



**BANQUE OUEST AFRICAINE
DE DEVELOPPEMENT**

Policy and grievance procedures manual

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LIST OF ACRONYMS AND ABBREVIATIONS

BOAD: West African Development Bank

GEF: Fund for the global environment

MPPRG: Manual of policy and procedures of the grievance

MPPVC: Manual of policy and procedures for verification of compliance

I. INTRODUCTION

The West African Bank of development (BOAD) has implemented its policies, procedures, and environmental and social guidelines that establish minimum standards for the design and implementation of development projects, especially those that pose significant risks to the environment or riparian or vulnerable communities. Those instruments are designed to avoid unreasonable environmental impacts, protect the riparian populations of projects, disadvantaged vulnerable groups and ensure the participation of local stakeholders.

However, the Bank is aware that individuals and communities can, despite all the measures to be taken, be affected by the projects it finances. Also, the Bank has decided to implement a system for receiving queries or complaints, process and solve the problems of those affected by the projects it supports.

II. OBJECT

This [manual of policy and procedures for the settlement of grievances \(MPPRG\)](#) complete [policy manual and procedures of verification of the BOAD \(MPPVC\)](#) compliance which is an independent mechanism whereby those who have suffered injury, resulting from a project financed by the Bank can ask him to act in accordance with its own rules, policies, procedures and guidelines.

The procedures laid down by the [MPPRG](#) will be implemented when those who have suffered injury, resulting from a project financed by the Bank have complaints or grievances against BOAD.

The policy and procedures manual of the grievance (MPPRG) is designed to define the mechanism of solving the problems to restore a dialogue between the applicant and all interested persons, to solve the problems at the origin of a query.

III. THE GRIEVANCE PROCESS

The BOAD grievance process is intended to establish an effective dialogue between the populations affected by the projects it finances and all interested persons, to solve the problems at the origin of a query, without trying to impute responsibility or the fault of any of these parties. The objective of the Bank is to operationalize a process fair and efficient, available at the project, country or the client company.

3.1. Principles governing the grievance process

The BOAD grievance process is governed by the principles of decentralization, complementarity, and flexibility.

3.1.1. The decentralization

The BOAD grievance process will build as much as possible on existing processes in the country, programme or project level. To address the grievance process of dispute resolution, unlike the control of the implementation of the guidelines, requires voluntary, continuous and active participation of communities, proponents of projects and, in some cases, the Bank itself.

The grievance process will benefit from enterprise-level support. However, the grievance process will run as close as possible to the project level and affected communities. For this purpose, the costs for the establishment of a process of the grievance at the project level, will be considered as part of the project or the underlying program. Thus, in most cases, objections will be treated at the project level, although national grievance processes may also be available and proposed by host, or in some cases, by the Bank.

3.1.2. The complementarity

BOAD grievance process will build on the processes of existing grievance at level program or project that would be available on a complaint in particular.

Thus, the Bank will seek to bring expertise or additional resources to support the resolution of disputes in the process of the grievance being implemented by the project proponent or the host country. The process will be so commissioned by the Bank especially in cases where there is no existing process of the grievance at level programme or project or if they are proven to be ineffective.

3.1.3. The flexibility

In order to facilitate the resolution of disputes or grievances, the process will allow some flexibility in the use of different techniques depending on the requirements of the case or specific contexts. The resolution of the disputes involves voluntary participation of various stakeholders in a consensual process of management of grievances by mediation, conciliation, facilitation, negotiation, or by other similar means. The motivations to participate in these processes can vary considerably, depending on the different contexts. The facilitators of the process must use extremely varied techniques and great flexibility on the timetable and methods.

3.2. Channels of the grievance

Affected communities or other stakeholders affected by the programmes and projects supported by BOAD may submit to the Bank of objections via the channels for this purpose, namely mail, e-mail, fax or phone. Given the nature of the process of settlement of grievances and its reliance on the voluntary and active participation of all stakeholders, the identity of the people, which are involved in the grievance process is generally not liable for confidential.

The Bank will support the establishment, at the level of projects or programs it finances, processes of the specific grievance exploited by the project proponent or the Government of the host country. In any case, BOAD could make a contribution depending on its capabilities in these processes of a

project or a program specific grievance. Grievances may be filed through the following windows:

- with regard to countries through missions resident;
- upgraded the company.

In all cases, the grievance will be referred to the BOAD headquarters, where the organizational unit concerned will be responsible to ensure that it is treated in a fair and effective, in accordance with the guidelines established by the Bank. In some cases, grievances may finally be subjected to processes of dispute settlement established at the level of the project or program by the Government of the host country or the proponent of the project.

3.3. Policy and guidelines to the enterprise on the settlement of the grievance level

Even though the place to address community grievances and disputes resolution remains the country level, BOAD supports fast resolution of grievances at the enterprise level, a fair and efficient manner.

To do this, it will be developed of the guidelines at the enterprise level including procedures and illustrative methods for the design and implementation of an effective grievance process. Most of the grievance process will include the following procedural steps (which will be described in more detail in the guidelines at the level company):

3.3.1. Filing of the application

The affected part filed an application to one of the resident missions or headquarters of the BOAD for receipt of the grievance. Upon receipt, the grievance will be transferred to the organizational unit concerned in the headquarters of the Bank.

3.3.2. Recording and acknowledgement of receipt of the request

Within five working days following receipt of the request, the resident mission or headquarters concerned service logs the request and sends an

acknowledgement of receipt to the applicant and a copy to the project proponent and the headquarters of the Bank.

3.3.3. Examination of the admissibility of the application

Within twenty working days of registration of the application, the organizational unit in charge of the policy and procedure of the grievance at the headquarters of the Bank indicate to the applicant and to the public if the application meets the eligibility criteria.

3.3.4. Assessment of the feasibility of the resolution of the dispute

Within 25 working days after the determination of the admissibility of the application, the organizational unit will transmit to the applicant, the resident mission, and other interested stakeholders and assessment of the feasibility of the grievance resolution activities. The assessment will also include recommended actions, if any, that BOAD will be prepared to undertake or facilitate to encourage the pursuit of the resolution of the dispute under consideration, or she will conclude on the uselessness of the resolution of the dispute and close the case. This evaluation will also determine if the applicant must first submit an application to one of the processes of the grievance by the proponent of the project or the Government of the resident mission.

3.3.5. Obtaining consent with respect to the resolution of the dispute

Any effort to resolve disputes is based on the consent of key stakeholders, including for example the applicants, affected communities, and proponents of the project, the Government of the resident mission or headquarters of the Bank. No dispute resolution process cannot move forward without the voluntary consent of the main stakeholders.

3.3.6. The dispute resolution process

Assuming that key stakeholders have agreed to a course of action to try to resolve their dispute or address the concerns of applicants, the grievance

process will implement the agreed line. Some flexibility will be necessary for the appropriate approach will be necessarily adapted to the individual request and the consent of the parties. In the absence of consent, the possibilities for dialogue and consultation will be necessarily reduced. If the consultation process to work, all parties will be able to continue the process until an agreement is reached.

3.3.7. Obtaining or no an agreement

Once completed the process of resolution of dispute, the organizational unit responsible for compliance and regulation at the Bank will submit its report, including settlement (if applicable) and all recommendations for additional actions BOAD to the President of the Institution and all stakeholders.

3.3.8. Stopping of the consultation process

All parties to the consultation may, at any time, put an end to the dispute resolution process if they are more in agreement with the line of conduct. In certain circumstances, the consultation process may end with the lack of resolution. In such circumstances, a detailed report must be submitted to the Chairman of the BOAD, summarizing the request, the measures taken to try to resolve the issues raised by the application, and recommendations for further actions on the part of the BOAD, where appropriate. This final report will also be transmitted to the head of the Mission concerned BOAD resident and the applicant, the project proponent, to the Government of the country of the resident mission and the public.

If for some reason the indicated timetable cannot be met in a particular case, the applicant and the public will be informed of the delay, the reasons for it and the new schedule.

3.4. Roles and responsibilities of the resident Missions

The responsibility to ensure that there are processes of regulation effective grievances for projects and programmes supported by the BOAD will remain

vested in resident Missions. The resident heads of Missions will be responsible to monitor, the process of grievance in relation to the organizational unit responsible compliance and regulatory.

The Mission resident once receipt of complaints, will transmit it to the organizational unit responsible for compliance and regulation which will examine their admissibility and assess complaints in the light of the possibilities of dispute resolution. Such a grievance process may be used at the level of the project or program by the Government of the host country or the proponent of the project. In one such case, the primary role of the resident Mission will be to refer the complaints to these processes, provide support and resources, if warranted, for the effective treatment of these grievances by existing mechanisms, and monitoring processes to ensure that they meet basic standards of independence, fairness and efficiency. In some cases, the involvement of the resident Mission in a particular grievance process may require budgetary resources or additional staff, to be determined according to the needs.

3.5. Monitoring and control of the complaints and their resolution

The organizational unit responsible compliance and regulation will be responsible to instruct, to follow the complaints and their outcome, and will keep a register of all grievances. The control and monitoring of the handling of grievances will allow BOAD of:

- understand and report on nature and frequency of complaints and the effectiveness of their treatment;
- identify systemic trends concerning environmental and social conflicts with communities;
- And to build a knowledge base to refine and strengthen the Bank's role in the resolution of community disputes.

The information collected is also valuable, and perhaps necessary, in the context of the relationship of the BOAD with other programs or organizations such as the Fund for the global environment (GEF), the Adaptation Fund, the

Green climate fund, etc.

IV. IMPLEMENTATION ŒUVRE OF THE GRIEVANCE PROCESS

4.1. Institutional and budgetary matters

For the sake of coherence, operational synergies and capitalization of the achievement, the conduct of the BOAD mechanism will be provided by compliance and Regulation Division. Administrative and technical support for the control of the implementation of the guidelines will come from the organizational units concerned. The head of this Division will submit to the President of the Bank, an annual report on the implementation of the grievance process.

The grievance process requires the use of professionals in dispute resolution. The Bank could depending on the workload and the type of disputes to manage recourse to external consultants.

The cost of the process of monitoring the application of the guidelines and the grievance includes both fixed costs that take into account, primarily, the necessary personnel, and variable costs which depend on the number and complexity of cases submitted to the control of the application of the procedures or the resolution of disputes. The grievance process must be supported by a budget sufficient, transparent and reliable. This funding should be available to support each of the grievance process.

4.2. Staff training and capacity-building

The adoption by the BOAD to a policy of compliance and the associated process of monitoring the application of the guidelines and the grievance assumes that there is an increased need of training staff and capacity-building. These training and capacity-building needs include the following:

-staff, in particular in the resident Missions, must be informed of the substance of policy compliance and the existence and operation of the control of the

application of the directives and grievance processes;

-BOAD invests in the capacity to implement the compliance policy. This is not, strictly speaking, a need of capacity resulting from the process of monitoring the application of directives or regulations of grievances, but rather the establishment of a framework for mastery of the texts;

-staff, in particular in the resident Missions, should be trained in how to conduct the awareness with regard to the process of monitoring the application of the guidelines and the grievance and the way of informing potential applicants on how to submit complaints;

-personnel involved in the target countries must have been trained in dispute resolution in the light of the guidelines provided by the BOAD. Finally, long term each country involved in high-risk projects should have a person trained in the techniques of community dispute resolution.

4.3. Legal consequences

The grievance process is not in itself a Court of justice and any observation cannot alter one any legal liability, immunity, or obligation of BOAD. Nothing in the grievance process cannot be interpreted as a waiver, express or implied, to the privileges and immunities of the BOAD. The process is internal, and cannot create an expectation of an appeal or a cause of specific action against the organization.

4.4. Awareness

Public awareness is a grievance process for the Bank and its resident Missions. Sufficient resources should be made available to ensure that BOAD can be proactive both at company level and at the country level to form potential appellants to control of the application of the directives and grievance processes. The Bank will disseminate awareness and training documents and lead activities and awareness training in compliance with its directives. The training and awareness of personnel at the level of the countries responsible for the grievance processes will be developed over time, with the support of

consultants hired for awareness and training purposes.

V. Periodic Evaluation

This manual of policy and procedures of the BOAD of grievance gives an overview of the process recommended in the grievance. The grievance process will be fully evaluated three years after its operationalization to ensure the satisfaction of the needs of the BOAD and its stakeholders.