



Information Brief No. 2



STRENGTHENING NATIONAL FEEDBACK AND GRIEVANCE REDRESS MECHANISM FOR UGANDA'S REDD+

I. Introduction

The REDD+ mechanism has potential to ignite conflicts or grievances relating to several aspects of REDD+ implementation at different scales and levels including the field, within institutions and at policy level. In order to develop and establish an easily accessible and well publicized mechanism to receive feedback and handle grievances in a credible and timely manner for Uganda's REDD+ Programme, an assessment of existing national institutional capacity for feedback and grievance redress was undertaken, so as to:

- (a) identify existing and potential conflict and grievances that could arise during REDD+ readiness, and implementation of the strategy/ activities;
- (b) identify mechanisms that can detect, prevent and minimize the escalation of, and resolve

conflicts and grievances;

- (c) strengthen policy, legal and institutional framework for managing grievances and conflicts that can assist in handling/ addressing stakeholder concerns and issues relevant to REDD+ implementation;
- (d) strengthen institutional capacity and presence of an active mechanism to receive feedback and handle conflict in a timely manner and at all levels; and
- (e) build the capacity on REDD+ Readiness and **FCPF** for key stakeholders and personnel on the presence of a clear **Feedback and Grievance Redress Mechanism (FGRM)**.

This brief is intended to guide discussions on feedback and grievances redress mechanism for REDD+ and in future help manage and resolve conflicts should they arise.





In view of REDD+, the following conflicts are critical and need to be addressed:

- conflicts over boundaries of forest reserves;
- conflict over revenue/benefit sharing;
- conflict over the selective application of the law by the authorities;
- conflicts between local governments and local communities;
- conflict over land ownership and use;
- conflict over the exploitation of forest resources;
- conflict over the type of trees to plant in the forest;
- conflict over the legal status of the forest and
- conflict over migration of peoples from the south-western region and Rwanda.

Similar to the above conflicts are the conflicts over the restricted exploitation of forest resources; conflict over deployment of forest patrol men outside the local communities; conflict over land/forest/tree tenure insecurity under Collaborative Forest Management (CFM) arrangements; conflict over the authenticity of some of the land titles; conflict between National Forest Authority (NFA) and the community over grazing land and exploitation of other forest resources; conflict over the use of chemicals to control weeds; conflict between wildlife/forest conservation and the search for livelihoods.

2. Detecting, managing and responding to grievances that relate to REDD+

CFM arrangements will be the most critical in detecting any grievances and conflicts through their routine operations. If well-funded and empowered to implement their full mandate, the CFM leadership can be involved in a set of mobilization activities that can foster harmony in the forest dependent communities.

The function of detecting and preventing grievances and conflicts can be supported by **opinion leaders, elders and forest committees** which can be empowered to work with the CFMs to transform the forest dependent communities.

A **multi-stakeholder forest forum** can also be utilized to discuss, dialogue and deliberate hence identifying grievances and conflicts.

2. What is FGRM?

FGRM is a Feedback and Grievance Redress Mechanism to address conflicts and grievances that that relates to REDD+.

Grievance can be actual or supposed circumstances regarded as just cause for complaint. Such circumstances create a sense of injustice amongst individuals or groups. It can also be a complaint or a strong feeling that you have been treated unfairly.

Conflict on the other hand is a social situation in which a minimum of two actors (parties) strive to acquire, at the same moment in time, a scarce resources as a result of relative deprivations. It occurs when individuals or groups give high priority to defending their own interests or positions.

The current causes of grievances and conflicts relating to REDD+ include:

- unclear boundaries of the forest protected areas;
- disputed forest borders and expansion of forests;
- exclusion of local governments from the management of central forest reserves;
- exclusion of forest adjacent communities from the management of forests;
- conflicting information by political leaders and district technical staff regarding the boundaries;
- failure by institutions to fulfill their mandate and landlessness resulting from unplanned population growth.

Other causes include; denial of access to the forest area for various purposes; interference by politicians in the management of the forestry sector; interests of the local politicians who exploit the plight of the local people; perceived unfairness on the part of government; perceived unethical conduct and abuse of office by forestry officials; disrespect and disregard of state institutions by encroachers.

3. The Proposed FGRM Mechanism for REDD+ in Uganda

The proposed FGRM is designed to contribute to conflict detection, prevention and resolution, as well as the transformation of the conflict into peaceful co-existence and community cohesion.

The proposed FGRM emphasizes the following;

- Conflict transformation because of its critical and potential role in improving and restoring the relationships among communities affected by conflict.
- Channel grievances into an acceptable, institutionalized system for resolving conflicts that are likely to occur during REDD+ readiness and implementation.
- Dialogue and problem solving as an intermediate way for stakeholders to discuss and resolve conflicts.
- To primarily address interest-based REDD+ conflicts, meaning conflict in which groups with some form of interdependency have a difference in (perceived) interest, for example, disputes related to benefit sharing, forest use, forest boundaries and forest ownership.
- Streamline existing grievance redress mechanisms that are either informal or formal.
- It is not intended to replace the existing grievance redress mechanism but to serve as a hybrid structure that create a more effective platform for resolving conflicts and addressing grievances resulting from the REDD+ readiness and implementation activities.
- In the event that people or communities affected by REDD+ related conflicts do not find the intervention and resolutions of the FGRM satisfactory, they may seek redress through the mainstream formal court system.

Since, the existing and potential conflicts and grievances identified are likely to significantly affect the implementation of the REDD+ strategy, the new (proposed) FGRM will be critical in the establishment of a feasible arrangement for detecting, preventing and/or minimizing the

escalation of, and resolving conflicts and grievances using a hybrid arrangement of both the existing formal and informal mechanisms. This will facilitate the realization of the REDD+ strategy objectives as presented below.

I. Detect and prevent conflicts, mitigate their consequences when they occur and prevent them from escalating.

The proposed FGRM for REDD+ includes a set of individuals, agencies and institutions that will play a role in detecting and preventing conflicts.

It requires collaboration, application of non-litigation mechanisms to resolve potential conflicts, empowering and transforming forest dependent communities as well as consultations through a multi-stakeholder forest forum. The said individuals, agencies and institutions include:

- traditional leaders and institutions;
- religious/spiritual leaders and institutions;
- honorary forestry officers;
- forest committees;
- multi-stakeholder forest forum;
- Collaborative Forest Management structures;
- local council structures (including district councils);
- opinion leaders and elders.

II. Contribute to the resolution of REDD+ related grievances and conflicts in a timely and efficient manner;

The resolution of REDD+ related grievances would require:

- Standard operating procedures of the respective institutions that it is made up of.
- that various institutions in the FGRM structure are established by different legal instruments,
- Guided by the respective regulations and legal instruments that establish them.
- that institutions in the FGRM are guided by the same procedure and will require significant legal, policy and institutional reforms.

For example, operational structures such as CFM will be guided by the Tree Planting and Forestry regulations; the LCs will be guided by the Local Governments Act, Cap 243 Laws of Uganda; the LC Courts will be guided by the LC Courts Act, 2006 and regulations; the judicial institutions (primarily courts) will be guided by the Judicature Act, Cap 13 Laws of Uganda.

III. Contribute to the improvement and restoration of the relationships among people and communities affected by conflicts as a result of REDD+ activities;

The proposal is to have:

- The National Secretariat of the FGRM
- FGRM at the District level
- Training and capacity building
- The FGRM budget and other resources
- Monitoring and Evaluation of the FGRM

It is proposed that these activities be implemented within a period of 24 months from the date of approval of the proposal. Phase I would involve establishing the FGRM Secretariat; Phase II: will involve creating conducive policy and legal environment; Phase III: will involve establishing functional linkage with local governments; and Phase IV would be the commencement of FGRM operations.

IV. Enable the voiceless, vulnerable (such as the poor, Persons With Disability, the elderly, the landless, the women) and marginalized forest-dependent and forest adjacent communities to have a voice by submitting complaints and

receive timely feedback on their submissions;

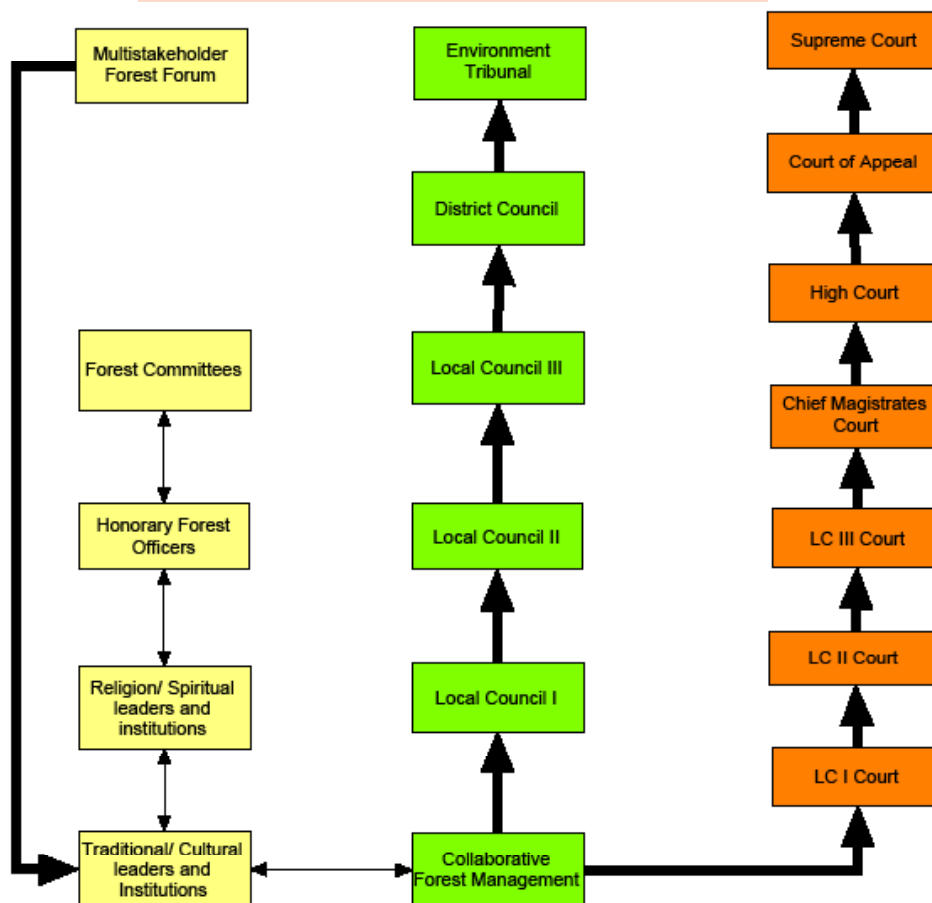
This will be the responsibility of the FGRM at district level. The Chief Administrative Officers will work with, and receive technical support from the District Forest Officers (DFOs), the District Environmental Officers (DEOs), the District Natural Resources Officers (DNROs) and other relevant Collaborative Forest Management arrangements as well as the LC structure to ensure effective implementation of the FGRM.

V. Improve stakeholder participation and decision making through dialogues and registration of grievances and conflicts.

This will involve creating synergies with other ongoing consultative processes and establishing more contacts with renowned researchers and policy makers in this field. It will also require established networking and consultations with REDD+ partners.

The capacity building component will include availing relevant materials and reference documents for all relevant stakeholders to ensure follow up and enforcement, as well as the presence of appropriate political support at national and lower levels, relevant security agencies as well as political leaders (selected from different levels).

The Proposed Feedback and Grievance Redress Mechanism Structure

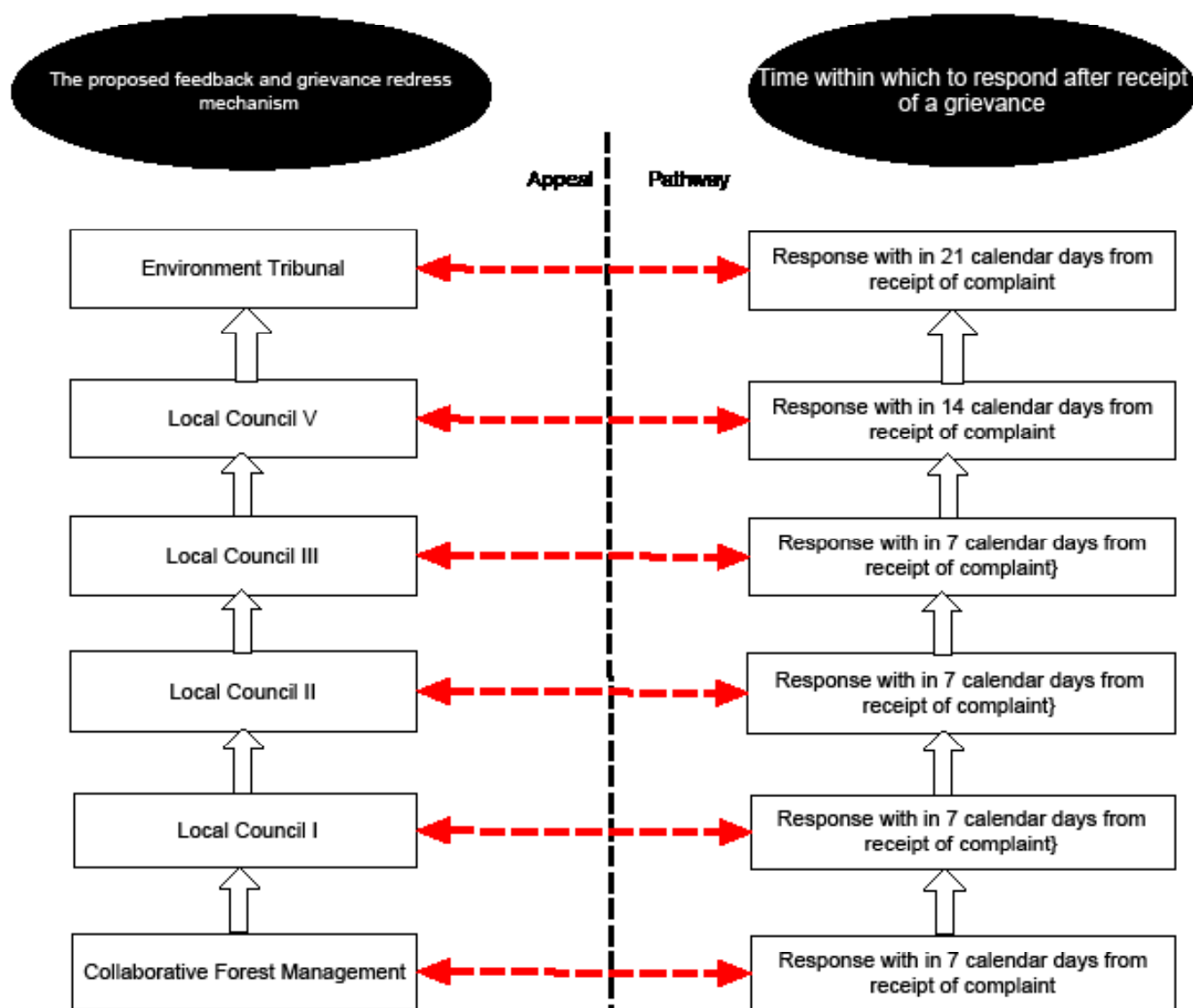


1.4 Key recommendations for implementing FGRM for REDD+

1. There is need for provision of opportunities to forest adjacent and forest dependent communities to balance their livelihood interests and conservation through more elaborate collaboration with responsible government agencies and reasonable access to forest resources;
2. Develop guidelines for the sharing of forest benefit (REDD+ benefits) in a CFM arrangement need to be put in place so as to protect the rights of communities and mitigate potential conflicts and grievances;
3. There is need for government to address the following specific issues
 - a. Urgently address the boundary issues in all types of forests
 - b. Jointly involve the forest adjacent and forest dependent communities in the demarcation of forest boundaries in their communities
 - c. Proactively deal with the perception by the community members that government officials/personnel managing forest resources are engaged in unethical and unprofessional conduct;
 - d. Hire adequate personnel and provide them with adequate equipment and logistical support to effectively supervise and manage the forestry sector;
 - e. The executive arm of government needs to respond to the widespread calls to legitimize the LC structures at the lower levels (LCI and LCII) by holding elections
 - f. Establish an FGRM secretariat in the Office of the Prime Minister
 - g. Establish and facilitate the operationalization of the Collaborative Forest Management (CFM) arrangement in all communities dependant on all categories of forest reserves.
 - h. NFA and other stakeholders should be more pro-active in providing support to forest dependent communities
4. The FGRM Secretariat
 - a. To implement key capacity building programmes and monitor the FGRM process to ensure timely and effective response to forestry grievances and conflicts;
 - b. Design a continuous strategy of building the capacity of all stakeholders in the forest sector on its operations and the overall activities aimed to detect, prevent and resolve conflicts;
5. The legal and institutional framework need to be integrated in the proposed FGRM
 - a. Steps for domesticating the **UNFCCC** into its national policies and laws
 - b. Ratify the **ILO** Convention 169 on Indigenous and Tribal Peoples, 1989
 - c. Capacity building and adequate resources to enable LC courts handle some of the REDD+ related disputes;
 - d. Incorporate legal provisions in the existing legal framework for the sharing of revenue generated from REDD+ projects between the central and local governments;
 - e. Establish Forestry Committees as provided for in the National Forestry and Tree Planting Act, 2003 so as to enhance sustainable forestry management
 - f. Revising the following legislations to introduce specific legal provisions that define carbon rights; and provide elaborate procedures for their registration;
 - National Forestry and Tree Planting Act, 2003 to provide for the role of local governments in the management of central forest reserves (responsibility should be shared between LGs and NFA) in line with the recommendations of the Uganda Forestry Policy, 2001

- the Draft National Forestry and Tree Planting Regulations, 2013 to increase initial CFM duration from 5 to 10 years and to remove ambiguities in the definition of carbon sellers;
- the National Environment Bill, 2014 to expand jurisdiction of the Environmental Tribunal to cover REDD+ related disputes and revive operations of Land Tribunals;
- g. Amending the following legislations
 - National Forestry and Tree Planting Act, 2003 so as to provide for the application of CFM in all forest types as opposed to the current legal position where CFM is only applicable to only central and local forest reserves
 - The Land Act (Cap 227) and other relevant laws so as to provide clarity to the nature of property rights, and eliminate ambiguities over land ownership.

The proposed FGRM, showing approximate number of days needed to respond to a grievance



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