



GOVERNMENT OF MALAWI

**MINISTRY OF AGRICULTURE, IRRIGATION AND
WATER DEVELOPMENT**

SHIRE VALLEY IRRIGATION PROJECT

**COMMUNICATION, COMMUNITY
PARTICIPATION, LAND TENURE
AND RESETTLEMENT POLICY
FRAMEWORK**

Grievance Redress Mechanism

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COWI A/S
Parallevej 2
DK-2800 Kongens Lyngby, Denmark
Tel: +45 56 40 00 00
www.cowi.com



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PREPARED Bright Sibale
CHECKED Annelies Leemans
APPROVED

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Definitions

Grievance/complaint	An issue, concern, problem, or claim (perceived or actual) that an individual or community group wants a company or contractor to address and resolve. (Compliance Advisor/Ombudsman (CAO), 2008).
Grievance redress mechanisms (GRMs)	Institutions, instruments, methods, and processes by which a resolution to a grievance is sought and provided (Centre for Poverty Analysis (CEPA). 2009).
Client	Ministry of Agriculture, Irrigation and Water Development
Consultant	Consultant for CCPLTRPF COWI A/S with sub-consultant CDM (Centre for Development Management)
Complainant	An individual or group with an issue, concern, problem, complaint, or claim that he, she, or they want addressed and/or resolved. (Compliance Advisor/Ombudsman (CAO), 2008).
Defendant	The one who has been lodged a complaint against. (Compliance Advisor/Ombudsman (CAO), 2008)
Project Affected Persons (PAP)	Project Affected Persons are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in; a) relocation or loss of shelter; b) loss of assets or access to assets; c) loss of income sources or means of livelihood whether or not the person should move to another location; or by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. (Involuntary Resettlement Sourcebook, Planning and Implementing in Development Projects. 2004 World Bank)

Abbreviations and acronyms

ACB	Anti-Corruption Bureau
AfDB	African Development Bank
AGRC	Area Grievance Redress Committee
CADECOM	Catholic Development Commission
CADP	Capacity Assessment and Development Plan
CCPLTRPF	Communication, Community Participation, Land Tenure and Resettlement Policy Framework
CDM	Centre for Development Management
CEPA	Centre for Poverty Analysis
CLC	Customary Land Committee
DC	District Commissioner
DTF	SVIP District Task Force
GoM	Government of Malawi
GRAM	Grievance Resolution Agreement Minute
GRIM	Grievance Resolution Implementation Minute
GRU	Grievance Redress Unit
GVH	Group Village Head
GVGRC	Group Village Grievance Redress Committee
MAIWD	Ministry of Agriculture, Irrigation and Water Development
MFERP	Malawi Flood Emergency Recovery Fund
NAPHAM	National Association of People Living with HIV/AIDS
NICE	National Initiative for Civic Education
NGO	Non-Governmental Organisation
PAP	Project Affected Person
PPP	Public Private Partnership
SMS	Short Message Services
SRBMP	Shire River Basin Management Programme
SVIP	Shire Valley Irrigation Project
T/A	Traditional Authority
VDC	Village Development Committee
VH	Village Head
WB	World Bank
WOLREC	Women's Legal Resources Centre

Executive Summary

People adversely affected (or about to be affected) by a development project will raise their grievances and dissatisfactions about actual or perceived impacts in order to find a satisfactory solution. Similarly, people affected by the SVIP may have complaints during project implementation. Consultations with stakeholders conducted under the CCPLTRPF learnt that communities are worried about losing their land to the government and private investors.

The objective of the SVIP grievance redress mechanism is to solve disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly encourages resolution of conflicts at the lowest level possible, in an amicable and participatory way. The SVIP GRM intends to provide clarity and predictability on how complaints will be received, assessed, sorted, and resolved, and monitored. Specific activities are described for each of these steps.

The principles guiding the SVIP GRM's procedures have been adapted from lessons learnt and documented by the World Bank from its funded projects¹ and incorporate the Voluntary Guidelines of the FAO as a means to channel citizen feedback to the SVIP programme to enable it improve project outcomes for the people.

At every stage of the GRM, there will be somebody dedicated to handle and record complaints. The first step for a projected affected person who has a complaint is to notify their Local Leader, extension worker and/or project staff. These will record and try to solve the case, but if this is not successful, the case will be referred to the Group Village Grievance Redress Committee (GVGRC) to determine the validity of claims. If valid, the Local Leaders will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, unsolved or not resolved satisfactorily, the matter shall be brought before the Area Grievance Redress Committee (AGRC) and subsequently before the District Grievance Redress Committee for settlement. Thereafter, the case can be presented to the MoAIWD/PTT.

The SVIP Project will be responsible for the operation of this GRM. A contact person for the GRM will be appointed. The main responsibilities of the contact person will include maintaining the grievance redress process, including the procedures; registration of complaints; capacity building of the grievance committee (s); outreach and external communications; tracking performance and monthly reporting. It has been estimated that the GRM will require about \$658,000.

¹<http://www.forestcarbonpartnership.org/sites/fcp/files/Documents/tagged/GRM%20Manual%201.2.pdf>

1 Introduction

1.1 Background

The Government of Malawi (GoM) has been interested in implementing the Shire Valley Irrigation Project in the Lower Shire Valley since the 1940s. Since then a number of surveys and studies have been conducted but so far, these have not resulted in any detailed project proposals and designs acceptable for funding by donor agencies. The pre-feasibility studies and recent appraisal report recommended further studies to obtain the required information for the production of bankable project documents. The essence of the work is to update the 2008 feasibility study, taking into account the findings of the Pre-feasibility Report and undertake additional work on aspects that have not yet been covered in the previous studies. The Ministry of Agriculture, Irrigation and Water Development (MAIWD) with assistance from the African Development Bank (AfDB) and the World Bank (WB), intends to carry out seven studies to complement and supplement the detailed feasibility study to produce a 'bankable' project proposal.

1.2 Communication, Community Participation, Land Tenure and Resettlement Policy Framework

The objective of the CCPLTRPF is to facilitate the project preparation and implementation during the planning phase (feasibility level studies) of the project, as well as develop land development strategies. This includes; a) studying land tenure issues (Land Tenure Diagnostic Study) and carrying out land tenure mapping relevant for the proposed intervention; b) develop a land tenure diagnostic and allocation and consolidation strategy; c) develop a Resettlement Policy Framework; d) implement a structured stakeholder consultation process and liaise with relevant consultants, and communicate technical, public-private partnership (PPP), and safeguards issues to relevant stakeholders; e) develop and implement a grievance redress mechanism to accompany the intervention; f) develop an updated project socio-economic baseline; g) carry out a gender and youth strategy study; and h) develop a Capacity Assessment and Development Plan (CADP).

1.3 Methodology for developing the GRM

The GRM has been developed through a mixed methods and participatory process that involved the following activities:

- i. Review of relevant documents on grievance redress mechanisms.
- ii. Review of other GRMs in Malawi and other countries. Examples of GRM reviewed in Malawi included those developed by the Local Development Fund, the Malawi Flood Emergency Recovery Fund (MFERP), the Millennium Challenge Account and others implemented in Malawi

- iii. Stakeholders consultations that took place in the SVIP impact area and involved key informant interviews and focus group discussions. Stakeholders consulted during the study included the Project Affected People (PAP), local village communities, Traditional Authorities, VH, GVH, District Officials, Ward Councillors, and Are and Village Development Committees. Stakeholders' consultations were conducted in the last quarter of 2015 and results used to draft the GRM. The draft GRM was unanimously accepted without proposed changes in the stakeholders' consultations in August 2016.
- iv. Baseline household survey of communities living in the impact area of SVIP.

Some of the main lessons learnt from the review of documents and also the consultations with stakeholders and communities, include but not limited to:

- i. Most GRMs establish grievance redress committees at GVH, TA and District level^{2,3,4}. GRMs need to be close to and accessible to project affected people.
- ii. A grievance redress mechanism should be accessible to the users. This is why the first level of Grievance Redress Mechanism (GRM) is at Group Village Head level, while the next or second level would be at TA or the District level.
- iii. When a grievance redress system is not able to handle an issue, the complainant is free to file for court hearing⁵
- iv. Most projects put in place a complaints and grievances mechanism which is readily accessible to deal with complaints promptly or else in the event of failure the matter can be referred to the formal court system.
- v. Under the Millennium Challenge Account, PAPs raise grievances with the Village Headman, who will validate discrepancies in delivery of compensation and communicate through the external facilitator with the District Commissioner staff or PIU, as appropriate to the grievance. The staff or PIU will provide an explanation or deliver the appropriate compensation within three weeks⁶.
- vi. Attempts need to be made to solve grievances at the time the project affected person complains. Negotiation and agreement by consensus between the community and affected persons will provide the first avenue to resolve grievances expressed by the individuals on resettlement issues.⁷
- vii. Permanent and open dialogue is the most suitable way of addressing any grievance expressed by PAPs⁸.

² SMEC International, Diamphwe Multipurpose Dam & Associated Structures ESIA and RAP, Volume 2 Resettlement Action Plan, May 2016, Prepared for: Ministry of Agriculture, Irrigation and Water Development

³ GoM, 2016, Local Development Fund, 2016, Grievance Redress Mechanism

⁴ GoM, 2016, Malawi Flood Emergency Recovery Programme, Draft Grievance Redress Mechanism
⁵ AfDB, 2012, MALAWI PROPOSED REHABILITATION OF THE MZUZU-NKHATA BAY (M5) ROAD DRAFT SUMMARY ABBREVIATED RESETTLEMENT ACTION PLAN SEPTEMBER 2012

⁶ ICF CORE, 2010, Millennium Challenge Corporation, Malawi Power System Project Studies, Resettlement Policy Framework (RPF) Final Draft

⁷ GoM, 2015, MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY Malawi Education Sector Improvement Project (MESIP) RESETTLEMENT POLICY FRAMEWORK

⁸ GoM, 2015, REPUBLIC OF MALAWI, PRIDE – PROGRAMME FOR RURAL IRRIGATION DEVELOPMENT, RESETTLEMENT ACTION FRAMEWORK

2 Grievances mechanisms in the project area

The following section describes mechanisms that communities, individuals and organisations use to seek redress for grievances in the project area.

2.1 Traditional leaders

Informal dispute resolution mechanisms are provided through the local chief from Village Head/Chiefs (VH) to Group Village Head/Chief (GVH) to Traditional Authority chiefs (T/A). The chiefs are recognized under customary law which varies from one area to another but the powers of the chiefs are also legally recognized under the Chiefs Act. People who have complaints about land, water or other issues present their case to the village headman/woman and if the issue cannot be resolved, it is referred to the GVH for redress. If the GVH is not able to resolve the issue, it is referred to the Traditional Authority who may refer the issue to the District Commissioner if it is not resolved. Most grievances on customary land ownership and land use are addressed using this channel. However, issues of leased land cannot be addressed by traditional leaders and there might be a need for referral to the Lands Department. According to a recent FAO study (FAO, 2014), the highest and an increasing number of cases in rural areas relate to inheritance/family disputes, followed by boundary/trespass disputes. The main advantage of the traditional system is the availability close to local communities, it is contextualised and sometimes free to access. FAO (2014) reported that with traditional leaders, people are able to access primary justice and that this is recognized in the Chiefs Act. However, the disadvantages are that traditional leaders are prone to corruption and favouritism towards blood relations. Some traditional leaders also ask for a grievance redress fee, which could be a barrier for the poor to access justice.

2.2 Decentralized development structures

When people have development concerns, such as limited access to social services as e.g. schools, health facilities, water problems, or any issues affecting communities in general, people use local structures such as the Village Development Committees (VDCs) where chiefs and their subjects agree on priorities. VDCs send the priorities to the Area Development Committees (ADCs), who, after consideration, send these on to the District Council for implementation. The main advantage of this mechanism is that it is fully recognised by the Government as a formal way of planning and implementation. In this process grievances are likely to be addressed in the national or district plans, budget and activities.

Most people around Bereu, Dziwazina under chief Maseya have been complaining of having boreholes that produce saline water. The people there have been suggesting to authorities to be given piped water from Illovo and Phata Irrigation Schemes but this has not happened.

Box 1: Example of grievance at community level

2.3 Statutory mechanisms

2.3.1 Formal courts

Formal courts include magistrates, High Court of Malawi and Supreme Court of Malawi. These courts handle both civil and criminal cases. During the proposed resettlements, households with complaints bordering on compensations and criminal cases will have an opportunity to take those cases to these courts for review and determination on the course of action. Such cases may include a review of the amount of compensation, cases of theft of valuable property as well as beating each other. Magistrate courts are located across the country and this would help project affected people to access the services of these magistrates in case such needs arise. (GoM, 2008).

Based on analysis of a sample from the High Court registers at Chichiri, Blantyre for concluded cases over a period of five years and a few older cases, FAO (2014) reported that land disputes in the formal Court system in Malawi are less than 10% of the total court cases. Individuals, communities and organisations can report to the state through the police and the judicial delivery system. When a complainant is not satisfied with any agreement reached through other grievance redress mechanism, they will resort to the statutory mechanism as a final resort. The main advantage of this mechanism is that court decisions are legally binding unless overruled by a higher court. The main disadvantages are that it is often expensive and therefore not easily accessible to the poor and courts are not always located nearby. Both the Malawi Police and the Judiciary are represented in Chikwawa and Nsanje districts. The range of issues addressed is not limited.

2.3.2 Traditional Land Management Area (TLMA) and Customary Land Tribunals (CLTs)

The Customary Land Act strives to democratize customary land administration. The central unit of land administration will land under the jurisdiction of a traditional authority (TA) which will be called Traditional Land Management Area (TLMA). In accordance with Section 4, of Customary Land Act, 2016, land administration and management of TLMA will be done by Customary Land Committee (CLC) which will be established under Section 5 of the Act. The CLC will be at Group Village Headman (GVH) level; and the GVH will chair the CLC. Other six members shall be elected by people in the TLMA. To ensure gender balance, at least three of the elected members shall be women. This will ensure that the interest of women on land shall be given attention since they will not be side-lined at decision making level.

The CLC will have a Land Clerk, an employee of local assembly, and will serve as a Secretary. The CLC shall manage customary land within its area of jurisdiction on trust on behalf of the people in the TLMA, Section 6 (1). In discharging its duties, the CLC shall consult and take into account views of other stakeholders who may have interest in the TLMA.

In terms of grievances, the Customary Land Act, 2016, has removed that Chief and his or her ndunas to be presiding over land related cases. Instead, the Act will establish Customary Land Tribunals (CLTs) at each TLMA and will be chaired by the TA. Other six members will be from the community nominated by the chief but approved by the Commissioner for Lands. Again, at least three of the six shall be women. Decision by the CLT can be appealed to a District Land Tribunal (DLT) whose chairperson will be the District Commissioner. Other three members will be drawn from the district and two of whom shall be women. Appeal from the DLT shall be to the Central Land Board (CLB) to be presided over by a Resident Magistrate. Other members will be three TAs one from each region of Malawi and one of whom shall be a woman. In addition, there will be two members with good standing in society, one of whom shall be a woman. The Customary Land Bill was passed in parliament in July 2016 and signed by the president in September 2016. However, the registration act regulating the actual registration of land has not been passed by parliament yet. The Customary Land Act can only be implemented if the Registration Act has been passed as well.

2.3.3 Anti-Corruption Bureau (ACB)

Another important statutory mechanism is the Anti-Corruption Bureau, which was established by the Corrupt Practices Act enacted in 1995 and became effective in 1996 (Tessa and Sibale, 2016). It criminalizes attempted corruption, extortion, active and passive bribery, bribing of foreign official and abuse of office. Community members are also free to access the ACB if they suspect that corruption in SVIP activities. As part of implementation of the national anti-corruption strategy, the GoM recommended that all Ministries, Departments and Public Agencies should establish Institutional Integrity Committees (IICs) to provide oversight on integrity related issues including corruption. (Tessa and Sibale, 2016).

2.3.4 The Malawi Police Service

In course of the project implementation criminal and security complaints may occur. These cases have to be reported to the local police station in case of a potential to endanger life or property of the people. Malawi Police Services have stations, sub-stations and units across the country and it is anticipated that they will be able to handle most of the cases with a criminal nature that may crop up in the course of relocating and resettling people. In addition, the Malawi Police runs a community policing activity in both districts, which can also be used to prevent theft, crime and vandalism of irrigation infrastructure. They also have Victim Support Units which handle complaints related to gender based violence, especially at household level.

2.4 Civil society organisations (CSOs)

Both Chikwawa and Nsanje have several civil society organisations, whose mandate includes the promotion of human rights. Organisations such as the Catholic

Commission for Justice and Peace and National Initiative for Civic Education (NICE) have strong human rights approaches as part of their programmes and do handle many grievances for vulnerable groups. Other CSOs, such as the Women's Legal Resources Centre (WOLREC), address gender-based violence cases and could potentially play a role in resolving disputes related to access and control of resources at household level. Livelihoods and development CSOs such as World Vision International, could support communities and individuals in terms of handling complaints about service provision by duty bearers.

2.5 Family/relatives/friends

It is also possible for individuals to complain to the family, their relatives and/or friends, especially if the complaint is against a family member, friend and/or relative. The family/relative/friend will usually conduct a hearing in which both parties will be heard and a judgement or agreement reached. When women or children are aggrieved and decide to report their grievance, they often go to their family heads, relatives, friends or marriage counsellors or “ankhoswe”, depending on the type of grievance. Women and children can also go to chiefs, CSOs and community-based volunteers, such as social protection workers, to have their complaints addressed. According to focus group discussions, the most common grievances at household level are property grabbing, divorce, forced marriages, unplanned pregnancies, and child labour.

2.6 Religious leaders

Religious leaders also play an important role in grievance redress in most communities in Malawi. Religious leaders are more trusted than political leaders, and therefore approached mainly for grievances at household and community level. The disadvantages are firstly, that religious leaders are often only accessible to people of their own faith and not others, secondly, that their decisions are not legally binding, and thirdly that some may be corrupt.

2.7 Political leaders

Political leaders available to the communities, individuals and organisations in the two districts are party leaders at village, GVH, TA and district level. Elected members include Ward Councillors and Members of Parliament while in some districts there are Cabinet Ministers appointed by the President. All these address grievances, especially those that are political in nature. The main advantage of this mechanism is that it has political authority which can facilitate implementation of grievance redress decisions. The main disadvantage is that politicians are often not trusted by people and that the complainant may not trust leaders of political parties whom they do not follow or with whom they disagree ideologically.

2.8 Recommended Specific GRM for SVIP

Those seeking redress and wishing to state grievances are free to use the existing systems as described in the previous chapter 2. However, results from the stakeholders' consultations learn that people prefer an independent GRM system, because they often do not trust the existing redress mechanisms, such as the traditional authority and court systems. In addition, lessons learnt from other similar projects show that a separate project systems is the most efficient and acceptable to address grievance.

Grievance mechanisms are increasingly important for development projects where ongoing risks or adverse impacts are anticipated, (CAO, 2008). They serve as a way to meet requirements, prevent and address community concerns, reduce risk and assist larger processes that create positive social change (CAO, 2008). Table 3 below shows benefits of having a specific GRM for the Shire Valley project.

Table 1 Expected benefits from a specific SVIP GRM

Benefits to the SVIP	Benefits to Affected Persons and Other Stakeholders
<ul style="list-style-type: none"> • Provides information about SVIP project activities and implementation • Provides an avenue to comply with government policies • Provides a forum for resolving grievances and disputes at the lowest level, near the PAP • Resolves disputes relatively quickly before they escalate to an unmanageable level • Facilitates effective communication between the project and affected persons • Helps win the trust and confidence of community members in the project and creates productive relationships between the parties • Ensures equitable and fair distribution of benefits, costs, and risks • Prevents adverse impacts of the project on communities and produces appropriate corrective or preventive action • Helps avoid project delays and cost increases, and improves quality of work • Contributes to effectiveness and sustainability of project implementation 	<ul style="list-style-type: none"> • Provides a cost-effective method to report their grievances and complaints • Establishes a forum and a structure to report their grievances with dignity, and access to a fair hearing and remedy • Provides access to negotiate and influence decisions and policies of the project that might adversely affect them • Facilitates access to information • Encourages further participation and benefits from the project

Source: Adapted from Asian Development Bank, 2010

3 SVIP Grievance Redress Mechanism (GRM)

3.1 Objective and scope of the GRM

People adversely affected (or about to be affected) by a development project will raise their grievances and dissatisfactions about actual or perceived impacts in order to find a satisfactory solution (Asian Development Bank, 2010). Similarly, people affected by the SVIP may have complaints during project implementation. Consultations with stakeholders conducted under the CCPLTRPF learnt that communities are worried about a number of issues and grievances (as indicated in, Table 2 below), which justifies establishment of a grievance mechanism for the project. . Communities would also like to be assured that there are mechanisms to ensure that canals do not aggravate the flooding situation. Livestock farmers are worried about losing grazing land to irrigation, and of losing access to water for their livestock. People are also worried about losing their assets, such as houses, trees and other livelihoods due to the construction of canals and other SVIP activities. Some people complain about canals and irrigation schemes reducing access to social services, while others may be dissatisfied with how land has been allocated. Women, youth and children may complain about limited access to benefits from the irrigation project, while people with disabilities, people living with HIV (PLHIV) and the elderly may complain about discrimination in terms of participation in project activities. Project affected persons (PAPs) should be able to raise their grievances, given an adequate hearing, and satisfactory solutions should be found that mutually benefit both the PAPs and the project. It is equally important that PAPs have access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints. Objective and Scope of the SVIP GRM.

The objective of the SVIP grievance redress mechanism is to solve disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly encourages resolution of conflicts at the lowest level possible, in an amicable and participatory way. The SVIP GRM intends to provide clarity and predictability on how complaints will be received, assessed, sorted, and resolved, and monitored. Specific activities are described for each of these steps. The following table, which is not exhaustive, has been developed from the findings from stakeholders consultations process that have been undertaken by the CCPLTRPF (refer to the Stakeholders Views Report). The table defines the scope, type and nature of grievances that will be handled through the SVIP GRM.

Table 2: Type of grievances and the scope of work for the SVIP GRM

Stakeholders' Groups and Users of the Proposed GRM	Types of Grievances	Grievance within scope SVIP?	Potential redress activities
District Council Officials	Communities not cooperating with the programme	Yes	Understanding why people are not cooperating and

Stakeholders' Groups and Users of the Proposed GRM	Types of Grievances	Grievance within scope SVIP?	Potential redress activities
			implementing what needs to be done to get them on board Strengthening awareness and communication activities amongst affected communities.
Farmers (crops)	Destruction of fields	Yes	Appropriate compensation by implementing partners
	Loss of land	Yes	Appropriate compensation by implementing partners
	Loss of agricultural and tree related assets	Yes	Appropriate compensation by implementing partners
	Negative environmental impacts	Yes	Appropriate impact mitigation measures
	Boundary conflicts	Yes	Appropriate impact mitigation measures
Farmers (livestock)	Destruction/loss of grazing or watering land	Yes	Appropriate compensation by implementing partners Allocation of new grazing land
	Loss of access to watering points/Destruction of water points	Yes	Creation of new watering points. Appropriate compensation by implementing partners, if watering points were artificially established.
	Construction machines noise disturbance to livestock, especially layers and dairy cows, causing reduced production egg and milk production	Yes	Compensation equivalent to production loss by implementing partners, if watering points were artificially established
	Water pollution	Yes	Creating new watering points. Appropriate compensation by implementing partners, if watering points were artificially established
	Closed access routes to grazing or watering points	Yes	Creating new watering points Creating new access routes
	Boundary conflicts	Yes	Appropriate impact mitigation measures
	Unaffordable water levies	Yes	Reduced water levies

Stakeholders' Groups and Users of the Proposed GRM	Types of Grievances	Grievance within scope SVIP?	Potential redress activities
Existing irrigation schemes	Loss of land		Appropriate compensation by implementing partners Allocation of new land
Men and women	Discriminating decision making on employment	Yes	Affirmative actions to employ women
	Partners not using irrigation income properly at household level	Yes	Revised payment arrangements that enables women to access benefit directly from the source
	Destruction of fields	Yes	Appropriate compensation by implementing partners
	Loss of land	Yes	Appropriate compensation by implementing partners
	Loss of agricultural and tree related assets	Yes	Appropriate compensation by implementing partners
	Break up of marriages due to the project	Yes	Counselling by nkhoswes and GRM committees
Youth	Discriminating decision making on employment	Yes	Affirmative actions to employ youths
	Parents not using irrigation income properly at household level	Yes	Revised payment arrangements enabling youths to access benefit directly from the source
	Destruction of fields	Yes	Appropriate compensation by implementing partners
	Loss of land	Yes	Appropriate compensation by implementing partners
	Loss of agricultural and tree related assets	Yes	Appropriate compensation by implementing partners
Traditional Leaders	Loss of influence, power and authority due to resettlement of people out of their villages	No	Negotiations with affected traditional leaders
Traders	Loss of market points/stalls	Yes	Creation of new market centres. Appropriate compensation by implementing partners, if watering points were artificially established
	Loss of access routes	Yes	Creating new/alternative routes to markets

Stakeholders' Groups and Users of the Proposed GRM	Types of Grievances	Grievance within scope SVIP?	Potential redress activities
People living with disabilities, HIV/AIDS, and the elderly	Discrimination in decision making, employment	Yes	Affirmative actions to include them in irrigation activities

Source: Compiled from CCPLTRPF, 2016, Draft stakeholders' Views Report

3.2 Principles of the SVIP GRM

The principles guiding the SVIP GRM's procedures have been adapted from lessons learnt documented by the World Bank from its funded projects⁹ and incorporate the Voluntary Guidelines of the FAO¹⁰. The following principles provide a framework by which the SVIP performance will be measured and evaluated:

- **Human dignity:** recognizing the inherent dignity and the equal and inalienable human rights of all individuals.
- **Non-discrimination:** no one should be subject to discrimination under law and policies as well as in practice.
- **Equity and justice:** recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context.
- **Gender equality:** Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.
- **Accountability:** holding individuals and committees responsible for their actions and decisions according to the principles of the rule of law.
- **Accessibility:** the SVIP GRM will be accessible to everybody who would like to submit a complaint and will provide assistance to those who face barriers such as language, literacy, awareness, cost, or fear of reprisal. The SVIP GRM has been designed such that it is closest to the project affected persons (PAPs) so that many PAPs can approach it easily with their diverse concerns. The SVIP

⁹ <http://www.forestcarbonpartnership.org/sites/fcp/files/Documents/tagged/GRM%20Manual%201.2.pdf>

¹⁰ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Food and Agriculture Organization of the United Nations. Rome 2012.

GRM will not discriminate anybody on the basis of sex, age, health status, marital status, religion, race, political affiliation or tribe.

- **Predictability:** the SVIP offers a clear procedure with time frames for each stage and clarity on the types of results it can and cannot deliver.
- **Fairness:** the SVIP procedures will be as fair as possible, especially in terms of access to information and opportunities for meaningful participation in the final decision.
- **Rule of Law:** the outcomes of the SVIP GRM is consistent with the Malawi Constitution, laws and international standards on human rights. The SVIP GRM does not restrict access to other redress mechanisms that the communities and other PAP have access to or decide to access.
- **Transparency:** the SVIP GRM's procedures and outcomes will be widely publicizing in applicable languages and in formats accessible to all. The GRM has been developed in a participatory way, with stakeholders' views obtained through a thorough consultative process.
- **Capability:** the SVIP will invest in appropriate capacities in the areas of technical, human and financial resources to deal with the issues at stake.
- **Feedback:** in addition to grievance redress, the SVIP serves as a means to channel citizen feedback to the SVIP programme to enable it improve project outcomes for the people.

3.3 Overview of the Grievance Redress Mechanism

At every stage of the GRM, there will be somebody dedicate to handle and record complaints. The first step for a projected affected person who has a complaint is to notify their Local Leader, extension worker and/or project staff (MSV International, Inc. USA and Ruo Consultants Ltd, Malawi (2015). Efforts will be made to resolve the issue at that point. If the PAP is not satisfied, then the complaint will be entered into the GRM system. These will record and try to solve the case, but if this is not successful, the case will be referred to the Group Village Grievance Redress Committee (GVGRC) to determine the validity of claims. If valid, the Local Leaders will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, unsolved or not resolved satisfactorily, the matter shall be brought before the Area Grievance Redress Committee (AGRC) and subsequently before the District Grievance Redress Committee for settlement. Thereafter, the case can be presented to the MoAIWD/PTT. Figure 1 below provides an overview of the SVIP GRM.

It clear from the set-up of land tribunals that the lowest grievance mechanism as promoted by the new land Act is the Customary Land Committee. This means that all land related grievances will be addressed by the CLC. However, because the CLC will

operate at Traditional Authority level, it will be difficult for villagers to access and use the system. To address, this gap, the SVIP will be operating at group village level (VGRC) and will address land issues as well. But if the complaint is not satisfied, then they can appeal to the CLC, instead of the AGRC, for all land related complaints. The VGRC will be trained on land related issues by the CLC. This approach, will ensure that two GRMs complement each other and increase access and use by the communities, especially women and other vulnerable groups, who may not have resources to access CLC at Traditional Authority level.

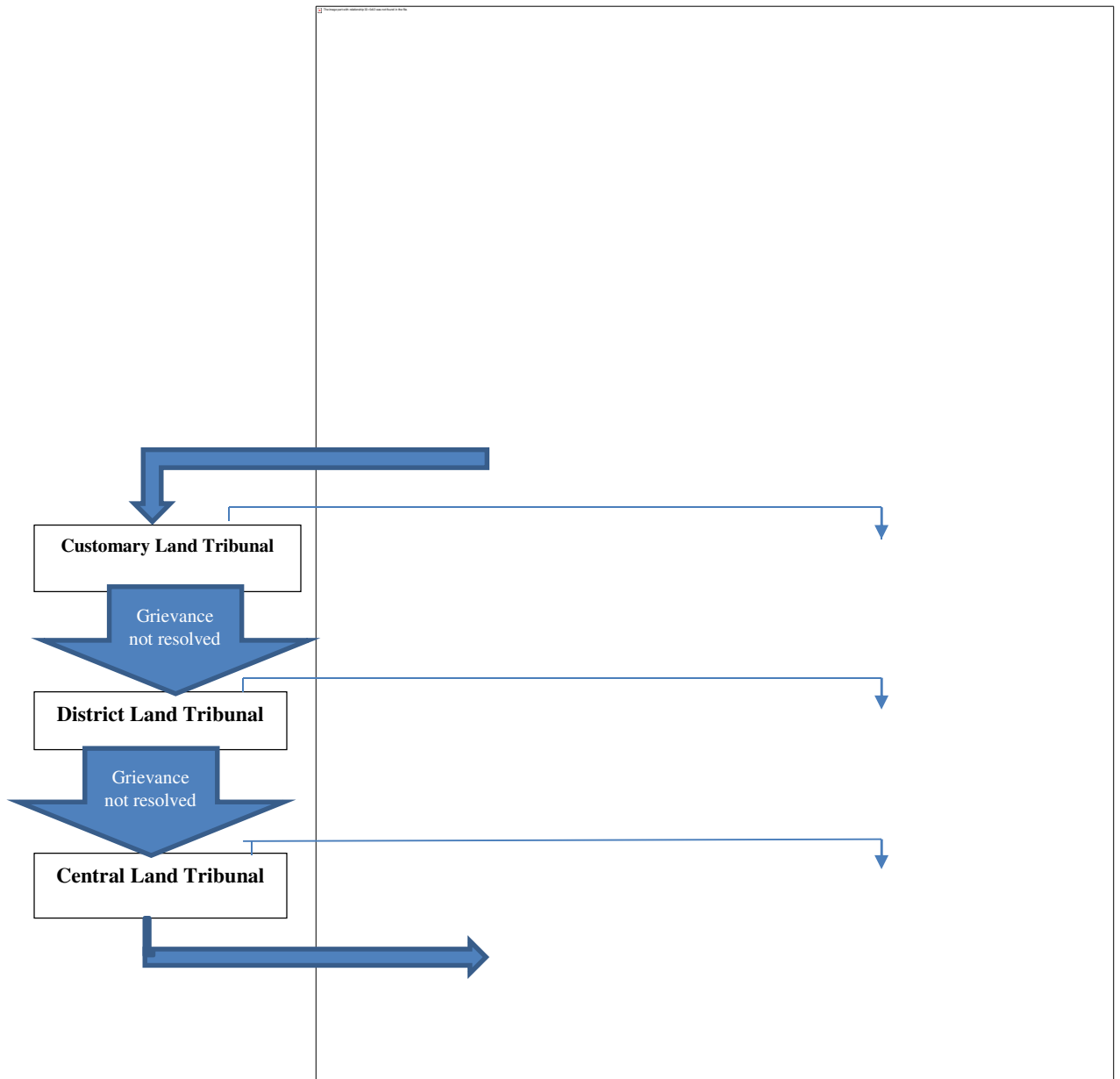


Figure 1: The proposed SVIP Grievance Redress Mechanism

3.4 GRM Process and Procedures

The GRM process consists of five stages, i.e. i) Complaints uptake, ii) Complaint assessment, acknowledgement and response, iii) Resolution or closure and iv) Registry and monitoring, and v) Evaluation of the GRM¹¹, will be used to manage grievances for the project (World Bank. 2014). These stages are explained below.

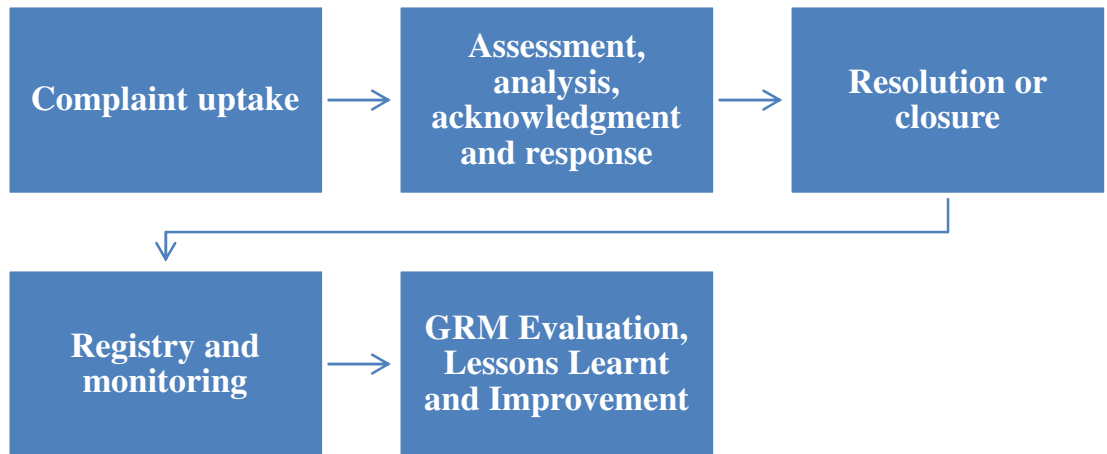


Figure 2: Grievance redress process

Source, Authors, adapted from the four-stage grievance mechanism recommended by World Bank, 2014.

3.4.1 Stage 1: Complaint uptake

SVIP Project staff, contractors and consultants have the primary role in resolving complaints as part of their day to day activities when interacting with community members. Project staff, contractors and consultants will receive complaints from PAPs in a number of ways, as explained in the table below. Project staff, contractors and consultants will ensure disputes are resolved at the earliest possible time, which will be in the interest of all parties concerned, and thus implicitly reduce the number of cases referred to the statutory or formal legal system. If the person receiving the complaint has a conflict of interest¹², he/she should declare this and excuse him/herself. The uptake should, in such a case, be done by a different officer. Land related grievances will be addressed by the SVIP GRM, but when the VGRC is not able to address a land related grievance or the complainant is not satisfied with the conclusion of the grievance, they can lodge it to the Customary Land Tribunal, which is at Traditional Authority level. after a referral is made to the CLT, the complaint exits the SVIP GRM and joins the grievance mechanism set by the new Land Act.

¹¹ The World Bank 2014 does not include this stage, but it has been added because of the necessity to evaluate the project GRM as part of project management and document lessons learnt, successes and challenges to inform future projects.

¹² Such being a relation or being involved in the complaint itself

Table 3: Complaints uptake

Complaint uptake channel	Specific contacts for the SVIP
i. Verbally to SVIP officials, contractors or consultants	To be included
ii. Traditional Leaders, including VHs, GVHs and TAs	To be included
iii. Village/Area Development Committee members	To be included
iv. Councillors	To be included
v. Non-Governmental Organisations' staff working in the area	CADECOM, NICE, WOLREC, Christian AID, NAPHAM, Evangelical Association of Malawi, and others
vi. District Council staff, including relevant extension workers at community level	To be included
vii. Irrigation Scheme management and staff	To be included
viii. SVIP Information Office	To be included
ix. Phone or SMS	To be included
x. Email	To be included
xi. Webpage	To be included
xii. Social media	To be included

The SVIP will publicise the GRM to the general public and provide PAPs and the general public, information on the various channels to submit complaints. Once received, complaints will be assigned a number that will help the complainant track progress. Where possible, complainants will be handed a receipt (see Annex 1I) and a flyer that describes the SVIP GRM procedures, which will be read to the complaint at their request. At the time of acknowledgement, the complainant needs to be provided with the following information:

- Grievance number to facilitate monitoring and reminders by complainants.
- Expected time of redress (Prescribed maximum time limit for completion of redress at each level is 14 days).
- If not addressed within the expected time, action to be taken by complainant.
- If the grievance is not redressed within the expected time, the complainant should be provided with the following information by the person responsible for receiving the grievances: 1) Information on reasons for delay, 2) updated

expected time of redress and, 3) if not addressed within expected time, action to be taken by complainant.

The project emphasizes the recording of complaints and responses and will maintain a publicly accessible grievance register to enable tracking the grievances reported and how these are addressed.

3.4.2 Stage 2: Assessment, Analysis, Acknowledgment and Response

The SVIP encourages an immediate resolution of the grievances without undermining the human rights of the PAP to seek redress in the formal legal system. However, the SVIP acknowledges that all grievance cannot be addressed on the spot. Complaints that cannot be resolved immediately will be remitted to the Group Village Grievance Redress Committee (GVGRC), an independent multi-disciplinary committee which will be formed in each GVH affected by the SVIP. The GVGRC will receive the complaint as a referral and will take a maximum of 7 days to assess the complaint and provide a written response to the complainant, acknowledging receipt and detailing the next steps it will take. Options are that the complaint:

- Falls under the mandate of GVGRC and resolution can be offered immediately according to the request made by the complainant. The response will describe how and when the resolution will be provided by GVGRC, who will implement the decision and the name and contact information of the staff member responsible for it.
- Falls under the mandate of GVGRC, but various options for resolution can be considered and/or extraordinary resources are required. The VGRC will invite the complainant to a meeting to discuss these options.
- Does not or partially falls under the mandate of GVGRC. The response will refer the complaint to the appropriate body (e.g. Complaints related to resettlement will be forwarded to the Resettlement Committee), which will continue communications with the complainant.

3.4.3 Stage 3: Resolution or Closure

Where there is an agreement between the complainant and the contractor, consultant or SVIP project staff on how the complaint will be resolved, a grievance resolution agreement minute (GRAM) will be drafted and signed by all parties (See Appendix 2). After implementation of the agreement, a grievance resolution implementation (GRIM) minute (see Appendix 3) will be signed stating that the complaint has been resolved. The GRIM will record what specific actions have been taken/implemented to resolve the complaint. Where an agreement has not been reached, the complainant will be offered the option of taking the complaint to the next level GRM until the MoAIWD/PTT level. The next step could be seeking redress through courts or other

mechanisms available in Malawi. All supporting documents of meetings needed to achieve resolution should be part of the file related to the complaint.

3.4.4 Stage 4: Registry and Monitoring

All complaints received will be entered into a publicly accessible recording system that will allow complaints to be tracked and monitored. The complaints registry will be kept by the Communication Officer at the SVIP Information Office. An overview of the complaints received and resolved will be kept in a data base but can be provided upon request by the SVIP GRU. The registry will present a database showing:

- Type of complaints received
- Number of days it has taken to resolve a complaint at each stage
- Number of complaints received.
- Number and % of complaints that have reached agreement.
- Number and % of complaints that have been resolved.
- Number and % of complaints that have gone for legal or independent mediation
- Number and % of complaints that have not reached agreement.

The database will also show the type of issues and geographic areas most complaints circle around. The information provided by the registry will assist the project team to improve the mechanism and better understand and address the social impacts of the project.

3.4.5 Stage 5: GRM Evaluation, Lessons Learnt and Improvement

The GRM will be subject to review and evaluation as is the SVIP with clear terms of reference. The purpose of the evaluation of the GRM will be to assess its effectiveness, whether the GRM principles are observed, identify lessons learnt, successes and challenges, etc. to improve the GRM. The SVIP will allocate a GRM expert in the evaluation/review team.

4 Responsibility, Resources and Way Forward

4.1 Composition of Grievance Committees

The main criteria for selecting members of GRC is that they should be trusted people in the community, with no history of corruption and abuse of public trust. Politicians should not be included in the GRC. The following table 4 presents the proposed composition of GRCs in the SVIP at the village, area, and district level.

Table 4 Proposed Composition of the Grievance Redress Committees

GRC	Operational level	Members
Group Village Grievance Redress Committee	Group Village Headman/Woman	<ul style="list-style-type: none"> • Group Village Head • Member of Cooperative • One representative from each village, • CSO extension worker representative • Religious leader representative
Area Grievance Redress Committee	Traditional Authority level	<ul style="list-style-type: none"> • Chairpersons of GVGRC • Traditional Authority • CSO extension worker representative • Religious leader representative • Member from the Community Victim Support Unit
District Grievance Redress Committee	District level (one for Chikwawa and one for Nsanje)	<ul style="list-style-type: none"> • SVIP representative • Judiciary representative • Ministry of Land • NICE representative • District Labour Office • District Director of Planning • District Director of Youth • WOLREC representative • Representatives of all ADCs involved in the project • District Community Development Office • District Social Welfare Office • District Director of Finance

At the MoAIWD/PTT level, the Grievance Redress Committee will consist of the PTT members and, in addition, representatives of the MoAIWD and Ministry of Lands

4.2 Design and implementation of relevant training programs for project stakeholders to access and use the GRM system

The GRM implementers, drawn from different stakeholder groups (including government, NGOs, District Councils, Traditional Leaders, Contractors, Project implementation teams, GRM committee, etc.) may have the specific and essential skills and capacity to engage in an effective grievance resolution process. Therefore, it is important that such GRM implementers be provided with adequate orientation and training on grievance resolution. Such capacity building training will start immediately after setting up the GRM. The subject matter for such training/orientation programs will include the following:

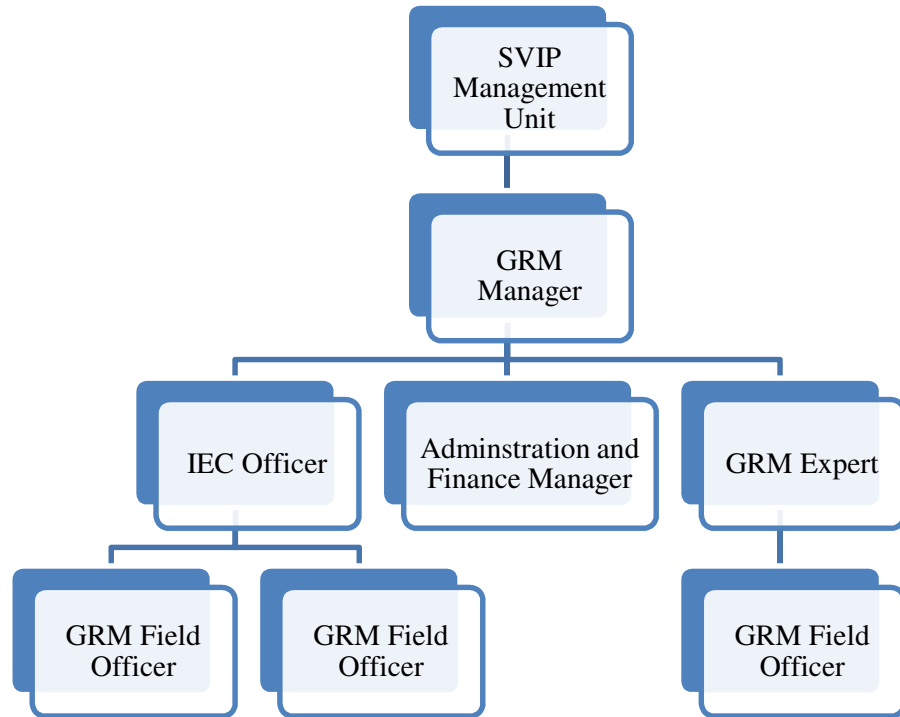
- Procedures on receiving, registering, and sorting grievances;
 - Conduct of initial grievance assessments;
- Effective communication, negotiation, and facilitation skills;
 - Management of the grievance redress process;
- Roles, monitoring performance of staff dealing with complaints, and providing incentives;
- Creating awareness of the usefulness of a GRM as an important source of feedback;
 - Gender and youth;
- Problem solving; dispute resolution; and decision making; and their respective parameters, standards, and techniques; and
- Documentation and reporting, including the use of "customer feedback" as part of an ongoing organizational learning process for the implementing agency.

4.3 Responsibility and Resources

The SVIP will be responsible for the operation and implementation of this GRM. A Grievance Redress Unit (GRU) will be established within the SVIP Management Unit. The GRU will be headed by a GRM Manager, who will have a Master Degree in any related field. He/she will be supported by three officers, one on information education and communication, the other will be a grievance redress expert and the third will be an administration and finance expert. The three positions will have Bachelor's Degree in any relevant field. At the community level, the GRU will have field officers, at least one per Traditional Authority to facilitate implemented on the GRM at local level. The main responsibilities of the GRM Manager will include overall management of the GRM, including but not limited to maintaining the grievance redress process, including the procedures; registration of complaints; capacity building of the grievance committee(s), outreach and external communications; tracking performance and monthly reporting. The IEC Officer will be responsible for creating demand for the GRM through information, education and communication activities, while the GRM Officer, will be responsible for building community capacity on handling grievances, including accessing the SVIP GRM. Field officers will be responsible for mobilising

and supporting communities (PAPs) to access and use the GRM. Figure 3 is the proposed organogram for the GRU.

Figure 3: Organogram for the GRM



It is internationally recommended that a GRM should have a realistic budget that will sufficiently cover the costs of its operations such as staffing, awareness campaigns, capacity-building training, infrastructure and support services, field inspections, meetings, documentation and supplies (Centre for Poverty Analysis, CEPA, 2009). Based on this framework, it has been estimated that the GRM will require about \$ 1,122,000. The cost calculations are based on operating the GRM for 5 years and include maintaining a small office in Malawi. Given that the GRM will be implemented as part of project activities, it is expected that the costs would be lower due to economies of scale. Resources to cover the operational costs of the GRM will come from the SVIP project.

Table 5: Estimated cost of operating the GRM

Activity	Quantity	No of months	Unit cost	Total Cost (\$)
GRM Officer remuneration, for a period of 5 years, based on current markets remuneration for a 10 year above experience (MSc Holder)	1	60	4,000	240,000
GRM IEC, Admin and Finance and Officers	3	60	2,000	360,000
Field Officers	3	60	800	144,000
GRM vehicle and other capital equipment such as computers, estimated total	1	1	60,000	60,000
Office operational costs-estimates, includes fuel, teas, communication, utility based on a small office costs in Malawi etc)	1	60	2,000	120,000
Baseline and evaluation studies, based on current costs of evaluation studies	2	1	30,000	60,000
GRM information, education and communication and learning materials, estimate lumpsum	1	1	8,000	8,000
Awareness meetings at district and community level (10 meetings in total)	10	1	1,500	15,000
Awareness meeting at national level (1 national meeting)	1	1	5,000	5,000
Training of 4 committees on GRM at national, district and community level, a total of 50 people trained	4	1	5,000	20,000
Quarterly meetings of 4 GRM Committees, total 16 meetings/year	16	5	500	40,000
Field inspections, monitoring and advisory services, twice a year by a team of 2-4 experts	2	5	2,000	20,000
National Learning Event on GRM for the Project	1	1	30,000	30,000
Total estimated cost for GRM over 5 years				1,122,000

4.4 Implementation plan for the GRM

The following is the implementation plan for the SVIP GRM.

Task	Year						
	2016	2017	2018	2019	2020	2021	2022
1. Finalise decisions on the project structure and irrigation options to be adopted, so the GRM is aligned to these structures.							
2. Conclude discussions with stakeholders on the GRM institutions and make decisions on whether a GRC committees will be established at GVH, TA and District Level, including the names of such committees.							
3. Decide on what resources will be allocated to the GRM.							
4. Development of GRM Training Manuals and IEC Materials							
5. Conduct Trainers of Trainers Training on GRM							
6. Establish GRM committees							
7. Train GRM Committees							
8. Implement GRM activities							
9. Monitoring performance of GRCs							
10. Evaluate GRM and document lessons learnt							

Appendix 1: Receipt/Summary of Complaint

RECEIVING DETAILS		COMPLAINANT DETAILS	
Received on (date)		Complainant's full name	
Received time		Complainant's ID #:	
Tracking #		Complainant's address:	
Received by: phone / fax / email /note /verbally		Complainant's phone # (home/cell) IF ANY	
Received and processed by (full name)		Complainant's email:	
SUMMARY OF THE COMPLAINT			
Name Receiver		Name complainant	
Signature of Receiver		Complainant's Signature:	
Date			

Appendix 2: Grievance Resolution Agreement Minute (GRAM)¹³

DEFENDANT DETAILS		COMPLAINANT DETAILS	
Full name		Full name	
ID #:		ID #:	
Address:		Address:	
Phone # (home/cell) IF ANY		Phone # (home/cell) IF ANY	
Email:		Email:	
Date of complaint resolution			
Complaint Tracking #			
SUMMARY OF RESOLUTION			
Name Defended		Name Complainant	
Signature of defendant		Complainant's Signature:	
Date		Date	
Name Witness		Name Witness	
Signature of defendant		Complainant's Signature:	
Date		Date	

¹³To be signed only after the grievance resolution agreement has been reached between parties

Appendix 3: Grievance Resolution Implementation Minute (GRIM)¹⁴

DEFENDANT DETAILS		COMPLAINANT DETAILS	
Full name		Full name	
ID #:		ID #:	
Address:		Address:	
Phone # (home/cell) IF ANY		Phone # (home/cell) IF ANY	
Email:		Email:	
Date of complaint resolution			
Complaint Tracking #			
SUMMARY OF RESOLUTION IMPLEMENTATION			
Name Defended		Name Complainant	
Signature of defendant		Complainant's Signature:	
Date		Date	
Name Witness		Name Witness	
Signature of defendant		Complainant's Signature:	
Date		Date	

¹⁴ To be signed only after the grievance resolution agreement has been implemented.

Appendix 4: References

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