



IAIA 21

VIRTUAL EVENT

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COMPLAINT MECHANISM: A TOOL FOR COMMUNITIES DURING PROJECTS IMPLEMENTATION

Agence Française de Développement (AFD)
Case Study

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Introduction



❖ **LVR Consulting** is a **French** independent consulting company established in 2009, providing **environmental services** such as compliance and due diligence audits, environmental assessment (EIA and SEA) and trainings. Laura Verdier, its founder, is appointed as independent expert and conciliator for the AFD complaint mechanism since 2018.



❖ **AFD** (Agence Française de Développement) is a public financial institution that implements the policy defined by the **French Government**. It works to fight poverty and promote sustainable development. This public institution is active in Africa, Asia, the Middle East, Latin America, the Caribbean and the French overseas territories, where it finances and supports projects that **improve living conditions for populations, promote economic growth and protect the planet**.

What's an E&S Complaint Mechanism?

A E&S Complaint Mechanism is a formalized mechanism to give victims and witnesses of Environmental and Social misconducts by an organization or its beneficiary, a chance to report cases, and for organizations to deal with these complaints in a structured manner.

AFD E&S Complaint Mechanism

At AFD, the Complaint Mechanism is:

- ❖ Managed by a **Complaints Office**, acting independently of the **AFD Operations Division**.
- ❖ Overseen by the **Ethics Advisor**, directly reporting to AFD CEO.
- ❖ **Independent experts** take part in various complaint treatment steps, on AFD demand.

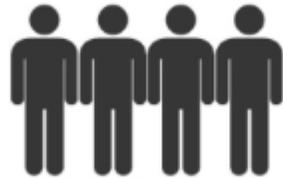
AFD E&S Complaint Mechanism complete Rules and Procedures are available [here](#)

Who can File a Complaint?

Any individual, group or community harmed by environmental or social incidents caused by an AFD-funded project.



Individual



Group



Community/NGO

Complainants' identity
can remain confidential

The complaint must:

- ❖ Exclusively concern the environmental and social aspects of the project;
- ❖ Concern projects funded in foreign countries;
- ❖ Be made as a **last resort**, when the complainant has exhausted the possibilities of dialogue and out-of-court redress procedures towards the beneficiary of AFD funding.

How to File a Complaint?

Complaints may be sent:

❖ **By filling in a form online**

❖ **By sending an e-mail to reclamation@afd.fr**

❖ **By post to:**

Agence Française de Développement

Secrétariat du Dispositif de gestion des réclamations environnementales et sociales

5, Rue Roland Barthes

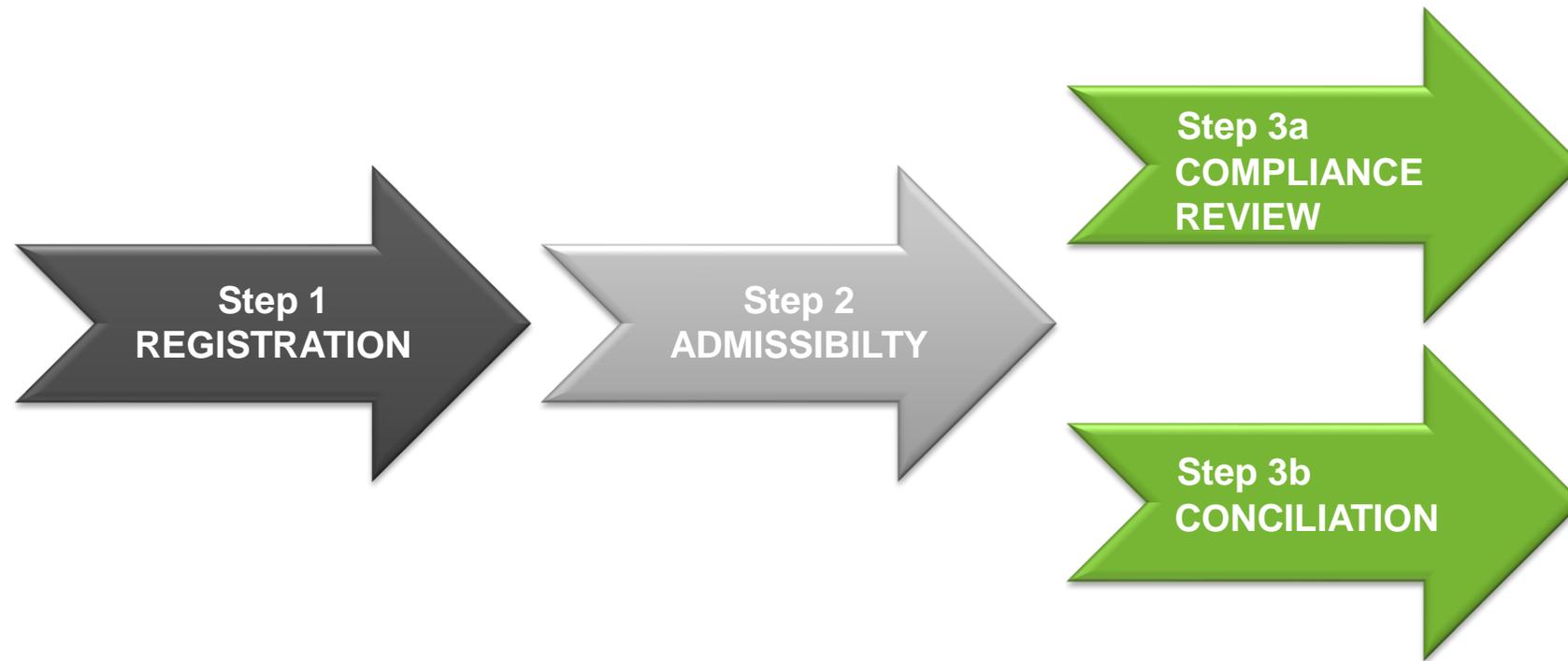
75598 Paris Cedex 12

FRANCE

❖ **By hand delivery** to AFD headquarters as per the address above or to an AFD field office

Complaints may be submitted in English, French, or the official language(s) of the Foreign Country where the Project is located and/or where AFD operates.

Complaint Management Process



Step 1: Registration

The **Complaints Office** is the **permanent entry point**.
Either for the reception of claims or their follow-up.

The complaint will be registered only if it:

- ❖ **Identifies the complainant(s)** or its authorized representative
- ❖ **Describes the environmental and/or social harm** that prompted the complaint filing
- ❖ **Concerns an AFD-funded project** located outside of French overseas territories
- ❖ **Describes, the efforts made by the complainant to resolve the issue(s), or describes the situation** if the complainant fears that doing so would aggravate the dispute or damage
- ❖ **Is delivered within two years after discovering the harm and within five years after AFD has made its final disbursement.**

Step 2: Admissibility (1/2)

The **Complaints Office** researches the facts and seeks to understand the underlying source(s) of the issue(s) raised in the Complaint along with each Party's position.

An **External Independent Expert** may be hired to support the Complaints Office.

Admissibility investigation is based on:

- ❖ A detailed review of available **documentation**
- ❖ **Interviews** with the Complainant or Representative, and Beneficiary, Project team, and personnel at the relevant AFD field office.
- ❖ **Visit** the Project and/or Complaint site(s), when needed

Step 2: Admissibility (2/2)

A Complaint is **not admissible** if it:

- ❖ Is clearly **frivolous** or **malicious** in nature
- ❖ **Aims to gain an unfair economic advantage**, execute a dishonest scheme, and/or settle a personal score
- ❖ **Aims to gain a competitive advantage** through access to information or by **slowing execution of a Project**
- ❖ **Concerns the obligations of a third party**, such as an environmental authority, or the legal or treaty obligations of a Foreign Country, rather than those of the Beneficiary or AFD.

An **Admissibility Report** is issued and sent to the **AFD Admissibility Committee** for a collegial decision-making process. The Committee decides whether the Complaint **is admissible or not**, and if so, what treatment it will receive: **Compliance Review AND/OR Conciliation**.

Step 3a: Compliance Review

Objective: Establish whether an AFD action and/or omission related to the Project resulted in a failure to comply with relevant AFD E&S Risk Management Procedures and, if so, to explain how and why and to recommend corrective measures in order to ensure present and/or future compliance.

- ❖ An **External Independent Expert** examines the main documents and consults individuals, groups, and entities concerned by the Project and AFD. He/She may also make one or more site visits and use other methods that he/she deems appropriate.
- ❖ A **Compliance Review Report** specifies a list of the shortcomings, makes recommendations for remediation and proposes a timeframe for implementing these actions. The action plan is then followed up by the Complaints Office.

Step 3b: Conciliation

Objective: Reach an Agreement between parties which defines each Party's commitments, their implementation conditions, and a timetable.

❖ It's performed by an **External Independent Expert** who details the principles of the Conciliation process, particularly its **Voluntary and Confidential nature** and each Party's responsibility in deciding how to resolve the dispute. He/she also explains his/her **Neutrality and Impartiality** and further specifies that no information concerning one Party will be communicated to the other Party without the former's prior written consent. Then he/she leads the conciliation process.

❖ The Conciliation process is considered completed when the Parties reach an Agreement or when, in the Conciliator's opinion, no further progress is possible.

❖ A **Conciliation Report** is issued and contains methods used, results achieved, lessons learned, and, to the extent permitted by the Parties, Agreement provisions, timetable for implementing commitments; and any outstanding issues.

Conclusion

BENEFITS BOTH FOR COMMUNITIES AND FOR DONORS

- ❖ The Complaint Mechanism gives Communities a voice.
- ❖ It strengthens the Transparency and Accountability of AFD-funded projects and operations.

Fore more information (activity report, list of complaints...) : <https://www.afd.fr/en/e-s-complaints-mechanism>

Let's continue the conversation!

Post questions and comments via chat in the IAIA21 platform.



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