



TFCA FINANCING FACILITY

Institutional Grievance Response Mechanism



Supported by:



Implemented by:



ESMS/V01/1A/2024

This document is a property of Environmental and Social Management System and shall not be used, reproduced, transmitted, or disclosed without prior permission from the Environmental and Social Management System

ACRONYM LIST

TERM	DEFINITION
BAF	Blue Action Fund
CLO	Community Liaison Officer
ESARO	Eastern and Southern Africa Regional Office
ESMS	Environmental and Social Management System
GBV	Gender-based violence
GBVH	Gender-based Violence and Harassment
GO	Grievance Officer
GRM	Grievance Response Mechanism
HQ	Head Quarter
IUCN	International Union for Conservation of Nature
KfW	KfW Development Bank
LLF	Legacy Landscape Fund
NGO	Non-Governmental Organisation
PAP	Project Affected Person
SADC	Southern African Development Community
SEAH	Sexual exploitation, abuse, and sexual harassment
TFCA	Transfrontier Conservation Area
TFCA FF	Transfrontier Conservation Area Financing Facility
UN	United Nations
WBG ESS	World Bank Group Environmental and Social Standard

Table of Contents

1 Introduction	5
1.1 Purpose and Objectives of the Grievance Response Mechanism	6
1.2 General Principles and the GRM	7
2 Applicable Standards	8
3 Roles and Responsibilities	9
3.1 TFCA FF Grievance Officer (TFCA FF GO)	9
3.2 TFCA FF Project Manager/Chairperson of TFCA FF Grievance Committee	11
3.3 TFCA FF Grievance Committee	11
3.3.1 Grievance Sub Committees and Mediation Committee	12
3.4 Grantee	13
4 Information of Stakeholders about the TFCA FF GRM	14
5 Eligibility and Categorization of Grievances	15
5.1 Eligibility	15
5.2 Categorization and Grievances	17
6 Grievance Management Procedures	18
6.1 Receiving and Registering Grievances	18
6.2 Processing Grievances - Analysis and Investigation	19
6.2.1 Fast Track Procedure for Level 3 Complaints/Serious Incidents	19
6.2.2 Analysis and Investigation (for all grievances)	20
6.2.3 TFCA FF Response with Proposed Resolution	21
6.2.4 Mediation	21
6.2.5 Grievance Resolution	22
6.2.6 Appeal	23
6.2.7 Grievance Close Out	23
7 Monitoring and Reporting	24
8 Review and Continuous Improvement	26
9 IUCN Institutional GRM and KFW Institutional GRM	27
9.1 ICUN GRM	27
9.2 KfW GRM	28
ANNEX A TFCA FF Grievance Form	29
ANNEX B Grievance Register	31

1.

Introduction

The Southern African Development Community (SADC) Transfrontier Conservation Area (TFCA) Financing Facility (TFCA FF) is a grant-making facility established to respond to the emerging needs of TFCAs in the SADC region. The TFCA FF is administered by the International Union for Conservation of Nature (IUCN), Eastern and Southern Africa Regional Office (ESARO). The TFCA FF Grievance Response Mechanism (GRM) provides a platform for any individual, group, community, organisation, or Project stakeholder affected by the activities funded by the TFCA FF to raise concerns, complaints or provide feedback regarding the TFCA FF and/or any Project financed by the TFCA FF. The TFCA FF GRM is to complement the project-level GRMs which are managed by the Grantees for their specific projects under TFCA FF funding. This document sets out the formal process to be followed when submitting, reviewing, and resolving the grievances or suggestions received from external stakeholders. This includes specific communication channels and controls that have been set up to ensure that grievances are resolved in an effective, transparent, and fair manner and as quickly as reasonably practicable.

1.1 Purpose and Objectives of the Grievance Response Mechanism

The purpose of this document is to outline the TFCA FF's approach to receiving, accepting, assessing, resolving and monitoring grievances from those affected by activities supported by the Facility. The objective of the TFCA FF GRM is to provide a platform for individuals or groups affected by the activities funded by the TFCA FF to voice their concerns, opinions and problems related to the activities. It is also to provide a prompt and effective mechanism for resolving and addressing grievances fairly, transparently and in a culturally appropriate way. The GRM is rights compatible as per the requirements of the United Nations (UN) Guiding Principles on Business and Human Rights and allows stakeholders to claim remedy if the adverse impact has already been caused.

The TFCA FF GRM is an integral part of the Facilities' Environmental and Social Management System (ESMS), which addresses key environmental and social aspects related to TFCA FF funded activities and projects.

This document sets out the procedure that will be used by TFCA FF to receive, register, categorize, investigate, respond to and document external enquiries and complaints from the public and stakeholders regarding TFCA FF operations and TFCA FF funded activities and projects.

This GRM is the institutional grievance mechanism of TFCA FF and applies to all activities and projects supported by the Facility. Each TFCA FF funded project is required to have a project-level GRM in place which is aligned with the applicable standards as per TFCA FF ESMS and the principles as explained below. The TFCA FF GRM will be available to all grievances which cannot be resolved on the project-level.

All grievances and feedback are expected to be primarily received and logged via the project-level GRM. If a grievance cannot be solved through the project-level GRM, it can be delegated to the TFCA FF GRM or to jurisdictional/court level. However, complainants have the option to directly submit a grievance to the TFCA FF GRM. This would be an option in cases where complainants feel that the impartiality of the project-level mechanism might be compromised or for grievance directly related to the operation of the Facility. Nevertheless, TFCA FF can forward the submitted complaint to the project-level GRM, if they could be better addressed and solved at the project-level GRM – provided the consent of the claimant - subject to case by case assessment regarding the significance and sensitivity of the grievance and the factors that triggered the claimant's decision of submitting the grievance to the TFCA FF GRM.

Following the process as described in this document the TFCA FF GRM will ensure that

- The GRM is fully accessible and culturally appropriate to all relevant stakeholders, e.g. parties that might be affected by the a TFCA FF funded Project or activity.
- The provisions and steps for responding to complaints and seeking solutions are effective and timely.
- Decisions are taken in a transparent way and the complainants are kept abreast of progress with cases brought, outcomes should be regarded as fair:
- Feedback and complaints are assessed in a systematic manner, facilitating remedy, including corrective action and pre-cautionary measures;
- Diligent documentation of negotiations and agreements and good maintenance of records on all cases and issues are established and brought forward for review.
- The GRM is focused on engagement and dialogue between TFCA FF, its funded projects and all relevant stakeholders, with the aim to build and maintain trust and to identify sustainable, rights-compatible solutions that are acceptable by all.

1.2 General Principles of the GRM

The TFCA FF GRM has been developed based on the Applicable Standards as per Section 2 below and based on international best practice, taking into account the following principles:

1. **Legitimate** – all processes of the GRM procedure are legitimate and trusted by stakeholders. The design of the mechanism complies with the determined fair conduct; privacy and data are legally respected and secured; and stakeholders are protected from retaliation.
2. **Accessible** – the GRM has to be easily accessible and culturally appropriate for those intended to use it and the GRM will be communicated explicitly and efficiently.
3. **Predictable** – all protocols, potential outcomes, timelines, monitoring, and implementation efforts are well-defined and publicly known.
4. **Equitable** – all stakeholders have to receive sufficient support, information, and resources, to engage with feedback and grievance processes in a fair manner. All parties to have the same rights to withdrawals and appeals. This includes having gender sensitivities and mainstreamed considerations for vulnerable groups.
5. **Transparent** – parties must be kept informed on the outcomes, progress, and performance of the mechanism. Outcomes should be made publicly available when possible but written records should be kept, regardless, to increase levels of transparency.
6. **Rights-Compatible** – the GRM and its outcomes and remedies must be compliant with international human rights and any applicable national standards/rights.
7. **A source of continuous learning** – the GRM must be used to identify key learnings, best practices, and ha to be continuously improved.
8. **Based on engagement and dialogue** – GRM must be built upon dialogue and engagement; dialogue shouldbe focused on how to best resolve grievances in a timely manner.
9. **No substitute for Judicial Proceedings** - the GRM does not substitute for and should not obstruct judicial and administrative remedies, such as mediation or arbitration, which are necessary for disputes beyond the scope of the GRM.
10. **Gender- and Vulnerability-sensitive** – The GRM must be gender sensitive and consider special needs of vulnerable groups. This may result in the need to customize the GM for vulnerable groups.
11. **Multi-channelled** – the GRM must have several channels available to raise grievances.
12. **Confidential** – all stakeholders must have the right to confidentially when they lodge a grievance.

2. Applicable Standards

The full list of applicable standards governing the TFCA FF ESMS including the GRM is comprised in the TFCA FF ESMS Manual.

The list of the applicable standards for the development and implementation of the GRM includes:

- The UN Guiding Principles on Business and Human Rights (UNGP, 2011), including:
 - Guidance Note on Grievance Redress Mechanisms;
- World Bank Group Environmental and Social Standard (WBG ESS) 2017, especially:
 - WBG ESS10 on Stakeholder Engagement and Information Disclosure including:
 - ESS10 Guidance Note (WBG, 2016);
 - Grievance Redress Mechanism Checklist (WBG, 2020); and
 - The World Bank's Approach to Grievance Redress in Projects (WBG, 2014).
- IUCN Guidance Note on the Assessment, Management and Monitoring of Environmental and Social Risks (IUCN, 2020). available to all grievances which cannot be resolved on the project-level.

These standards are applicable to all TFCA FF funded activities conducted by Grantee personnel, including contractors, sub-contractors, and Grantee partner organisation(s).

NOTE that the development of the TFCA FF Institutional GRM has been informed by the grievance mechanisms of the Blue Action Fund (BAF) and the Legacy Landscape Fund (LLF) which are both supported by KfW as well.

3. Roles and Responsibilities

3.1 TFCA FF Grievance Officer (TFCA FF GO)

The ESMS Officer, appointed by TFCA FF, is responsible for overseeing the development, implementation, and monitoring of the Facility's ESMS. The ESMS Officer also has the role of the TFCA FF Grievance Officer (GO) and hereby is the key contact person for any grievances received from public stakeholders as well as from the project-level GRM or from project affected parties.

The TFCA FF GO has the day-to-day operational responsibility for the TFCA FF GRM including management of grievances and reporting on grievances received by TFCA FF. TFCA FF will ensure that for cases where claimants require to engage with a person of the same gender (e.g. for cases of gender-based violence or sexual harassment), avenues will be provided to submit and engage on such grievances with a person of the same gender.

Key tasks of the Grievances Officer comprise:

GENERAL TASKS

- Collation and registration of grievances, formal feedback on reception and initial response, communication with claimant through the grievance management process until close out;
- Analysis, categorization and investigation of grievances;
- Regular periodic reporting to the SADC Project Steering Committee to inform them on the grievances received;
- Collation and documentation of information for monitoring and evaluation; and
- In case required by claimant, ensure access to direct engagement with a person of the same gender as claimant, if requested for the management of sensitive grievances (i.e. Sexual exploitation, abuse and sexual harassment (SEAH) and gender-based violence (GBV)).

COORDINATION OF TFCA FF GRIEVANCE COMMITTEE

- Mandatory participation in meetings of the TFCA FF Grievance Committee, continuous engagement with the Committee and implementation of decisions of the Grievance Committee;
- Immediate forwarding of serious incidents (=Level 3 Grievances) to the TFCA FF Project Manager (as Chairperson of the TFCA FF Grievance Committee) to initiate involvement of the TFCA FF Grievance Committee;
- Organize fast track resolution process of Level 3 Grievances; and
- Advise on and organize for capacity building for Grievance Committee members.

ENGAGEMENT WITH GRANTEES AND PROJECT LEVEL GRMS

- Maintain contact and exchange with the Grantees' Community Liaison Officers (CLOs) or other Grantee staff responsible for the operation of the Project Level GRMs, track functionality of local level GRMs, establish regular exchange between TFCA FF Grantees regarding good practice and lessons learned within grievance management, advise on and contribute to GRM trainings.

ENGAGEMENT WITH SADC REGION NATIONAL HUMAN RIGHTS INSTITUTIONS

- Work on the establishment of regular exchange and partnership with the National Human Rights Institutions of the SADC Member States; such partnership may involve that TFCA FF would ask a national human rights institution to participate in the resolution of Level 3 grievances or to act as mediation agent within the resolution of complex grievances.

3.2 TFCA FF Project Manager/Chairperson of TFCA FF Grievance Committee

The TFCA FF Project Manager oversees and supervises the day- to- day work of the TFCA FF ESMS Officer/ Grievance Officer. The Project Manager – jointly with the GO – undertakes the coordination of the TFCA FF Grievance Committee and acts as Chairperson of the Committee. This includes the overall responsibility to ensure the functionality of the TFCA FF Grievance Committee, including appointment process of committee members, establishment of sub-committees if required, organization and documentation of committee meetings and communication of any decisions of the committee to claimants as appropriate. The Project Manager/Grievance Committee Chairperson is also responsible for the diligent investigation of grievances, the development and the implementation of mitigation measures through to the closure of a grievance. The Project Manager/Chairperson is to ensure that any Level 3 Grievances/serious incidents are fast tracked for resolution and hence immediately reported to IUCN Head Quarter (HQ) Level (IUCN GRM and IUCN ESMS Coordinator) and to KfW respectively.

The TFCA FF Project Manager/Chairperson of the TFCA FF Grievance Committee is also the key responsible person for the engagement of external stakeholders in the GRM context and would initiate any necessary amendments to the GRM procedures as part of the TFCA FF regular ESMS review procedure or in the format of an ad hoc change if required to maintain usefulness and efficacy of the Mechanism.

In summary the key Tasks of the TFCA FF Project Manager/Chairperson of Grievance Committee include:

- Ensure that the management of grievance is in alignment with the provisions of relevant national laws and with the safeguard requirements of the TFCA FF ESMS (including the applicable standards and principles presented in this document);
- Ensure that any actions resulting from grievance management and resolution are undertaken according as per agreed plans and timelines;
- Oversee TFCA FF reporting of grievances (received/resolved/unresolved) to KfW as part of annual reporting;
- Ensure that subject matter experts including national human rights institutions would be involved in the resolution of complex grievances as appropriate and support the GO and Project Manager/chairperson within the organization of such involvement;
- Oversee the overall grievance management process including the work of the GO and provide guidance and advise as appropriate;
- Engage with external stakeholders and promote the TFCA FF GRM; and
- Initiate reviews and amendments of the TFCA FF GRM as appropriate.

3.3 TFCA FF Project Manager/Chairperson of TFCA FF Grievance Committee

The TFCA FF Grievance Committee is coordinated by the TFCA FF Project Manager who is acting as Chairperson of the Committee and is supported by the TFCA FF GO. The main purpose of the Grievance Committee is to participate in the resolution of Level 3 Grievances. Members of the Grievance Committee would be appointed by the chairperson and could vary depending on the nature of the grievance to be resolved. For Level 3 Grievances, the participation of IUCN HQ ESMS Coordinator and of a representative of IUCN HQ Grievance Mechanism in the TFCA FF Grievance Committee is mandatory. In addition, IUCN experts from the East Africa Regional Office and external subject matter experts (e.g. representatives from national human rights institutions or external technical experts) could be appointed by the chairperson. For the investigation of Level 3 complaints, representatives of the Grantee of the Project where the complaint/incident occurred, may be requested to participate in the work of the Committee.

The TFCA FF Project Manager/Chairperson of the Grievance Committee may also decide to establish the Committee for the resolution of more complex Level 2 grievances. However, for these cases the participation of IUCN HQ would not be mandatory.

Key Tasks of the Grievance Committee include:

- Ensure that the management of grievance is in alignment with the provisions of relevant national laws and with the safeguard requirements of the TFCA FF ESMS (including the applicable standards and principles presented in this document);
- Ensure that any actions resulting from grievance management and resolution are undertaken according as per agreed plans and timelines;
- Oversee TFCA FF reporting of grievances (received/resolved/unresolved) to KfW as part of annual reporting;
- Ensure that subject matter experts including national human rights institutions would be involved in the resolution of complex grievances as appropriate and support the GO and Project Manager/chairperson within the organization of such involvement; and
- Oversee the overall grievance management process including the work of the GO and provide guidance and advise as appropriate.

3.3.1 Grievance Sub Committees and Mediation Committee

The Grievance Committee may establish sub-committees, in response to arising specific requirements. The Chairperson would allocate tasks and responsibilities to members of such sub-committees including the assignment of any external subject matter experts. Sub-committees will report to the Grievance Committee.

A sub-committee may be assigned the role of a mediation committee in case there will be a decision to undertake a mediation process for the resolution of a specific complaint. Such mediation committee will comprise the Grievance Committee Chairperson/ TFCA FF Project Manager, the Grantee CLO (or any other Grantee representative responsible for the Project-level GRM), a representative of the affected party, selected Grievance Committee members and third parties, e.g. representatives of national human rights institutions. Note that the mediation committee could also involve the IUCN HQ ESMS Coordinator if deemed as necessary by the Chairperson.

A mediation process may be initiated in cases where the resolution process would be lengthy without any tangible progress or where a resolution could not be found. The Chairperson of the Grievance Committee will ensure that meetings of a mediation committee would be organized, undertaken and documented as per provisions and principles contained in this document and in the TFCA FF ESMS Manual.

3.4 Grantee

TFCA FF Grantees as per mandatory requirement of the TFCA FF ESMS (see ESMS Manual) are obliged to have a functional project-level grievance mechanism in place, aligned with the relevant national legislations and with the applicable international standards as per ESMS Manual (see also Annex L to the ESMS Manual). The project-level GRM must clearly define roles and responsibilities and communicate these to its users.

Key tasks of the Grantees' project-level GRM officers would comprise:

- Regular periodic reporting to the TFCA FF to inform them of the grievances received;
- Ensure that serious incidents are immediately reported to TFCA FF (note that serious incident reporting is a separate mandatory process and must be adhered to, including for scenarios where a serious incident it also submitted as a complaint);
- Ensuring the responsible Grantee staff and any other project personnel as well as project-level Grievance Management Committees and Local Contact Persons have necessary trainings and inductions so that they are equipped to handle and deal with the GRM;
- Inform project stakeholders about the TFCA FF Institutional GRM and the corresponding channels for submission of grievances;
- Establishing a partnership with the National Human Rights Institution; such partnership will involve training on human rights to project personnel including law enforcement officials and rangers; support in dissemination of the GRM; ideally, the National Human Rights Institution should have a mandate to act as an independent arbiter in the grievance resolution process; and
- Support the resolution of grievances as per request of the TFCA FF Project Manager, especially for Level 3 grievances; participate in the TFCA FF Grievance Committee upon request.

In general, the Grantees' project-level GRMs and the TFCA FF Institutional GRM should collaborate closely and ensure continuous mutual engagement. However, in the case of management of Level 3 Complaints/Serious Incidents, collaboration is mandatory, for example, the Grantee may be required to provide comprehensive information in the course of an investigation or will be requested to participate in the TFCA FF Grievance Committee when it comes to investigations of Level 3 complaints, would be assigned with tasks and responsibilities during such investigation and through implementation of any resolution agreements. TFCA FF will then comprehensively track and monitor the Grantee's adherence to their responsibilities regarding the resolution agreement.

4.

Information of Stakeholders about the TFCA FF GRM

To ensure the accessibility and efficiency of the grievance mechanism, TFCA FF will, with the support of its Grantees, actively and on a regular basis inform and meaningfully engage all relevant TFCA FF stakeholders about the existence of the GRM. The dissemination of information related to the grievance handling procedure will be guided by the principles of accessibility and cultural appropriateness to ensure that potentially marginalised or vulnerable groups such as women, Indigenous Peoples, rural or tribal people & minority groups, and children are reached and aware of how to raise complaints via the reporting channels available. The details of the procedure will be communicated in language (s) that can easily be understood by external parties especially neighbouring communities.

TFCA FF will familiarize Grantees with the TFCA FF GRM and the corresponding processes during project preparation. The wider dissemination of information on the TFCA FF GRM by the Grantees will then ideally be undertaken already at the Project design phase, however if not possible then the latest during the first quarter of Project implementation. The communication may be verbal (in communication meetings or through media such as the radio), or in writing through posters and leaflets at the Grantee's Project offices and the Project sites, on the TFCA FF website, at the IUCN Country offices etc.

At a minimum, the information related to the following aspects will be disseminated by the Grantees to relevant stakeholders in their project areas:

- Difference between Project-level grievance mechanisms and TFCA FF GRM;
- Who can lodge complaints (affected community members, non-governmental organisations (NGOs) etc.) to TFCA FF GRM; where and how complaints to TFCA FF GRM can be submitted;
- Who at TFCA FF is responsible for receiving and responding to complaints;
- Time frames and steps of the TFCA FF GRM;
- What other rights and protections are guaranteed (methods of guaranteeing confidentiality of the identities of the complainants and appeal processes); and
- What other avenues are available for the complainants to raise their complaints (including judicial avenues).

5. Eligibility and Categorization of Grievances

5.1 Eligibility

This chapter sets out the criteria which make a grievance eligible, i.e. determine whether the grievance would be managed through the TFCA FF Institutional GRM.

Apart from Level 3 Grievances/serious incidents which have to be forwarded immediately to TFCA FF for fast-track resolution, it is expected that project related grievances would be managed through the Project Level GRMs (by the TFCA FF Grantees) and only forwarded to the TFCA FF GRM if no resolution would be found.

However, any Project Affected Person (PAP) could submit a grievance directly to TFCA FF. Such direct submission may be triggered if local stakeholders want to report non-project related issues or in situations where there is a perceived conflict of interest with Grantee staff involved in grievance resolution. Such reasons have to be explained by the claimants as part of the submission of the grievance to TFCA FF.

Complaints must meet the following criteria in order for a grievance to be eligible:

- Any community, organisation, project stakeholder or affected group (including individuals) who believe it is or may be negatively affected by any TFCA FF funded project activities implemented by the Grantee (or any contractors or implementing partners of the Grantee) and/or owing to the project's failure to follow the TFCA FF Environmental and Social Safeguards and other requirements as set out in the Facility ESMS Manual, during the design or implementation of the project activity is considered a PAP and is entitled to submit a complaint;
- Negative impacts can include all forms of project impact, including direct and indirect. Negative effects are not restricted to the activities of the Grantee, but may include effects of activities of Grantees' implementing partners (including collaborating partners such as protected area authorities and implementing partners or contractors to the Grantee) that are financially or technically supported by the Grantee through TFCA FF financing;
- Representatives (a person or local organisation) can submit a complaint on behalf of a PAP, but they must provide concrete evidence of authority to represent them; and
- Anonymous complaints will be considered. All efforts will be made to protect the complainants' identities in cases where an anonymous complaint has been made. If there is insufficient information to support an investigation, the complaint will be left open for three months after which the complaint will be considered closed.

The following types of complaint would not be considered eligible:

- Complaints with respect to actions or omissions that are not technically or financially supported by TFCA FF, or regarding parties that are not partners or collaborating partners of the Grantee; including grievances related to activities undertaken prior to TFCA FF funding;
- Complaints regarding issues outside of TFCA FF funded activities and outside project areas;
- Complaints that relate to the laws, policies, and regulations of the host country, unless this directly relates to the Grantee's obligation to comply with the TFCA FF's ESMS requirements;
- Complaints that relate to Grantees' non-project-related housekeeping matters, such as finance, human resources and administration; and
- Complaints submitted by the same claimant on matters they submitted to the GRM earlier, unless new evidence is provided, or TFCA FF has not responded to this complaint in the timeframe illustrated below.
- Complaints filed:
 - After the date of official closure of the project; or
 - 24 months after the date of the official closure of the project in cases relating to an impact resulting from project activities that were not, and reasonably could not have been, known prior to the date of official closure.

Each grievance will be reviewed by the TFCA FF GO in order to determine if it is eligible or ineligible. If the complaint is not eligible, the GO will inform the complainants in writing stating the reason for ineligibility.

5.2 Categorization of Grievances

For every eligible grievance received, the relevance and/or severity of the grievance will be assessed according to the levels outlined in the Table below.

Table 5-1 Categorization of Grievances

LEVEL	DETAIL
Level 3	Grievances with potential significant adverse impacts: - Complaint that could potentially result in a serious violation of TFCA FF Environmental, Social and Human Rights Policies, national law of affect TFCA FF overall performance (e.g. serious human rights abuses) and reputation; - Require immediate involvement and activity of the TFCA FF Grievance Committee; - Require extensive and far-reaching grievance management, backed by significant financial resources and will require specialized investigations or fact-finding missions. They will trigger the Serious Incident Reporting and Management Procedure¹.
Level 2	Grievances with potential moderate adverse impacts: - Adverse impacts are limited, localized, reversible and readily addressed by mitigation; and - The grievance response process need not be as complex or extensive as for a Level 3 grievance. Such complaints may require further investigation and potential input of the Grievance Committee (if enacted).
Level 3	Grievances with no or minimal impacts: These complaints can be resolved quickly and ideally would ideally be directly resolved by the CLOs of the Project-level GRMs.

In general, Level 1 complaints would be directly resolved by the TFCA FF GO. Level 2 complaints would require further investigation and potential involvement of the Grievance Committee (as per decision of the Grievance Committee Chairperson, informed by the Project Manager). Level 3 complaints are Serious Incidents and must be referred directly to the Project Manager and the Chairperson of the Grievance Committee for fast track procedure (see also Annex M to the TFCA FF ESMS Manual on Serious Incident Reporting).

Serious incidents are defined as “any serious event with a materially adverse effect on workers, community members or the environment within the TFCA FF project area or events that have the potential to have material or immaterial adverse effects on TFCA FF funded project implementation or give rise to potential liabilities and reputational risks”.

¹Refer to the TFCA FF ESMS Annex M on further guidance regarding Serious Incident Reporting and Management Procedure

6. Grievance Management Procedures

6.1 Receiving and Registering Grievances

The TFCA FF GO is responsible for receipt, registration and administration of all grievances forwarded to TFCA FF.

Grievances could be submitted as described below:

- By post/delivered to the TFCA FF Office;
- Orally (in person or by telephone);
- By Fax; and
- Electronically by E-Mail using the TFCA FF Grievance Form (see Annex A).

Where grievances are lodged telephonically or verbally, the GO should transpose it into the TFCA FF Grievance Form, as provided in Annex A.

A written complaint sent by post, fax or email should include the following information (in any language):

- Complainant's name, address, contract details and valid proof of representation if the complaint is filled by the representative of a legal person/entity;
- Description of the grievance;
- The principle, standard, or procedure allegedly breached (if known to claimant);
- Any actions taken so far to resolve the problem;
- Proposed solution; and
- Whether confidentiality is requested by the claimant (including reason); in case confidentiality is requested, the identity of the complainants will be maintained within as smaller group as possible to ensure protection against retaliation.

The TFCA FF Grievance Form is also available on the TFCA FF website, at the IUCN Country offices and at the Grantee's local project offices.

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 involved TFCA FF persons. TFCA FF must seek a written authorization from the complainant before their identity is shared outside this group. TFCA FF Chairperson is responsible to take all steps possible to ensure the complainant does not suffer any form of retaliation.

For illiterate persons, a complaint can also be submitted by a trustworthy representative. In case a complainant wants to submit an anonymous complaint, the Grievance Form (see Annex A) provided options to share a complaint without disclosure of personal information.

Grievances will be screened upon receipt, in order to flag serious incidents and forward them immediately to TFCA FF Grievance Committee (via Project Manager and Chairperson, see Section 6.2.1 below for fast-track procedures). All grievances will be recorded and classified (see Table 5-1 above for categorization) in the Grievance Register by TFCA FF GO. The TFCA FF Grievance Register will be maintained in a manner that it is only accessible to the responsible TFCA FF personnel and the Grievance Committee members, in order to keep all records confidential.

The GO will enter the grievance into the TFCA FF Grievance Register (including registration number) and formally acknowledge grievance receipt through 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 will be sought from the complainant during this step. The confirmation of reception will comprise reference to the registration number and information when the claimant could expect the next steps and further information.

TFCA FF Contact Information

Contact Details	
TFCA FF Website	<i>under development</i>
TFCA FF Grievance Officer	Mr. Kambili Chilufya
Email:	sadctfcaffgrants@iucn.org kambili.chilufya@iucn.org
Phone	+27 (0)12 342 8304-6

6.2 Processing Grievances – Analysis and Investigation

6.2.1 Fast Track Procedure for Level 3 Complaints/Serious Incidents

Level 3 complaints are serious incidents², requiring immediate action and must be immediately reported (within 24 hours) to TFCA FF Project Manager/TFCA FF Grievance Committee Chairperson who then establishes the TFCA FF Grievance Committee, with the mandatory involvement of the IUCN HQ ESMS Coordinator and a representative of the IUCN HQ GRM (see above).

²Refer to Section 6.2.1 for the definition

Examples of grievances that would constitute serious incidents include (but are not limited to):

- Fatalities, serious injuries and accidents at work (including of law enforcement staff);
- Fatalities, serious injuries and accidents affecting local community members and others;
- Violations of human rights, including sexual and gender-based violence and harassment (GBVH) and harmful child labour;
- Complaints about substantial breach of code of conduct of project workers and Grantee or implementing partners employees; ;
- Forced evictions;
- Confrontations and conflicts leading to loss of life or serious injuries, to violence or risk of violence;
- Industrial unrest including workers strikes or employee unrest. This may include strikes by contractor/subcontractor employees at project sites;
- Death or substantial³ loss of community assets (e.g., livestock) due to human-wildlife conflicts;
- Any allegations that stand up in court, that require intervention by the police/other law enforcement authorities; and
- Pollution due to the release of harmful substances into water, air or land causing significant harm to the environment and the people (e.g. spills).

Since there may not be detailed information available on the serious incident, a draft report can be submitted to the TFCA FF Project Manager/Grievance Committee Chairperson, which would be updated as the investigation progresses. Such update should comprise information if the complaint will be subject to criminal investigations and/or legal proceedings. As per TFCA FF Serious Incident Management Process the investigation of a Level 3 complaint may involve an independent investigator and an investigation mission. Investigators/members of such mission would be jointly appointed by TFCAFF and IUCN HQ.

For further information regarding Serious Incidents, see TFCA FF ESMS Manual Annex M – Serious Incident Reporting.

Whilst the involvement of the TFCA FF Grievance Committee in the resolution of Level 3 grievances is mandatory, it is not expected that the Committee would be involved in the resolution of Level 2 and Level 1 grievances. However, the TFCA FF Project Manager/Chairperson of the Committee may establish the Grievance Committee for more complex Level 2 Grievances in exceptional cases.

As for the other levels of complaints, also for Level 3 complaints the GRM procedures as outlined below will be followed and comprehensively documented.

6.2.2 Analysis and Investigation (for all grievances)

Whilst the management of Level 3 Grievances/Serious Incidents requires the immediate information and involvement of the Project Manager/Chairperson (see above), Level 2 and Level 1 grievances will be analysed and investigated by the GO first.

³"Of considerable importance, size, or worth to be determined on a case-by-case basis"

After a grievance is received and recorded, the TFCA FF GO will follow the GRM procedures to:

- Analyze the complaint and the issues raised;
- Investigate the complaint as per provisions of this document and according to the significance of the complaint; work to identify root causes and undertake investigations in collaboration with project-level GRMs as appropriate and other parties;
- Propose possible solutions;
- Assess overall feasibility and the cost of the proposed solution; and
- Prepare arrangements to resolve the complaint or to remediate harm.

The overall objective is to identify the most appropriate and feasible solutions for a given grievance. The TFCA FF Project Manager will be involved in analysis and final decision making, corresponding to the level of complexity of the complaint. Continuous involvement in grievance management will allow Project Manager to undertake meaningful reviews of the TFCA FF Institutional GRM and to identify any systemic or sector specific issues and challenges, which would then be reflected as part of the regular reviews of the overall TFCA FF ESMS.

6.2.3 TFCA FF Response with Proposed Resolution

Based on the analysis of a given complaint, the TFCA FF GO will establish whether the grievance can be resolved directly by a straightforward action or whether the resolution would require additional investigations, i.e. further involvement of the Grievance Committee and engagement of other parties or a mediation process.

It is expected that the GO will resolve less complex complaints (i.e. Level 1 Complaints) directly. For such complaints, the GO will share a draft version of the proposed solution with all involved parties (i.e. TFCA FF Project Manager and Chairperson of the Grievance Committee). The proposed response to a complaint will be shared with the claimant in writing not later than 30 working days after the receipt of the complaint. This period could be prolonged if investigations would require longer time for establishing a resolution.

The claimant would then be requested to agree or disagree to the proposed measures and actions within 10 working days, so that the grievance could be either closed or be considered for further investigation or a mediation process.

In case of anonymous complaints, the GO will discuss possible solutions with the TFCA FF Project Manager and Grievance Committee Chairperson on a case by case base.

6.2.4 Mediation

A mediation process may be undertaken for more complex grievances and for grievances where the claimant would not approve the proposed measures for resolution. A mediation setting could be appropriate for the resolution of Level 2 complaints but should be taken into account especially for solution finding for Level 3 complaints/serious incidents.

TFCA FF recognizes that the decision to undertake a mediation process can be a crucial step in resolving grievances and assure satisfaction of all parties involved in more complex issues.

For TFCA FF, the Chairperson of the Grievance Committee would propose to undertake a mediation process in case a mediation setting would be determined as appropriate way forward for the resolution of more complex

complaints. However, the actual implementation of a mediation process entirely depends on the agreement of all involved parties, especially agreement from the claiming parties.

For a successful mediation process, it is of key importance that the responsible mediator would be trusted by and accepted by all parties. In addition, the mandate of the mediator as well as the roles and responsibilities of all participating parties in the process are to be established, communicated to and accepted by all parties. The chairperson of the Grievance Committee or a representative of the relevant national human rights institution may be considered as mediator. A mediation process may involve third parties, i.e. subject matter experts, to inform the process with expert opinion.

Stakeholders/claimants have the right to bring a trusted person to the mediation meetings, such as a family member, worker's representative, village head etc. They have to be informed about this option with sufficient advance prior to the commencement of the process.

Invitations to mediation meetings should be circulated written and orally and with sufficient handling time, so all involved parties can assure to be present. All invitations should clearly indicate day, place and time of a meeting, as well as anticipated meeting attendees and outline of the meeting activities.

During the mediation meetings all parties should be encouraged to express their views on the situation and elaborate on the written complaint. The TFCA FF GO as staff in charge should present the issues to the participants, elaborate on the analysis undertaken so far and on possible solutions/remedies. The complainant should be given the chance to interfere at all stages and contribute with explanations and feedback on whether the analysis has been consistent and accurate. If deemed necessary, other involved parties can be invited to the mediation. The mediation process should conclude with a written agreement on the final solution of the grievance. TFCA FF will then seek the complainant's formal approval.

NOTE that a mediation process may only need one meeting to be concluded. However, for more complex issues, where solutions cannot be identified straight forward, an agreed resolution may take time and a series of meetings (i.e., a mediation process) would be required. Meeting minutes and attendance lists will be kept of all mediation sessions.

6.2.5 Grievance Resolution

As stated above, after having received the proposed resolution, the claimant should provide a response with an approval or disapproval within 10 working days. The grievance will then either be closed out (if approved), considered for further investigation/mediation or appealed.

The agreed resolution will be signed-off by TFCA FF GO, the TFCA FF Project Manager/Chairperson of the Grievance Committee (for level 2 and level 3 grievances) and by the complainant/complaining parties.

The resolution agreement will in addition to the measures also comprise agreed timelines for actions and responsibilities for implementation. Agreed measures and actions should be then implemented timely. The TFCA FF GO is responsible for tracking and reporting on the implementation of the actions with the respective responsible parties (e.g. Grantee). The GO and the Chairperson of the Grievance Committee are responsible to oversee the implementation of the resolution agreement.

6.2.6 Appeal

Following the grievance resolution and during the implementation of the agreed actions, still discontent or disagreement may arise, for example due to delays in implementation of agreed actions or the appropriateness of these actions. Stakeholders may raise concerns if they believe that the approach to resolve their grievance or to implement the agreed actions would victimize, harass them or discriminate them. Such issues would be reasonable for appeal. Appeals will be registered by the TFCA FF GO, reported to the TFCA FF Project Manager/Chairperson of the Grievance Committee and investigated immediately. The investigation may include collaboration with the Project-level GRMs. TFCA FF may also decide to involve third parties in such investigations (e.g. national human rights institutions, subject matter experts).

The resolution of the appeal may require an additional mediation process or an additional set of response measures which then would have to be agreed upon by all parties and especially by the appealing party.

In case of serious issues raised for appeal, i.e., human rights abuses, the TFCA FF Project Manager/Chairperson of the TFCA FF Grievance Committee must be informed immediately and the fast-track mechanism as for Level 3 complaints and serious incidents must be applied.

If TFCA FF (i.e. the Chairperson of the Grievance Committee) would assume that the issues which constitute the appeal could not be solved within the TFCA FF GRM (e.g. serious human rights abuses), the issues will be referred to higher authorities (e.g. national courts). It is possible that claimants opt to use channels outside the TFCA FF GRM for the resolution of their grievance. At any stage of the grievance resolution process, the judicial proceedings to resolve the complaint can be commenced in addition to the GRM procedures.

6.2.7 Grievance Close Out

After completion of the agreed resolution measures (including any measures determined during an appeals process), the grievance can be closed out. The TFCA FF Project Manager/Chairperson of the Grievance Committee supported and informed by the GO shall determine whether a grievance can be closed or whether further attention and action is required.

Close out is a formal and official process including sign-off from the responsible staff and from the claimant. All closed out grievances will be registered. Copies of the close out forms will be handed over to the claimant and all other involved party.

7. Monitoring and Reporting

TFCA FF GO will establish and maintain an up-to-date Grievance Register, comprising all complaints received, the issues raised respectively, the respective status of the resolution process and the date of close-out including signed off close-out agreement. All grievances will be categorized and additional information regarding the claimant and the location where the grievance occurred, entered, in strict alignment with data protection laws and regulations. Personal information will only be entered, if the claimant agrees with submitting these data to the Grantee's GRM Manager. Each grievance resolution process has to be tracked closely and the corresponding activities documented. The number of anonymous complaints will be tracked.

Monitoring criteria that will be reported by the GO to the Project Manager and the Chairperson of the Grievance Committee include, but are not limited to:

- Number of grievances received as per complaint category;
- Number of serious incidents;
- Number of anonymous complaints;
- Number of grievances not acknowledged/not eligible and number of complainants referred to other parties to share their complaint;
- Type of grievances (issues raised);
- Number of grievances where an agreed resolution was found and time needed to establish agreement;
- Number of appeals and issues raised for appeal; and
- Number of grievances escalated to the judicial system.

TFCA FF will, based on the monitoring results and on experience with the GRM on the ground, establish lessons learned and if appropriate, adjust or improve the procedures of the GRM in order to fully reflect the GRM principles as set out above.

The TFCA FF GO in the context of internal monitoring, will

- Establish statistical overviews and regular GRM monitoring reports;
- Regularly inform the Grievance Committee and the TFCA FF Project Manager regarding monitoring results, presentation of specific cases and their resolution and other important aspect of the GRM in the format of review meetings; invite IUCN HQ ESMS Manager and KfW representative to such meetings;
- Organize site visits and monitoring missions to TFCA FF funded projects, including monitoring of the Grantee's Project-level GRMs and the resolution process of any grievances submitted to the TFCA FF GRM;
- Keep updated stakeholder register in the context of the TFCA FF Institutional GRM;
- Develop and maintain a pool of subject matter experts and independent investigators to support the TFCA FF GRM; and
- Track the number of grievances which were directly submitted to KfW or IUCN HQ.

8. **Review and Continuous Improvement**

The TFCA FF GRM will be subject to annual review, including performance review of responsible staff, identification of requirements for capacity building and review of the different procedures, with the overall objective to continuously improve the resolution process and overall performance regarding grievance management and stakeholder engagement.

Additional information to be taken into account for annual review will be obtained through structured, questionnaire - based feedback from Grantees and other stakeholders, to be organized by the GO.

TFCA FF will ensure that all involved parties will be trained on the overall procedures of the GRM, but also on their respective tasks and responsibilities. Such training will be undertaken timely to ensure a smooth commencement of GRM implementation and will be continued with regular refresher trainings. The TFCA FF GO will advise on opportunities for specific training opportunities and organize trainings for the TFCA FF.

9. IUCN Institutional GRM and KfW Institutional GRM

In parallel to the Facility's institutional GRM, claimants can submit their grievances directly to the IUCN institutional GRM and/or KfW institutional GRM. These venues could be used by any claimant and this does not necessarily constitute escalation. However, the stakeholders might also use IUCN institutional GRM and/or KfW institutional GRM in situations when a grievance is perceived as not being properly addressed by the TFCA FF GRM, or if complainants are uncomfortable or for any reason do not want to submit their grievances at the project-level GRM and TFCA FF GRM.

9.1 IUCN GRM

IUCN advocates for resolution of complaints or response to feedbacks to be sought at the lowest possible level for it to be practical and cost effective.

NOTE that that for Level 3 Grievances, TFCA FF Project Manager will inform and draw in a representative of the IUCN GRM and the IUCN ESMS Coordinator as mandatory members of the TFCA FF Grievance Committee.

For other grievances, if no solution to the complaint or feedback is found or the claimant is not satisfied with the response, the complainant can escalate the concern to the next higher level by contacting the IUCN Regional Office at:

Electronic mail: fgm.esaro@iucn.org

Office Phone No. +254202493561

Mailing address: P. O BOX 68200 200 Nairobi Kenya. Wasaa Conservation Centre.

If the project level GRM & Regional level GRM have not been successful, the complainant can forward the grievance or feedback to the centralized IUCN Project Complaints Management System at:

Electronic mail: projectcomplaints@iucn.org

Office Phone No. +4122990259

9.2 KfW Grievance Redress Mechanism

All target groups and potentially affected persons should be informed about the various options for addressing complaints about actual or potential negative effects in connection with a project supported by TFCA FF. In addition to the project level grievance mechanisms, complaints can also be addressed to TFCA FF grievance mechanism or to KfW as financier of TFCA FF (Complaints | KfW Development Bank (kfw-entwicklungsbank.de))

However, for a timely and targeted handling of concerns, complainants are best advised to place their complaint where the concerns can directly be handled and resolved.

Electronic mail: FZ-Complaints@kfw.de

Mail: Central Complaints Office
KfW Development Bank
Palmengartenstrasse 5-9
60325 Frankfurt am Main

ANNEX A TFCA FF GRIEVANCE FORM

GRIEVANCE FORM	
Date received:	
Received by:	
Submission method:	
COMPLAINANT DETAILS	
Name:	
Company / Entity:	
Anonymity:	Yes/No
Contact details: (Address, telephone and fax number, and email address)	
Relationship to the complainant (in case the form is filled in by a representative*):	
GRIEVANCE DETAILS	
Location of the Project and name of the Project (including implementing agency / [Grantee]):	

Description of Grievance including the harm that is or may be resulting from failures or omissions by TFCA FF or [Grantee]:		
List (if known) the relevant TFCA FF ESMS principles, standards or procedures that you believe have not been followed (if known):		
Has this Grievance been raised previously? (please include details on why the actions proposed have not been satisfactory):	☐ Yes	☐ No
	Date:	Place:
	Comments:	
Desired Solution:		
Comments (including any list of supporting documents and attachments as appropriate): *If grievance is filled in by a representative, please provide proof of representation.		
SIGN OFF		
Completed by:		
Date:		
Signature:		

ANNEX B GRIEVANCE REGISTER

[illegible]