PROJECT: REGIONAL RUSOMO FALLS HYDROELECTRIC PROJECT (RRFHP)

RESETLEMENT / ECONOMIC DISPLACEMENT GRIEVANCE REDRESS MECHANISM MANUAL

March 2014
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Table 1 below shows roles and responsibilities in the process of GRM implementation

7.0 Resources

Annex 3: Template Receipt /Summary of Complaint or Grievance

ACRONYMS

AfDB  African Development Bank
CGF  Community Grievance Forms
CGP  Community Grievance Procedure
CO  Communications Officer
DTF  District Task Force
EO  Environment Officer
ESIA  Environmental Social Impact Assessment
ESMP  Environmental and Social Management Plan
EWSA  Energy, Water and Sanitation Authority of Rwanda
GMA  Grievance Management Assistant
GRM  Grievance Redress Mechanisms
HH  Household
KCT  Kigali City Towers
KM  Kilometres
LADP  Local Area Development Program
LSS  Lead safeguards Specialist (LSS)
MoU  Memorandum of understanding
MW  Megawatts
NBI  Nile Basin Initiative
NELSAP  Nile Equatorial Lakes Subsidiary Action Program
PAP  Project Affected People
PIU  Project Implementation Unit
RAP  Resettlement Action Plan
RCM  Resettlement Committee Members
REGIDESO  Energy and Water Authority of Burundi
RoR  Run of River
RPCL  Rusumo Power Company
RRFHP  Regional Rusumo Falls Hydroelectric Plant
RW  Rwanda
SD&RO  Social Development and Resettlement Officer
SMS  Short Message Service
Definitions

Grievance: A grievance is usually a formal complaint by an individual or group of individuals who may feel resentment, bitterness or anger about a situation and the manner in which it is either being handled or ignored. A grievance reflects a concern or dissatisfaction with the project such as: dispute over land or access, perception of unfair treatment, deviation from major policy or procedures, disturbance to environment and cultural circumstances or an event perceived to cause harm to a person’s livelihood, health or property. A grievance is usually filed in a written form.

Complaint: A complaint is when an individual or group of individuals are not satisfied or unhappy about a situation. The complaint may have less impact, compared with a grievance in terms of its level and magnitude. If a complaint persists and is not addressed accordingly it can then become a grievance or even conflict. A complaint can be presented in oral or written form. A complaint can be expressed formally or during consultations, meetings or other types of informal engagement.

An aggrieved person or complainant: An aggrieved person or complainant is an individual, group or organization who articulates a grievance to the Project. An aggrieved person may be a member of the community that neighbours the project facilities or otherwise affected by the project. The statutory rights of the aggrieved person to undertake legal proceedings remain unaffected by this procedure.

Contractor: is a party that carries out all or part of the design, engineering, procurement, construction, commissioning or management of the project or operation/maintenance of a facility. The term “Contractor” is used to cover parties that are directly contracted by the Project.

Community: A body of people having common needs, risks, rights, privileges or interests, or living in the same place under the same laws and regulations.

Culturally significant, religious or heritage sites: tangible and intangible objects which are of significance for any anthropological, paleontological, ethnographic, cultural, historic, prehistoric, religious or societal reason as defined in the Law on the Protection of Cultural Heritage.

Harassment: Persistent words, conduct or actions directed at an individual that badger, annoy, threaten or cause emotional distress.
**Human rights:** The basic rights and freedoms to which all humans are entitled. They are fundamental and universal and consist of civil and political rights as well as economic, social and cultural rights as stipulated in international human rights standards and domestic laws.

**Mediation:** A procedure by which an impartial third person agreed by all the parties meets with the parties and attempts to find common ground so that a compromise can be reached to resolve the complaint.

**Resolution:** A solution, accommodation or settling of a problem.

**Violation:** A breach, infringement or transgression.
1.0 Introduction
This document defines the Grievance Redress Mechanism the Project has developed to address any grievances, complaints, or concerns related to physical and economic displacement submitted by people who may be benefitted or impacted by the Regional Rusumo Falls Hydroelectric Project. The manual provides clarity and predictability on how grievances, complaints, and concerns will be received, assessed, sorted, resolved, and monitored.

2.0 The Regional Rusumo Falls Hydroelectric Project and Displacement
The Regional Rusumo Falls Hydroelectric Project (RRFHPP) is a joint undertaking by the Governments of Burundi, Rwanda and Tanzania in partnership with Nile Equatorial Lakes Subsidiary Action Program (NELSAP). The power plant is estimated to produce about 80 MW on the Kagera River at the Rusumo Falls located on the border between Rwanda and Tanzania under a Run of River (RoR) scheme.

The project has two principle components; the hydro power plant and the transmission lines; The 80 MW hydropower facility be shared between Burundi, Rwanda and Tanzania. This manual only applies to the Hydro Power Plant facility and therefore does not address grievances, concerns and complaints for the transmission line (T-Line) component. The transmission lines component consists of three transmission lines from Rusumo Main station to: (i) Gitega, Burundi (161 km), (ii) Kigali, Rwanda (119 km), and (iii) Nyakanazi, Tanzania (98.2 km). Grievances related to the transmission lines will be addressed by the power utilities of the respective partner countries (i.e. REGIDESO in Burundi, TANESCO in Tanzania and EWESA in Rwanda). Details of the T-line RAP can be found at www.Rusomo Project.org

A Resettlement Action Plan (RAP) for the Hydro Power component was prepared in accordance with the social safeguard requirements of the Lenders: World Bank (WB) (OP 4.12 Involuntary Resettlement (2011) and the African Development Bank (AfDB) Involuntary Resettlement Policy (2003). The RAP also addresses the relevant provisions of the Organic Law No /04/2005 of Rwanda and Tanzanian Land Act No.4 and Village Land Act No.5 of 1999, respectively.

The Hydro Power facility RAP ensures that households/people that experience economic or physical displacement resulting from Project development will be compensated according to the Lender requirements and in a socially responsible manner. Impacts include loss of residential and business structures, employment, agricultural land, and deprivation of marshland use for cultivation, fishing, brick making and sand quarrying. These impacts will occur within Kirehe District in Rwanda and Ngara District in Tanzania.
3.0 Purpose of this Grievance Redress Mechanism (GRM)

3.1 Purpose of the GRM
Specific purposes of this manual are:

- To ensure that grievances, complaints, and concerns are addressed and resolved in a fair, transparent, and easily accessible manner in order to achieve the goals of restoring or maintaining positive relationships with affected persons/households and communities.
- To ensure careful documentation and reporting of grievances, complaints and concerns and remedial actions and
- To facilitate timely feedback from local communities about Rusumo Power Company (RPCL) and Contractor or Subcontractor performance in order to support the project's commitment to continuous improvement

This procedure favours an approach that emphasizes negotiation and mediation, that ensures internal coordination to resolve grievances, and that is immediately responsive to community concerns. This will increase the likelihood that complaints / grievances can be addressed in a harmonious manner, which in turn will facilitate the promotion of a more stable operational environment. The principles on which this GRM is based are:

- **Accessibility**: Easily accessible to persons who wish to submit a grievance, complaint, or concern and with assistance provided to persons who face barriers such as language, literacy, awareness, cost, or fear of reprisal

- **Predictability**: A clear procedure with time frames establishing for each stage and clarity on the types of results that can and cannot be delivered

- **Fairness**: Processes that are widely perceived as fair, especially in terms of access to information and opportunities for meaningful participation in the final decision

- **Rights compatibility**: Consistent with applicable national and international standards and without restriction of access to other redress mechanisms

- **Transparency**: Transparent processes and outcomes that meet the public interest concerns at stake

- **Capacity**: Implemented with adequate technical, human, and financial resources

- **Feedback**: Serves as a means to channel citizen feedback to improve project outcomes for the people
3.2 Instructions on Procedures
This document defines the GRM system and procedures that will be followed to accept, register, resolve, and monitor/evaluate results. The manual is intended for GRM implementers, all Project and contractor staff, and persons wishing to file grievances and complaints or express concerns. The procedures as defined herein are obligatory for all project staff and on-site contractors.

3.3 Compliance and Confidentiality
All employees, contractor and subcontractor personnel involved in the resolution of grievances are required to keep confidential the nature of all grievances and the outcomes of the resolution process.

4.0 Likely Types of Resettlement / Economic Displacement Related Grievances
In the context of the Project and resettlement activities, grievances could arise from the following:

- Misidentification of owner/occupier of eligible property and assets
- Disagreement on land ownership
- Disagreement over entitlement eligibility
- Disagreement over entitlements
- Inadequate/misleading information regarding resettlement: The complainant was not furnished with complete information about the relocation process, rendering him/her ill-informed about subsequent resettlement procedures and/or contractual obligations, or was furnished with information that did not accurately represent resettlement procedures and/or contractual obligations.
- Disagreement with asset valuation and/or compensation
- Disputed ownership of businesses (for example if the owner and the operator are different persons)
- Disagreement on timing and manner of compensation
- Disputes over plot limits, either between the affected person and the Project or between two neighbours;
- Damage to properties or goods as a result of construction activities
- Grievances or complaints regarding the livelihood restoration measures.
- Any other issue pertaining to resettlement.

**5.0 Procedures**

The steps in implementation of the GRM are listed below. Annex 1 contains a diagram of the grievance redress mechanism.

Step 1: Receiving of grievances, complaints, or concerns

Step 2: Recording of the grievances, complaints, or concerns

Step 3: Filling of grievances, complaints, or concerns

Step 4: Acknowledgement of reception to a person submitting the grievance, complaint, concern

Step 5: Preliminary assessment

Step 6: Forwarding grievances, complaints or concerns to appropriate other entities (where applicable).

Step 7: Detailed investigation

Step 8: Resolution proposal

Step 9: Closure

Step 10: Follow up (as required)

Step 11: Monitoring/evaluation and reporting
Annex 1: GRM CHART

Receiving and recording of grievances, complaints and concerns at village level, receipt to complainant

Village to forward file to PIU: review and proposal of agreed resolution agreed with Resettlement Committee

Documentation of resolution, file of case to PIU from registration, closure agreement between PIU/Contractor and complainant

PIU/Contractor proposes resolution of grievances to complainant

Grievances closure agreement between PIU and Complainant

Complainant Satisfied with proposed resolution

Grievances closure agreement between PIU/Contractor, Complainant & mediation committee

Complainant Satisfied with proposed resolution

Grievances closure agreement between PIU & Contractor

Complainant resort to Justice
5.1 Grievance, Complaint, and Concern Submission

Grievances, complaints, and concerns may be submitted in the following ways:
- In writing by mail – (Letters addressed to Grievance Management Assistant of Rusumo Project at P.O. Box 6759, Kigali Rwanda.
- In writing via email to GMA, at grmrusomoproject.nilebasin.org. Note: the Grievance Management Assistant (GRA) is not yet recruited but once the recruitment process is done the name and telephone numbers will be availed in this document.
- Verbally via telephone (or SMS text message) to GMA (Tel # to be inserted after recruitment).
- Verbally in person to GMA at the village level administrative offices or at Rusumo project Office.
- Other PIU or contractor staff may receive complaints or concerns, but should immediately refer the complaints, grievances or concerns to the GMA.

Information on the various channels to submit grievances, complaints, and concerns will be publicized at the following locations:
- At prime contractor’s management office located in Rusumo Village
- At the PIU field office located in Rusumo village
- At the Project Management (PM) Office located in Kigali city within the Kigali City Tower (KCT) building, 4 & 5th Floor.
- Local village administration offices within the project affected areas
- At the consultative meetings held with directly affected villages or, their representatives to explain the GRM process.
- Flyers and posters explaining the GRM process will be availed.

All grievances will be lodged to the resettlement committees as the first mediation level.

5.2 Recording grievances, complaints, and concerns

The procedures that will be followed to register grievances, complaints, and concerns are listed below:
- Grievances will be recorded by the PIU staff member (GMA) at the village administrative office level.
- A registration form (see Annex 3) will be completed within 24 hours of submission for all grievances, complaints or concerns, including those that are verbally submitted. This form must be signed by the aggrieved person. The form may be completed by the aggrieved Person or by PIU staff, i.e. Grievance Management Assistant (GMA)
- GMA will check forms to ensure they are complete and obtain additional information from the aggrieved person as necessary.
• GMA will log the information on the grievance forms into the database register with a file number to enable tracking of the resolution progress.

• GMA will provide the forms and any other relevant information to the SDRO on a weekly basis.

• GMA will maintain records and related documentation for grievances, complaints, and concerns in the database, as well as hard copies of the Community Grievance Forms (CGF) and official responses.

5.3 Acknowledgement

The GMA will manage the grievance resolution process ensuring that acknowledgement of reception is made to the person filing the grievance or complaint within seven (7) working days. This acknowledgement will explain the assessment procedure and all levels of independent mediation.

The GMA will also indicate the steps the grievance will take to resolution.

Grievances which do not apply to the Hydro Power facility will be referred to the appropriate entity.

5.4 Assessment and response

For simple grievances or complaints, the resettlement committee (composed of local village chief, representatives of vulnerable community members and PAP representatives) will assess and resolve the grievance immediately. Assessment will involve consultation with given witnesses, village chiefs, neighbours, complainants and assessment of baseline information depending on what the grievance is all about. A grievance form will be prepared by the GMA and the actions taken by the Resettlement Committee will be documented by the GMA.

For grievances or complaints requiring additional investigation and/or conflict resolution, the response options are defined below.

a. The complaint falls under the mandate of PIU and/or the contractor and resolution can be offered. The response will describe further investigations carried out, how and when resolution will be provided by the PIU and/or the contractor and the name and contact information of the staff member responsible for it. All information and responses will be recorded and maintained centrally by the Project in its register.

b. The complaint falls under the mandate of PIU and contractor, but various options for resolution can be considered and/or extraordinary resources are required. The response will define these options and invite the complainant to a meeting to discuss these options.

c. The complaint does not fall or partially falls under the mandate of PIU and / or contractor. The response will indicate the actions of PIU for its part and refer it to another appropriate body for its part.
Should an aggrieved person seek re-dress through legal means at any stage during the Grievance Procedure, the District Legal Department shall be informed immediately and will provide necessary guidance as required.

5.5 Resolution or Closure

Where there is an agreement between the complainant and the PIU and/ or the contractor on how the complaint, concern or grievance will be resolved, a minute of the agreement will be drafted and signed by each of the parties. The minute will also indicate dateline for resolution based on the type and procedure for resolving the grievance, complaint or concern, and this process will not exceed two weeks. After due implementation of the measures set out in the agreement, a new minute will be signed stating that the issue has been resolved.

Where an agreement cannot be reached, the complainant will be offered the option of an independent mediation process at the local district level mediation service by the District Task Force (DTF). Here also the resolution period will not exceed two weeks.

If the complainant accepts the mediation option and an agreement is reached, due implementation will be monitored by the mediation service and a minute will be signed signalling the grievance or complaint has been resolved.

In the event no amicable agreement can be reached through the above mechanisms, the complainant or the defendant can resort to the third level of grievance redress which is justice or court. (See Annex 1 below indicating different levels of GRM)

Whether agreements are reached through direct negotiation or mediation, all supporting documents used to achieve resolution will be maintained as part of the grievance/complaint file.

A grievance shall be considered resolved when all action has been taken to close out the grievance or complaint and procedures are implemented that reduce the likelihood of this event reoccurring.

5.6 Grievance/Complaint Monitoring and Evaluation

All grievance and complaints received will be entered into a publicly accessible online system that will allow complaints to be tracked and monitored with minimum details. Monitoring information will include the following data organized by type and location:

- number and type of complaints received
- number and % of complaints that have reached agreement
- number and % of complaints that have been resolved
- number and % of complaints that have gone to mediation
- number and % of complaints that are unresolved
The GMA will review the data on a weekly basis to evaluate the functionality of the system, as well as to note the following:

- Failures to follow GRM procedures
- Delays in complaint resolution, particularly those that can affect project construction
- Most frequent types of grievances and complaints
- Location(s) producing the most grievances and complaints

This information will help improve the GRM itself, as well as minimize negative effects on project development and optimize maintenance of positive relationships between the Project and neighbouring communities.

The operational Project District Task Force (DTF) members will also review the performance of the GRM on a quarterly basis and make recommendations for improving the process where necessary.

5.7 Reporting

The GMA in collaboration with the Social Development and Resettlement Officers will review grievance and complaint management and report results to Project senior management (Lead Safeguards Specialist and the Project Manager) on a monthly basis. These reports will include information on:

- Any grievances and complaints that have the potential to affect the project construction schedule
- The number of grievances, complaints and concerns received in the last month.
- The status of all open grievances
- Explanation of any grievances that have not been resolved or closed within the stipulated period, including reasons for proposed resolutions that have not been acceptable to the aggrieved person
- Comments received from Project personnel, government, or community members on the grievance resolution process.

Additionally, the Social Development and Resettlement Officers will assess grievances at least quarterly to identify any recurring issues, trends, and lessons learned. The results of these assessments will be reported to project senior management (Lead Safeguard Specialist and the Project Manager). Key lessons learned from the grievance process will also be disseminated among relevant project staff.

6.0 Roles and Responsibilities

The overall responsibility for GRM operation lies with the Project Implementing Unit (PIU), in partnership with the construction management contractor. Within the PIU, the Project Manager will have overall responsibility to ensure that the GRM is implemented properly in Consultation with the Project Manager for contractors. Implementation of the GRM will be
done primarily by the Grievance Management Assistant, The Social Resettlement Officer and the Social Development and Resettlement Officer.

The diagram below shows the organization structure for implementation of the GRM and the relationships between the participating entities.

**Organization Structure for GRM Implementation**

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KEY

Concerns, Complaints and Grievances direction through different levels of GRM entities

Feed back through the GRM entities
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Table 1 below shows roles and responsibilities in the process of GRM implementation

<table>
<thead>
<tr>
<th>Resource</th>
<th>Roles and Responsibilities</th>
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| PIU Project Manager                          | • Allocates Project resources (financial and manpower)  
• Accountable for adherence to the Grievance Management Procedure and ensuring the Procedure remains effective.  
• Consults with the project Manager for contractors to ensure that all grievances resulting from construction are resolved.                                                                                           |
| Lead safeguards Specialist (LSS)              | • Allocates and manages project resources (financial and manpower) for GRM implementation  
• Ensures adherence to the Grievance Management Procedure.  
• Monitors quality and effectiveness of Grievance Procedure and consults with the DTF to ensure amicable resolutions.                                                                                       |
| Social Development and Resettlement Officer   | • Tracks and ensures follow up and resolution or close out of all grievances, complaints, and concerns (closure within 1 month period)  
• Complete the monthly report with grievance analysis results and actions toward resolution of grievances or complaints?  
• Assess grievances at least quarterly to identify any recurring issues, trends, and lessons learned.  
• Coach RRFP staff, contractors and employees on Grievance Procedure  
• Where necessary assists the GMA to receive the grievances, complaints and concerns.                                                                                                                     |
| Communications Officer                       | • Communicate GRM Procedures to affected communities  
• Publicize various channels to submit grievances, complaints and concerns  
• Identifies real or potential grievances or complaints through consultation processes and encourages persons to open discussion with project at an early stage.  
• Provides a communication bridge between the Project and the larger community and is also responsible for ensuring continuity of communication between the project and the affected communities.                       |
<p>| Environment Officer                          | • Attends to all environment related grievances and provides guidance to amicable resolutions.                                                                                                                            |</p>
<table>
<thead>
<tr>
<th>Resource</th>
<th>Roles and Responsibilities</th>
</tr>
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</table>
| **Grievance Management Assistant** | • Authorised to receive all grievances, complaints and concerns.  
• Records grievances, complaints, and concerns making use of the grievance form.  
• Checks grievance forms to ensure they are complete and obtains additional information from the aggrieved person as deemed necessary.  
• Responsible for ensuring continuity of communication with the Aggrieved Person throughout the duration of the grievance resolution process  
• Logs the information on the grievance forms into the database register with a file number to help both project and complainant to track resolution progress  
• Weekly reviews the GRM data and provides a weekly report to the SRO on newly received grievances, the functionality of the system, noted failures to follow GRM procedures, delays in complaint resolution, particularly those that can affect project construction, most frequent types of grievances and complaints  
• Custodian of the grievance records.- maintains all information related to each grievance, complaint, or concern in the grievance register  
• Prepares the monthly analysis report to be submitted to the SD&RO. |
| **Resettlement Committee members** | • First level of GRM; Receives mediates grievances, complaints and concerns presented to them through the PIU.  
• Forwards unresolved grievances to the district mediation committee |
| **District Mediation Committee /DTF** | • Receives and mediates unresolved grievances, complaints and concerns from the resettlement committee members at the village level.  
• Offers an independent mediation process at the local district level.  
• Reviews the performance of the GRM on a quarterly basis and makes recommendations for improving the process where necessary. |
| **Contractor**                     | • Collaborates with PIU at all levels of Grievance Redress Mechanism especially for grievances emanating from power plant design, engineering, procurement, construction and commissioning. |

A Memorandum of understanding (MoU) between the project and the first two levels of the GRM (local village resettlement committees and the districts’ grievance mediation committee)
will be put in place at the start of RAP implementation. The MoU will describe the roles of each structure in grievance redress mechanism processes.

7.0 Resources

Financial resources to cover the operational costs of the GRM are part of the Resettlement Action Plan (RAP) implementation budget included in the costs for management of construction impacts.
Annex 3: Template Receipt /Summary of Complaint or Grievance

**Received on** (date): __/___/____

**Tracking #:** .........../........

**Received by:** phone / fax / email / note / verbally

..............................................................................................................................................................
..............................................................................................................................................................
..............................................................................................................................................................

**Received and processed by** (full name):

..............................................................................................................................................................

**Signature:** ____________________

**Summary of the grievance or complaint:** .................................................................................................................................
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**Suggested course of Action:** .................................................................................................................................
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..............................................................................................................................................................
..............................................................................................................................................................

**Complainant’s full name:** _________________________________________________

**Complainant’s ID #:** _________________________________________________

**Complainant’s address:** 

..............................................................................................................................................................
..............................................................................................................................................................

**Complainant’s Phone # (home/Cell):** ______________________________

**Complainant’s email:** ______________________________

**Note:** The copy or notarized copy of the complainant’s identification card or other documents that may represent his/her identity should be attached to this form.