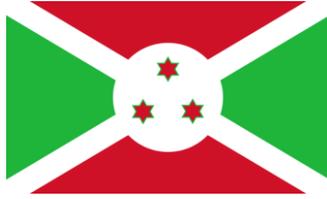


REPUBLIC OF BURUNDI



**MINISTRY OF ENVIRONMENT, AGRICULTURE AND LIVESTOCK
BURUNDIAN OFFICE FOR PROTECTION OF ENVIRONMENT**



**MANAGEMENT MECHANISM FOR
ENVIRONMENTAL, SOCIAL AND GENDER
GRIEVANCES**

Gitega

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DEFINITION OF THE MAIN CONCEPTS

Grievance

A grievance is a ground for complaint, a reproach. It is a term that designates grievances, reproaches that we have against another natural or legal person, a project, an activity. Grievances can be social or environmental.

Social Grievance

A social grievance is a reproach arising from the dissatisfaction of a person, a group of people or a community, because of activities, projects or programs having or likely to have negative social impacts or a mode of intervention that does not meet the expectations of or the plaintiff(s).

Environmental grievance

An environmental grievance is a reproach arising from the dissatisfaction of a person, a group of people or a community, because of activities, projects or programs having or likely to have negative environmental impacts.

Gender Grievance

A gender grievance corresponds to a complaint or a reproach emanating from a person, a group of people or a community, following a process of an activity, a project or a program , which would exclude, or not properly integrate, potential stakeholders, because they are women or men or young people.

Claim

A complaint corresponds to the act of addressing an authority to enforce a right, to enforce a duty, to ask for a thing due, or to make a protest against what seems illegitimate or unfair.

Denunciation

An information is an act of alerting the competent authorities or entities, of the existence of a problem or of an injustice. It therefore consists in making known a generally unpleasant thing. It is generally the act of a person foreign to the facts which it reports.

Complaint

A complaint is an expression of dissatisfaction coming directly or indirectly from a person (or a group of people) who feels unjustly injured, in relation to a given situation. It generally comes from an individual (s) directly or indirectly victim (s) of a situation.

Grievance

A complaint is a request addressed to an authority or an entity, by an individual, essentially to make comments, or to express a wish.

Conflict

A conflict can be defined as the confrontation of two or more individual or collective wills which manifest towards each other a hostile intention and a will to aggression, because of a right to find or maintain. Entering into conflict thus means entering into disagreement.

Grievance Management Mechanism

A grievance mechanism is a system, process, procedures that allow an individual, a group of people or a community to make, if necessary, complaints, denunciations, grievances or complaints relating to the setting implementing a project or program; or easily find answers to questions relating to the project or program concerned. A grievance management mechanism collects, manages and resolves the constraints and problems of communities benefiting from project or program interventions. It also makes it possible to exploit the retro information coming from these communities to perfect the logic of intervention and ensure accountability.

Procedure

A procedure corresponds to a detailed description of the overall organization of the device that is to carry out the process. It details the sequence of elements of the process. If a procedure is not followed, achieving the objective may be hypothetical.

More clearly, the procedure makes it possible to find answers to the following questions: How to do it? When to do it? Who to do with? Where to do it?

Process

A process is a bundle of interacting or interrelated activities that use input elements to produce a desired result. A continuous recording of actions that have a certain unity or regularity in their progress, towards the achievement of a goal.

Accountability

Accountability corresponds to assuming the responsibility to consider, take into account and resolve the needs, problems, constraints, concerns and opinions of the communities benefiting from the interventions, but also of all the stakeholders in the implementation of projects and programs.

Feedback

The feedback corresponds to the feedback expressing the feelings on the ground, of the communities and other stakeholders, in relation to a project or program implemented. It is generally a comment or a concern which can be positive or negative, and which provides useful indications on the way in which the activities of projects or programs are perceived or on the way in which they are implemented.

INTRODUCTION

The BOPE is a public establishment with legal personality, its own assets and financial and administrative autonomy. In its environmental protection activities, it may be required to implement a number of projects and programs at the provincial, municipal, and / or community levels, with the aim of improving environmental management and climate change, but also the social living conditions of the communities affected.

As the project cycle management manual shows, the Office adopts a participatory and inclusive approach in its actions, involving and making the beneficiary communities and other stakeholders very responsible in the implementation of its projects and programs. It therefore works from a partnership perspective, encouraging the management of continuous communication links and feedback.

Each project or program of the Office can have its own approaches, methodologies and means of action, but also different impacts on the environment and on the living conditions of the beneficiaries. Each project or program can also have actions or aims which can have negative externalities with the beneficiary communities, and cause dissatisfaction with them. To avoid such situations, the Office takes the option of anticipating these eventualities by taking care, prior to any intervention, to set up systems and mechanisms to mitigate and minimize these risks.

To avoid the frustrations of its beneficiaries and to ensure that its projects and programs have a positive impact on them, the Office establishes for each project and program a grievance management mechanism that deals with environmental and social complaints. The establishment of this mechanism is an important option with a view to establishing ongoing collaborative and cooperative relationships with stakeholders in the execution of the activities of the Office's projects and programs. More than a necessity, it is for him a fundamental element of his intervention strategy.

The mechanism indeed gives communities, especially impacted, the means to make complaints to better take care of their concerns or to demand better management of the project or program concerned. It also enables administrative, provincial and municipal authorities, as well as technical services, to meet the expectations of communities.

This BOPE grievance mechanism, as it is designed at the strategic level and as it is generally applied, is described in this document which provides the information necessary for understanding the key concepts as well as " the justification and description of the general and specific objectives. It also presents the fields of action of the mechanism. Finally, this document presents the principles around which, for each project and program, a Grievance Management Manual is developed; then it describes the generally accepted structure of the mechanism and presents the different stages of grievance management, ranging from

reception to filing, and questioning the different actors involved in the process. Finally, it describes step by step the role and responsibilities of each actor involved in the mechanism and presents the monitoring and evaluation methods of the mechanism.

I. STRATEGIC AND CONCEPTUAL FRAMEWORK OF THE GRIEVANCE MANAGEMENT MECHANISM

1.1. Opportunity and Justification

For the BOPE, an effective grievance management mechanism corresponds to an available and accessible system or organization, which makes it possible to respond to questions from communities in a timely manner, and to resolve the problems and constraints raised by them as soon as possible, in order to keep the links of collaboration, cooperation and partnership characterizing the intervention principles of the Office.

The Office builds its community development and environmental issues projects and programs, around a Results-Based Management (RBM) approach. Given the principle of ownership promoted by the RBM, the involvement and active participation of the beneficiaries, throughout the implementation of the activities, is a condition for success guaranteeing the sustainability of the actions.

The projects and programs of the Office may relate to different themes involved in environmental management and the mitigation / adaptation of climate change. We can thus distinguish themes relating to:

- Sustainable Management of Natural Resources;
- Agriculture and livestock;
- Access to water;
- Access to means of subsistence;- etc.

Sometimes, certain activities are likely to have varying levels and forms of impact that affect different beneficiary people or communities differently. In this general context where each beneficiary seeks to optimize his satisfaction and to safeguard his interests and acquired, it is very likely that conflict situations arise and destroy the expected achievement of results. Indeed, experience shows that in such contexts, development projects and programs implemented in a community environment can often lead to conflicts, complaints and problems, of different orders, which can arise in the different phases of the project cycle.

To successfully implement them and achieve the expected results, it therefore remains necessary to anticipate possible problems that may arise, to contain and resolve them before they have negative repercussions with dangerous consequences that can jeopardize the continuity of interventions, hence the need to set up a mechanism to properly manage these potentials and possible conflicts related to the activities of projects and programs.

It is for these reasons that the Office is developing, for each project and program, a grievance management mechanism, to offer communities and all those who are not happy with the projects and programs or the way they are conducted or the results and consequences they produce, the possibility of making complaints through an organized system guaranteeing the reception of complaints, their treatment and monitoring of the implementation of the measures arising therefrom.

1.2. Goals

The grievance mechanism thus offers each actor the opportunity to express their grievances that may relate to different things. The grievance mechanism is thus for the Office, a participatory governance tool that aims to prevent, neutralize and resolve tensions and conflicts between stakeholders, in order to achieve the expected results. It therefore generally has the objectives of:

- Enable all stakeholders involved in the implementation of projects and programs to maintain a peaceful atmosphere of collaborative and cooperative relations, with a view to the effective implementation of projects and programs;
- Provide stakeholders with an effective framework for resolving specific grievances without compromising the pursuit of the objectives of projects and programs;
- Allow the Office to ensure its accountability vis-à-vis the State, but also stakeholders and development partners.

The specific objectives of the grievance mechanism are:

- Give stakeholders and communities a tool to let them know their dissatisfaction;
- Collect community perceptions on the implementation of projects and programs;
- Establish an environment of peace and trust in the implementation of activities;
- Identify and correct potential errors in the approach to projects and programs;
- Early identification of potential conflicts and their causes;

- Learn from experience by identifying and analyzing the lessons learned from the MGG process;
- Resolve these conflicts without major prejudice and before they become more important;
- Improve the intervention logic and the results of projects and programs;
- Effectively manage the operational risks of projects and programs, especially before they become regrettable;
- Further encourage community participation and encourage feedback;
- Correct misunderstandings that can lead to rumors harmful to the image of the project;
- Create added value for future interventions, knowing what can create conflicts;
- Strengthen the Office's credibility with beneficiaries and other stakeholders.

In short, the grievance management mechanism promotes better rapprochement between beneficiary communities and project and program implementation teams. It strengthens participatory democracy and the principles of open governance in the strategic and operational management of development activities, for greater participation by local populations, by presenting itself as an open space for dialogue around the project or program concerned.

1.3. Scope

The scope of the mechanism includes all questions, concerns, problems or grievances (real or perceived) arising from the activities of projects or programs implemented by the Office, which an individual, group or community wishes to be treated or resolved by the Office. This includes physical, psychological, social or environmental harm or damage. The objective is to provide all stakeholders with a framework for resolving specific grievances without hindering the pursuit of the objectives of the project or program concerned.

Thus, the grievance management mechanism is concerned overall with all environmental and social grievances arising from all problems, all questions, all concerns, all complaints, all grievances, which may arise from the setting implementing the activities of each project and program concerned, whether they are really visible or stem from perceptions, and which come from an individual, a group of individuals or an entire community.

1.3.1. Environmental grievances

For a project or a program, by environmental grievances, we mean all the problems or all the complaints arising from proven or possible negative impacts of its activities on the environment, the protection of nature or the phenomena of climate change. They are asked by

stakeholders, but also by other actors, to the grievance management mechanism. They can be of different orders. For example, we can in fact cite:

- Measures to suppress or mitigate negative impacts recommended in the Environmental and Social Impact Management Plans, not implemented or implemented in an inappropriate manner;
- Guidelines in the choice of investments that do not comply with environmental standards;
- The generation of pollution by activities of the project or program concerned (smoke emission for example);
- Problems related to the obstruction, overload and overflow of sanitation networks, caused by the implementation of a project or program;
- Non-compliance with the measures recommended with regard to the categorization of projects;
- Flaws noted in the conduct of Environmental and Social Impact Studies, Environmental and Social Impact Notices, etc. ;
- The illegal dumping of liquid or solid waste into the environment;
- Degradation of nature or green spaces;
- Excessive cutting of wood as part of the implementation of the project or program concerned; etc.

For all categories of environmental grievances, the mechanism proposes a settlement protocol which involves different actors.

1.3.2. Social grievances

By social grievances, we mean all the problems, all the injustices, or all the constraints caused or likely to be caused to the social life of communities, by the activities of a project or program. They can be of different orders. For example, the following complaints can be cited:

- The feeling of exclusion of an individual, a group of individuals or a community in the implementation of a project or program;
- A lack of development of a cattle route in an agricultural project;
- Possible corruption problems perceived by stakeholders;
- Non-compliance with public and citizen consultation procedures;
- The non-involvement of stakeholders in project and program activities;
- The generation of noise pollution by activities of the project or program concerned;

- The gender dimension not taken into account in the implementation of the project or program under consideration;
- The feeling of unfair expropriation of land or factors of production, expressed by an individual, a group of individuals or a community;
- The disclosure of secrets relating to the activities of the project or program concerned, such as the choice of beneficiaries, the protection of personal data, etc. ;
- Poor conduct of a resettlement and financial compensation policy for the communities etc.

II. OPERATIONAL FRAMEWORK OF THE GRIEVANCE MANAGEMENT MECHANISM

2.1. Prior actions

The BOPE is obliged to set up, for each project and program, a mechanism for managing environmental, social and gender grievances and complaints which must be effective in its work, that is to say, be rapid, participative and accessible to all stakeholders, to prevent or resolve conflicts by negotiation, dialogue, joint investigation, etc.

The mechanism, however, is not intended to replace the institutional and legal mechanisms for handling complaints (such as courts and administrative tribunals), to make laws, to establish itself as a mandatory prerequisite, or to change in a village court. Rather, it is a mechanism put in place within the framework of a project or program, made up of technical services, authorities, resource persons and beneficiaries of the project or program, to quickly take charge of and resolve any problems arising from the implementation of this project or program.

To make this clear to all stakeholders, the Office organizes many awareness-raising and capacity-building sessions, focusing on the mechanism, its roles and responsibilities, its importance, its composition, etc.

These sessions also focus on how the mechanism works, addressing the following points:

- What the work of the committee is about;
- What is a complaint;
- The cases in which it is possible to make a complaint;
- Ways and means of making a complaint;
- How to receive a complaint;
- How to deal with a complaint;
- How to approach the committee at central level;
- What deadlines for processing;- etc.

2.2. Principles of Operation of the Mechanism

For all types of grievances, if the mechanism is seized, or if it allows itself, it must respond quickly, by an effective treatment of the case, and this, as soon as possible. To achieve this, a certain number of fundamental principles guide its operation.

1. The Principle of Accessibility: this principle requires the mechanism to be very open and easily grasped. Thus, everyone must be able to access the mechanism and express their concerns. For this, the mechanism must be widely disseminated to the main stakeholders, overcoming any cultural, social, linguistic, geographic and financial barriers. He must also clearly present the procedures for entering it, and set up a support system for people with special needs.

2. The Proximity Principle: this principle means that the mechanism must be close to the communities, which must not travel too far to access them. For this reason, it must have a representativeness at the level of all the zones and human settlements concerned by the implementation of the project or program concerned.

3. The Principle of Impartiality: this principle means that all those who conduct complaint handling activities must be neutral and impartial. They should not have a direct interest in the outcome of the processing of a complaint.

4. The Principle of Free: this principle means that access to the mechanism is completely free. The people who challenge the mechanism must in no way bear any cost or expense to file a complaint.

5. The Principle of Confidentiality: this principle means that the mechanism guarantees confidentiality and anonymity to plaintiffs who wish to do so, among other things, to avoid possible reprisals.

6. The Principle of Predictability: this principle means that the mechanism must react promptly to all plaintiffs, and present a clear treatment process, with deadlines for each step.

7. The Principle of Transparency: this principle means that the procedures for handling complaints and grievances are clearly set out and that the processing is done in a participatory manner with in particular the involvement of local and administrative authorities, customary chiefs and other resource persons.

8. The principle of proactivity: this principle means that the grievance mechanism also relies on early warning devices allowing it in certain cases to seize itself and intervene before a possible complaint.

2.3. Structure and Composition of the Mechanism

2.3.1. Structure of the Mechanism

The mechanism is structured appropriately, to respect all the principles that must guide its operation. Thus, it operates according to a scheme that includes a management and complaint handling unit at the central level, and management and processing units at the decentralized or decentralized level, each unit being autonomous in the activities for resolving grievances received.

However, if the competences exceed a committee level or if a solution is not found, then this committee can refer to the committee located at a higher level. The diagram can be revised depending on the projects and programs, their scope, their areas of intervention and their characteristics. We can thus have a committee at the level of each intervention village, a committee at the level of each hill, a committee at the level of each commune, a committee at the level of each province and a committee at the central level, as shown in the next figure.

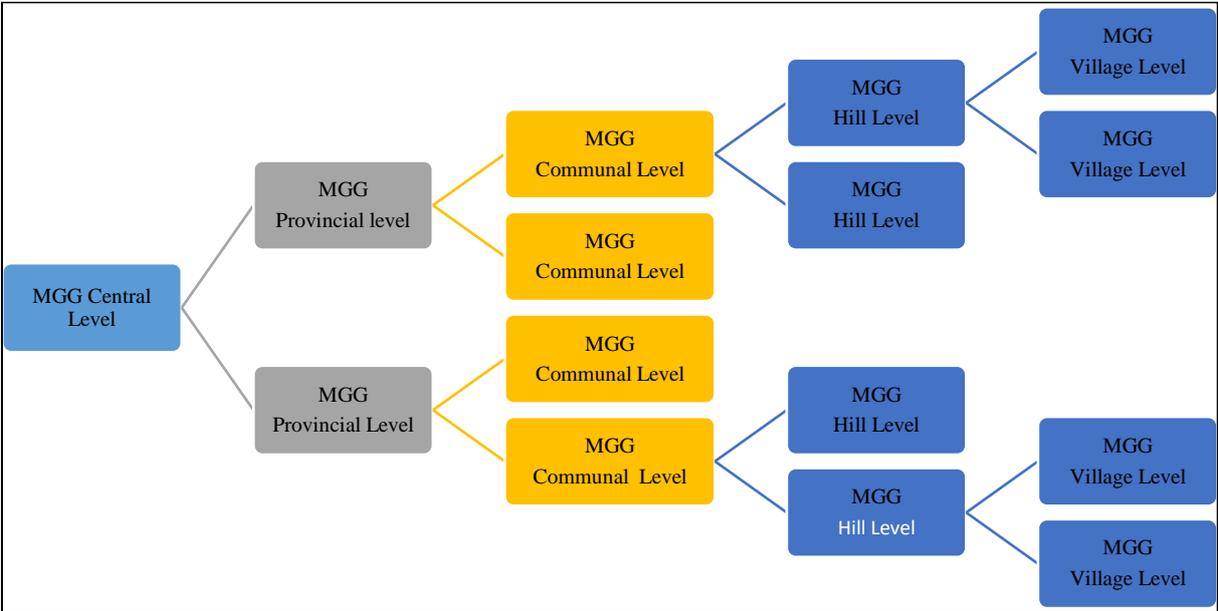


Figure 1: The Structure of the Grievance Management Mechanism (MGG)

2.3.2. Composition of the Mechanism

The mechanism generally set up is made up of a central management unit and deconcentrated units close to the communities at the base.

The central management unit is coordinated by the Office as part of the strategic steering of the project or program concerned. It includes representatives of the various structures and institutions involved in the implementation of the project or program concerned.

It intervenes in the settlement of complaints for which the other levels of the mechanism, in particular the decentralized and decentralized levels, could not find a solution.

At the provincial level, depending on the projects, it is possible to have a complaints management unit. It is then generally composed of the administrative authority which chairs it and the various technical services, representatives of beneficiaries and community organizations across the province, involved in the implementation of the project or program.

At the level of the intervention municipalities, depending on the projects, it is also possible to set up a complaints management unit, which is then responsible for grievances at the commune level. Participate in this committee then, mainly, the administrative authority (municipal authority, provincial authority / the mayor), resource persons, representatives of beneficiaries, etc.

Also at the hill level, for certain projects and programs, it is possible to have a grievance management unit or committee. Finally, at the level of each village too, to be closer to the beneficiaries, it is possible to have a unit or a committee, composed of village authorities, resource persons, associations, etc. The function of this committee is to receive and respond to all questions and concerns from the community regarding possible problems relating to the project or program concerned.

However, in practice, the structuring depends on the realities of the project or program concerned.

It is important to remember that the members of the committee have no salary or indemnity. Especially for village or hill committees, the BOPE may have to constantly improve their technical capacity to ensure their functionality. Generally, the central level has the role of coordination, but also the resolution of extreme cases.

2.2. The complaints and grievance management process

The process for managing and handling environmental, social and gender complaints and grievances is designed in a simple manner, and includes several stages. It is shown schematically as follows.

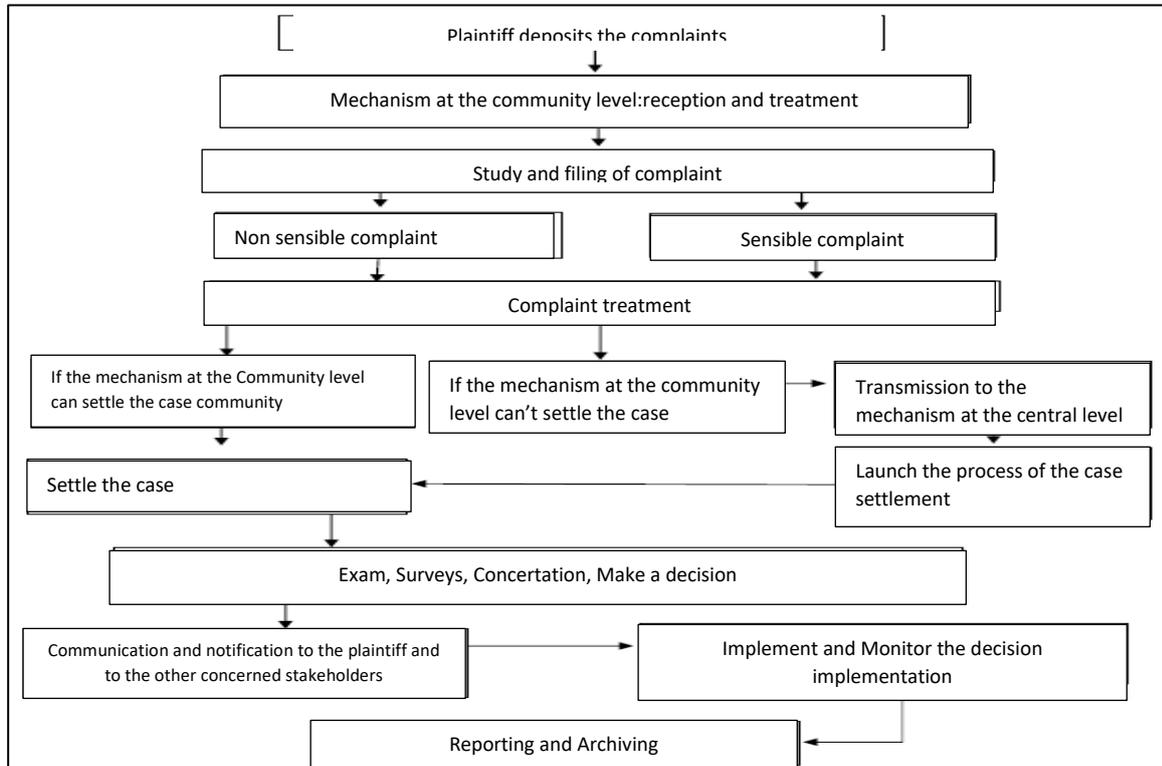


Figure 2 : The Management and Processing of Complaints and Grievances

The process can be organized in 4 steps presented below.

2.1.1. Step 1: Receiving Grievances and Complaints

This step begins when an individual, group of individuals or community decides to enter a committee level to make a complaint, grievance, information or claim. To facilitate its referral, the mechanism sets up several channels through which it can be challenged by the plaintiffs. Plaintiffs can therefore seize it:

- By telephone calls;
- By formal mail;
- By registration forms to be completed and filed;
- By oral observations and complaints;- etc.

In all cases, the mechanism has the obligation to receive and register complaints and grievances (each project or program, depending on its specificities, can develop a standard form necessary for registration), and then initiate a treatment process. He also acknowledges receipt of grievances and complaints and may, in certain cases, ask for clarifications, or additional information to better understand the problem.

In addition, the committee can also take action on the basis of the facts observed or information received. It then starts the treatment process.

2.1.2. Step 2: Categorization of Grievances

The grievances and complaints received are then categorized. There are generally two categories: grievances and complaints of a sensitive nature and grievances and complaints of a non-sensitive nature. Grievances and complaints of a non-sensitive nature are those generally concerning the process of implementation of the project or program concerned, as well as the results, methods of action, etc. Sensitive complaints and grievances are those which generally relate to sensitive facts relating to personal faults, such as corruption, discriminatory practices, abuse of power, sexual abuse, exclusion, etc.

In all cases, the mechanism guarantees complainants, especially those wishing to remain anonymous, confidentiality throughout the process.

2.1.3. Step 3: Handling of Grievances and Complaints

The complaints and grievances received and categorized are then studied from the point of view of the feasibility of the settlement by the level of committee seized. If the committee can actually handle the settlement, then it initiates the settlement process. If, on the other hand, the settlement of the grievance or complaint exceeds its powers, then it refers to the committee at the central level which must decide as quickly as possible.

From experience, before transferring a case to the next committee or starting the treatment process, the mechanism examines whether it is founded or whether it is only the product of rumors or false allegations.

2.1.4. Step 4: Resolution of the Corresponding Problems and Decision Making

The settlement of the problem object of the grievance or complaint is started as soon as possible. With this in mind, the committee will meet as soon as possible to examine the complaint or grievance, and promptly carry out the activities necessary to resolve the

problem, whether they are investigations, consultations, etc. Committee meetings are always sanctioned by minutes.

The final decision on the case is taken collectively and communicated to the complainant and to all the stakeholders concerned. Likewise, the measures that the committee decides to take (the resolutions) are also communicated to the complainant and to the other stakeholders concerned.

However, the committee gives stakeholders the opportunity to appeal following the handling of a case. For the settlement of a case, generally five situations are possible for the mechanism:

- A direct response from the mechanism with concrete actions to resolve the situation;
- A necessary in-depth verification, which may lead to a joint investigation, dialogues, negotiations, etc., for a consequent resolution;
- An independent investigation based on the opinions of experts, especially for sensitive cases;
- Referral to official authorities, especially for sensitive cases and falling under their authority;
- Rejection on the grounds that the grievance or complaint is not eligible for the mechanism.

2.1.5. Step 5: Implementation of the resolutions

This step corresponds to the effective execution of the resolutions issued from the processing of grievances and complaints. It is carried out following a participative and collaborative approach. Throughout the implementation, the committee, with all the actors involved, ensures the monitoring and evaluation of the measures taken.

2.1.6. Step 6: Reporting and Archiving

The mechanism sets up a system for filing grievances and complaints. For each case received and treated, a report is drawn up. Similarly, complaints and grievances missions are the subject of minutes and reports which are also classified and archived by the mechanism. In the periodic reports drawn up by the project or program concerned, there is a point devoted to handling complaints.

With a view to digitization, the BOPE will organize in its information and management system in such a way that it makes it possible to keep up to date a digital database of complaints and grievances of all the complaints received, with an indication of the respective status of complaints (ie resolved, unresolved, pending ...).

CONCLUSION

The establishment by each project or program implemented by the Office, of a grievance management mechanism is thus very important because it allows to identify possible problems likely to arise from the implementation of activities, and to give to the Office the possibility of knowing to what extent a project or program that it implements, achieves its objectives and impacts its main beneficiaries.

The information gathered through the grievance management mechanism and relating to complaints and their resolution, is used in a positive way to adapt intervention strategies better and better to local realities, and thus, strengthen the quality of programs. They also feed organizational learning processes and allow the Office also to be able to learn, from previous experiences, to detect in advance a problem in the implementation of a project or program.