



REPUBLIC OF KENYA



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AWENDO MUNICIPALITY GRIEVANCE REDRESS MECHANISM

MIGORI COUNTY GOVERNMENT
LAND, HOUSING AND URBAN DEVELOPMENT
MUNICIPAL MANAGER ★
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★
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Contents

Acronyms	2
1.0 Introduction	3
1.1 Objectives of the GRM	3
1.2. Grievance Resolution Mechanisms	4
1.3 Scope of GRM.	4
1.4 Principles of GRM.	4
1.5 Grievance Resolution Committee	5
2.0 Procedure/Process for Grievance Resolution	6
2.1 Resettlement Working Group	6
2.2 Resettlement Implementation Team	7
2.3 Land and Environmental Court or High Court	7
2.4 Grievance Redress Schematic chart.	8
3.0 Appendices	9
Appendix I: Grievance Registration	10
Appendix II: Grievance Resolution Form	11
Appendix III: Grievance Log	12

Acronyms

ARAP	Abbreviated Resettlement Action Plans
CECM	County Executive Committee Member
GRM	Grievance Redress Mechanism
KUSP	Kenya Urban Support Program
PAP	Project Affected Persons
RAP	Resettlement Action Plans
RIT	Resettlement Implementation Team
RWG	Resettlements Working Group

1.0 Introduction

Awendo municipality is established in line with the provisions of Urban Areas and Cities Act, 2011 and have functional administration. Subject to provisions of section 20 of the Act, obligates the boards to among other functions oversee the affairs of the municipality and develop and adopt policies, plans, strategies and programmes. As the board undertakes its mandate, there are instances where members of the public raise complaints or disputes arising from activities being implemented by the board or disputes between the members of the public.

The Grievance Redress Mechanism (GRM) is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of complaints from individuals or groups negatively affected by activities of a particular project.

Whereas Article 47 (1) of the Constitution of Kenya 2010 gives inalienable rights of fair administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair to every citizen, County Governments Act, 2012 under sections 87 (d), 88 and 89 the County Governments to establish a County complaint handling mechanism which provides an opportunity for the public, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities, to raise concerns on service delivery and resolve them at the county level. It is therefore necessary to establish channels through which aggrieved people shall file their complaints so as to ensure successful project development and implementation.

The daily municipality operations and development projects affects municipal residents in this case referred to as Project Affected People (PAPs). A team was established by the Department of Lands, Housing, and Physical Planning & Urban Development in consultation with the respective Municipal Boards of Awendo, Migori, Rongo and Kehancha. The team was mandated formulate grievance redress mechanisms to handle up to date complaint and develop Abbreviated Resettlement Action Plan (ARAPs) for various infrastructural projects being implemented across the four municipalities and which may bring discomfort to the municipal residents including resettlement.

The grievance redress procedures provide opportunity for PAPs and the general public to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This will be set up through Local Authorities, including a Resettlement Committee and through community leaders.

1.1 Objectives of the GRM

The following are the objectives of establishing a GRM;

- i. To address complaints and grievances and enhance conflict resolution arising from, and during Awendo Municipality programme implementation.

- ii. Ensure transparency and accountability throughout the implementation of projects and programmes amongst the relevant stakeholders including project beneficiaries.
- iii. Resolve any emerging environmental and social grievances in project areas.
- iv. To promote relations between the project implementers, executors and beneficiaries.

1.2. Grievance Resolution Mechanisms

This Physical and Land use Planning Act makes provision for the planning, use, regulation and development of land and for connected purposes. It vests the powers for development control on the Cabinet Secretary in charge of Lands and the County Executive Committee Member in charge of Lands. In light of this process of development control, there is a dispute resolution committee tasked with managing grievances and disputes related to land use. The committee is expected to arbitrate or negotiate with PAPs that have any grievances concerning their discomfort with daily municipal operations or infrastructural projects being implemented across the municipalities. The structures they put in place are also expected to take up this responsibility.

This grievance municipalities thus will use the following grievance resolution mechanisms.

1.3 Scope of GRM.

The Awendo Municipality GRM provides a channel for dispute resolution during the implementation of programmes. However, the GRM serves to complement but not replace the existing legal channels such as courts, tribunals and other recourse mechanisms for addressing grievances. The GRM is designed to improve project outcomes by creating public awareness about the project and its objectives, deterring fraud and corruption, mitigating socio-economic and environmental risks and providing the municipality Secretariat with practical suggestions and feedback during programme implementation.

1.4 Principles of GRM.

The effectiveness of this GRM will be guided by the following principles:

- I. **Accessibility:** The GRM should be accessible to everyone and at any time. It should take into consideration potential barriers such as language, literacy, awareness, cost or fear of reprisal and seek to address them.
- II. **Predictability:** GRM should be time-bound at each stage, and have specified time frames for the responses.
- III. **Fairness:** All the procedures therein should be widely perceived as unbiased in regards to access of information and meaningful public participation.

- IV. **Rights compatibility:** The outcomes of the mechanism should be consistent with the international and national standards. It should also not restrict access to other redress mechanisms.
- V. **Transparency and accountability:** The entire GRM process should be done out of public interest.
- VI. **Capability:** For an effective GRM, the system needs to be endowed the necessary resources, that is, technical, financial and human resources.
- VII. **Feedback:** It should serve as a means to channel citizen feedback to improve project outcomes for the people

1.5 Grievance Resolution Committee

The grievance committee is at the local level and this constitutes the following people;

- Ward Administrator
- Sub County administrator;
- Municipal manager – Chairperson
- Three representatives of Project Affected Persons (1 Male, 1 Female and 1 Youth);
- A representative from Department of Lands, Housing, and Physical Planning & Urban Development.
- Grievance/Dispute resolution expert – Secretary to the committee.
- Any other professional deemed relevant depending on the nature of grievance.

Complaints of PAPs on any aspect of discomfort with daily municipal operations or infrastructural projects being implemented across the municipalities including addressed losses shall first be lodged either in writing or orally to the committee or project liaison officer (who receives grievance and process for proposed infrastructural processes), which are resolved by use of existing grievance resolution mechanisms. The Grievance Resolution Committees try as much as possible to arrive at a compromise for the complaints raised. This will be obtained through series of conciliations, mediations and negotiations exercises conducted with the PAPs. If the grievance is not resolved, the case will be subjected to the next level of dispute resolution known as the Dispute Resolution/ RWG.

This committees sit at the respective Municipal Managers' offices. The following procedure is be followed:

2.0 Procedure/Process for Grievance Resolution

1. **Registration of grievance:** An aggrieved party registers a grievance at the respective Municipal Managers office or with project liaison officer using a —**Grievance Registration Form** and within 2 working days the committee meeting is convened by the chair to decide on the hearing date. (See appendix I for a sample of the Grievance Registration Form);
2. The secretary of the committee will log in the Grievance into the *Grievance Register* and the aggrieved person informed of the scheduled hearing. A maximum of 7 working days shall be given between the date the case is recorded and the date when the hearing is held;
3. The committee will be *meeting on a weekly* basis to deal with emerging cases. At these meetings, hearings with the affected persons and related witnesses will be held;
4. The committee will communicate its judgement to the affected persons within 7 days (See appendix II for a sample Resolution Form);
5. If there is no resolution at this stage the committee through the chair moves the case to the next level Known as Dispute Resolution/ Resettlements Working Group (RWG). This will be done within 7 days after the last hearing of this stage;
6. If the PAP is not satisfied with the judgement, he or she will be allowed to move the case to the next level.

2.1 Resettlement Working Group

RWG comprises of the Municipal Manager, and Heads of Departments of the municipality. The committee will be chaired by the Municipal Manager while the secretary shall be the municipal social development officer. The team will receive the grievance for deliberation from the grievance resolution committee. If unresolved the grievance will be forwarded to the RIT.

2.2 Resettlement Implementation Team

The project implementation team shall comprise the mother department leadership comprising the CECM, Chief Officer, Directors, Legal officer and the Municipal Manager.

The project implementation team will receive and verify the claims on the ground with the assistance of the grievance committee. If unresolved then the case will be forwarded to the Land and Environmental Court or High Court.

2.3 Land and Environmental Court or High Court

The constitution allows a right of access to courts of law by any person who has an interest or right over property. The aggrieved PAP not satisfied with the decision of the Committee will submit the case to courts of law as a last resort. However, this will only happen after all amicable ways to resolve the grievance have failed.

2.4 Grievance Redress Schematic chart.

The Municipal Boards of Awendo, Migori, Rongo and Kehancha use the Grievance Resolution Mechanisms as shown in the flow chart below.

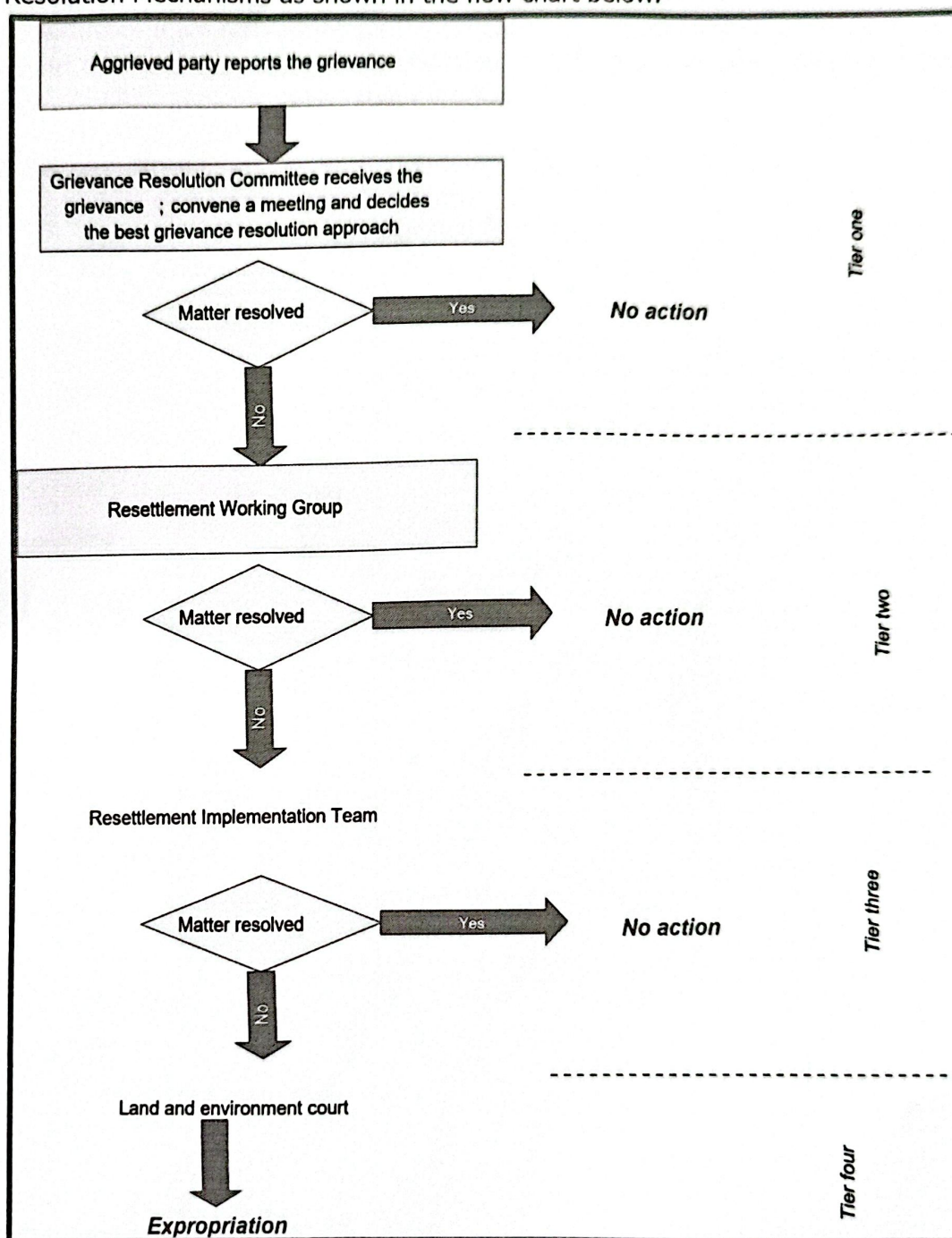


Figure 1.1: Grievance redress procedure

2.5 Monitoring Complaints

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. A Project Liaison Officer or Relocation Expert for the project will monitor and document the progress of all complaints through monthly ARAP implementation status reports.

3.0 Appendices

- I. Grievance registration form
- II. Sample grievance resolution form
- III. Grievance log

Appendix I: Grievance Registration

Name (Filer of Complaint): _____

ID Number (PAPs ID number): _____

Contact Information (mobile phone): _____

Nature of Grievance or
Complaint: _____

Date

Individuals Contacted

Summary of Discussion

Signature _____ Date: _____

Signed (Filer of Complaint): _____

Name of Person Filing Complaint (if different from Filer): _____



Appendix II: Grievance Resolution Form

Date of Conciliation Session: _____

Was Filer Present? Yes ____ No ____

Was field verification of complaint conducted? Yes ____ No ____

Findings of field investigation:

Summary of Conciliation Session

Discussion:

Issues _____

Was agreement reached on the issues? Yes _____ No ____

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____

Independent Observer

Date: _____



[Handwritten signature]

Appendix III: Grievance Log

S/ No	Ref	Name of Complainant /PAP	Nature of Grievance	Date Registered	Action Taken	Resolved	Unresolved	Next Step
1								
2								
3								
4								

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