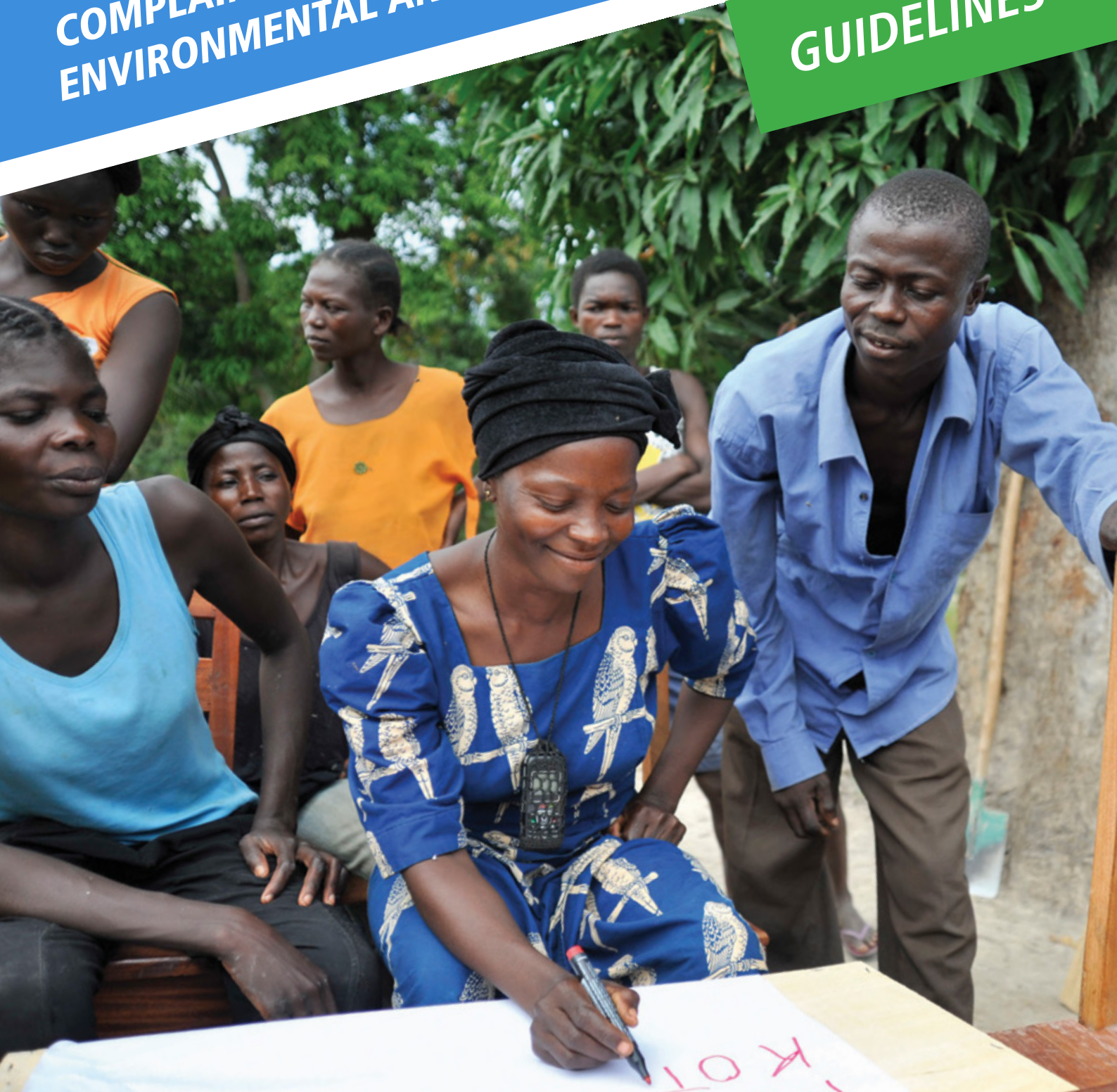




Food and Agriculture
Organization of the
United Nations

COMPLIANCE REVIEWS FOLLOWING COMPLAINTS RELATED TO THE ORGANIZATION'S ENVIRONMENTAL AND SOCIAL STANDARDS

GUIDELINES



Cover photo: ©FAO/Riccardo Gangale

Compliance Reviews Following Complaints Related to the Organization's Environmental and Social Standards

Guidelines

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Rome, 2015

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

© FAO, 2015

FAO encourages the use, reproduction and dissemination of material in this information product. Except where otherwise indicated, material may be copied, downloaded and printed for private study, research and teaching purposes, or for use in non-commercial products or services, provided that appropriate acknowledgement of FAO as the source and copyright holder is given and that FAO's endorsement of users' views, products or services is not implied in any way.

All requests for translation and adaptation rights, and for resale and other commercial use rights should be made via www.fao.org/contact-us/licence-request or addressed to copyright@fao.org.

FAO information products are available on the FAO website (www.fao.org/publications) and can be purchased through publications-sales@fao.org.

Guidelines for Compliance Reviews Following Complaints Related to the Organization's Environmental and Social Standards

Introduction

1. FAO is committed to ensuring that its programmes are implemented in accordance with the Organization's environmental and social standards. In order to better achieve these goals, and to ensure that beneficiaries of FAO programmes have access to an effective and timely mechanism to address their concerns about non-compliance with these obligations, the Organization, in order to supplement measures for receiving, reviewing and acting as appropriate on these concerns at the programme management level, has entrusted the Office of the Inspector-General with the mandate to independently review the complaints that cannot be resolved at that level.
2. The mechanism set out in these guidelines is designed to be independent, transparent and effective so as to provide programme beneficiaries with a means to have their complaints resolved and to keep them informed of what is being done to address their concerns throughout the compliance review process.
3. These guidelines explain the process that OIG will utilise in reviewing alleged non-compliance with FAO's environmental and social policy standards. If the compliance review process outlined in the Guidelines results in findings of non-compliance, OIG will make recommendations to the Organization directed at bringing the project into compliance with relevant standards. .
4. All compliance reviews conducted under this policy must be carried out in accordance with the Charter of the Office of the Inspector-General and other applicable FAO policies and rules.
5. Compliance Reviews under these Guidelines are administrative in nature. In all cases, the Director-General of FAO has the ultimate decision-making authority on remedies in response to Complaints. Complaint Reviews do not create any legally enforceable rights for Complainants, or any liabilities of FAO. Any aspect of the handling of Complaints under this mechanism is without prejudice to the privileges and immunities of FAO and is not open to review by any court of law.

Definitions

6. Complaint is any allegation, claim, concern or information known to OIG, indicating possible non-compliance with FAO's standards as set out in paragraph 12 of these guidelines.
7. Complainant is a party, person or entity, making a complaint to OIG.
8. Days mean calendar days.
9. Duplicative means any information that would be repetitive of that to be provided by other participants in the procedure or otherwise available to the OIG team tasked with reviewing the complaint.
10. FAO programme means any technical or emergency assistance project activity carried out either directly by the Organization or by an implementing partner on FAO's behalf or as part of a joint project with FAO.

11. Inspection is a detailed inquiry and examination of evidence to objectively determine the facts following the receipt of a complaint. This may include the collection and analysis of documentary, video, audio, photographic, and electronic information or other material in accordance with the procedures set out in these guidelines and other applicable FAO policies. The inspection may also include interviews, observations of the reviewers and other investigative techniques as are required to conduct the inspection.

Admissibility

12. These Guidelines apply to the handling of complaints filed by beneficiaries of FAO programmes (defined above) regarding alleged non-compliance of the Organization's Environmental and Social policies, specifically:
 - ESS1: Natural Resource Management
 - ESS 2: Biodiversity, Ecosystems and Critical Habitats
 - ESS 3: Plant Genetic Resources for Food and Agriculture
 - ESS 4: Animal - Livestock and Aquatic - Genetic Resources for Food and Agriculture
 - ESS 5: Pest and Pesticide Management
 - ESS 6: Involuntary Resettlement and Displacement
 - ESS 7: Decent Work
 - ESS 8: Gender Equality
 - ESS 9: Indigenous Peoples and Cultural Heritage
13. All complaints must indicate what steps the complainant has taken to try to resolve their complaints with the programme management, and the results of those attempts. Complaints filed by those who have not attempted in good faith to resolve their concerns with the project management, or have not demonstrated a good reason for not approaching the project management (e.g., fears about their safety), will be inadmissible.
14. These Guidelines only apply to complaints of non-compliance with the Organization's environmental and social standards. They do not apply to activities covered under other FAO policies, including:
 - (a) complaints that neither implicitly nor explicitly raise issues of potential non-compliance with FAO's social and environmental commitments in a specific programme, such as allegations of fraud, corruption or other types of misconduct by FAO personnel or by third parties. However such complaints should be made directly to OIG for investigation;
 - (b) complaints relating to projects or programmes that are not supported by FAO or for which FAO's support has ended and its role can no longer reasonably be considered a cause of the concerns raised in the claim. However, when FAO's support has ended, but impacts can fairly and reasonably be traced to FAO's involvement, OIG will accept complaints that are likely to support resolution of concerns of communities, provide institutional learning, or prevent future mistakes and abuses;

- (c) complaints that raise the same issue with respect to the same project which OIG has already conducted a review, unless significant new information is available or there has been a significant change in circumstances.

The Compliance Review Process

Submission

15. Any person, group, or representative of a person or group, who is potentially directly affected by a FAO programme, is permitted to file a complaint. Complaints are received in person, and by mail, email, telephone and facsimile.
16. Anonymous complaints are not accepted. However, the complainant's name will be kept confidential if he or she so requests.
17. Complainants may amend complaints by providing additional information or alleging new instances of non-compliance at any time before the eligibility of the complaint is determined and communicated in accordance with paragraph 26.
18. Complaints should be as specific as possible, describing current or future adverse impacts that have a plausible causal link to a FAO programme and, if possible, the FAO social and environmental commitments that are believed to have been violated.
19. OIG will acknowledge the receipt of all complaints within 7 days.
20. OIG will further notify all complainants whose filings are inadmissible pursuant to these Guidelines of said fact within 20 days thereafter.
21. Notwithstanding anything above or below, if at any time after receiving a complaint OIG believes significant, irreversible harm to the complainants or other affected people is imminent, OIG may recommend to the Director-General that FAO take interim measures pending completion of the compliance review. Such interim measures could include suspending project activity or financial disbursements to implementing partners or taking other steps to bring FAO into compliance with its social and environmental commitments. OIG will endeavor to consult potentially affected people on these measures, depending on time and related constraints.

Preliminary Review for Eligibility and Applications for Participation

22. OIG will refer complaints not excluded as indicated above to the relevant technical unit for preliminary comment. The technical unit will advise OIG on whether or not it believes the issue is eligible for further review.
23. Only complaints that present a plausible causal relationship between FAO's involvement and any alleged harm as a result of non-compliance with SE standards will be considered eligible. If the complainant does not allege any specific non-compliance with FAO's social and environmental standards, the technical unit will advise if the complaint implies such non-compliance or raises issues of potential non-compliance.
24. After it receives the response of the technical unit, OIG may consult with the Complainant, FAO staff, and other interested parties, as well as review any relevant documents before making a final determination on eligibility.

25. If a complaint is determined to be ineligible, OIG will provide the complainant with an explanation of the reasons for the determination.
26. Complaints not excluded under paragraphs 11-13 above, and deemed eligible pursuant to this section, will be posted publically. The name(s) of the Complainant(s) will be redacted if so requested by the Complainant(s), which may be done at any time.¹
27. External parties other than the complainant may apply to participate, at OIG's discretion, in the complaint resolution process within 15 days of the publication of the complaint. Only those applicants that are directly affected by the issues raised in the complaint or those that demonstrate an ability to assist in the determination of the complaint (whether on a factual, scientific or legal basis) may be admitted to participate. Applications that are duplicative will be declined. Applicants will be informed of the decision on their request within 10 days after the deadline to apply has closed.
28. All applicants admitted to participate will have 10 days from being notified of the decision on their request to make any initial comments they may have about the complaint.

Inspection

29. Upon determining that a Complaint is eligible, and upon the closure of the application and initial comment periods, OIG will initiate an inspection.
30. All participants, including the Complainant, will be informed that an inspection has begun. Inspections may include:
 - (a) Interviews with relevant witnesses;
 - (b) Collection and analysis of relevant documentation; and
 - (c) Onsite visits.
31. After completing its compliance review, OIG will provide a copy of the draft compliance review report to the Complainant(s), and all other individuals or entities admitted to participate in the process. Comments on the draft report must be submitted within 20 days after the date of issuance. The draft compliance review report will include:
 - (a) A discussion of the procedural steps taken to address the Complaint;
 - (b) Any factual findings, including any findings of non-compliance;
 - (c) Recommendations to bring FAO into compliance with social and environmental commitments or to mitigate harm to the Complainants, if applicable; and
 - (d) A proposed plan for monitoring implementation of any recommended actions that FAO decides to take in response to the Complaint, if applicable.
32. Within 25 days of the closure of the comment period for the draft report, OIG will issue a final compliance review report, including findings and recommendations, and input from Complainants and other participants. The report will be submitted to the Director-General and a copy provided to the Complainant and other participants. OIG

¹ If the request is made after a complainant's identity has already been made public, the name will be removed from publically available sources, however, FAO will not be responsible for the dissemination of non-redacted documents already in circulation until the time the request was granted.

will notify, in the same locations as the public posting of the complaint, that this has been done. If this process is anticipated to be delayed by unforeseen circumstances the delay will be communicated to the Complainant and participants.

Decision by the Director-General

33. After receipt of the final compliance review report, the Director-General, or his delegate, will expeditiously make a final decision regarding what steps, if any, FAO will take to bring the project or programme into compliance and/or mitigate any harm to the Complainants or other affected persons, as appropriate, taking into account relevant circumstances and subject to availability of resources. This may comprise or include confirmation of steps already proactively taken by the Organization in response to the complaint. This decision will be sent to the Complainants and other participants, and then released publicly in the same locations as the public posting of the complaint.

How to File a Complaint

34. Complaints containing allegations that there has been a breach of the Organization's environmental and social standards must be made in writing and communicated to OIG by mail, courier, email or fax, directly or via any FAO office. All complaints should ideally provide, as a minimum, the following information:
- What happened? Describe the events with as much relevant detail as possible.
 - When did it happen? Dates, time, how many times, etc.
 - Where did it happen?
 - Who do you think was involved? Who was implicated?
 - The complainant's name and contact information;
35. The addresses to file a written complaint are:
- By courier or mail: Inspector General, Food and Agricultural Organization, Viale delle Terme di Caracalla, 00153 Rome, Italy
 - by confidential fax: (+39) 06 570 55550
 - by email: Investigations-hotline@fao.org.

Role of OIG

36. OIG will be responsible for the following:
- (a) Receive Complaints and determine eligibility of requests for a compliance review;
 - (b) Conduct thorough comprehensive information gathering to provide for a factual determination of the issues raised, including where necessary in-country inspections, interviews of people reportedly affected by FAO projects, and reviews of documentation;
 - (c) Provide draft reports for comment to Complainants and other participants;

- (d) Receive comments from, and, as appropriate, consult with those who have been alleged as not complying, including FAO personnel, and officials of non-governmental organizations, contractors and government entities affiliated with FAO projects;
- (e) Submit final reports to the Director General with findings and recommendations;
- (f) Report in its annual report to the Director General, which becomes public in accordance with OIG report disclosure policy, on the functions, operations and results of the compliance review process;
- (g) Issue, when appropriate, Lessons Learned reports on compliance related issues covered by these Guidelines in accordance with OIG's Charter; and
- (h) Explain through various means the process contained herein to potentially affected persons.

Role of the Technical Units

37. The Organization's technical units responsible for implementation of FAO's environmental and social policies will be responsible for providing advice to OIG in the initial review of complaints. This will include, but not be limited to:
- (a) Identifying whether or not there is a possible causal link between the a FAO project and the harm identified in the complaint;
 - (b) Identifying which, if any, FAO policy a project may have violated, in addition to those identified in the complaint;
 - (c) Providing technical support and expertise, where needed, in the identification and selection of independent expert consultants to carry out on-site visits during the inspection phase of the compliance review process;
 - (d) Provide feedback on draft compliance review reports for review by OIG together with those supplied by the complainant and other participants;
 - (e) Assist in the monitoring of the implementation of recommendations through contacting project staff and other interested parties;
 - (f) Provide all other technical assistance as may be necessary for the compliance review process.