Grievance Mechanisms for Resettlement

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GRIEVANCE MECHANISMS

It is expected that a suitable grievance mechanism will be part of consultation plans developed for projects seeking to comply with international standards for environmental and social performance.
GRIEVANCE MECHANISMS

- A grievance procedure provides a tool for companies and communities to address issues as they arise in a non-confrontational manner.

- The presence of a grievance mechanism is crucial for communities to feel that they can bring forward their grievances without resorting to confrontation.

- The process for addressing grievances is seen as being almost as important as the outcomes themselves.
GRIEVANCE MECHANISMS

Key advantages of implementing a grievance mechanism include:

• providing a process which can result in fair and lasting outcomes
• trust-building between company and community
• early detection of concerns and proactive resolution prior to escalation
• systematic identification of issues
Effective grievance mechanisms are:

- Legitimate
- Accessible
- Predictable
- Equitable
- Transparent
- Rights-compatible
- A source of continuous learning
- Based on engagement and dialogue

(UN Guiding Principles on Business and Human Rights)
GRIEVANCE MECHANISMS

• The level of complexity of a grievance mechanism must be proportionate to the potential negative impacts of a project.

• Cultural appropriateness in the design of a grievance mechanism: traditional mechanisms used to raise and resolve issues must be considered – particularly where Indigenous Peoples are present, and in societies where participation of certain sub-groups of the population or of women may be impeded.
GRIEVANCE MECHANISMS

• IFC Guidance notes that:
  “regardless of scale and level of planning, involuntary resettlement inevitably gives rise to grievances among the affected population. Timely redress of such grievances is vital to the satisfactory implementation of resettlement and to completion of the project on schedule”.

• RAP should outline grievance mechanism for the resettlement process (in line with SEP)

• While aligned with the project grievance mechanism, it should be designed for resettlement-related grievances (e.g., about property valuations or individual households’ eligibility for resettlement compensation and assistance)
GRIEVANCE MECHANISMS AND AFFECTED COMMUNITIES

• During resettlement planning consultation meetings with project-affected communities, detailed information about the grievance mechanism must be disclosed.

• Ideally, grievance mechanism should be developed in consultation with the community.

• It should be implemented when census is conducted and throughout all phases of resettlement implementation.
GRIEVANCE MECHANISMS FOR RESETTLEMENT

Grievances could be about:

• Valuation of land/property and other assets
• Compensation payments (i.e., method, timing)
• Relocation support
• Suitability of replacement land
• Characteristics of resettlement site (e.g., availability of services)
• Host community issues
• Temporary arrangements
• Eligibility of “absentees”
Eligibility- and Compensation-Related Grievances
PNG EXAMPLE

- Community Relations personnel were assigned to work with Resettlement Implementation Team

- Members of a land rights NGO (third party support) provided advice to affected persons regarding their rights

- Thus, dedicated (specialized) personnel were available to work to address grievances
Challenges and issues relating to vulnerable persons:

- Accessibility
- Equity
- Trust
- Fear of confrontation?
GRIEVANCE MECHANISMS FOR RESETTLEMENT

Benefits for Project-Affected Persons:

• Ensure concerns are heard (and addressed) in timely fashion
• Avoid, or minimize, the exacerbation of vulnerabilities
• Ultimately, it should help to ensure that the standard of living of affected persons is maintained or improved
GRIEVANCE MECHANISMS FOR RESETTLEMENT

Benefits for Project:

• Avoid project stoppages and delays
• Identify major land acquisition/resettlement issues more promptly
• Obtain the necessary land access with minimal, or reduced levels, of confrontation
• Opportunity to improve the resettlement process
• Measure the effectiveness of RAP implementation – i.e., number of grievances and processing time are outcome indicators
Large projects need multiple grievance procedures

01 Community grievances (e.g., regarding noise or dust during construction phase)

02 Employment-related grievances (e.g., payment of wages, recruitment issues)

03 Land acquisition-and resettlement-related grievances
Why a separate grievance mechanism is needed in some projects:

• Prioritization of grievances based on immediate needs of Project (this could be negative if land acquisition issues are prioritized at the expense of other important issues)

• Suitable for large projects with significant land acquisition component

• Facilitates the timely resolution of grievances

• Dedicated personnel (grievance officers) – with knowledge of, e.g., valuation methods – in place to address land acquisition and resettlement issues may result in more effective resolution of this type of grievances
EXAMPLE 1: OIL & GAS PROJECT – SOUTHEAST ASIA

CONTEXT

- Resettlement of approximately **3,500 households**
- **No separate grievance mechanism** for resettlement activities
- Livelihood restoration and transition

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 1: OIL & GAS PROJECT – SOUTHEAST ASIA

RESULTS

- Number of grievances increased with resettlement – **and remained high after resettlement**
- After resettlement, most grievances were employment-related: **issues changed** according to project phase

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 1: OIL & GAS PROJECT – SOUTHEAST ASIA

RESULTS

Grievance resolution time during resettlement phase increased **significantly**

**Resettlement-related grievances took longer to resolve** than other grievances

Time resolution for grievances

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 2: MINING PROJECT – WEST AFRICA

CONTEXT

- Land access and resettlement of 10,000 PAP
- Project timeline: about 24 months for the bulk of land access / resettlement
- No separate grievance mechanism – however, part of the land access team was dedicated to supporting the grievance process (including investigations on land ownership)
EXAMPLE 2: MINING PROJECT – WEST AFRICA

RESULTS

- **Number of grievances exploded** during resettlement

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 2: MINING PROJECT – WEST AFRICA

RESULTS

- Communities trusted the operating company and the process
- Payment of compensation / resettlement process did not suffer delays
- Other grievances processed as usual within normal timeline
- Project was granted access to land according to project plan
- Construction and production started on time

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 3: MINING PROJECT – WEST AFRICA

CONTEXT

- Land access – cash compensation ongoing for the last 18 months
- Resettlement activities are upcoming
- No separate grievance mechanism

Land Access and Resettlement – Dedicated land access team/grievance process are key to success
EXAMPLE 3: MINING PROJECT – WEST AFRICA

RESULTS – To be determined as project is in early stages

In first half of 2017 the team is preparing for the bulk of resettlement

Few grievances at this point, but the team only manages to close 2-5 grievances per month (on average it is taking 60 days per grievance) – focus is on land access, not on grievance management

QUESTION: what is likely to occur on this project as resettlement implementation proceeds?
CONCLUSIONS

• In the projects reviewed, increases in number of grievances were observed as land acquisition/resettlement activities were initiated

• The average time required for the resolution of grievances also increased

• Where there was dedicated personnel to address land acquisition and resettlement grievances, land access was achieved on time and project schedule was not affected

• The number of grievances in projects increases as soon as surveys of affected households commence – thus, grievance management is important at all stages of the resettlement process

• Land acquisition/resettlement grievances appear to take longer (on average) to resolve than other grievances

• Dedicated resources (personnel) are needed to manage resettlement-related grievances in order for projects to proceed in timely fashion and with a positive company-community relationship