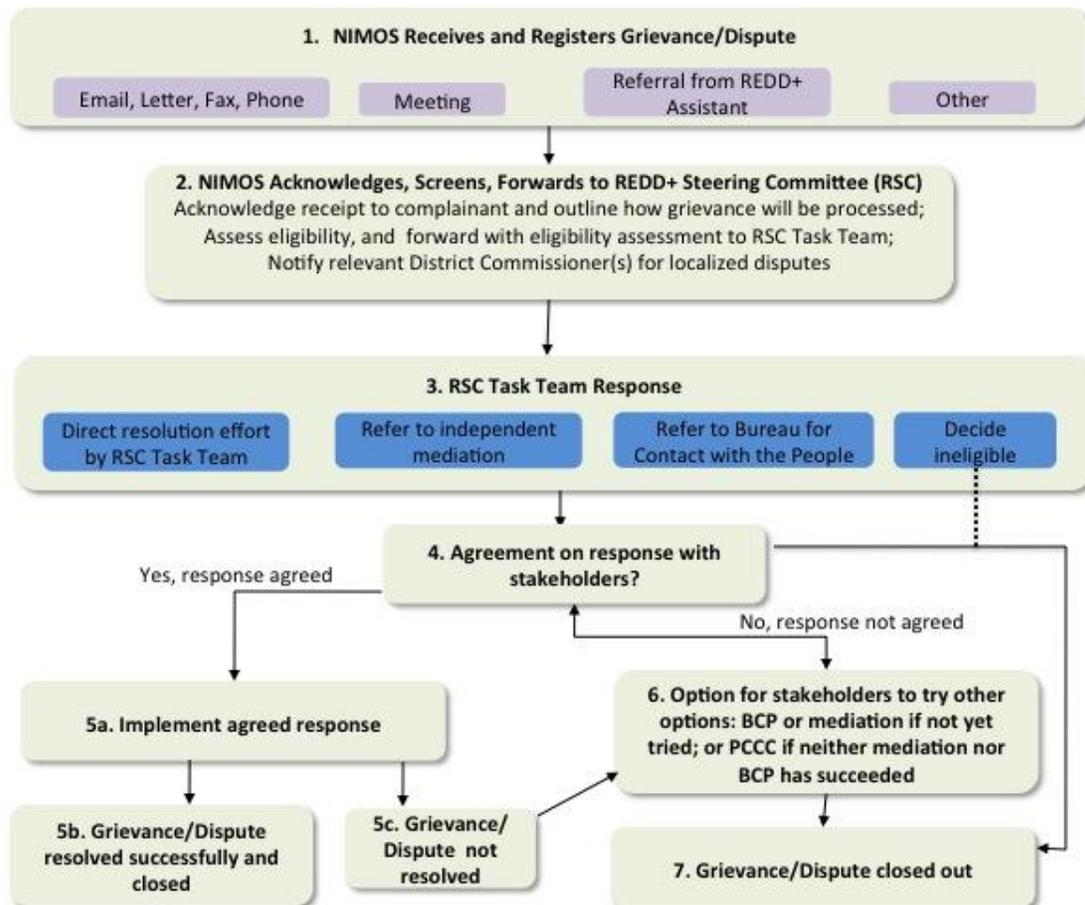
- The RSC will also need clear ground rules on how its meeting agendas are set, how discussion and dialogue proceed at Steering Committee meetings, how points for information, action and decision are recorded, how information should be exchanged and discussion advanced between meetings.
- Most importantly, the RSC will need to specify how it makes decisions (e.g. by seeking consensus with voting as a fallback if consensus cannot be reached, or by some other set of procedures).
- RSC's decision authority (if any) vis. individual government agencies, the Cabinet and Parliament should also be made very clear. Because the Steering Committee is a multi-stakeholder body, it will need to clarify which of its decisions are binding commitments by government and non-government stakeholders participating, and which are agreed recommendations that will require review and decision by government or non-government stakeholders, with final decisions reported back to the Steering Committee.

6.2. Clarify the functioning of the proposed FGRM elements and how they inter-relate

In brief, it may be advisable to position the RSC rather than the MGC as the first tier for dispute resolution in the FGRM. NIMOS could support RSC as the secretariat for receipt, logging, acknowledgement and eligibility screening of grievances and disputes. RSC could be the main body responsible for reviewing and responding to disputes. Because RSC may have limited capacity to resolve complex disputes, it may be advisable to establish an independent mediation option that the RSC could offer to stakeholders involved in grievances and disputes. Independent mediation capacity could be developed, using Suriname-based individuals who have skills in dispute resolution, and possibly bringing in other experts from the Caribbean and South America where appropriate.

In this revised version of the FRGM tiers, both the BCP and the PCCC could remain as options (but not requirements) for dispute resolution. The MGC would take responsibility for providing information about the FGRM and how to access it to the constituencies it represents. Finally, the REDD+ Assistants might be used to facilitate communication between local communities and the RSC about grievances and disputes.

On the next page is a diagram laying out the way the FGRM could work, with the revisions suggested above.



Following is a more detailed presentation of options for refining the FRGM along the lines laid out above.

- REDD+ Steering Committee (RSC):** In the consultant’s view, the RSC is more likely than than the MGC to be effective as the “first tier” for reviewing and responding to grievances and disputes. Because the RSC is a multi-stakeholder body that also includes broad and deep government representation, and because it has authority over many aspects of REDD+ strategy development and implementation, it is far more likely than the MGC to have the right combination of capacity, influence and the legitimacy to handle a wide range of grievances and disputes.

If REDD+ stakeholders agree with this assessment of the RSC’s potential, then it would be advisable to Include in the RSC’s ToR an explicit mandate to support dispute resolution. The ToR should clarify how the RSC will organize itself to meet that mandate. For example the ToR could call for a standing FGRM sub-committee to review grievances, and/or for the formation of FGRM Task Teams

in response to specific requests for grievance/dispute resolution. Any FGRM sub-committee/Task Team should be balanced in composition (government and non-government), and RSC members with a direct interest or role in a particular grievance/dispute should act as parties, not as “neutral” dispute resolvers.

In particular cases, the RSC could

- take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the RSC;
 - request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the Steering Committee took an appropriate administrative action to deal with a complaint);
 - refer the grievance/dispute to the BCP or to independent mediation (see mediation option below), while maintaining oversight; or
 - determine that the request was outside the scope and mandate of the RSC and refer it elsewhere (e.g. to Ministry of Justice and Police or to the courts).
- **NIMOS:** Given the central coordinating and management role that NIMOS is expected to play, it would be advisable to give NIMOS responsibility to serve as the secretariat for the FGRM. NIMOS could take responsibility for
 - publicizing the existence of the FGRM and the procedure for using it (directly, and by ensuring that RSC and MGC members educate their organizations and constituencies);
 - receiving and log requests for grievance/dispute resolution;
 - acknowledging receipt to the requestor; determining eligibility (using a simple set of eligibility criteria);
 - forwarding eligible requests to the RSC for review and action, and
 - tracking and documenting efforts at grievance/dispute resolution and their outcomes.
 - **MGC:** As noted above, it is the consultant’s view that the RSC is better suited than the RSC to be the “first tier” of the FGRM. If this view is accepted by the REDD+ stakeholders, then they will need to re-consider the role of the MGC. MGC’s highest value may be for social communication and education about REDD+ as an opportunity to support the sustainable development and conservation of Suriname’s extraordinary natural resources. MGC’s outreach and communication could include information about the FGRM and how to use it. Members of the MGC who also sit on the REDD+ Steering Committee could also support dispute resolution in specific cases where engagement of their constituencies would be relevant and helpful.

- **Bureau for Contact with the People (BCP):** Respecting the view of a number of government stakeholders that the BCP can be a useful mechanism for dispute resolution in some cases, but also recognizing that other stakeholders have real concerns about its legitimacy, transparency and independence, it may be advisable to offer the BCP as an option, *but not as a requirement*, to stakeholders involved in grievances and disputes. The BCP could be an option at two stages in the dispute resolution process: after initial review by the Steering Committee, if the Steering Committee is unable to resolve the dispute and if the stakeholders want to go direct to BCP, rather than using independent mediation (see option for mediation below); or following an effort at mediation, if that effort fails to resolve the grievance/dispute. If the BCP is to be involved in the REDD+ FGRM, it would be advisable to ensure that

 - BCP's Terms of Reference, including its staffing; its relationship to the Cabinet; and any aspects of its structure or procedure that are designed to ensure impartiality and independence from specific government interests; are made public and are available to stakeholders who may wish to consider BCP as an option for resolving grievances and disputes;
 - BCP has clear and transparent procedures for receiving, responding to, and resolving disputes;
 - there is a clear and transparent procedure for BCP to refer unresolved disputes to mediation, to the Parliamentary Commission on Climate Change, or back to the RSC; and
 - BCP has a format and protocol for documenting its work on REDD+ cases and sharing that documentation with the RSC.

- **Parliamentary Commission on Climate Change (PCCC):** It may well be worth experimenting with the PCCC as the final tier of dispute resolution, for stakeholders whose disputes have not been resolved at previous stages (by the RSC, BCP or independent mediation). If the PCCC is to play this role, it will be important to provide the following:

 - Clear PCCC terms of reference and procedures for its dispute resolution role, including definition of conflict of interest, declaration of conflict of interest for each case, and recusal by any member of the PCCC who declares conflict of interest.
 - Clear definition of the types of disputes that can be brought to the PCCC, and the actions that PCCC can take to resolve disputes (such as conciliation/mediation; dialogue with or formal review of relevant government ministries/agencies; providing a binding opinion (only if the stakeholders consent to be bound and have a legally enforceable way of binding themselves); and/or raising the issue for consideration by the full Parliament and the President.
 - Specification of the kinds of disputes that should not be brought to the PCCC (e.g. very local disputes that do not raise significant national policy issues, or disputes that are primarily between a single Ministry and an

aggrieved party and which should be resolvable directly by the Ministry, etc.).

6.3. Add a mediation option to the FGRM

As noted above, each of the initial proposed elements of the FGRM structure raises some questions about capacity to facilitate dispute/grievance resolution, and about perceived impartiality. The refinements recommended above can partially, but probably not fully, address these issues of capacity and impartiality.

An independent mediation option would further strengthen the FGRM. Mediation is a voluntary process in which parties to a dispute work with a competent, impartial mediator to explore the issues in the dispute, understand each other's interests and concerns, develop and negotiate options to resolve the dispute, and, if satisfactory options can be developed, resolve the dispute through a voluntary agreement. The parties, not the mediator, take the lead in developing options, and the parties, not the mediator, decide whether to agree to a particular option.

For the FGRM, this independent mediation option could include:

- a roster/panel of independent mediators (independence meaning that mediators should not be employed by government or any other stakeholder represented on the Steering Committee, should not be highly dependent on any one stakeholder for their livelihood, and should have no conflict of interest on any specific case they would mediate);
- a procedure for the RSC to refer disputes to this panel with the consent of the parties in dispute;
- a set of guidelines for mediation that would be followed by mediators and parties involved in mediation;
- a mechanism to fund the work of mediators on the roster/panel to resolve disputes; and
- a procedure to document the process and outcome of mediation as part of the RSC's tracking of grievance/dispute handling.

Mediators on the roster/panel should have at least the following qualifications:

- professional experience and expertise in impartial mediation;
- knowledge of forest management issues in Suriname and the region, including an understanding of indigenous and tribal culture and practices;
- Dutch language proficiency;
- availability in principle for assignments of up to 20 days; and
- willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome would be documented by NIMOS and reviewed by the Steering Committee. If it were unsuccessful, stakeholders would have the option to return to the RSC for assistance; use the BCP (if they had not already tried to); or, if both mediation and the BCP had been tried, request that the RSC refer their case to the PCCC.

6.4. Use REDD+ Assistants to support grievance/dispute resolution

In discussing how local residents in the interior would gain access to the FGRM, some stakeholders raised a significant concern that communities and community members in the interior will find it challenging (in terms of distance, cost, and time) to use an FGRM based in Paramaribo.

One option to facilitate access to the FGRM would be to have the REDD+ Assistants to serve as first point of contact for community members and local business interests who have concerns about REDD+. The REDD+ Assistants are a group of members of indigenous and Maroon communities, selected by their leaders, and trained to understand and be able to explain REDD+ concepts, institutions and procedures to people living in their towns and villages (UN-REDD 2013, 20).

The first group of twenty REDD+ Assistants (2 from each of the four indigenous tribes and six Maroon tribes) have already been involved in facilitating outreach and communication about REDD+ in their communities. The same group (and others who may be trained later) could assist in providing information about the FGRM and how to use it; serve as first points of contact within their communities; and also serve as points of contact and information for local authorities (District Commissioner, District Committee, Resort Committee, police) with regard to complaints and concerns related to REDD+ activities.

To build the capacity of REDD+ Assistants to play this role, additional training could be provided, including an overview of the FGRM, its purpose, procedures and options; basic skills in responding to individuals who are involved in disputes and grievances; and clear procedural guidance on the roles that REDD+ Assistants would play in communicating with the RSC and local authorities about grievances and disputes.

6.5. Ensure that District Commissioners are informed about REDD+ FGRM, and about disputes and dispute resolution efforts in their districts

Over the next several years, as the central government's decentralization initiative continues, it may be possible for REDD+ to link more closely to increasingly empowered local authorities for grievance/dispute resolution. The role of local authorities may be particularly relevant to highly localized disputes, for instance among local forest users involved in REDD+, farmers and small scale miners. However, for the time being the capacity and legitimacy of local authorities remains highly uneven, and their role in grievance and dispute resolution should only grow as and when they have increased authority, capacity and accountability to local residents.

During the Readiness phase, it is important to ensure that District Commissioners are informed about REDD+ overall, and about REDD+ mechanisms to prevent and resolve disputes. They should also be notified of any specific disputes in their districts that have been brought to the RSC, and informed about the process of dispute resolution efforts and their outcomes. NIMOS, potentially supported by the REDD+ assistants, could take the lead on this information sharing. The MGC could also assist, particularly through its local authority representatives.

7. Next Steps

This assessment has presented an overview of the forest sector in Suriname, the likely grievance and dispute risks associated with REDD+, current and proposed mechanisms for preventing and resolving forest-related grievances and disputes, and options for strengthening those mechanisms in order to minimize the number of serious disputes and grievances associated with REDD+ in Suriname.

The assessment team plans the following next steps:

- Invite comment on this draft assessment from REDD+ stakeholders in Suriname
- Incorporate feedback and finalize report
- Brief a consultant who will draft the UNDP project document on this assessment and its implications for UNDP and partners' work in the Readiness phase.
- Work with the consultant to follow up on remaining questions in country; finalize activities and incorporate text and activities into the UNDP project document.

The assessment team again wishes to thank all Suriname REDD+ stakeholders whom we interviewed. We look forward to receiving feedback on this draft report.

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Persons Interviewed

Mr. Errol Alibux, Advisor of the President

Mr. Edward Belfort, Minister of Justice and Police

Ms. Lisa Best, Former assistant R-PP project

Mr. Lesley Artist, Chairman, VIDS

Mrs. Castillo, National Security Staff, Cabinet of the President

Mrs. Jennifer Geerlings-Simons, Speaker of the Parliament

Mr. John Goedschalk, Director Conservation International Suriname; Government focal point, UNFCCC

Ms. Gina Griffith, NIMOS

Mr. Chris Healy, Director of Amazon Conservation Team Suriname

Mr. Jim Hok, Minister of Natural Resources

Mrs. Inez Huyzen – Sedney, Permanent Secretary, Ministry of Justice and Police

Mr. Hugo Jabini, Chairman, The Association of Saramaka Authorities

Ms. Josee, Member of VIDS

Mr. Ramses Kajoeramare, Member of VIDS

Mr. R.van Kanten, Director, Tropenbos Suriname

Mr. H. Lim A Po, Attorney

Mr. Martin Misidjan, Presidential Commissioner for Land Rights

Mrs. Ellen Naarendorp, Permanent Secretary, Ministry of Foreign Affairs

Mr. Max Ooft, ??VIDS staff??

Mr. Cedric Nelom, Acting Director, NIMOS

Ms. Jornell Vinkwolk, Human Rights Bureau, Ministry of Justice and Police

Mrs. Ifna Vrede, Permanent Secretary, Ministry of Regional Development