



UNEP's Stakeholder Response Mechanism

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Overview

UNEP's Stakeholder Response Mechanism (SRM) provides the opportunity for people who believe they have been adversely affected by activities that are implemented or executed as part of UNEP-funded projects and programmes to submit complaints directly to UNEP.

The SRM provides a platform to receive and address complaints in a timely and culturally appropriate manner and adhere to the following requirements:

- identify potential breaches of the Environmental and Social Sustainability Framework (ESSF) policies and procedures in UNEP-funded projects and programmes;
- work proactively as a neutral third party with complainants and other parties to resolve concerns and disputes concerning ESSF-related issues;
- operate in a transparent, effective manner, maintaining records and keeping complainants informed as cases are considered and addressed;
- ensure the mechanism is accessible to stakeholders (at no cost) and clearly advertised (including contact information); and
- give due regard to confidentiality of complainant's identity and information and take appropriate and timely measures to minimize the risk of retaliation to complainants.

1. Background and Introduction

These operating procedures establish the process and guidelines for United Nations Environment Programme's (UNEP's) Stakeholder Response Mechanism through an Independent Office for Stakeholder Safeguard-related Response (the IOSSR). The procedures inform and guide UNEP staff, UNEP implementing and executing partners, and people potentially affected by UNEP programmes and projects in bringing and responding to safeguard-related stakeholder concerns in the context of the UNEP Environmental and Social Sustainability Framework (ESSF). The Stakeholder Response Mechanism (SRM) provides affected people the opportunity to seek either compliance review or dispute resolution regarding activities that UNEP implements or executes as part of its projects and programmes.

The SRM serves as a complementary mechanism to local grievance redress processes and mechanisms that are established for UNEP projects and programmes. Local grievance mechanisms are to be the first point of contact for stakeholders who may be adversely affected by a UNEP project or programme. In the event that such concerns are not resolved at the local level, such stakeholders may access UNEP's SRM.

2. Purpose of the Independent Office for Stakeholder Safeguard-related Response (IOSSR)

The IOSSR will fulfill two primary functions:

- a **compliance review** process to respond to claims by stakeholders alleging that UNEP activities implemented or executed as part of its projects and programmes are not in compliance with UNEP's own ESS Framework; and
- a **grievance redress** process that provides people allegedly affected by UNEP activities implemented or executed as part of its projects and programmes, access to appropriate dispute resolution mechanisms for hearing and addressing project-related disputes.

3. The IOSSR Staffing and Responsibilities

The IOSSR is housed in the UNEP's Corporate Service Division (CSD). The Director of the CSD is the interim Head of the IOSSR and reports directly to the UNEP Executive Director. The CSD is not responsible for the implementation or execution of any activities within UNEP's projects or programmes; all divisions delivering projects and programmes directly report to the UNEP Deputy Executive Director.

The IOSSR is responsible for the operation of the ESSF Stakeholder Response Mechanism, and carries out the following activities:

- Receives all complaints and initially screens them for eligibility against the criteria set forth below;
- Maintains a roster of accredited independent experts that can be called upon for compliance review and dispute resolution;
- Develops in light of the issues raised appropriate terms of reference for evaluating, investigating and/or facilitating resolution of complaints;
- Manages and oversees all consultants engaged in compliance review and dispute resolution;
- Maintains a publicly accessible website for the IOSSR that includes among other things a Public Registry of all complaints received, their progress, and any reports or other documents that should be disclosed to the public as described in these procedures;
- Issues reports to the UNEP Executive Director with findings and recommendations for compliance reviews, and outcomes for dispute resolution processes;
- Monitors the implementation of decisions taken by the UNEP Executive Director on compliance reviews and outcomes on the dispute resolutions;
- Reports at least annually to the UNEP Executive Director, and to member states as appropriate, on the operations of the IOSSR and makes these reports available to the public and stakeholders;
- Issues to the UNEP Executive Director reports that provide systemic advice based on lessons learned from past cases;
- Supports measures to ensure that the SRM is broadly communicated and accessible at no cost to programme and project stakeholders;
- Conducts outreach to potentially affected persons explaining the operations of the IOSSR; and
- Seeks to minimize risks of retaliation to complainants.

4. Filing a Complaint to the IOSSR

Any person or group of persons who believe that they are or may be adversely affected by a UNEP activity implemented or executed as part of its projects and programmes can file a complaint once local grievance redress processes have been exhausted and the concerns have not been satisfactorily resolved. Anonymous complaints will not be accepted but the complainants' names will be kept confidential if they so request. Complaints can be received by [online project concern form](#) (Web and PDF form in English, Arabic, Chinese, French, Russian or Spanish), email or mail to the following address:

Independent Office for Stakeholder Safeguard-related Response (IOSSR) &
Director of Corporate Service Division
UNEP
P.O. Box 30552, 00100
Nairobi, Kenya
Email: unep-iossr@un.org

5. Acknowledging and Registering Complaints to the IOSSR

Within ten business days of receiving a complaint, the IOSSR will acknowledge receipt of the complaint to the complainant and register the complaint in the IOSSR's Public Registry (described below).

6. Determining Eligibility of Complaints to the IOSSR

Within thirty business days of receiving a complaint, the IOSSR shall determine whether the complaint is eligible and inform the complainant, relevant UNEP staff and the public through the IOSSR Public Registry of the determination. To be eligible, the complaint must meet the following criteria:

- be related to an activity currently implemented or executed in whole or in part within a UNEP project or programme;
- be submitted by, or on behalf of, one or more persons allegedly affected by the implementation or execution of the relevant UNEP activity;
- be directly and exclusively related to the UNEP ESSF;
- for compliance review, the complaint must raise actual or potential issues relating to compliance with UNEP's ESSF; and
- complaint cannot be from the same claimant raising the same issue with respect to the same activity as an earlier complaint unless significant new information is available, or the circumstances have changed significantly.

If the complaint is deemed eligible, the IOSSR will also determine after considering its nature and the request by the complainant whether the complaint will proceed through compliance review, dispute resolution, or both.

If the complaint is related to allegations that are not directly and exclusively related to the UNEP ESSF, but may merit review by another oversight, inspection or investigation body (for example in the case of accusations of mismanagement or inappropriate administrative procedures), the IOSSR will direct the complaint to the appropriate UNEP/United Nations body.

7. The Compliance Review Pathway

(a) Terms of Reference. Within twenty business days of determining that a complaint is eligible for compliance review, the IOSSR will develop and publicly release a draft terms of reference, including a proposed time frame for its investigation. UNEP staff, the complainant(s), and other interested persons will be given ten business days to comment on the draft terms of reference. After considering all comments, IOSSR will issue final terms of reference, which can be further amended during the process after allowing a similar opportunity for complainant(s) and the public to comment.

(b) Investigations. IOSSR will either conduct the compliance review itself or employ accredited experts/consultants to conduct the compliance review according to the terms of reference. To carry out its compliance review, IOSSR and its accredited experts/consultants will have the authority and responsibility to:

- Interview those people with relevant information including both the complainants and UNEP staff familiar with the project;
- Obtain and review any documents and other related evidence;
- Conduct on-site visits.

(c) Draft Compliance Report. After completing its investigation, the IOSSR will prepare and publicly release a draft compliance report, including any proposed findings and recommendations. UNEP staff, the complainants and any other interested person or entity may provide comment on the draft report within a period of twenty business days. Compliance review reports will include:

- A discussion of the procedural steps taken to review the issues raised by the complaint;
- Any factual findings, including any findings of non-compliance;
- Recommendations to bring UNEP into compliance with its ESSF or to otherwise mitigate harm to the complainant(s); and
- A proposed plan for monitoring implementation of any recommended actions that UNEP may decide to take in response to the complaint.

(d) Final Compliance Report. Within twenty-five business days after the end of the twenty-day period for receiving comments on the draft report, the IOSSR will issue to the UNEP Executive Director a final compliance report, including findings and recommendations, with a copy sent to the complainant(s) and released to the public through the IOSSR Public Registry.

(e) Decision by Executive Director. Within twenty-five business days from receipt of the final full compliance review report, the UNEP Executive Director will make a final decision regarding what steps, if any, UNEP will take to bring the relevant activities into compliance with the UNEP ESSF and/or mitigate any harm to the complainant(s). The decision will be sent to the complainant(s) and publicly released through the IOSSR website.

(f) Monitoring. The IOSSR will include as part of any full compliance review report a plan for monitoring and reporting on the final decision. The monitoring plan may be adjusted, as necessary. The IOSSR will issue a monitoring report through the IOSSR website on the status of implementation at least annually until such time as the decision has been fully implemented.

8. The Dispute Resolution Pathway

(a) Proposing a Dispute Resolution Response. Within thirty business days of determining that a complaint is eligible for dispute resolution, the IOSSR will develop and propose to the complainant(s) a response to the request for dispute resolution. This proposed response will reflect consultations with the complainant(s) and will identify a resolution process, i.e., what steps would be taken to resolve the dispute, who would be responsible for taking those steps, and a possible timeline for the proposed dispute resolution process. The proposed response should also be made available to UNEP staff and to the public through the IOSSR Public Registry. The IOSSR may itself or through accredited experts/consultants develop or carry out any proposed dispute resolution process.

(b) Securing Participation in Dispute Resolution. Because participation in dispute resolution procedures is voluntary on the part of the complainant(s), the IOSSR shall ensure that the complainant(s) fully understand their options regarding the proposed dispute resolution process. The IOSSR shall also ensure that any necessary UNEP staff or other interested parties are invited to participate in the dispute resolution process as appropriate.

(c) Implementing the Proposed Response. If the complainants and IOSSR agree to the proposed process for dispute resolution, the response should be implemented according to the terms of such agreement.

(d) Reaching Conclusion. The dispute resolution process will continue until the dispute has been adequately resolved to the satisfaction of all the parties, or one or more of the parties decide that further participation is not likely to result in further progress. If a full or partial agreement has been reached to give an end to the process, the agreement should be documented and, if the parties so agree, made public through the IOSSR Public Registry. If no agreement has been reached, a summary of the steps taken to resolve the dispute shall be made public through the IOSSR Public Registry. The process is ended, and a closing memo shall be written and posted on the public registry. A complainant may decide to ask again for a compliance review at a later stage.

(e) Final Report on the Dispute Resolution Process. Within twenty-five business days after full or partial agreement has been reached to give an end to the process, the IOSSR will issue to the UNEP Executive Director a final Report on the Dispute Resolution Process, which will include reference to such agreement. A copy will be sent to the complainant(s) and released to the public through the IOSSR Public Registry.

(f) Monitoring Agreed Outcomes. Unless otherwise agreed by the parties in the final agreement, the IOSSR shall annually monitor implementation of the agreement and release on the IOSSR Public Registry a summary of progress on implementation. Such annual reports shall continue until the agreement is fully implemented.

9. Maintaining the IOSSR website including the Public Registry

As mentioned in 3 above, the IOSSR will maintain a publicly accessible website that will include general information about the IOSSR and UNEP ESSF and Stakeholder Response Mechanism, as well as a Public Registry of

all complaints received, their progress, and any reports or other documents that should be disclosed to the public as described in these procedures. In addition to the specific information noted in the procedures above, the IOSSR shall also routinely disclose the following Information:

- basic information about the compliance review and dispute resolution processes;
- instructions on how to file a complaint;
- UNEP's ESSF and other relevant policies;
- public registry, including information about each complaint from when it is received to how it is processed to its resolution, and including all the information noted in the above procedures such as the complaint, eligibility findings, terms of reference, draft and final compliance reports, proposed responses to dispute resolution, and draft and final monitoring reports; and
- annual reports describing the IOSSR's activities.

10. Temporary and Pre-emptive Measures

Notwithstanding the procedures set forth above, if at any time after receiving a complaint the IOSSR believes significant, irreversible harm to the complainant(s) or other affected people may be imminent, the IOSSR Head may recommend to the UNEP Executive Director that UNEP takes interim measures pending completion of compliance review or dispute resolution processes to address the imminent harm.