Grievance Committee Primer
(Short Guidelines)

March 2014
1. Purpose

The Grievance Mechanism (GM), implemented by the Grievance Redress Committee (GRC), will do the following:

• Provide feedback to company representatives and government officials so they can maximize the benefit of the project for local communities;
• Improve the harmonious implementation by addressing potential problems early and preventing conflict;
• Improve cooperation among the companies, government, and communities;
• Help ensure project implementation follows Lao laws and policies.

2. Process of the Grievance Redress Procedure

2.1 Transparent effort to reach consensus resolution at the project level [added by technical guidelines: meetings in public places, with participation by representatives of APs, local non-benefit organizations, mass organizations, village leaders].

2.2 (If not addressed to the satisfaction of the APs (Affected People) within 15 days) AP may take the complaint to the GRC at the district level [added by technical guidelines: representatives of the APs, local non-benefit organizations, and mass organizations should ensure complaints are forwarded to the GRC].

2.3 (If not addressed to the satisfaction of the APs within 15 days [20 days in technical guidelines]) Submit the complaint to the head office of the project owner and STEA (now MONRE) [added in technical
guidelines: representatives of APs, local non-benefit organization, or mass organization will submit the complaint to the head office of project owners and STEA.]

2.4 (If not addressed to the satisfaction of the APs within 20 days) Submit the complaint to the court of law.

3. Responsible Offices

**Project Owner**
The project owner(s), meaning the private or public sector actors which are implementing the project approved by the government, are responsible to take the following actions:

- Submit a request to DONRE (District Office of Natural Resources and Environment) to form the district GRC: before resettlement begins;
- Provide funding for administration and legal fees related to the grievance process;
- Cover operating costs of the district GRC;
- Cooperate as an active member of the district GRC to address issues brought to the GRC;
- Work with villagers in a transparent manner and to try to build consensus in resolving complaints before approaching the GRC (only have 15 days to resolve before villagers can take to the GRC).

### Membership

#### DONRE
- Establish & coordinate GRC
- Maintain records
- Facilitate participation of all parties
- Follow-up resolution / forward complaints

#### Project Owner (company)
- Request formation of the GRC
- Cover operating costs
- Work with villagers to reach consensus
- Provide necessary information to the GRC

#### Villagers
- Select representative to GRC (not Nai ban)
- Participate, work towards consensus

#### Local Government
- District Governor’s Representative
- DEM
- Other as appropriate
- Participate as members of GRC

#### Nai Ban and Other Orgs
- Including village elders, mass organizations, non-benefit organizations
- Present written or oral concerns
- Form meetings at village level to compile villager concerns for presentation to GRC
District Energy and Mines Office (DEM)
The DEM has no special responsibility for the GRC district committee, but they can be a member of the GRC.

(DONRE) (formerly STEA)
The DONRE are the lead district office to organize the GRC. Specifically, they are responsible to do the following:

- Establish a GRC in each affected district;
- Consult with appropriate authorities;
- Ensure the committee includes appropriate membership (see below);
- Maintain a record of the submission of financial claims for administrative costs;
- Maintain a record of all the complaints and issues filed orally or in writing to the GRC.

4. Participants
- Local government representatives;
- Village chief (Nai Ban)
- Representatives of affected households, other than village chief
- Village elders or local-level representatives of mass organization or non-benefit organizations
- Project owner
- Constitution to deal with gender issues.

5. Main Requirements

Receive all concerns, complaints, or grievances
The committee and representatives should hear all the concerns expressed by affected villagers, whether in written or oral form.

Transparency
- Provide access to information on inventories, entitlements, and compensation rates (the company representative on the GRC should provide this information)
- Conduct business in a transparent manner, in public locations.
### Key Requirements

<table>
<thead>
<tr>
<th>Transparency</th>
<th>Easy Access to All</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Company should provide information: inventories, entitlements, compensation rates</td>
<td></td>
</tr>
<tr>
<td>• Conduct business in public locations such as meeting halls</td>
<td></td>
</tr>
<tr>
<td>• Report back to villagers on the results of meetings and next steps</td>
<td></td>
</tr>
<tr>
<td>• Villagers can present orally or in writing</td>
<td></td>
</tr>
<tr>
<td>• Provide regular opportunities for discussion</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consensus</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Project and villagers first try to resolve through mutual agreement in the village</td>
</tr>
<tr>
<td>• All members should agree before a resolution is reached</td>
</tr>
<tr>
<td>• If not accepted, the complaint is forwarded to the higher level</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Written Records</th>
<th>Project Pays</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Maintain written records of all complaints</td>
<td></td>
</tr>
<tr>
<td>• Make records available for public dissemination</td>
<td></td>
</tr>
<tr>
<td>• Provide reports to appropriate authorities</td>
<td></td>
</tr>
<tr>
<td>• All administrative and legal fees</td>
<td></td>
</tr>
<tr>
<td>• Villagers bear no financial costs, including up to the highest level.</td>
<td></td>
</tr>
</tbody>
</table>

### Maintain written records
- Maintain written records of all meetings and all complaints and concerns raised through the mechanism
- Make records available for public dissemination
- Provide reports and records to appropriate authorities (local, provincial, and central).

### Work collaboratively towards consensus
- Attempts should be made by the project to discuss at the project (village) level before complaints are forwarded to the GRC.
- All members should agree, including representatives of villagers and village leaders, before a resolution is finalized
- Villagers must accept a solution before it is completed, or they have the opportunity to take their complaint to a higher level (central office or courts).

### 6. Step-by-Step (for establishing the GRC)
- **6.1** Company requests DONRE to form committee;
- **6.2** DONRE submits plan to company for funding GM costs;
- **6.3** Company provides funds to DONRE to carry out activities;
6.4 DONRE Activities;
6.4.1 Orientation for every village about grievance mechanism;
6.4.2 Let villagers select representatives(Nai ban, elder, women’s leader, non-benefit organization, representative of Affected honseliolds)
6.4.3 Village council meeting: instructions on preparation of grievances
6.4.4 Company representative discuss issues with each village committee
6.5 GRC meeting including (3-4) representatives from each village
6.5.1 Clarify process
6.5.2 Discuss grievances
6.6 Follow the Grievance Redress Process

7. Village-Level Action
Form GRC with appropriate membership
• Positions can be transferred to deputies instead of head
• One position to be freely elected by all the villagers through open nominations and voting.

G.R.C
• Actively gather villager concerns;
• Help villagers prepare for presentation of concerns;
• Investigate grievances to understand problems for discussion;
• Meet with company representative and presents grievances in open location;
• Negotiate with company representative, attempt to reach mutually-acceptable solution;
• Documents all actions;
• Prepare any concerns unresolved after 15 or 20 days for presentation to the district grievance committee.

8. Acceptable Presentations of Grievance
In Writing (use forms available):
• Village
• Name of household(s) with concern
• Location of concern
• Date(s) of issue
• Other parties involved (company etc.)
• Preferred solution
• Attach: photos, maps, drawing etc.

Oral presentation:
• Villager can present to the committee
• The village can use aids such as maps, photos, or notes.
• The committee can ask questions, such as the following:
  Name of household(s) with concern
  Location of concern
  Date(s) of issue
  Other parties involved (company etc.)
  Preferred solution
• Attach: photos, maps, drawing etc.
9. How to Prepare Grievances for Presentation

The villager with a concern

- Obtain a form from the village GRC (free of charge);
- Gather information and fill in the form;
- Provide the form and explain the concern to the village GRC;
- Alternatively, the villager can simply explain in person the concern, and the village GRC committee can fill in the form.

Village GRC

- Provide forms for free;
- Help villagers fill in the form and/or visit the site to understand the grievance;
- Prepare to present to the company representative: the committee can present and/or the villager with a concern can present;
- Participate in the district grievance committee.

10. Follow the Schedules

- Form after approval of the project and before resettlement begins;
- 15 days between local presentation of an issue before hearing by the GRC;
- 20 days after the GRC before submission to the central level;
- 20 days after submission to the central level until submission to the courts.
## 11. Table of Grievance Mechanism Forms

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Who Uses</th>
<th>Main Purpose</th>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Grievance Form</td>
<td>Villagers</td>
<td>To register a concern</td>
<td>No Decision</td>
</tr>
<tr>
<td>2</td>
<td>Initial Investigation by Village Grievance Committee</td>
<td>Village Grievance Committee</td>
<td>Verify the grievance is filed and the committee has looked at the matter.</td>
<td>No Decision</td>
</tr>
<tr>
<td>3</td>
<td>Minutes of Grievance Hearing, Village Level</td>
<td>Village Grievance Committee</td>
<td>To record that the committee, 1) has received the grievance 2) has looked at the concern 3) has resolved the concern, or 4) has referred the grievance to the district committee.</td>
<td>A) Resolved at the village level Or B) Referred to the district level</td>
</tr>
<tr>
<td>4</td>
<td>Village Grievance Committee Log-book</td>
<td>Village Grievance Committee, Secretary</td>
<td>Record all grievances, who registered the initial grievance, and the decision of the Village Grievance Committee.</td>
<td>Record Decisions-send to District Committee</td>
</tr>
<tr>
<td>5</td>
<td>Investigation Report by District Grievance Committee</td>
<td>District Grievance Committee</td>
<td>Verify the details of the grievance.</td>
<td>No Decision</td>
</tr>
<tr>
<td>6</td>
<td>Minutes of Grievance Hearing, District Level</td>
<td>District Grievance Committee</td>
<td>To record that the committee, 1) has received the grievance 2) has looked at the concern 3) has resolved the concern, or 4) has indicated further action or compensation is required.</td>
<td>A) Resolved at the district level Or B) Requires further action.</td>
</tr>
<tr>
<td>7</td>
<td>Company-related grievance meeting at district level</td>
<td>District Grievance Committee Representative, RMU representative, Company Representative</td>
<td>To record the reasons and decisions of the district grievance committee.</td>
<td>Decide: A) Take action or, B) Close the grievance.</td>
</tr>
<tr>
<td>8</td>
<td>Appeal at District Level</td>
<td>Villager</td>
<td>To register that they do not accept Disagree with the decision (in form #7)</td>
<td>Disagree with the decision (in form #7)</td>
</tr>
<tr>
<td>9</td>
<td>District Grievance Committee Log-Book</td>
<td>District Grievance Committee, Secretary</td>
<td>Record all grievances, who registered the grievance, and the decision of the District Grievance Committee.</td>
<td>Record Decisions</td>
</tr>
</tbody>
</table>
12. Main Policy Documents
The grievance mechanism and policy is mandated in several policy documents:

**Decree on the Compensation and Resettlement of the Development Project.**
**Number 192. Prime Minister’s Office. 7 July 2005.**

Article 13, of the Prime Minister’s decree specifically requires the following:

- The project owners (the company) shall establish a mechanism;
- The project owners in consultation with the government will set up a committee to address issues related to land acquisition, compensation and resettlement;
- Grievances to be handled in a transparent manner, and to work to solve concerns through consensus at the local level before involving the courts;
- Affected people will be exempted from legal and administrative fees, and the project must support all costs of pursuing unresolved cases in the court of law.


Part VI, Article 31, of the regulations expand on the PM decree as follows:

The project owners will attempt to resolve grievances in a transparent manner and through consensus at the project level before referring to the district Grievance Redress Committee and higher authorities.

All complaints received, whether spoken or written, will be documented by the project.

Upon approval of the project, the project owners will make a formal request to the GOL to form a Grievance Redress Committee (GRC) in each affected district.

**The GRC will comprise the following:**

1. Local government representative
2. Village heads
3. Representative of households (not village head)
4. Village elders, representatives of mass organizations, other relevant agency (added in technical guidelines: non-benefit organizations)
5. Representative of the project proponent (owner)
6. (Added in technical guidelines) constituted to adequately address gender issues.