



Environmental and Social Management System (ESMS)

ESMS Grievance Mechanism - Guidance Note

Version 2.1 – October 2020

Code Version Control and History

Title	Guidance Note - IUCN ESMS Grievance Mechanism
Version	2.1 released in October 2020
Source language	English
Responsible Unit	GEF & GCF Coordination Unit
Developed by	GEF & GCF Coordination Unit Unit on behalf of the Programme and Policy Group
Subject (Taxonomy)	Safeguards, Screening, Risk Management, Impact Assessment, Monitoring, Accountability, Grievance, Disclosures, Consultations
Date approved	15 October 2020
Approved by	Director GEF & GCF Coordination Unit
Applicable to	IUCN staff, IUCN Commission members, IUCN Members and other partners executing IUCN projects
Purpose	To establish the IUCN institution-wide ESMS grievance mechanism
Is part of	IUCN Environmental and Social Management System (ESMS)
Conforms to	Internationally accepted environmental and social standards and safeguards; in particular with the GEF Policy on Agency Minimum Environmental and Social Standards and the Green Climate Fund's Environmental and Social Safeguards
Related Documents	IUCN ESMS Manual
Distribution	available on the Union Portal and IUCN website at www.iucn.org/esms

Document History

Version	Release date	Summary of changes
Version 1.0	Released in May 2014	n/a
Version 2.0	Released in May 2016	More clarity on the relation to the ESMS; procedures and eligibility criteria strengthened, including adding exception that allows skipping stage 1 and 2 to allow submission straight to the PCMS - in case the concern is highly sensitive, or the complainant needs confidentiality or fears retaliation; differentiation between non-compliance and other disputes; expansion of provisions on communication and accessibility
Version 2.1	Released in October 2020	Protection against retaliation: added as principles and procedures described in chapter 8. Clarification of the escalation steps, timeframe of responses and for filing complaint (chapter 3). Chapter 1 explaining that the detail of project-level grievance mechanism depend on risk level as instructed by the screening.

For further information contact: linda.klare@iucn.org

1. Introduction

The IUCN ESMS grievance mechanism addresses stakeholders' complaints related to issues where IUCN projects have failed to respect ESMS principles, standards, and procedures. The mechanism applies to all projects covered under the scope of the ESMS (see chapter 3.1), irrespective of their size or source of funding. However, projects rated as moderate, substantial or high risk and where ESMS standards are triggered will require the project-level mechanism to be more comprehensive. Details are determined by the ESMS Screening Report.

The aim of the grievance mechanism is to provide people or communities fearing or suffering adverse impacts from a project with the assurance that they will be heard and assisted in a timely manner. Each grievance case is reviewed to understand whether a potential breach of ESMS principles, standards or procedures has occurred. A process identifies the root causes of the subject of the grievance and ensures that issues of non-compliance with the ESMS are corrected; some cases may also require remedial actions to redress potential harm resulting from a failure to respect the ESMS provisions or preventive measures to avoid repetition of non-compliance.

The grievance mechanism reflects and operates under the good practice principles shown in Figure 1.

Accessible

- Mechanism is fully accessible to all parties that might be affected by the project

Practical

- Mechanism is cost-effective and practical in its implementation and doesn't create a burden for project implementation

Effective and timely response

- The provisions and steps for responding to complaints and seeking solution are effective and timely

Transparent

- Decisions are taken in a transparent way, and complainants are kept abreast of progress with cases brought forward

Independent

- Oversight body and designated investigator is independent from project management

Protection from retaliation

- Procedures are in place to protect the complainant and minimize the risk of retaliation

Maintenance of records

- Diligent documentation of negotiations and agreements and good maintenance of records on all cases and issues brought forward for review

Figure 1: Good practice principles of the ESMS grievance mechanism

2. Eligibility

Any community, organisation, project stakeholder or affected group (consisting of two or more individuals) who believes that it may be negatively affected by the executing entity's failure to respect IUCN ESMS principles, standards, or procedures may submit a complaint.

Representatives (a person or a local organisation) can submit a complaint on behalf of a community, project stakeholder or affected group. Anonymous complaints will not be considered, however, complainants' identities will be kept confidential upon their written request.

The following requests are not eligible:

- complaints with respect to actions or omissions that are the responsibility of parties other than IUCN and the relevant executing entity under its authority in the context of the project;
- complaints filed:
 - after the date of official closure of the project; or
 - 18 months after the date of the official closure of the project in cases where the complaint addresses an impact resulting from project activities that was not, and reasonably could not have been, known prior to the date of official closure;
- complaints that relate to the laws, policies, and regulations of the country, unless this directly relates to the entity's obligation to comply with IUCN's ESMS principles, standards and procedures;
- complaints that relate to IUCN's non-project-related housekeeping matters, such as finance, human resources and administration;
- complaints submitted by the same claimant on matters they submitted to the grievance mechanism earlier, unless new evidence is provided;
- complaints that relate to fraud or corruption or to the procurement of goods and services, because they fall under different mechanisms. Reports of fraud or corruption in a project should be directed to the confidential Anti-Fraud Hotline.¹ Complaints about the procurement of goods and services, including consulting services, should be directed to the IUCN office responsible for the particular procurement.²

3. Three-stage process for resolving a grievance

To be practical and cost-effective, resolution of complaints should be sought at the lowest possible level. The IUCN grievance mechanism is a three-stage process as shown in Figure 2.

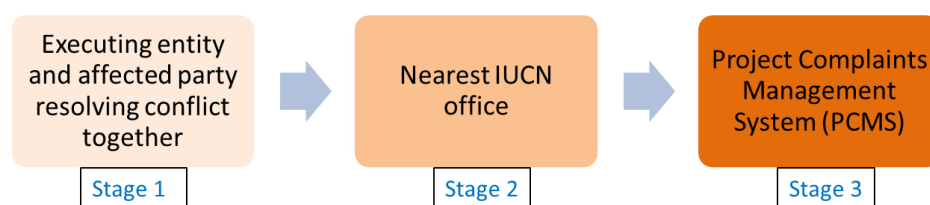


Figure 2: Three-stage process of the IUCN grievance mechanism

¹ Anti-Fraud Hotline +41 22 999 0350 (voice mail); Anti-Fraud email account antifraudpolicy@iucn.org; fax +41 22 999 0029, mail letter to the Head Oversight Unit, IUCN World Headquarters, Rue Mauverney 28, 1196 Gland, Switzerland.

² If the response of the office is not deemed to be satisfactory, the complainant may escalate to IUCN Headquarters at procurement@iucn.org.

The best approach to resolving grievances involves project management (executing entity) and the affected party reviewing the conflict and deciding together on a way forward that advances their mutual interests (stage 1). This reflects the fact that local and country authorities often have better information on and understanding of the causes of disputes arising from project implementation. 'Deciding together' approaches are usually the most accessible, natural, unthreatening and cost-effective ways for communities and project management to resolve differences.

The executing entity should respond to grievances in writing within 15 calendar days of receipt. Claims should be filed in a complaint register, included in project monitoring, and a copy of the grievance should be provided to the IUCN programme or office supervising the project. The register should also document the response actions and status (solved/not solved).

While recognizing that many complaints may be resolved directly between the executing entity and complainant, the complainant can escalate the concern to the next higher level (stage 2) if no solution to the complaint is found or the claimant is not satisfied with the response, by contacting the nearest IUCN office (Country Office or Regional Office). The IUCN office will file the claim and respond to the claimant within 15 calendar days of receipt.

If these two stages have not been successful, the complainant can forward the grievance to the centralized IUCN Project Complaints Management System– stage 3. Complainants should explain that good-faith efforts have been made to first address the problem directly with the executing entity and then with the nearest IUCN office. It is important to underline, though, that if the concern is sensitive, the complainant fears retaliation or for any other justified reason, the first two stages can be skipped and the complaint can be submitted straight to the Project Complaints Management System.

A complaint can be submitted to the Project Complaints Management System in several ways:

- by post to IUCN Head of Oversight, Rue Mauverney 28, CH-1196 Gland, Switzerland;
- by email to projectcomplaints@iucn.org;
- by fax to +41 22 999 00 02 (indicating IUCN Head of Oversight as addressee); or
- by telephone to + 41 22 999 02 59.

A written complaint sent by post, fax or email should include the following information (in any language):

- complainant's name, address, telephone number, fax number and email address and valid proof of representation if the complaint is filled by the representative of a legal person/entity;
- description of the project or programme concerned;
- the harm that is, or may result from IUCN's and/or the project executing entity's failures to respect IUCN's ESMS principles, standards, or procedures;
- the principle, standard, or procedure (if known) allegedly breached;
- actions taken to solve the issue, including previous contacts with the executing entity and the nearest IUCN office (stages 1 and 2 of Figure 2) and reasonably detailed explanations why these stages have not provided a satisfactory solution; and
- list of supporting documents and attachments, as appropriate.

A template for the complaint is available on the IUCN website.³

4. Review process of the Project Complaints Management System

All complaints received through the Project Complaints Management System (PCMS) are registered and trigger a formal review and response process following the action steps in Table 1 and described below.

Upon receipt of a complaint, the IUCN Head of Oversight will, within five business days, indicate to the complainant whether the request is eligible. To reach this decision, the Head of Oversight will involve the Director PPG, the ESMS Coordinator, and, as appropriate, member(s) of the ESMS Expert Team in assessing the complaint.

If the complaint is eligible, the Director PPG will appoint an internal investigator, independent of the project, to manage the case. The investigator will notify the executing entity and the nearest IUCN office⁴ and request, within 20 business days, a detailed response including a confirmation that the complaint is valid under the eligibility provision and an action plan and timetable for addressing the complaint. The local IUCN office facilitates the process.

Table 1: Summary of the Project Complaints Management System review process

	Action	Responsibility	Timeframe
1	Notify complainant whether complaint is eligible based on eligibility criteria in section a. above.	Head of Oversight, advisors	Within 5 working days of receipt of complaint
2	Appoint investigator for managing the case (internal to IUCN but independent from the executing entity) ⁵	Director PPG	
3	Notify the executing entity and IUCN office about the review process and request response	Investigator	
4	Respond to IUCN regarding the complaint: <ul style="list-style-type: none"> - confirm eligible complaint - submit action plan and timetable 	Executing entity	Within 20 working days
5	Review and approve action plan	Investigator	
6	Develop corrective actions for issues of non-compliance including <ul style="list-style-type: none"> - timetable - corrective actions and, if relevant, remedial or preventive measures, - evidence of consent complainant - provisions for progress reports 	Executing entity	As per agreed timetable
7	Review and approve corrective actions	Investigator	
8	Produce grievance summary report	Executing entity	

³ Available at www.iucn.org/esms.

⁴ If the executing entity is the local IUCN office (and not an external entity) the regional IUCN office assumes the role of the facilitator.

⁵ For high-risk issues, the Head of Oversight may appoint an external investigator.

9	Implement corrective actions and report on the progress (monitoring)	Executing entity	As per agreed timetable
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After the investigator has reviewed and agreed to the action plan and timetable, the executing entity implements the action plan and works with the complainant⁶ and relevant stakeholders to develop corrective actions for the issue. The executing entity will provide a detailed description of the agreed corrective actions, a timetable for implementation, evidence of consent of complainant and provisions for progress reports. In addition to correcting the non-compliance, measures might include remedial actions to redress direct and material harm caused by the non-compliance or measures to prevent the repetition of the non-compliance issue.

Once the investigator has approved the corrective actions they become part of the project's implementation plan and are subject to project monitoring.

The executing entity, in collaboration with the local IUCN office, produces a grievance summary report, including a description of the complaint, the process followed, the consultations carried out and the corrective actions. The report is sent to the investigator, the Director PPG, the ESMS Coordinator, the complainant and other relevant stakeholders.

This process is applied in cases where corrective actions can be identified relatively easily.

Formal compliance review. In cases where the situation is complex or contentious or the relationship between the executing agency and the complainant is conflictual, the Director PPG will request the investigator to carry out a formal compliance review to allow for an in-depth investigation of the issues of non-compliance and their root causes and develop a plan for corrective actions. This review involves fact finding through interviews with the complainant, the executing agency, project-affected people and relevant stakeholders, comprehensive information gathering to allow factual determination of issues and, if needed, in-country inspections.

5. Management of non-compliance

If the executing entity fails to implement corrective actions under the Project Complaints Management System or continues to be in non-compliance, the following steps will be taken:

- Report summarising the reviews and consultations at the GEF Coordination Unit and PPG levels (compliance officer) ;
- Warning to the executing entity that major corrective actions will be necessary including:
 - detailed analysis of the root causes for non-implementation of recommendations, including fact-finding missions (with technical support from IUCN or external consultants) and meetings with stakeholders;
 - production of a new action plan with a timeframe strengthened monitoring procedures and specific reporting;
 - action plan review and monitoring of implementation;
 - conditions put on the approval of financial transactions;
 - moratorium on the disbursement of funds;

⁶ If confidentiality has been requested, IUCN's Head of Oversight will not disclose the name of the complainant. At the end of the process, recommendations will be communicated confidentially to the complainant by the Head of Oversight.

- disclosure of information on the dedicated page of the IUCN public website.

6. Proactive approach to grievances

The best approach is to proactively prevent grievances from building up. Stakeholder engagement during the design phase is critical as well as regular stakeholder contact and consultation during the implementation. Maintaining a constructive relationship with stakeholders helps the executing entity/project managers identify and anticipate potential issues early. If a grievance arises the executing entity should involve the affected parties in 'deciding together' how to resolve the issue.

If the issue cannot be solved between the two parties, an intermediate step before proceeding to stages 2 or 3 (Figure 2) might be to ask a local, respected individual to assume the role of an ombudsperson. Involving a person who is respected and trusted by the affected parties can be an effective and unthreatening way for communities and project management to resolve differences. It is often good practice, as a preventive measure, to identify, together with involved stakeholders, an ombudsperson at the start of the project. This and any other measures aimed at tailoring the grievance mechanism to the socio-cultural specificities of the project context might be described in the project's ESMP.

7. Maintaining records and monitoring actions

Under the Director Policy and Programme, IUCN will ensure that:

- complaints are filed in a complaint register with detailed records of the agreed corrective actions (with due regard for confidentiality of information);
- reports from the executing agency(ies) on progress made to implement recommendations are processed and all necessary monitoring tasks are coordinated, in cooperation with the Head of Oversight Unit; and
- reports demonstrating compliance with IUCN's ESMS procedures are posted on the website for consideration by partners and the general public, with due regard to confidentiality.

8. Ensuring accessibility of the grievance system

For the grievance mechanism to be effective and accessible, the executing entity must inform all relevant project stakeholders of the existence of IUCN's grievance mechanism and about the relevant provisions of the ESMS. This should ideally be done during the project design phase but no later than within the first quarter of project implementation. Stakeholders need to know the issues eligible for the grievance mechanism, the three-stage process, contact information and the mechanism for complaint submission.

Accessibility also requires that complaint submission, handling and recording is designed in such way that stakeholder have confidence in the mechanism and that procedures are in place to protect complainants from any form of retaliatory action, including provisions for disciplinary or other appropriate action in case of violations of this principle.

The information should be delivered in a culturally appropriate form in the local language assuring that all relevant groups are reached, including women, indigenous peoples and vulnerable groups. It can be communicated verbally (in consultation meetings or through media) or in writing. It is good practice to delineate the communication methods used in the project's ESMP.

For GEF-funded projects, the executing entity in the field on behalf of IUCN will ensure that signage is erected on each project site, displaying clear and legible information allowing anyone to contact IUCN in case of concerns or complaints.⁷ The executing entity will also ensure that students and personnel in at least one school near the project site are given leaflets with information on the project's nature and objectives, as well as clear guidance on how to contact IUCN in case of concerns or complaints over any negative impacts of the project.

⁷ See the Guidance Note on Signage at Project Sites, available at www.iucn.org/esms