

ELRP Grievance Redress Mechanism Strategy (GRM)

a) Objective of the Grievance Redress Mechanism

The Grievance Redress Mechanism (GRM) has been adopted from the project SEP, seeks to “respond directly and proactively to concerns, tensions and fears of the community arising from effects of an intervention, resolve them in a manner that meets both the aggressor and the complainant needs and to ensure agreement and commitment by all”. The GRM procedure explained here is replicated in all the tools and plans for the project.

The GRM is a process intended to facilitate the resolution of concerns and grievances of project-affected parties that could have a bearing on the Borrower’s environmental and social performance¹. The GRM is proportionate to the risks and impacts of the project (ESF, 2018). GRMs provide an effective avenue for expressing concerns and providing redress within communities. In the execution of ELRP activities, it is expected that grievances, complaints and disputes may arise at multiple stages including design, preparation, planning and implementation.

A key risk for Component 2 is the potential for inadequate, ineffective or inappropriate stakeholder engagement and information disclosure that could exclude vulnerable, marginalized and minority sections of the community from project benefits. This could be amplified further in the context of limited resources in the face of widespread need. Other risks include elite capture (where project benefits – mainly on restoration of livelihoods – are diverted to less needy individuals and locations), and poor access to beneficiaries that hinders meaningful community engagement and monitoring of social harm.

The project Stakeholder Engagement Plan (SEP) was prepared as a standalone plan and was disclosed. It provides the framework for identification of stakeholders, gauging stakeholder interest and providing systematic targeting means and processes of inclusive and meaningful engagements with the stakeholders and communities in a way that influences project design and implementation which is key to GRM.

b) Description of GM in line with the ELRP Project

Grievances will be handled at the community level. The GM will include the following steps and indicative timelines.

The GM will provide an appeal process if the complainant is not satisfied with the proposed resolution of the complaint. Once all possible means to resolve the complaint has been proposed and if the complainant is still not satisfied then they should be advised of their right to legal recourse.

It is important to have multiple and widely known ways to register grievances. Anonymous grievances can be raised and addressed. Several uptake channels under consideration by the project include:

- Toll-free telephone hotline
- E-mail
- Letter to Grievance focal points at local health facilities

¹ The grievance mechanism may utilize existing formal or informal grievance mechanisms, provided they are properly designed and implemented, and deemed suitable for project purposes; these may be supplemented as needed with project-specific arrangements.

- Complaint form to be lodged via any of the above channels
- Walk-ins may register a complaint on a grievance logbook at healthcare facility or suggestion box at clinic/hospitals.

Any and all channels have received a complaint,, it should be recorded in the complaints logbook or grievance excel-sheet/grievance database and subsequently addressed or resolved within 5-7 working days.

Survivors of Gender-based Violence or Sexual Exploitation and Abuse are generally encouraged to report all GBV/SEA cases through the dedicated GBV/SEA referral system and complaints resolution mechanism. This will be made explicit in all community awareness sessions, as well as be part of the publicly disclosed information. The GBV/SEA referral system will guarantee that survivors receive all necessary services, including medical, legal, counseling, and that cases are reported to the police where applicable.

If such cases are reported through the Project GRM, the GRM Operator needs to report the case within 24 hours to the PIU, as the PIU is obliged to report any cases of GBV/SEA to the World Bank within 48 hours following informed agreement by the survivor. Furthermore, cases need to be reported to the IP, if it concerns a direct worker or a worker from a sub-contractor, NGO partner or even a community worker following a survivor-centered approach. UN agencies will have their organizational PSEA systems in place, through which violations by staff will be handled. This may be in addition to criminal prosecution, to ensure that sanctions for the violation of Code of Conducts are implemented. IPs are in charge of monitoring that the courses for contractors regarding the Code of Conduct obligations and awareness raising activities to the community are in place. The information gathered would be monitored and reported to the PIU and the World Bank. All reporting will limit information to the survivor's wishes regarding confidentiality and in case the survivor agrees on further reporting, information will be shared only on a need-to know-base, avoiding all information which may lead to the identification of the survivor and any potential risk of retribution.

1.1 Monitoring and Reporting back to stakeholder groups

Information disclosure and consultations are relevant throughout the entire life cycle of the Project. Project design has therefore been based on national-level consultations. Activities under each subcomponent will include further consultations prior to their commencement, to ensure a broadly inclusive selection of beneficiaries, transparency and accountability on project modalities, and allow community voices to form the basis for the concrete design of every intervention; consultations will continue throughout the project cycle.

The IPs implementing different sub-components of the Project will gather all comments and inputs originating from community meetings, GRM outcomes, and surveys. The information gathered will be submitted to the Environmental and Social Specialists in the Risk Management Unit of the NPCU, to ensure that the Project has general information on the perception of communities, and that it remains on target. It will be the responsibility of the different IPs to respond to comments and inputs, and to keep open a feedback line to the communities, as well as the local authorities and State governments. Training on environmental and social standards facilitated by WB will be provided soon after the Project becomes effective to ensure that all the staff from the PIU, and the different IPs are equipped with the necessary skills.

The Implementing Partner (IP) will provide first feedback on the case to the aggrieved party within one week, if the case was not filed anonymously. Further feedback and action will depend on the nature of the case, and whether cases are decided upon within the respective

IP. The IP will show to the PCU that action has been taken within a reasonable amount of time.

Most importantly, all cases filed need to be logged and monitored by the IP. The IP will analyze all complaints and feedback on a quarterly basis, and share a synthesis report of the analysis with the PCU.

c) Establishment of Grievance Redress Committees (GRC)

During the preparation and implementation of ELRP, the NPCU and the NPCU Coordinating Offices will facilitate the establishment of Grievance Redress Mechanism Committees within communities in the locust-infested corridors and Wards traversed by the project. Five levels of GRC will be instituted, namely: the NPCU GRC, the CPCU GRC, the sub-County GRC, the Ward GRC, and the Community GRC. At each project level, once reported, a case should be resolved within 5-7 working days or else escalated to the next level.

i. Level 1: Community Level GRC

Project beneficiaries will elect a three-member GRC through a democratic process to implement the grievance redress. Similarly, the beneficiaries at each sub-project site will elect their respective GRCs. The one-third gender rule will be applied to ensure ethnic balance and representation of women and youth. It is recommended that communities avoid electing individuals already in positions of local leadership (County/National Government representatives and other local political leadership). All group level GRCs for each value chain will hold further elections at Ward level to establish a Ward level value chain GRC comprising of three members.

ii. Level 2: Integrated GRC at Sub County Level

The integrated GRC at the Ward level will elect one representative to form the integrated sub-county GRC. The one-third rule will be applied to ensure participation of VMGs and women.

iii. Level 3: County Level GRC

The integrated GRMC at Sub-County level will elect one representative from each Sub-County to form a nine-member integrated County GRMC. These GRC will elect three of its members, who together with one representative from other Sub-County level institutions (CTAC, CPCU, and CDDO), will form the County Grievance Redress Committee. The one-third rule will be applied to ensure the participation of VMGs and women.

iv. Level 4: National GRC

The NPCU in collaboration with NTAC has identified representatives from the implementing and executing agencies to form the national GRC. In ELRP, the crisis communication team is composed of the NPC, Communication Officer, Environment and Social Safeguards Officer, concerned Component Coordinator, CPC, Chair of the CPSC, Chair CTAC, Executive Committee of the CDDC, Executive Committee of the CDDO and representatives of the

Project Affected Persons (PAP). Figure 0-1 is the Organogram Representation of the Proposed Project Five GRM Levels.

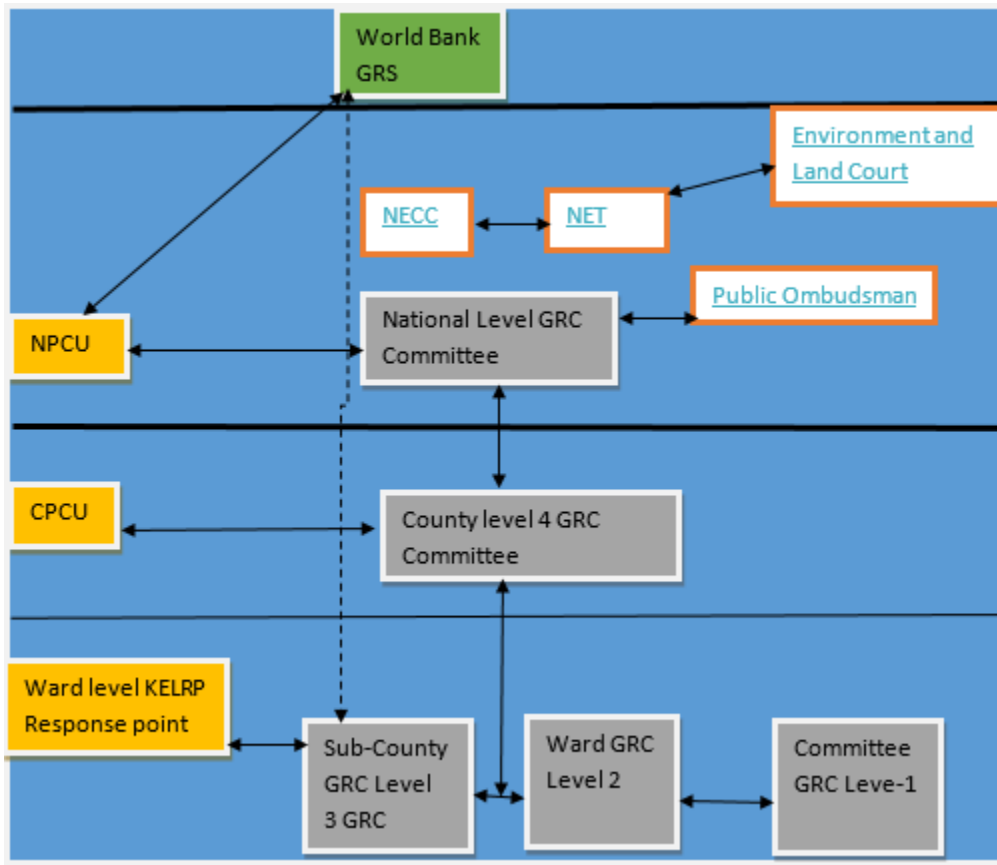


Figure 0-1: Organogram Representation of the Proposed Project Five GRM Levels

b. GRM Activities at NPCU, CPCU, and Ward/Community GRM Committee Levels

The receipt of complaints is key; hence, a simple and understandable procedure shall be adopted for receiving grievances, suggestions and comments relating to the project. The complainant may submit (including his/her personal information) suggestions and/or comments in the prescribed form under the custody of each the various committees. Generally, each of the various levels of grievance redress shall undertake the following steps:

- Receive and register grievance (indicating the mode of communication i.e. oral, letter, text, email, telephone call, video, etc.; also indicate the details of the complainant – name, I/D No., PAP or otherwise, gender, contacts) (see Grievance Registration Form – Annex III-A);
- Screen and sort out type of complaint (does it require just immediate answer? Who by? Do it or refer; accordingly, or does it require a decision by the GRM Committee? Book it accordingly) (Grievance log – Annex III-B continued);

- Send acknowledgement to grievance owner (write an acknowledgement to the complainant regardless of the type of complaint);
- Forward grievance to relevant sub-committee (after booking the complaint in the register, bring it to the attention of the relevant contact person for the committee. Do ensure that this process is tracked – date and timing, etc.);
- Verify the complaint/investigate/redress (the committee shall investigate and take appropriate action. Keep minutes of the undertakings, etc.)
- Where redress calls for other parties/stakeholders to intervene, kindly consult, convene and decide as a team on the best course of redress.
- If the complaint is not resolved at any given level, kindly refer it to the next level. Provide documentation to justify why the issue could not be resolved at your level (case reference, complainant/contacts/case summary, date logged in, summary of findings, why it is being referred, etc.). The complainant do have a right of appeal at all levels of the GRM.
- After the 5th levels (**Figure 10-1**), the complainant shall be referred to a competent court.
- At all stages it is reemphasized that tracking, monitoring, documentation, and evaluation are key processes and **MUST** be well documented - (Annex III-A).

Typical steps to address grievance at the workplace is presented in **Figure 0-2**:

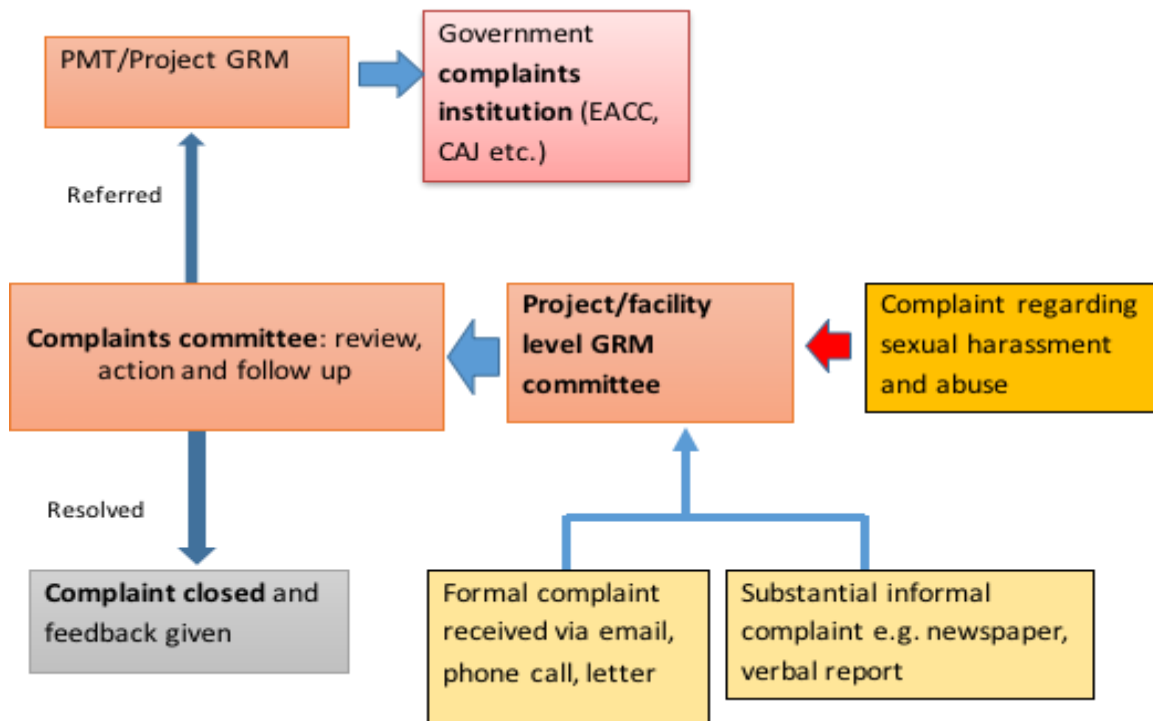


Figure 0-2: Internal grievance redress system

NB: National appeal process. The labor laws provide for the national appeals process that should be utilized by any aggrieved staff if they consider if dissatisfied by the process established by the project.

c. Available mechanisms for aggrieved parties to access redress

i. National Environmental Complaints Committee

The National Environmental Complaints Committee on Environment is an organ established by the EMCA. The committee addresses complaints from the public arising from the environmental and social impacts of project activities. In an event that members of the public are dissatisfied with aspects of the proposed projects, the PCC serves as the first stop for those seeking redress. If this fails, the National Environmental Tribunal (NET) or another organ set up by NET to resolve environmental and social disputes on investments provides the next option for redress.

ii. Environment and Land Court

Additionally, the Constitution of Kenya (CoK) provides for specific courts to deal with disputes related to land and the environment (Land and Environment Court). They are charged with reconciling environmental related disputes, and serve as the final stop in the event of disputes or complaints that cannot be resolved through other means.

iii. World Bank's Grievance Redress

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond.

For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org. It is however recommended that a project level grievance mechanism that has been agreed upon by all stakeholders is put in place early, to prevent small matters from snowballing into conflicts that may lead to delayed disbursement and implementation.

d. Monitoring and Evaluation

The GRM shall provide for monitoring and evaluation. This is to ensure improvement of GRM e.g. quarterly review of quantitative indicators, annual review of grievance redress processes, and review of number of grievances reported and resolved (%). The ELRP Social Safeguards Expert shall help to track and monitor the grievance resolution processes and their outcomes by different levels of the GRCs.

GRM Committees shall monitor the grievance redress process including implementation of decisions made, and check that redress is granted to PAPs in a timely and efficient manner. They will provide regular feedback to the complainants on the progress of the grievance redress process. Monitoring will track the progress of grievance resolutions and timeliness of grievance redress; follow-up grievances to ensure they are attended to; and document details of complaints received and the progress of resolutions. GRCs will provide

information to project managers on the progress of implementation, and report actual and potential problems.

An evaluation system shall assess the effectiveness and impact of GRCs. Such evaluations will take place biannually, and their results shall contribute to improving the performance of the different GRCs, and provide valuable feedback to project management.

The following questions can be addressed in such evaluations:

- 1) How many complaints have been raised/% of which addressed/escalated?
- 2) What types of complaints have been raised?
- 3) What is the status of the complaints (rejected or not eligible, under assessment, action agreed upon, action being implemented, or resolved)?
- 4) How long did it take to solve the problem?
- 5) How many PAPs have used the grievance redress procedure?
- 6) What were the outcomes?
- 7) Are the GRM Committees effective in realizing the stated goals, objectives, and principles?
- 8) Are the GRM committees capable of responding to the range of grievances specified in their scope?
- 9) Are the GRM committees equipped with an adequate and diverse set of resolution approaches?
- 10) Have the GRM committees adopted measures to improve the resolution approaches, e.g., capacity building, consultation, with technical experts, etc.?
- 11) Are the GRM committees effectively integrated into overall project implementation?

The answers to the above questions will help project managers to track the trends of complaints; detect flaws in implementation; take timely corrective action; and make strategic changes where needed. They shall also provide valuable feedback about PAPs' satisfaction with the project, which could help executing agencies improve their reputation within communities. Those involved in M&E will liaise with media; monitor media reports; and provide feedback to project management for action or attention (as the case will require).