

# uThukela MPA Ecosystem Based Management Project

## Annex 1: Grievance Mechanism

### Wildlands Conservation Trust [WILDTRUST]

#### Version Control

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## 1. Introduction

This document describes the Grievance Mechanism for the uThukela MPA Ecosystem Based Management Project (hereafter referred to as “the Project”), outlining the procedures that WILDTRUST will follow to address any comments, suggestions, questions and complaints that stakeholders may have about the Project and its activities. The Grievance Mechanism has been developed in alignment with international good practice, including the Blue Action Fund Environmental and Social Management System (ESMS) requirements and the World Bank Environmental and Social Standards (notably ESS10), and also complies with South African requirements as well as internal WILDTRUST policies and procedures. Details on the Project description, social context and legislative framework can be found in the first two sections of the Environmental and Social Management Plan (ESMP), to which this Grievance Mechanism is Annexed.

Blue Action Fund require projects to have established a provisional Grievance Mechanism, including completion of any necessary pre-cursory assessments and consultations to understand customary and other grievance management mechanisms with Project Affected People, upon submission of a full proposal. The scope, scale and type of Grievance Mechanism will be proportionate to the nature



and scale of the potential risks and impacts of the project. This Grievance Mechanism is provisional (full proposal stage). As this Grievance Mechanism is provisional, it will be updated and established within the first three months of project implementation, after further consultation and sensitisation with local communities.

A grievance is any complaint, comment, question, concern, suggestion about the way a project is being implemented. It may take the form of specific complaints about impacts, damages or harm caused by the project, non-conformity with the Blue Action Fund and WILDTRUST safeguards, concerns about access to the project stakeholder engagement process or about how comments and concerns about project activities, or perceived incidents or impacts, have been addressed.

For this Project, the main Project components are effective management of the new uThukela MPA, restoration of ecosystems and improved livelihoods and food security for vulnerable communities. As such, grievances that may arise due to this project could include those pertaining to stakeholder engagement, conflict between local communities and law enforcement agents, access restrictions & livelihood issues. WILDTRUST is not in a position to resolve all of these grievances (as it is not within WILDTRUST's mandate). However as per **Section 2** (eligibility) WILDTRUST will report grievances that lie outside WILDTRUST mandate to the appropriate bodies. Furthermore, during the course of the project, the MPA management authority (Ezemvelo KZN Wildlife) have made a commitment to develop a Grievance Mechanism for the uThukela MPA and adjacent Nature Reserves, as detailed in the project's Environmental and Social Management Plan (ESMP), allowing for grievances related to MPA-related issues to be channelled to the appropriate authorities.

## 1.1 Purpose of the Grievance Mechanism

A Grievance Mechanism is a free, open and accessible mechanism, principally designed for Project Affected People, and accessible to all project stakeholders, project staff (including contractors and their workers). The Grievance Mechanism is part of the project's risk management strategy detailed in the ESMP, which outlines the project's commitments that WILDTRUST will implement to manage potential negative impacts and enhance potential positive impacts of the project. The Grievance Mechanism helps WILDTRUST understand whether there is a potential breach of the Blue Action Fund ESMS principles, standards and procedures and commitments set out in the ESMP. If the grievance submitted is determined to be eligible (**Section 2**), a process is then followed to identify the root cause of the grievance and ensure that issues of non-compliance with the ESMS are rectified. Some grievance cases may require remedial actions to redress potential harm resulting from failure to respect the ESMS provisions or preventative measures to avoid repetition of non-compliance.

Specifically, this Grievance Mechanism aims to:

- Guide WILDTRUST in addressing complaints, comments, questions, concerns and suggestions from Project Affected People and other rightsholders and stakeholders, related to the project and its activities in a fair and transparent, and practical manner;
- Identify and manage stakeholder concerns and thus support effective risk management for the project;
- Provide stakeholders fearing or suffering adverse impacts from the Project with the assurance that they will be heard and assisted in a timely manner;
- Build and maintain trust with all stakeholders thereby creating an enabling environment for the Project to operate in; and
- Prevent adverse consequences for the Project of failure to adequately address grievances.

As such, the Grievance Mechanism does not intend to substitute for any existing grievance procedures (e.g., the Grievance Mechanism to be established by Ezemvelo), but instead complement and build on existing procedures, while ensuring that the WILDTRUST can identify, register (see **Section 6**) and respond to grievances appropriately. This Grievance Mechanism reflects and operates under the following good practice principles:

- *Accessible*



- *Practical*
- *Effective and timely response*
- *Transparent*
- *Independent*
- *Protection from retaliation*
- *Maintenance of records.*

## 2. Eligibility

WILDTRUST is working on establishing the eligibility criteria for the Grievance Mechanism, which will be finalised during the first three months of the Project. In this version of the Grievance Mechanism, criteria of eligible grievances include:

- Any community, organisation, Project stakeholder or affected group (including individuals) who believe it is or may be negatively affected by any project activities supported (technical or financial) by WILDTRUST and/or owing to the project's failure to follow the Blue Action Fund and WILDTRUST Environmental and Social Safeguards and other compliances as set out in the ESMS, during the design or implementation of the Project activity is considered a "Project Affected Party" and is entitled to submit a complaint;
- Negative impacts can include all forms of Project impact, including direct and indirect impacts of project activities (including activities that the project contributes to or is directly linked to). As with the scope of application of the Blue Action Fund ESMS, negative effects are not restricted to the activities of the WILDTRUST but include the effects of activities of project partners (including collaborating project partners such as Protected Area authorities) that are financially or technically supported by the project WILDTRUST (see Stakeholder Engagement Plan, **Annex 2** to the ESMP).
- Any Project Affected Party may file a complaint.
- Representatives (a person or local organisation) can submit a complaint on behalf of a Project Affected Party, but they must provide concrete evidence of authority to represent them; and
- Anonymous complaints will be considered.

On the other hand, the current criteria for ineligible grievances include:

- Complaints with respect to actions or omissions that are not technically or financially supported by the Project, or about parties that are not partners or collaborating partners in the Project;
- Complaints about issues outside of the Project scope, including outside of the Project Area of Influence;
- Complaints filed:
  - After the date of official closure of the project; or
  - 18 Months after the date of the official closure of the Project in cases where the complaint addresses an impact resulting from project activities that was not, and reasonably could not have been, known prior to the date of official closure.
- Complaints that relate to the laws, policies, and regulations of South Africa, unless this directly relates to the WILDTRUST obligation to comply with the Project's ESMS principles, standards and procedures;
- Complaints that relate to WILDTRUST non-project-related housekeeping matters, such as finance, human resources and administration (for complaints of this manner, see the WILDTRUST Grievance Policy in the Human Resource Management Policies) available on request).
- Complaints submitted by the same claimant on matters they submitted to the Grievance Mechanism earlier, unless new evidence is provided, or the project has not responded to this complaint in the timeframe illustrated below (**Section 3**).



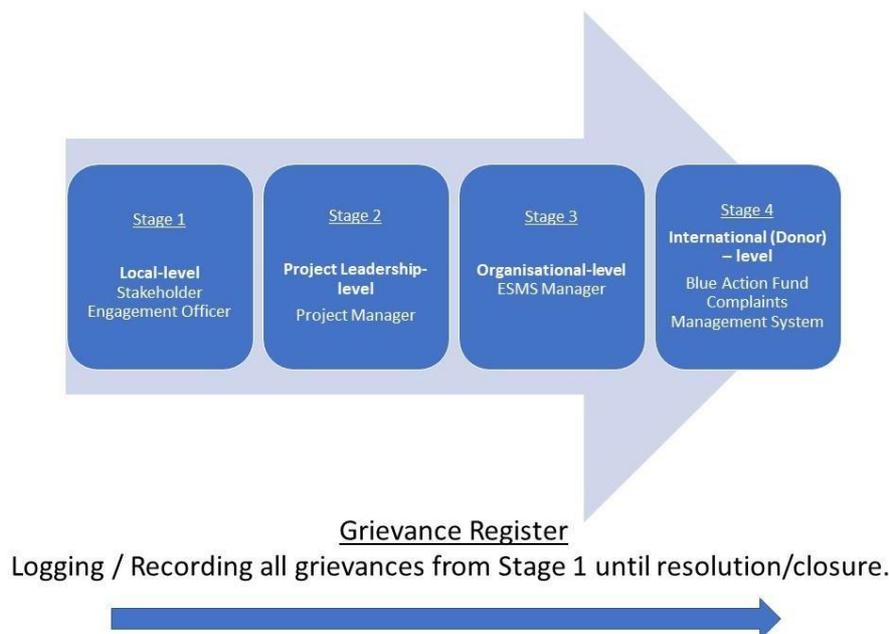
Each grievance will be reviewed by WILDTRUST ESMS Manager in order to determine if it is eligible or ineligible. If the complaint is not eligible, the ESMS Manager will inform the complainants stating the reason for ineligibility and this will be documented (See **Section 7** Grievance Register Template).

Project staff and contractors:

In addition to Project Affected Parties, this Grievance Mechanism will be available for project staff, including contractors and volunteers working in key positions, should they not feel their concerns are adequately dealt with through the WILDTRUST Grievance Policy as outlined in the Human Resource Management Policies, Policy no 16 page 28, which all WILDTRUST employees and contractors have access to. Contractors for example working on the community resource centre refurbishments (if they don't have their own grievance mechanism) will have access to this Grievance Mechanism. This will be included in all contracts and agreements that WILDTRUST enters into with contractor(s). All workers will be informed of the grievance procedures and new workers will be informed when they join the project. Information on contact points will be posted on staff information boards and on-site information boards.

### 3. Grievance Procedures

The grievance resolution procedure for the Project is described in these sections. In order to be practical and cost-effective, resolution of complaints should be sought at the lowest possible level. The Project procedure aims to address stakeholder concerns promptly, effectively and transparently, as illustrated in **Figure 1**.



**Figure 1:** Four-stage grievance procedure.

#### **Stage 1: Local-level resolution sought**

The best approach to resolving grievances involves WILDTRUST and the Project Affected Party reviewing the conflict and deciding together on a way forward that advances their mutual interests. This reflects the fact that local groups and authorities often have better information on and understanding of the causes of disputes arising from project implementation. ‘Deciding together’ approaches are usually the most accessible, natural, unthreatening and cost-effective ways for communities and project management to resolve differences.



## **Grievance procedures**

The project has a Grievance Register (**Section 7**) which serves as a record of the grievances submitted. The following processes have been developed for the project:

### 1. Submission of a grievance:

- a) The Project is still to identify and validate the most appropriate mechanisms through which grievances will be submitted on a local level. The examples below are from other WILDRUST projects with a Grievance Mechanism and based on WILDTRUST experience in community conservation. Pre-cursory consultations regarding grievances were not possible during the E&S assessment, due to the early-stage nature of the project engagement on a local level, and these consultations will be conducted within three months of the project inception, to decide on the exact mechanisms for submission of grievances.
- b) Stakeholders/ Project Affected Parties shall be able to use any of the following methods to submit a grievance:
  - I. Community level: Verbally (in person) to the local Induna (Stage 1) / conflict resolution committee with nominated representatives (tbc)
  - II. Verbally (in person or via telephone) to the Project Site Coordinator or Stakeholder Engagement Officer (Stage 1)
  - III. SMS/WhatsApp messages to the Project Site Coordinator or Stakeholder Engagement Officer (Stage 1)
  - IV. Verbally (in person or via telephone), in writing (SMS/WhatsApp/Email) direct to the Project Manager (in the instance where this is an individual's main point of contact – for example in the case of consultants) (Stage 1)
  - V. Filling out the Grievance Form online ([www.wildtrust.co.za/governance](http://www.wildtrust.co.za/governance)); and
  - VI. In writing via the Grievance Boxes placed in various sites in the community (community resource centres; other locations still to be determined).
- c) The grievance is recorded and classified in a 'Grievance Register'<sup>1</sup> (see **Section 7**) (written and electronic) by the Stakeholder Engagement Officer (Stage 1) which will be accessible to the Project Manager (Stage 2) and ESMS Manager (Stage 3). The complainant can request confidentiality, and anonymous complaints will be accepted. This register will be maintained in a location accessible only to the responsible staff members, and not shared with outside parties<sup>1</sup>.
- d) When submitting a grievance, the complaint should aim to include the following information [responsible project staff will support complainants submitting verbal complaints to include all of this information]:
  - I. Complainant's name and contact information; [but complaints can be submitted anonymously];
  - II. If not filed directly by the complainant, proof that those representing the affected people have authority to do so;
  - III. The specific project or program of concern including location;
  - IV. The harm that is or may be resulting from it;
  - V. The relevant social policy or provision (if known);
  - VI. Any other relevant information or documents (e.g., date of event);
  - VII. Any actions taken so far (if any) to resolve the problem;
  - VIII. Proposed solution; and
  - IX. Whether confidentiality is requested (stating reason).

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<sup>1</sup> In some cases, sharing the Grievance Register with an outside party can be required. For example, in the case of Blue Action Fund project evaluation. In these cases, personal information should first be redacted from the register, and the terms of the sharing and use clearly stated. The World Bank Environmental and Social Framework (2017) also requires that during the course of the Project, a record documenting the responses to all grievances received is made publicly available: this record can be based on the Grievance Register, but removing all personal information.



- e) The complaint can be filed either in English or any local language. If the grievance has not been submitted anonymously and regardless as to whether confidentiality is requested, the identity of the complainant(s) will be maintained only by the Project Complaints Team, or the project staff member working in the field site who has handled the case directly i.e. the Stakeholder Engagement Officer. When working to resolve the case, the identity of the complainants will be maintained within as smaller group as possible to assure protection against retaliation.

## 2. Acknowledgement and addressing the grievance:

- a) Grievance is formally acknowledged through a personal meeting, phone call, email or letter as appropriate, within 10 working days of submission. If the grievance is not well understood or if additional information is required, clarification should be sought from the complainant during this step.
- b) The responsible staff member (see Figure 1 for responsible staff members at each stage) will investigate the validity of the grievance, including whether it is related to a contractor. If it cannot be resolved at their level, they will then refer the grievance to the appropriate responsible staff member. The root cause will be investigated and the risk category (i.e., the risk that the grievance poses to the Project Affected Person and to the Project is ranked as high, medium or low) identified.
- c) A response is developed by the responsible staff with input from others, as necessary. WILDTRUST will look into the use of existing customary conflict resolution mechanisms which will be identified during pre-cursory consultations with communities in the first three months of the project. This can include working with existing customary mechanisms or establishing a project conflict resolution "committee" for the management of complex grievance issues. This can include project staff, local authorities and traditional leaders/ community representatives.
- d) Required actions implemented to deal with the issue, and completion of these, is recorded in the grievance register.
- e) The response is signed-off by the responsible staff. The sign-off may be a signature on the grievance register or in correspondence that should be filed with the grievance to indicate agreement.
- f) The response is communicated to the affected party; the response should be carefully coordinated. The responsible staff ensures that a suitable approach to communicating the response to the affected party is agreed and implemented. The response to a grievance will be provided 20 working days after receipt of the grievance.
- g) The response of the complainant is recorded to help assess whether the grievance is closed or whether further action is needed. The responsible staff should use appropriate communication channels to confirm whether the complainant has understood and is satisfied with the response. The complainants' response will be recorded in the Grievance Register, and both parties will sign off the grievance to confirm closure.
- h) The grievance is closed with sign-off from the responsible staff, who determines whether the grievance can be closed or whether further attention and action is required. If further attention is required, the responsible staff should return to Step 2 to re-assess the grievance and then take appropriate action. Once the responsible staff member has assessed whether the grievance can be closed, she/he will sign off to approve closure of the grievance on the Grievance Register or by written communication.

### **Stage 2: Project Leadership level**

Grievances that cannot be resolved at the local community level with the Stakeholder Engagement Officer, will be escalated to the WILDTRUST [Project manager](#) at the Project Leadership level, and will follow the process outlined in Stage 1.

### **Stage 3: Organisational level**



Where the response of any grievance through Stage 1 and 2 is considered unsatisfactory to the aggrieved party, a stakeholder can lodge a complaint with the WILDTRUST ESMS Manager at [ESMS@wildtrust.co.za](mailto:ESMS@wildtrust.co.za).

- a) The ESMS Manager will assess the eligibility of the complaint and provide a response as to whether or not it is eligible, in accordance with the above criteria within 10 business days after receiving the complaint).
- b) If the complaint is deemed eligible, WILDTRUST will devise a plan and timeframe to investigate, which will be communicated to the complainant, ideally within 10 business days of the complaint being logged.
- c) The WILDTRUST team will then look into the matter, with additional technical support if required (e.g., from the WILDTRUST's HR Department or Leadership Team, or an independent third party). Based on the results, the team will then work with concerned parties to develop and implement an action plan and timeframe to resolve any issues.
- d) A summary of the concern raised, actions taken, conclusions reached, follow up plan and timeframe for completion will be documented (in the Grievance Register) and communicated as agreed between the parties. WILDTRUST will facilitate support to further clarify, assess, and resolve further issues, as needed.

In cases where issues are not being properly addressed by the grantees, a stakeholder can directly submit a grievance to the Blue Action Fund (Stage 4 below).

#### **Stage 4: Submission to Blue Action Fund Project Complaints Management System**

In the event of serious complaints or those that cannot be resolved promptly, WILDTRUST is obligated to inform the Blue Action Fund of the details. In addition, Blue Action Fund maintains a separate channel of communication open to local stakeholders in the event that issues are not being properly addressed by the grantees. Blue Action's own institutional Grievance Mechanism is located on the Blue Action Fund website ([here](#)).

WILDTRUST may provide mediation as an option where Project Affected Parties are not satisfied with the proposed resolution. Ultimately, stakeholders may turn to court in accordance with the existing legislation of South Africa, and this grievance procedure should not impede access to other judicial or administrative remedies that are available under the Law.

**Table 1:** Contact details to be provided on communications regarding the project Grievance Mechanism

	<b>Step 1: Local Stakeholder Engagement Officer</b>	<b>Step 2: National Project manager</b>	<b>Step 3: ESMS Manager</b>	<b>Step 3: Blue Action Fund Grievance Mechanism</b>
<b>Position</b>	Stakeholder Engagement Officer	Project Manager	ESMS Manager	ESMS Officer
<b>Email</b>	To Be Confirmed (TBC)	TBC	<a href="mailto:ESMS@wildtrust.co.za">ESMS@wildtrust.co.za</a>	<a href="mailto:grievance@blueactionfund.org">grievance@blueactionfund.org</a>
<b>Phone</b>	TBC	TBC	+27 33 343 6380 +27 82 421 4418	+49 30 20092786
<b>Address</b>	TBC	WILDTRUST, Second Floor, Block A Townbush Office Park, 460 Townbush Road, Pietermaritzburg 3201		Blue Action Fund c/o Nature Trust Alliance GbR Friedrich-Ebert-Anlage 36 60325 Frankfurt am Main Germany

A template for the Grievance Form is presented in **Section 7** below.

## **4. Informing Stakeholders about the Grievance System**



For the Grievance Mechanism to be effective and accessible, WILDTRUST will take active steps to inform all relevant project stakeholders of the existence and scope of the Grievance Mechanism and about the relevant provisions of the ESMS. It is vital that stakeholders are aware of the eligibility criteria for a grievance and the mechanism for grievance submission. The Grievance Mechanism will be translated into isiZulu and will be shared with project affected communities. Furthermore, on-going sensitisation of the Grievance Mechanism will occur in the first 3 months of the project, ensuring the information is delivered in a culturally appropriate way reaching all relevant stakeholder groups and project affected people including women and vulnerable groups.

Various methods will be used to raise awareness about the Grievance Mechanism and procedures including verbal communication (e.g., through consultation meetings, briefings and trainings) written communication (e.g. through email, the project website as well at local offices in the project area(s) and resource centres). In addition, grievance boxes will be placed at meetings and in training sessions. The grievance can be submitted in English or isiZulu.

Accessibility also requires that complaint submission, handling and recording is designed in such way that stakeholders have confidence in the mechanism and that procedures are in place to protect complainants from any form of retaliatory action, including provisions for disciplinary or other appropriate action in case of violations of this principle. WILDTRUST will ensure that all stakeholders are aware of this.

## 5. Serious Incident Reporting

If a grievance is identified as a serious incident, defined as “*any unplanned or uncontrolled event with a materially adverse effect on workers, community members or the environment within the project’s Area of Influence or events that have the potential to have material or immaterial adverse effects on the project execution or give rise to potential liabilities or reputational risks*”, the WILDTRUST serious incident reporting process will be triggered. This process is described in the project’s ESMP.

## 6. Maintaining Records and Monitoring Actions

All grievances, whether eligible or not, need to be recorded in a Grievance Register (**Section 7.1** below). This register will document all complaints, suggestions, comments, questions submitted by stakeholders in a categorical way under five main headings:

1. Grievance registration: including subject of complaint, description of complaint and eligibility criteria;
2. Acknowledgement: WILDTRUST acknowledges receipt of the grievance within 10 working days;
3. Investigation (of eligible grievances only): WILDTRUST investigates the root cause, whether the claim is true or false and proposes corrective actions;
4. Response: WILDTRUST provides a response to the complainant; and
5. Close out: WILDTRUST closes the grievance once it has been adequately addressed and remedied and a response provided to the complainant.

Agreed action plans will establish timeframes for regular process monitoring towards resolution of the grievance.

The ESMS Manager will coordinate the monitoring by organising periodic checks, bringing together the concerned parties and relevant technical advisors for meetings or other communication on the status of action plans, until they are completed. WILDTRUST will assess the effectiveness of this complaint’s resolution process on an annual basis and identify any needs for improvement.

The Grievance Mechanism and accompanying excel spreadsheet (Grievance Register) should be maintained, saved in a secure place and updated regularly.

The indicators to be used to monitor and evaluate the effectiveness of a Project’s Grievance Mechanism are listed below through the use of the Grievance Register:



- Number of grievances received and recorded (disaggregated by eligible and ineligible) during the reporting/ review period;
- Number of grievances acknowledged on time/not acknowledged on time, including why;
- Number of grievances where the investigation was/was not completed on time, including why;
- Number of grievances resolved and unresolved.

## Section 7: Grievance mechanism tools and templates

This section highlights the additional tools and templates to implement the Grievance Mechanism.

### 7.1 Grievance Register Template

WILDTRUST maintains a Grievance Register template which is in a secure location and is managed purely for project purposes.

### 7.2 Public Grievance Form

The draft public grievance form is shown below.

<b>Public Grievance Form</b>	
<b>Reference No. (assigned by Implementation Partner):</b>	
Please enter your contact information and grievance. This information will be dealt with confidentially. Please note: If you wish to remain anonymous, please enter your comment/ grievance in the box below without indicating any contact information – your comments will still be considered.	
<b>Full Name</b>	
<b>Anonymous submission</b>	<input type="checkbox"/> I want to remain anonymous
<b>Please mark how you wish to be contacted (mail, telephone, e-mail).</b>	<input type="checkbox"/> By mail (please provide mailing address): _____
	<input type="checkbox"/> By telephone (please provide telephone number): _____
	<input type="checkbox"/> By e-mail (please provide e-mail address): _____
<b>Preferred language for communication</b>	<input type="checkbox"/> IsiZulu <input type="checkbox"/> English <input type="checkbox"/> Other, please specify: _____
<b>Description of incident or grievance:</b>	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
<b>Date of incident/grievance:</b> _____	<input type="checkbox"/> One time incident/ grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
<b>What would you like to see happen to resolve the problem?</b>	

Grievance Mechanism



Please return grievance form to Environmental and Social Management System (ESMS) Manager,  
[ESMS@wildtrust.co.za](mailto:ESMS@wildtrust.co.za)