

Terms of Reference – HCSA Grievance Mechanism Consultancy

Introduction

Established in 2014, the High Carbon Stock (HCS) Approach is a methodology distinguishes forest areas for protection from degraded lands with low carbon, social and biodiversity values that may be developed. The methodology was developed with the aim to ensure a practical, transparent, robust, and scientifically credible approach that is widely accepted to implement commitments to halt deforestation in the tropics, while ensuring the rights and livelihoods of local peoples are respected.

To date, the HCSA has only established [an interim grievance resolution procedure](#) that can be used in the event that HCSA members, or affected or external parties, wish to raise a grievance relating to either a breach of the HCSA SG Code of Conduct, detailed in the [HCSA SG Membership Document](#), or a breach regarding the application of the HCSA methodology, as outlined in the [HCSA Toolkit](#). Members of HCSA are expected, but not yet required, to have their own grievance mechanisms to address any problems encountered or brought to their attention by other parties. The HCSA also upholds the principle that grievances should be resolved, within the shortest period possible, between relevant parties.

The High Carbon Stock Approach has decided to establish a Grievance Mechanism (GM) to which concerns can be escalated in the event that a grievance cannot be resolved between the relevant parties, or the resolution proposed by the HCSA member is not recognized as a mutually agreed outcome by parties affected by the implementation of the HCSA. The HCSA's objective is to establish a non-judicial grievance mechanism that is in line with the UN Guiding Principles (UNGP) on Business and Human Rights, such as being accessible, predictable, equitable, transparent, provide for continuous learning and dialogue and 'rights-compliant', meaning it should ensure outcomes and remedies accord with internationally-recognised human rights. Also of importance is ensuring that the grievance mechanism functions in a way to enables rapid escalation of the grievance with HCSA members, in a way that: addresses problems; reaches agreement on procedures to resolve the grievance including via organization/companies own mechanisms or relevant judicial mechanisms; or avoids grievances escalating and becoming conflictual.

The High Carbon Stock Approach is a multi-stakeholder body comprised of all member organisations. The HCSA Steering Group elect representatives from the various membership caucuses to the Executive Committee, which is the decision-making body for governance and organisational matters. A Grievance Mechanism Working Group has been established to support the establishment of the HCSA's grievance mechanism. The governance of the HCSA is outlined on the initiatives website <http://highcarbonstock.org/governance/>.

Objective

We are seeking an expert consultant to support the HCSA's Grievance Mechanism Working Group (GMWG) in developing a Grievance Mechanism for HCSA through:

- Collation and review of UNGP guidance on rights-based grievance mechanisms.
- Interviews with HCSA members to determine: the extent of, and effectiveness of, established grievance mechanisms; the needs that they hope are met via the establishment of a HCSA

grievance mechanism; the desired scope of the HCSA grievance mechanism; a list of parties that could raise grievances to the HCSA; ideas on ways to assure accessibility and credibility .

- Review of existing grievance mechanisms by HCSA members, and relevant sectors, to ensure compatibility, and determine how the HCSA Grievance Mechanism could complement, and not duplicate, the function of HCSA members own mechanisms and/or other relevant judicial mechanisms.
- Review of the effectiveness and weaknesses of the HCSA’s interim grievance mechanism, including its effectiveness in resolving grievances that have been raised since its establishment.
- Develop and submit guidance for the establishment of a HCSA grievance mechanism that is context driven¹ to the HCSA secretariat. The guidance should present a design for a grievance mechanism for HCSA’s consideration.

Deliverables & Timelines

1	Late September 2019	<p>Schedule and facilitate a call with HCSA Grievance Working Group, with support of the HCSA secretariat.</p> <p>Collate a 2-4-page briefer on the UNGP principles for non-judicial grievance mechanism for circulation to HCSA EC members.</p> <p>Conduct a desktop review of HCSA members existing grievance mechanisms and a 2-page summary of strengths and weaknesses of mechanisms in accordance to UNGP principles.</p> <p>Develop and submit a draft interview questionnaire for review and approval.</p>
2	October 2019	<p>3rd of October: Call in joining the HCSA Quality Assurance meeting to present an overview of the project and timeline to establish a HCSA grievance mechanism and conduct interviews with HCSA members.</p> <p>4th October – 20th October: continue interviews with HCSA members.</p> <p>By 30th of October, submit a list of HCSA members interviewed and a summary report on the learnings gathered from the interviews with HCSA members that should be considered when designing HCSA grievance mechanism.</p>

¹ There is a clear logic for deciding amongst several pathways towards resolution of grievances

3	November 2019	Conduct a review of existing HCSA grievance mechanisms.
4	January 2020	First draft of developed guidance for the establishment of a HCSA Grievance Mechanism.
5	February 2020	Revised of guidance based on feedback from the HCSA secretariat, HCSA Executive Committee and HCSA Grievance Mechanism WG.
6	March 2020	Final accepted HCSA Grievance Mechanism.

As required, the HCSA Grievance Mechanism Working Group will work with the consultant commissioned to produce guidance and a proposed design of the HCSA Grievance Mechanism.

Expertise and abilities

- Demonstrate expertise and experience related to UN Guiding Principles on Business and Human Rights and other existing grievance mechanisms at the project, company, sector, national, regional and intergovernmental levels.
- Experience and/or knowledge of the High Carbon Stock Approach as well as concepts such as High Conservation Value and international Human Rights norms is preferable;
- Excellent written communication skills with experience in producing formal documentation;
- Excellent project planner/manager and time management skills;
- Ability to engage and coordinate within the multi-stakeholder framework.

Budget

Estimated days needed for this consultancy work will be approximately 15 days offering a competitive consultancy fee. The ideal starting date for this tender is no later than late September 2019.

If you have the relevant experience and are interested in the position, please send in your CV and cover letter to the HCSA Secretariat at info@highcarbonstock.org by **Friday, 20 September**.

For all queries relating to this tender please also contact info@highcarbonstock.org.