



European Bank
for Reconstruction and Development

Guidance note

EBRD Performance Requirement 10:

Information disclosure and
stakeholder engagement

March 2023

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1. Introduction and objectives

1.1. Purpose of this guidance note

The European Bank for Reconstruction and Development (EBRD) is committed to promoting environmentally sound and sustainable development in the full range of its activities, pursuant to the Agreement Establishing the Bank.¹ The Environmental and Social Policy (ESP) is one of the Bank's three good governance policies and a key document that guides this commitment to promoting "environmentally sound and sustainable development" in the full range of its investment and technical cooperation activities.² The EBRD's Board of Directors approved the 2019 Environmental and Social Policy and its 10 related Performance Requirements (PRs) on 25 April 2019. They apply to projects started after 1 January 2020.

The EBRD's Environmental and Social Policy (ESP, 2019) and Performance Requirement 10 (PR10) on Information Disclosure and Stakeholder Engagement recognises: "the importance of an open and transparent engagement between the client, its workers, worker representatives, local communities and persons affected by the project and, where appropriate, other project stakeholders as an essential element of good international practice and corporate citizenship".

Stakeholder engagement is central to building strong, constructive and responsive relationships that are essential for the successful management of a project's environmental and social (E&S) risks and impacts.

This guidance note provides EBRD clients and stakeholders with practical guidance for interpreting and implementing PR10, thereby helping the EBRD's clients to embed meaningful stakeholder engagement in the project cycle and best tailor such engagement to the project, its risks and its impacts.

The Meaningful Stakeholder Engagement guide (MFI Guide),³ a joint publication of the multilateral financial institutions group on E&S standards, including the EBRD, also provides valuable practical guidance and examples.

In case of any inconsistency or conflict between this guidance and PR10, the provisions of PR10 prevail. While this guidance note was prepared to support the implementation of PR10 under the ESP (2019), it can also provide guidance for projects implemented under previous versions of the ESP (2014).

1.2. Key changes since the 2014 PR10

The updated version of PR10 took effect on 1 January 2020. It aligns largely with the 2014 version of PR10, but includes some significant changes, primarily in the areas of:

- clarification of the definition of "meaningful consultation" (PR10, paragraphs 19 and 20)

- updated stakeholder engagement plan (SEP) content to include timing, information to be disclosed and information to be sought from the stakeholders along with other requirements and acceptance of alternative procedures (PR10, paragraphs 12 to 17)
- enhanced grievance mechanism requirements and option for mediation (PR10, paragraph 29)
- mainstreaming of gender-specific requirements (in the ESP and PR10)
- disclosure and consultation, if necessary, of changes to E&S risks and impacts (PR10, paragraph 30).

1.3. Key objectives of PR10

The key objectives of PR10 are to:

- outline a systematic approach to stakeholder engagement that will help the client build and maintain a constructive relationship with their stakeholders (section 3.3)
- provide the means for effective and inclusive engagement with project stakeholders throughout the project cycle (sections 3.1, 3.2, 3.3 and 3.7)
- ensure that appropriate E&S information is disclosed (sections 3.4 and 3.6) and meaningful consultation is held with the project's stakeholders and where appropriate, that feedback provided through the consultation is taken into consideration (section 3.3 and 3.5)
- ensure that grievances from stakeholders are responded to and managed appropriately (section 3.8).

Stakeholder engagement can result in a number of benefits, including:

- provision of an important conduit for gathering baseline data, informing understanding on potential impacts and mitigation measures
- improved stakeholder trust and relationships; poor engagement can undermine stakeholder trust, which can contribute to disputes, resulting in delays and damage to reputations
- understanding the views and interests of stakeholders can improve decision-making so outcomes fit better with the needs of stakeholders
- early engagement can contribute to both financial and schedule savings
- improved risk management by stakeholders, highlighting potential actual and perceived issues in projects
- improved transparency and accountability, which can influence stakeholder support, reduce reputational risk and support compliance with increasing regulatory and policy requirements for transparency on corporate performance (for example, the European Union (EU) Corporate Sustainability Reporting Directive).

1 See EBRD (1990), Article 2.1(vii).

2 See EBRD (2019).

3 See IADB (2019), *Meaningful Stakeholder Engagement: A Joint Publication of the MFI Working Group on Environmental and Social Standards*, Washington, DC. Available at: <https://publications.iadb.org/en/meaningful-stakeholder-engagement-joint-publication-mfi-working-group-environmental-and-social>

2. Scope of application

The conditions of applicability of PR10 are clearly spelled out in paragraphs 4 and 5:

“This PR applies to all projects financed by the EBRD. As a minimum, all projects will carry out stakeholder identification and develop and implement a grievance mechanism. Further stakeholder engagement as outlined in the PR, shall be undertaken, proportionate to: the nature and scale of the project, its stakeholders and its potential environmental or social risks and impacts.”

Further guidance in this regard is provided in section 3. Identification of and engagement with stakeholders is an integral part of a project’s preparation, E&S assessment, environmental and social management system (ESMS) and environmental and social management plan (ESMP). This requirement is contained in PR1.

The scope and depth of the required stakeholder engagement and information disclosure is proportionate to the project’s E&S risks and impacts and, in some projects, the level of stakeholder interest should also be considered. In addition, Category A projects are required to carry out a formalised, participatory consultation process, integrated into each stage of the environmental and social impact assessment (ESIA) process. Further guidance regarding a proportionate approach in this regard is provided in section 3.3.2. For Category A projects, additional guidance can be found in the same section.

Associated facilities per PR1 should meet the objectives of PR10 with respect to stakeholder engagement. Further guidance on what may constitute an associated facility is provided in PR1 guidance note 1.

There are a number of requirements for stakeholder engagement in the other PRs, namely, PR1, PR2, PR4, PR5, PR6, PR7 (where applicable) and PR8. Further guidance on the cross-cutting stakeholder engagement requirements within these other PRs is provided in section 3.1. Links are included to the guidance notes for these other PRs, where further guidance can be found, as well as additional guidance contained in the MFI Guide (2019).

2.1. Terminology

This guidance note includes a glossary (Annex 1) that provides definitions of key terms used in PR10 and in the note itself. Key terms specifically relevant to grievance mechanisms can be found in section 3.8.

3. Requirements

The MFI Guide (2019) proposes 10 elements that should be present in a systematic and meaningful engagement process, recognising that stakeholder engagement should be proportional to project risks. The 10 elements are also addressed in this guidance note, as indicated in the relevant parts of section 3 and visually in Table 1.

To avoid duplication, the practical guidance provided in the MFI Guide is largely cross-referenced in this guidance note. For some topics, this means the main reference for the topic is simply the MFI Guide. For the remaining topics, that is, those where specific additional guidance is provided by the EBRD, this is indicated with a tick in Table 1.

Table 1. Meaningful engagement

10 elements of meaningful stakeholder engagement (MFI, 2019)	PR10 requirements and GN10 sections								
	Cross-cutting requirements (3.1)	Stakeholder identification and analysis (3.2)	Stakeholder engagement plan (3.3)	Information disclosure (3.4)	Meaningful consultation (3.5)	Meaningful consultation (3.5)	Engagement during project implementation and external reporting (3.7)	Grievance mechanism (3.8)	Changes during project implementation (3.8)
1. Identification of priority issues		✓	✓				✓		
2. Stakeholder analysis and engagement plan		✓	✓			✓			✓
3. Prior information				✓					
4. Appropriate forums and method for the consultation process			✓	✓	✓	✓			
5. Transparency in decision-making through documentation, public disclosure and feedback to stakeholders			✓	✓			✓		
6. Design and implementation decisions considering stakeholder perspectives			✓			✓	✓		✓
7. Baseline data and action plans*			✓						
8. Establishment of management system incorporating stakeholder engagement*							✓		
9. Grievance mechanism								✓	
10. Ongoing stakeholder engagement throughout project implementation and completion							✓		

* Cross-cutting topic covered in PR1 requirements and PR10 guidance note

✓ Additional guidance provided in PR10 guidance note section

 MFI guidance main reference for the topic

3.1. Cross-cutting requirements

3.1.1. Linkage to other PRs

Stakeholder engagement is a cross-cutting issue across the ESP. The key stakeholder-related requirements within the other PRs are presented in Table 2. There are some

additional specific technical-level consultation requirements in other PRs (for example, PR6). The remainder of this guidance note provides additional information on cross-cutting requirements where applicable, for example, the grievance mechanism cross-cutting requirements in the other PRs (see Table 2).

Table 2. Cross-cutting stakeholder engagement requirements

EBRD PR	Summary of stakeholder engagement-related requirements
PR1: Assessment and management of environmental and social risks and impacts	
Paragraph 11	Stakeholder identification and a plan to engage in a meaningful manner are an integral part of the assessment process; identification of stakeholders who are disproportionately impacted
Paragraph 20	Actions to address E&S risks and impacts (as contained in ESMP) to take account of outcomes of stakeholder engagement
Paragraph 30	Monitoring to address grievances from workers and external stakeholders
Paragraph 32	Regular reporting to the EBRD on implementation of stakeholder engagement plan (SEP)
Paragraph 34	Additional stakeholder engagement required if material changes arise to environmental and/or social risks and impacts
<ul style="list-style-type: none"> ✓ Further guidance on cross-cutting topics given in PR1 guidance note ✓ Guidance on integration of engagement into the assessment process, stakeholder identification, SEP, meaningful consultation and grievance mechanism contained in this guidance note 	
PR2: Labour and working conditions	
Paragraphs 8-10, 20 and 21	Specific requirements on communication with workforce, consultation during collective dismissals and a grievance mechanism for workers
<ul style="list-style-type: none"> ✓ Guidance on specific requirements given in PR2 guidance note (2023) ✓ Employee grievance mechanism: guidance note (2017) 	
PR4: Health, safety and security	
Paragraphs 16, 18 and 41	Specific requirements on stakeholder engagement relating to community health and safety and security providers and on provision of confidential channels to report incidents, where appropriate, when gender-based violence risks are identified
<ul style="list-style-type: none"> ✓ Guidance on specific requirements given in PR4 guidance note (2023) ✓ Guidance on raising and managing confidential complaints contained in this guidance note (section 3.8) 	
PR5: Land acquisition, involuntary resettlement and economic displacement	
Paragraphs 10-11	Displacement impact assessment process must take into account views of affected people and key relevant stakeholders; resettlement planning proportionate approach will consider level of stakeholder interest
Paragraphs 37-39	Stakeholder engagement requirements for resettlement planning, implementation and monitoring phases in accordance with PR10, including: meaningful consultation, information disclosure, additional provisions for displaced indigenous peoples (PR7) and documenting of consultations; consultation methods to consider vulnerable groups and use of simple, practical, accurate and culturally appropriate documentation
Paragraph 40	Grievance mechanism for land acquisition and resettlement process, including requirements for a recourse mechanism (also referred to as an appeals process) being available to resolve disputes in an impartial manner
<ul style="list-style-type: none"> ✓ Guidance on specific requirements can be found in PR5 guidance note (2023) ✓ Additional guidance on stakeholder engagement, meaningful consultation, information disclosure, consideration of vulnerable groups and grievance mechanism, including recourse mechanisms and mediation, is contained in this guidance note 	
PR6: Biodiversity conservation and sustainable management of living natural resources	
Paragraphs 13 and 15	Requirement for stakeholders to be consulted in accordance with PR10 and specifically where project activities impact priority biodiversity features and/or critical habitat
PR7: Indigenous peoples	
Paragraphs 9-10, 12-17, 20 and 27	Specific requirements where indigenous peoples are affected: consideration of their views; meaningful consultation; free, prior and informed consent of affected indigenous peoples in certain circumstances and where significant impacts on cultural heritage are unavoidable; and culturally appropriate and accessible grievance mechanism with more use of verbal reporting channels
<ul style="list-style-type: none"> ✓ Guidance on specific requirements given in PR7 guidance note (2023) 	
PR8: Cultural heritage	
Paragraphs 9-11	Specific requirements include: meaningful consultation and information provision during identification of cultural heritage (tangible or likelihood of chance finds)
<ul style="list-style-type: none"> ✓ Guidance on specific requirements given in PR8 guidance note (2023) ✓ Additional guidance on importance of engagement for data collection and identification of risks and impacts including to cultural heritage is contained in this guidance note, as well as under element 1 (identification of priority issues) of MFI Guide (2019) 	
PR9: Financial intermediaries	
Paragraph 16	System for external communication on environmental and social matters; category A subprojects required to meet PR10, as well as specific disclosure requirements for Category A subprojects and those on financial intermediary (FI) referral list
<ul style="list-style-type: none"> ✓ Guidance on specific requirements given in PR9 guidance note (2023) 	

3.1.2. Organisational capacity and commitment

Implementation of the stakeholder engagement requirements of the EBRD PRs necessitates that dedicated and adequate resources are in place during the project cycle. This capacity may include both suitably qualified personnel as well as financial (operational and capital) resources. PR10 requires a proportionate approach to stakeholder engagement. This means the effort required and, therefore, the resources should be proportionate and tailored to the project's nature and scale, its E&S risks and impacts, and the level of stakeholder interest:

- For Category A projects and some higher-risk Category B projects involving large-scale land acquisition, or with significant community concerns or complex issues, it would be expected that a stakeholder engagement and community liaison function is required within the organisational structure and there are dedicated personnel, including community liaison officers (CLOs). The number of people should be dependent on the project scale and context. For linear projects, having CLOs available along the route is necessary: CLOs have an important engagement and grievance management function.
- Very large projects that affect many communities might also require multiple stakeholder relationship managers, for example, a manager for engagement with national government, media, civil society or for the land acquisition process.
- For smaller and less complex projects, such as lower-risk Category B and Category C projects, they may not have a dedicated stakeholder engagement or community liaison function. These may be placed in another function within the organisation, such as within the public relations or communications department.

The human resources and organisational arrangements for the stakeholder engagement functions should be written down; often, this is in the ESMS. The budgets, reporting and monitoring channels, training and capacity-building arrangements should be included. It can also be beneficial to provide in the SEP a simple table of roles and responsibilities, including reporting lines and the roles and responsibilities of contractors.

Training of CLOs is important as they are the key interface with the community. Further guidance can be found in the forthcoming EBRD CLO capacity-building toolkit and online training toolkit. The project team should be trained on key topics, such as the project schedule, project description, key project activities, delays, managing expectations, what construction looks like, and so on. It is good practice to provide training to project field teams and CLOs on the approach to community sensitisation before key phases of fieldwork, surveys and/or interactions with stakeholders, as well as prior to construction commencing.

Training of all project members that are likely to interact with project stakeholders in their working and non-working time can also help staff decide how they might best respond to feedback received in these settings. This might be particularly helpful for senior staff who are considered “representatives” of the project by the community and for projects at a fixed site over a long period where staff are from, or integrated with, the local community.

Depending on the project context, the stakeholder engagement and community liaison functions may draw on or comprise a combination of personnel who have:

- interpersonal skills, including communication, active listening and negotiation skills
- skills and experience necessary to manage a programme of engagement and consultation events, including that related to data collection and providing structured feedback
- local understanding of the contextual risks and affected communities, and capability to engage in local languages and in a culturally appropriate manner
- access to technical experts and project management personnel to support the engagement
- sufficient understanding of the project cycle to gather views of stakeholders to inform key decision-making stages and milestones.

Senior management oversight and involvement in the engagement function is required for a number of reasons, which include: provision of appropriate and timely resources, the opportunity for proactive management through awareness of emerging risks and concerns, and ensuring consistent engagement with stakeholders at all levels of the project organisation.

Achieving meaningful engagement must involve feedback from stakeholders being considered in project planning and decision-making. Therefore, the stakeholder engagement function (or assigned personnel) should:

- attend and contribute to the decision-making meetings/forums with senior management and be a regular agenda item (for example, designing meetings, scheduling meetings). The stakeholder engagement function should have a role in the review of proposed project changes, which may affect environmental or social risks and impacts
- be represented at a senior management level and have sufficient authority, seniority and experience to influence decision-making and make credible recommendations. For example, during alternative assessments of site location or linear project routing, it is important that stakeholder views and concerns received during engagement are considered part of the decision-making process.

Guidance on organisational arrangements, resources, senior management roles and contractor responsibility for grievance management is provided in section 3.8. Additional guidance on integrating stakeholder engagement into management systems can be found in Part II of the MFI Guide (2019).

3.1.3 Integration of stakeholder engagement into the project cycle

Stakeholder engagement, including disclosure activities, should be integrated into the project schedule and be planned with consideration of the key project milestones and decision-making points.

The process of stakeholder engagement should begin at the earliest stage of project planning (during pre-construction) and continue throughout project implementation (through design, construction, operation and decommissioning). Considering stakeholder views as part of the project’s environmental and social assessment and management process, land acquisition process and within the decision-making processes related to project design and implementation is a key part of meaningful consultation.

Stakeholder views and feedback should be considered during alternative assessments, project layout, identification and assessment of E&S risks and impacts, as well as mitigation planning and monitoring. Project strategies which may provide opportunities to affected communities, such as relating to local content (employment and procurement of goods and those services), should also consider stakeholder views and feedback.

There are generally regulatory requirements in most countries for public information and consultation during project approval and implementation. These are often linked

to the stages of the environmental impact assessment (EIA) process. For engagement to meet the requirements of PR10 generally, it will need to go beyond regulatory public information and consultation activities (for example, public hearings).

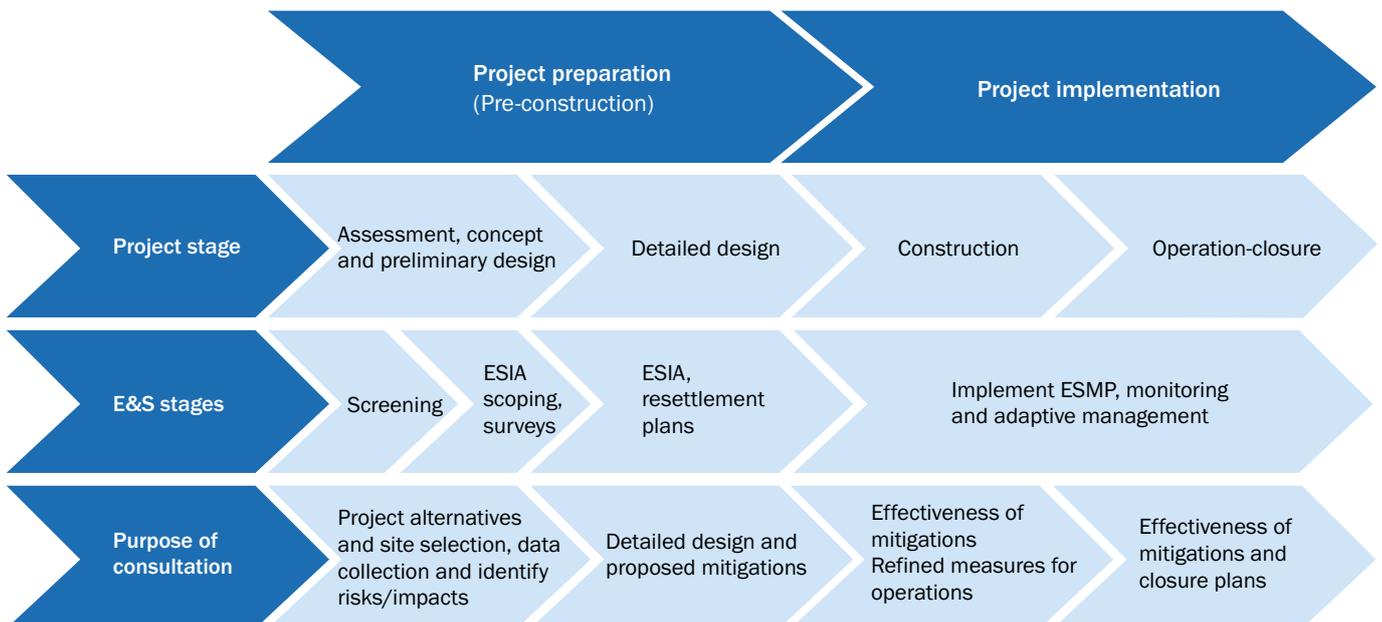
If stakeholder views are not considered at the right time in the project cycle, this can have negative consequences, such as:

- stakeholder views and concerns escalating into grievances or even conflicts, security incidents and legal disputes. This can influence regulatory approvals in some instances or work can stop due to conflicts with community members
- certain impacts being overlooked, for example, on intangible cultural heritage, which often rely on engagement to be identified
- reduced stakeholder trust, which can contribute to disputes, resulting in delays and damage to reputations and potentially more costly retrofitting of mitigation measures.

Further guidance on the integration of stakeholder engagement into the project cycle and the purpose of consultation during the project cycle is provided later in this guidance note (and the appended example SEPs). Additional guidance on integrating stakeholder engagement throughout the project cycle can be found in Part II of the MFI Guide (2019).

Figure 1 shows the purpose of consultation activities mapped against the project cycle for a typical Category A project. The process will ultimately depend on the specific category of a project and engagement activities will be proportionate to the project risks and impacts.

Figure 1. Project cycle and stakeholder engagement



3.1.4 Consideration of vulnerable people

Consideration of vulnerable people throughout the project cycle is a cross-cutting issue in the ESP (2019). Within PR10, there are specific requirements for disadvantaged or vulnerable groups and individuals, including the need for separate forms of engagement, meaningful consultation to support active and inclusive engagement, and information disclosure to take account of specific needs and preferences.

Vulnerable groups and individuals can be disproportionately affected by project impacts, have different concerns about them and necessitate differentiated mitigation measures and engagement methods. Vulnerable people have limited resilience to deal with project impacts, making them more susceptible to project-induced vulnerabilities. These groups and individuals can experience barriers to access project benefits and to participate actively in the project engagement processes without support. It is important, therefore, that specific consideration be given to vulnerable groups and individuals during project preparation and implementation, with the engagement and information disclosure processes being structured to encourage and support their participation.

Project vulnerability criteria

Vulnerability criteria should be used to identify vulnerable and potentially vulnerable groups and individuals and consider both:

- **pre-existing/pre-project factors:** these can contribute to a group or an individual being vulnerable or less resilient to project impacts (for example, elderly, cultural or religious minorities or minority ethnic groups; refugees; female/single-headed-households; informal users of land; people living below the poverty line; people with disabilities). Vulnerability is complex and multi-faceted; generally, there is no single pre-existing characteristic that automatically renders people vulnerable. Rather, it is often a combination of contributing factors impeding their resilience to external shocks, making them potentially more vulnerable to project impacts and creating specific needs with respect to achieving meaningful consultation and successful information disclosure
- **project-induced/exacerbated vulnerability:** adverse project-induced impacts can exacerbate the vulnerability of people who were already vulnerable or create some vulnerability because of project impacts. For example, communities whose livelihoods are land based: the loss of land or access to land can push them into or further into vulnerability.

Further guidance on the consideration of vulnerable groups and individuals in project preparation and implementation can be found in the EBRD's forthcoming guidance note on vulnerable groups. This includes guidance on vulnerability criteria, identification, methods for engagement and improving access to the grievance mechanism.

Barriers to meaningful consultation and approaches to address them

Vulnerable groups and individuals can experience barriers to participating in project consultation processes and in accessing project information. Clients should identify these barriers in order to provide support and structure engagement processes to encourage vulnerable people to participate. Inadequately resourced teams can be a significant barrier to meaningful consultation. Barriers can vary, so measures taken to address them vary. Practical barriers include:

- physical access, including lack of transport for remote groups or venues that are not accessible for all – clients should consider the provision of transport, the location of engagement sessions, security considerations, facilities including access for persons with disabilities and other health issues, and methods of engagement (for example, local radio, small group/one-to-one meetings where these groups/individuals reside and so on)
- timing of consultation meetings can be a barrier – the project should pay attention to when groups are undertaking domestic and/or livelihood activities in planning consultations
- digitally excluded – online disclosure and methods of engagement may be the easiest and most inexpensive, but clients should consider all affected people, including those who may not have digital access, and provide alternative means to share information and get feedback
- language of engagement – the client should endeavour to have information available in local languages and engagement teams should include members who speak relevant languages or have translators available. Some groups may wish to choose their own translators; to build trust it can be important to accommodate such requests
- communication – some groups may have cultural sensitivities, resulting in a reluctance to attend or contribute to meetings, use methods outside of their normal decision-making processes or communicate with outsiders. They may also be concerned about retaliation.

Clients should understand these barriers and design the engagement approach and methods to overcome them.

Identify opportunities to engage and encourage participation of vulnerable people

Public or formal engagement meetings can have limited success in achieving a two-way meaningful consultation process with all stakeholders. This is even more evident with vulnerable individuals. While legal and public engagement processes should be respected, they should not be relied on and especially for engaging with vulnerable people. Engagement needs to allow for multiple opportunities, and various methods must be used to reach those who may be unable to participate in the more formal meetings.

Vulnerable groups/individuals should be asked how they would like to be engaged, including “where, by whom and how often”, with the aim of gaining better understanding of the:

- existing forums and methods of engagement used by vulnerable groups/individuals, including informal ones where they share information and views, for example, women’s meetings, farmers’ groups, local radio or village/community noticeboards
- places where vulnerable groups meet and interact
- ways to obtain feedback from vulnerable groups/individuals and disclose information, including whether it could be necessary and culturally appropriate to use a third party, community representative or process to accommodate anonymous feedback.

Linking in with their preferred forums and using existing engagement methods can present a valuable route for project engagement and information disclosure. This can also provide an effective means of targeted engagement with vulnerable groups on their specific concerns, differentiated mitigation measures and other topics of interest.

Vulnerable people may be at a higher risk of retaliation, and measures to avoid this should be adopted by clients. Further guidance is provided in this note in the dedicated sections on data protection and confidentiality (section 3.1.6) and avoiding retaliation (section 3.1.7). Information disclosure and engagement materials, discussed in section 3.4, should consider the specific needs of vulnerable groups/individuals, including translation into local languages and the use of simple summary and messaging documents. Specific examples of considerations on engaging with vulnerable people are included in the EBRD’s forthcoming guidance note on vulnerable people.

3.1.5. Consideration of gender aspects

The EBRD is committed to gender equality and expects its clients to identify all potential gender impacts of a project and for engagement to be gender inclusive.

A project may affect women and men differently and they may have a different response and concerns about project impacts.⁴ Access to project benefits or opportunities that a project can offer, such as employment, can differ by gender. There may be engagement barriers for women and lesbian, gay, bisexual, transgender, queer, intersex and other LGBTQI+ stakeholders in certain circumstances to receive project information, ask questions, provide views and raise concerns.

The client should provide support and structure engagement processes to be gender balanced and consider barriers to engagement. Some of the guidance provided above on vulnerable groups may be applicable

when evaluating barriers for different genders. Barriers can vary, so measures taken to address them should be appropriate. Gender roles should be identified within the affected communities and how they could affect access to information and engagement. Evaluation of gender roles should consider paid work, other livelihood and income-earning activities, and childcare and household duties.

The EBRD has developed online tools to assist with identifying gender impacts and recommendations on how to mainstream gender into projects ([Gender Tools and Publications](#)).⁵

Further guidance on the consideration of gender aspects during land acquisition and resettlement planning, including in household-level data collection, surveys and during consultation, can be found in the PR5 guidance note.

Section 3.8.9.2 provides guidance on making grievance mechanisms responsive to gender.

Further guidance on specific considerations for grievance mechanisms from a gender-based violence and harassment (GBVH) perspective is provided in [Addressing Gender-Based Violence and Harassment](#).

Measures to support engagement with a view to being more gender inclusive will vary depending on the project context. Example methods include:

- establishing a gender balance within the stakeholder engagement and community liaison team
- clients should seek to structure their engagement to provide opportunities for young girls and women to actively participate in a “safe space”. Methods can include individual or small-group, women-only discussions to allow participants time and space to share views
- engagement events using existing forums and methods of engagement used by different genders, including informal ones where participants may be more comfortable sharing information and views. Engaging with civil society organisations (CSOs) that might provide a forum for or insight into the best avenues of engagement with specific groups could contribute to client planning in this regard
- some barriers for women can include a lack of resources to participate and the timing of consultation events. The cost of travel to a consultation venue or the timing of the events at times when childcare and other household duties are being undertaken can simply mean engagement events are not gender balanced. Decisions on timing and location of consultation events must pay careful consideration to paid work and livelihood duties, as well as childcare and other household duties. This can make the engagement process more inclusive.

⁴ This is not intended to imply that there are only two genders; where these terms are used it is intended to capture all forms of self-identified gender and/or sexual orientation. This would include members of the LGBTQI+ community.

⁵ See EBRD (n.d.), *Gender Tools and Publications*, London. Available at: <https://www.ebrd.com/gender-tools-publications.html>.

3.1.6 Data protection and confidentiality

A client’s approach to stakeholder engagement and grievance management should provide stakeholders and complainants (as well as engagement and CLO personnel) with confidentiality, and protection of their personal data, and develop measures to avoid retaliation.

The EBRD’s requirements and good practice approaches regarding confidentiality in terms of data protection and personal data are summarised in the table below. Avoiding retaliation is covered in the next section.

Table 3. Data protection and confidentiality requirements

<p>Confidentiality</p>	<ul style="list-style-type: none"> • It is important that affected stakeholders can be engaged and also raise grievances in confidence. The approach to managing confidentially the details of a stakeholder’s views and any grievances and their personal data should be presented in the stakeholder management system and the grievance mechanism. The requirements of the legal framework in relation to managing personal data must be observed. • Personal data should not be shared with third parties unless required by law or authorised by the stakeholder/person/complainant. • Where a stakeholder or complainant requests their identity not be disclosed without their consent the approach should include: <ul style="list-style-type: none"> o ensuring only mandated staff/persons can access their records, including any complainants’ details o limiting these identity details being entered in other project or grievance records o the documents for these stakeholders and complainants should be filed separately, with limited access to any hardcopy versions (which should be stored in locked facilities) and password access being required to access any digitally stored records. • The resolution for a grievance should remain confidential between the project (and its contractors where applicable) and the complainant.
<p>Data protection and personal data</p>	<ul style="list-style-type: none"> • All data under EBRD-financed projects and activities will fall under the applicable national privacy and data protection laws. Data protection legal frameworks differ and in some of the economies where the EBRD operates may not be part of the legal framework. Projects funded by the EBRD should apply good international practice (for example, the principles of General Data Protection Regulation (GDPR), EU 2016/679) if more stringent than national laws. It is paramount for projects to ensure that the approach to managing data and the privacy of data, especially personal data, is undertaken in compliance with these data protection laws and standards. • Personal data should only be retained as long as necessary, for example, for grievances until resolution has been agreed and actions implemented. Personal data should then be either deleted, redacted or archived. Normally, this would follow a project/client data privacy policy. • The type of data collected and the way they are stored should consider ethical and privacy concerns, as well as confidentiality and the protection of personal data. • The channels to receive and record stakeholder views, feedback and complaints should consider carefully the management of personal data. As more online and digital platforms are used to engage with stakeholders and receive feedback and grievances, this can increase the risk of personally identifiable information being compromised. The security of any such channels and methods should be checked periodically and appropriate data security measures applied. This is in addition to allowing anonymous feedback and complaints to be raised on such systems.

Where digital tools are used during stakeholder engagement and in grievance mechanisms (for example, the use of texts, digital or web-based platforms to obtain feedback and register complaints), there are further potential challenges with data protection, managing personally identifiable information and protecting privacy, as well as the potential for increased risk of retaliation. The security of any such channels and tools should be reviewed frequently and appropriate data security measures applied. More information on the EBRD's approach to digital transition is available at: <https://www.ebrd.com/ebird-digital-approach.html>.

3.1.7 Avoiding retaliation

The EBRD fosters and promotes institutional dialogue with civil society. CSOs and project-impacted stakeholders must be able to provide feedback, voice opposition and raise concerns with the EBRD and with Bank clients to ensure that any negative impacts of EBRD-financed projects are avoided, minimised or mitigated appropriately. The EBRD values the input and views of all stakeholders and requires its clients to engage meaningfully with their respective stakeholders.

The EBRD does not tolerate actions by EBRD clients or other project counterparts, including staff and community members, that amount to retaliation – including threats, intimidation, harassment or violence – against those who voice their opinion regarding the activities of the EBRD or its clients, or encourage retaliation by law enforcement authorities.

The EBRD takes all credible allegations of reprisals seriously and has a number of processes to address credible allegations (*EBRD Retaliation Against Civil Society and Project Stakeholders, 2019*).

Retaliation in the scope of this guidance note is actions such as: threats, intimidation, harassment or violence (including GBVH) against individuals who provide feedback, voice opposition, raise concerns and raise grievances (complainants).

Grievance mechanisms for local communities and staff are required to be readily accessible and implemented without risk of retaliation for those who raise grievances or complaints.

Good-practice measures outlined in this and other guidance related to confidentiality, data protection, the protection of personal data and managing conflicts of interest are all important components that contribute to avoiding retaliation during stakeholder engagement and grievance management. For example:

- not disclosing the identity of the complainants and the persons involved in the investigation is key to protecting them from retaliation
- allowing anonymous feedback and complaints can be very important in certain circumstances to enable vulnerable and at-risk individuals to feel able to engage and provide feedback and also raise complaints. This is particularly critical where there is a risk of GBVH and/or retaliation.

The stakeholder engagement process should be free from coercion, intimidation and retaliation risks. These risks should be identified at an early stage so that the relevant measures can be incorporated into the stakeholder engagement plan (SEP) and grievance mechanism.

Opportunities to reinforce the client's anti-retaliatory position include:

- meetings with project-affected communities early in project development and on an ongoing basis. For example, the community liaison could mention it in their opening remarks at community meetings, and when company management speaks at a community event, it could reinforce the message. However, this may have implications for those working at client/community interface level in authoritative contexts, so precautionary measures need to be considered
- developing a shared understanding of the ground rules by providing examples of what types of behaviour could be considered retaliation. This can be reinforced through ongoing engagement with community members and by involving community leaders
- emphasising the value of hearing different opinions and the right of people to freely express any concerns they may have about the project. Provide information about how to report potential incidents of retaliation, the company's policies and stance on whistleblower protection, and share any company responses during community discussions or through social media
- conducting stakeholder mapping and include vulnerable members of the community in stakeholder engagement and outreach through a variety of approaches
- communicating to staff who are also community members that it is not in the client's best interest to discourage complaints
- developing company/project anti-retaliation policies and sharing these with internal and external stakeholders.

Vulnerable people may be more at risk of retaliation and measures to target any specific risks for this group should be considered.

Tips and measures on how to engage stakeholders to avoid risk of retaliation are summarised below:⁶

Table 4. Tips and measures for stakeholders to avoid risk of retaliation

Inclusion
Avoid meeting only with stakeholders who support the project. Organise forums where all stakeholders can be included, even those who publicly oppose a project.
Composition
Consider the size and composition of consultation groups. It may be helpful to create a safe space for vulnerable and/or marginalised members of the community who may not feel comfortable speaking in large gatherings (women, indigenous peoples, members of the LGBTQI+ community) by conducting some sessions in smaller groups. Companies should also be aware that the presence of <i>security personnel</i> or <i>government representatives</i> can sometimes be a deterrent for people to attend meetings or speak freely.
Security concerns
Consider the potential risks that participation in a consultation process may entail for some stakeholders if, for example, there are broad restrictions on the use of civic space and it is a public event. Potential safety concerns should be discussed with participants in advance, and alternative engagement options, for example, private follow-up meetings, should be considered, if necessary, in order to hear everyone's perspective.
Facilitator
In more challenging situations, an independent third party can be used to help build trust and facilitate dialogue with stakeholders.
Interlocutors
Consider whether intermediaries, such as CSOs, trade unions, or in-country international organisations, could play a role in gauging any potential concerns related to the risk of retaliation to stakeholders or to the project.
Locations
Identify the best place to conduct consultations (including for focus groups or one-on-one discussions). Some locations may help to reduce the risk of surveillance. For example, meetings could be held in a neighbouring village, in the capital of the country or a larger city, or in places of worship.
Confidentiality
Some stakeholders may not wish to have details of the meeting recorded or sensitive discussion topics shared. Clarifying confidentiality concerns and requests with participants before commencing any consultation is key. This may include such things as deciding whether participant names will be collected and, if so, how they will be stored, or whether meeting notes will be taken and, if so, how they will be handled. (For example, will statements be attributed to specific individuals or groups? Will they be communicated to a select number of staff? To other project partners? Might they be made public?)
Electronic devices
Where there are concerns about surveillance, it may be helpful to establish an agreement about when and where it is acceptable to store and use electronic devices (for example, recording content on phones during meetings, <i>whether photographs will be taken</i> , posting content on social media, or agreeing to leave phones off or remove their batteries). In high-risk surveillance settings, it may be prudent to provide a company contact point with whom participants can flag concerns or incidents.

Training on the approaches to ensuring confidentiality, data protection and avoiding retaliation should be undertaken. Training and information should be available in relevant languages. Assessments of training needs should take account of the various roles within the project, such as security guards, and include minimum requirements for their induction and training. This should also include basic

details of the grievance mechanism at induction, reminders within pre-start briefings and so on.

People who wish to raise a complaint on retaliation in relation to criticism or a complaint linked to an EBRD project, can contact the Office of the Chief Compliance Officer (OCCO) by email at compliance@ebrd.com.

⁶ This section is based on tips contained in: IDB Invest and IFC (2021), *Good Practice Note For The Private Sector: Addressing the Risks of Retaliation Against Project Stakeholders*, Washington, DC. Available at: <https://t.ly/9sCw4>. This good practice note contains other useful tips, including tips for engaging communities.

3.2. Stakeholder identification and analysis

All projects are required to identify and document stakeholders. This should be carried out as early as possible in the project cycle and should continue throughout the project cycle.

The stakeholders include those parties who are or are likely to be affected by the project (directly or indirectly) and other interested parties who have an interest in the project and can influence the outcome.

Stakeholders can be grouped into a number of categories. While these vary between projects, typically, there are three broad categories:

- project-affected parties, including adversely and positively affected communities, project workers and representatives of workers' organisations, and vulnerable groups
- other interested parties, including CSOs, such as local, national and international non-governmental organisations (NGOs), community-based organisations (CBOs), local authorities, business associations, local service providers (for example emergency services, fire brigades, owners and operators of public utilities, local police, and so on)
- stakeholders who are involved in the decision-making on the project, including company staff, contractors or government agencies responsible for project approvals.

The stakeholder identification process is iterative and may involve:

- during the initial project stages (for example feasibility studies and ESIA screening and scoping): reviewing the potentially affected area and the potential project E&S risks and impacts to identify communities, local interest groups, local authorities and other government agencies
- reviewing project and publicly available documentation (for example strategic environmental assessments, local ESIA, local authority plans/documents and websites, local and national registers of CSOs (including NGOs and CBOs)
- physically visiting the project-affected area
- engaging with persons who are knowledgeable on the local area (for example, municipalities and local government representatives, community representatives)
- members of the project team who are from the project-affected area and surrounds can be a useful source of information
- social media and online searches
- records of stakeholder engagement to date related to the project.

Consideration of the project's E&S risks and impacts (both negative and positive), the contextual risks in the project area and key issues likely to be of concern to stakeholders is an important part of stakeholder identification and analysis.

Certain stakeholders may, due to contextual risks, be more sensitive to and concerned about certain types of issue or more likely to be at risk of retaliation during stakeholder engagement. For example, identification of CSOs and other relevant stakeholders should consider the project-specific issues (for example, for a wind farm project near an important flyway for protected birds, certain international as well as local and national NGOs may be identified as interested stakeholders).

This stage should also be used as an opportunity to start to identify how engagement should be undertaken with certain stakeholder groups, including any national legal requirements, EBRD requirements and the company's own corporate commitments.

Actual and perceived risks and impacts can give rise to concerns among stakeholders, sometimes through misinformation, so it is important to consider both in this process.

Stakeholder analysis should then inform the engagement plan with the various groups and individual stakeholders. This engagement plan should be documented in the SEP. The stakeholder analysis and identification of key issues is an iterative process undertaken in parallel.

In the SEP, the process of identifying stakeholders, the list of stakeholders and the proposed methods of communication with each stakeholder group should be presented. While the stakeholder analysis may consider the importance and influence of a stakeholder for internal use, some of this information may not be appropriate for disclosure in a SEP, for example, the influence a stakeholder has over project approvals.

The identification of stakeholders should pay close attention to identifying marginalised and vulnerable groups and the potential vulnerability factors of stakeholders identified. This should consider the contextual risks in the project setting. The engagement plan and proposed methods of communication with such groups should consider the barriers they may face to participate in project consultations as described in sections 3.1.4 and 3.1.7 on avoiding retaliation.

Stakeholders may change during the project cycle, as may individuals within certain groups (for example, elections can change the political and administrative stakeholders, and so on). As construction and operational E&S risks and impacts can alter during a project cycle so can the concerns and issues of stakeholders and the stakeholders themselves. Stakeholder identification and analysis should therefore continue throughout the project cycle.

Guidance on stakeholder groups, identification of stakeholders, consideration of key/priority issues and stakeholder analysis can be found within elements 1 and 2 of the MFI Guide. An example process to identify stakeholders is also provided in the World Bank's Environmental and Social Standards 10 (ESS 10) Stakeholder Engagement and Information Disclosure (2018), GN10.1.

3.3. Stakeholder engagement plan

3.3.1. Applicability of the requirement for a stakeholder engagement plan

A SEP or equivalent is required for projects as follows:

- Category A projects: enhanced SEP
- Category B projects: a SEP or an equivalent documented process proportionate to the project characteristics as explained in section 3.3.2
- Category C or Category B projects with low potential for E&S impacts (as agreed with the EBRD): these do not typically require a stand-alone SEP. However, a mechanism to disclose information and for stakeholders to contact the company should be publicised as per section 3.3.2.

As an action plan referred to in the environmental and social action plan (ESAP), the SEP is a project commitment. If an action is included in the SEP it then becomes a firm commitment that must be implemented, and against which the project will be monitored by the EBRD. Stakeholders will also view the SEP as a commitment.

Annex 2 provides an example SEP for Category A projects and includes a guide to contents. Category B SEP examples can be found online for existing projects as a reference for clients⁷ and should also consider inclusion of the paragraph on the EBRD's Independent Project Accountability Mechanism (IPAM)⁸ as per section 3.2 of the Category A example SEPs found at Annex 2.

Any example SEP should not be followed as a rigid template, judgement is still required based on the nature and scale or the risks, impacts and development stage of the project in question.

3.3.2. Contents of a stakeholder engagement plan

A SEP should be proportionate to the nature and scale or the risks, impacts and development stage of the project, and in some cases the level of stakeholder interest. Risk includes contextual risks such as conflict or fragility, the presence of vulnerable or marginal groups, legacy issues and environmental sensitivity.

In projects with low risks, the consultation process can normally be limited to simple disclosure and information dissemination including an avenue for stakeholders to return feedback if they wish. Projects with moderate risk should have a two-way dialogue with affected stakeholders, while complex, large-scale or higher-risk projects require more systematic and thorough engagement with stakeholders throughout.

⁷ One such proportionate example for a Category B renewable energy project can be found at the following link, noting that this guidance note should be referred to for the most up-to-date guidance on grievance mechanisms: <https://www.ebrd.com/work-with-us/projects/psd/51908.html>.

⁸ The Independent Project Accountability Mechanism, or IPAM, is the grievance mechanism of the EBRD. It is independent from the banking team and reports directly to the Bank's Board of Directors.

Clients should prioritise the most vulnerable and severely impacted groups for engagement. Table 5 provides a guide to the level and type of engagement that would be required for Category A and Category B projects. Category B projects cover a broad spectrum of characteristics and therefore engagement requirements will vary accordingly. Professional judgement should still be used in the application of this table.

Each project is different,⁹ and the approach should be used judiciously and adapted to local context. The EBRD will also undertake certain disclosures as described in section 3.4.1, which may require additional client input.

For Category C projects the following should typically be undertaken:

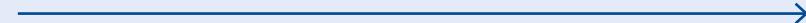
- identification and documentation of stakeholders and any associated communication plan
- contact mechanisms disclosed
- grievance mechanism disclosed.

Generally, the contents of a SEP must be carefully drafted as commitments made in the public domain need to be upheld. An unrealistic SEP can create a raft of additional project rifts and challenges. It is vital that those undertaking the engagement and those who are knowledgeable about a region contribute to, and therefore have a sense of ownership of, the plan. Plans should not be wishlists of activities.

Table 5. Engagement activities mapped to project impact and categorisation

EBRD category	Category B ¹⁰	Category A
Potential project risks and impacts	Lower 	Higher
	SEP ¹¹ or equivalent documented process	Enhanced SEP
Information disclosure	<p>Likely to include some or all of the following disclosures, proportionate to the project-specific risks and impacts:</p> <ul style="list-style-type: none"> • project information on website and/or locally. Information includes a description of the client and the project and details of accessible mechanism by which the client can be contacted • informational posters/leaflet or frequently asked questions (FAQs) available locally and electronically • informational meeting (or alternative) with any adjacent community authorities and affected people, for example, on resettlement; tariff amendments; new modes of transport; construction schedule; employment opportunities; traffic diversions and so on • specific information to affected people in advance of key activities which have potential impacts. Examples include before the start of land acquisition; before construction; before operation • non-technical summary (NTS) available locally and electronically • SEP available locally and electronically • documentation on project-specific issues, for example, guide to land acquisition and compensation (GLAC), resettlement framework (RF) and resettlement plan (RP)¹² (see PR5 guidance note for confidentiality considerations); biodiversity management plans; air quality or odour management plans • information proportional to and sequenced with the project activities, including timing of potential impacts. Examples include: pre-construction disclosure regarding employment opportunities and recruitment procedures; community road and construction safety sessions; frequent engagement during construction on impacts associated with specific construction activities, for example, blasting; publication of noise monitoring results; summary of grievances; engagement before commissioning; regular but less frequent engagement in operations depending on the needs of the stakeholder and operational risks and impacts • disclosure of E&S performance data 	<p>In addition:</p> <p>ESIA, NTSs and ESAP disclosed by client and available locally and electronically (time frames consistent with Access to Information Policy or AIP).¹³</p> <p>Management plans to be disclosed as part of the ESIA include:</p> <ul style="list-style-type: none"> • SEP • ESMP • any required issue-specific management plans such as GLAC/RP/RF; biodiversity management plans; cultural heritage management plans

⁹ Specific additional guidance for Green Cities is provided in: EBRD (2020), *Stakeholder Engagement Guidance for Green City Action Plans*, London. Available at: https://www.ebrdgreencities.com/assets/Uploads/PDF/Stakeholder-Engagement-Guidance-for-GCAPs_Sep2022_FINAL.pdf?vid=3

EBRD category	Category B ¹⁰	Category A
Potential project risks and impacts	Lower 	Higher
Meaningful consultation	Likely to include some or all of the following, proportionate to the project-specific risks and impacts: <ul style="list-style-type: none"> • consultation with affected stakeholders on specific project issues if needed, for example, cultural heritage of significance to local communities; community use of natural resources in the project area; livelihood restoration; after a change to service tariffs; operational processes/timings and so on • where projects trigger PR4, PR5, PR7 or PR8 the relevant engagement requirements shall be applied • open consultation meeting(s) with affected stakeholders and interested parties to attend • tailored consultations towards the issue, stakeholder or region for example: focus groups; key informant interviews; workshops; surveys; roundtables on biodiversity impacts with academics, scientific community, CSOs/NGOs • specific consultation with interested parties, for example, CSOs, depending on the nature of the project impacts and stakeholder interest • consultation on information disclosed during project implementation 	In addition: “participatory ESIA” including: <ul style="list-style-type: none"> • consultation at scoping • ESIA development • disclosure of draft ESIA phases
Feedback on consultation and documentation	Project responds to comments received through the life of the project including: <ul style="list-style-type: none"> • one-to-one feedback based on the comment/suggestion • correspondence records maintained • feedback on specific issues through finalising documentation, for example, updated FAQs; RP • general public information updates 	A summary of disclosure, consultation, comments received and how these have been considered: <ul style="list-style-type: none"> • included in the disclosed ESIA, covering the ESIA preparation period • in the final ESIA to cover the disclosure period
Grievance mechanism	Grievance mechanism	Enhanced grievance mechanism

10 This is indicative; all Category B projects will be assessed individually by the Bank and project-specific disclosures agreed with the Bank based on this guidance.

11 Or an equivalent documented process, for example, for bonds and corporate projects with well-developed communications mechanisms in place, possible alternatives to a SEP that may be available and include the required SEP content are: public consultation and disclosure plans; internal and external communication plans; public relations plans, and so on. In some cases, a corporate SEP and site-specific SEPs will be required. In all cases this includes identification and documentation of stakeholders.

12 And a simple, practical, accurate and culturally appropriate summary (PR5 paragraph 39).

13 Refer to section 3.4.1.

3.3.3. Updating stakeholder engagement plans during the project cycle

SEPs should be reviewed and updated as needed before each project phase (design, construction, operation, decommissioning) and as a minimum on an annual basis. Section 3.8 describes additional changes in the project's E&S risks and impacts that require a review and potential update of the SEP.

3.3.4. Government-managed stakeholder engagement

Any project financed by the EBRD is required to comply with PR10, regardless of the organisational and financial arrangements pertaining to stakeholder engagement. This also applies to compliance with PR10 where stakeholder engagement is government managed.

In many jurisdictions, stakeholder engagement associated with certain consent processes, such as national EIA/ESIA processes, will be led by the appropriate government body. In such situations the government will undertake stakeholder engagement according to applicable legislation. However, there may be gaps between legislation and PR10, for example, EBRD requirements for involving stakeholders earlier in the ESIA process for Category A projects than is typical for national processes.

Where national legislation or specific project legal arrangements require the government to lead certain aspects of stakeholder engagement, these gaps are best discussed and addressed early in the project planning, for example, before the initiation of the national EIA or national land expropriation process. In such cases, the client is expected to undertake supplemental engagement to address any gaps with PR10 requirements. If the client is a private sector company, this engagement is ideally coordinated with government engagement where relevant.

In any case the government should be made aware of client plans, to be agreed with them whenever possible, and engagement is designed to avoid stakeholder confusion (as to why additional engagement is being undertaken, with respect to any inconsistencies in project information), and to minimise stakeholder fatigue. Any issues with respect

to this coordination should be reported to the EBRD.

Any agreement/proposal should be reflected in the SEP, including detailing implementation responsibilities.

The client should seek to formalise these in agreements with the government.

Section 3.8 provides specific guidance about grievance mechanisms for government-managed projects.

3.3.5. Stakeholder engagement undertaken before the EBRD's involvement

When stakeholder engagement is carried out within an EBRD project before the EBRD's involvement, the EBRD will review previous activities and check compliance with PR10 provisions or deviations therefrom. Where gaps are observed, corrective actions designed to address any observed deficiencies against PR10 to the extent practicable will be included in the SEP and/or in the ESAP so the project can proceed on suitably robust grounds. This review will include but not necessarily be limited to the engagement undertaken for significant design decisions such as siting and alternatives assessment. Further actions may be required by the EBRD depending on the outcome of the review.

3.3.6. Safety of stakeholder engagement and remote engagement for Covid-19

In terms of the Covid-19 pandemic, clients should scrutinise potential stakeholder engagement activities in light of (i) Covid-19 measures prescribed or recommended by the relevant national authorities; and (ii) relevant EBRD guidance on the topic, including the Covid-19 stakeholder engagement guidance note,¹⁴ which among others lists a number of alternative methods for safe, remote stakeholder engagement that involves no physical group meetings.

Where meetings are deemed necessary for meaningful engagement and are permissible, precautionary measures are needed, including complying with all national requirements and guidelines issued, ensuring that the venue is suitable for access and social distancing, and the availability of handwashing, disinfectant facilities and masks, and so on.

14 See EBRD (2019), *Covid-19: Stakeholder engagement (PR10)*, EBRD briefing note, London. Available at: <https://www.ebrd.com/covid19-consultation.pdf>.

In the short term, the SEP should include measures to comply with current restrictions and include such precautionary measures. If the above considerations mean there are required changes in the project engagement programme, these should be included as an update or supplementary plan to the project SEP and disclosed. Engagement plans must indicate the potential limitations of the approaches and any potential gaps with PR10. They should contain or be followed by an assessment of the need to still conduct any engagement that was not possible in its original form, once such engagement is allowed.

3.3.7. General guidance on the language of engagement

Consider the following when defining the language for engagement:

- the use of plain language: where detailed technical reporting is required, add/also disclose NTSs, and ensure speaking points elaborate on these technical points where the engagement format allows
- the official language(s) of the country: all written engagement materials should be available in all national languages, and engagement forums held with the option of being in any national language, unless otherwise agreed with the EBRD
- additional language(s) widely spoken in affected communities: engagement should incorporate these languages based on professional judgement as to whether any person or groups will be disadvantaged in their access to engagement without doing so
- additional language needs of vulnerable people/groups
- engagement teams should include persons who speak relevant languages or have translators available.

3.3.8. General guidance on digital tools

Digital tools are increasingly used as part of stakeholder engagement, partly in response to the Covid-19 pandemic but also as an opportunity to increase accessibility for some stakeholders.

Annex 3 provides further guidance on digital stakeholder engagement. Specific guidance in this regard for grievances is also included in section 3.8.

Clients should consider the use of digital tools in their stakeholder engagement programme to maximise the reach and depth of project engagement, while acknowledging that this will still need to be in addition to traditional means for some stakeholder groups.

3.3.9. Data management

The MFI Guide provides guidance on incorporating stakeholder feedback into the project dataset. An initial recording step is required. Typical documents and tools which can be used are summarised below (see Table 6) and will vary depending on the requirements of a specific project. Using these tools also supports the building of institutional memory with regard to stakeholder engagement.

Table 6. Data records and data sources

Tool	Typical format/content
Stakeholder list	<ul style="list-style-type: none"> typically a simple spreadsheet (for example Excel) or database, kept up to date with identified stakeholders and their contact details
Stakeholder engagement log/register	<ul style="list-style-type: none"> meaningful engagement activities should be logged a simple spreadsheet (for example Excel) or database is often used to log, manage and monitor stakeholder engagement it will contain, for example, details on information presented, to whom, meetings held, feedback and questions received and project responses, including any commitments made to stakeholders, management actions taken and whether it has been closed out satisfactorily the log can be used as an internal tool for stakeholder engagement planning and tracking and an information source for reporting on stakeholder engagement large-scale linear projects might require additional software or tools to handle the volume of information to be managed
Meeting minute template	<ul style="list-style-type: none"> used to record meeting content and commitments made, plus attendance (maintaining confidentiality as appropriate) judgement is used as to whether engagement is recorded in this way, for example, a CLO having an impromptu conversation with a community member during their regular site visits where no significant issues are raised would typically not be recorded

In all cases the engagement and any commitments must be logged. The approach that will be taken should be documented by the project and used consistently. Records should be reviewed periodically to ensure they are being used and maintained correctly.

Section 3.1.6 provides guidance on data protection and confidentiality.

Box 1. Relevant information conveyed before consultation events may include:¹⁵

- the **nature of the project**, and how it is likely to affect the various stakeholder groups at the local level
- as different groups are likely to be affected differently, consideration should be given to **tailoring the information** to the various stakeholder groups to the extent possible
- if they are available, summaries of technical **studies and reports** can be provided, for example, information from ESIA's. In such cases, there may be a need to simplify technical reports, to avoid technical jargon and to make them more understandable to non-specialists
- it is useful to ask stakeholders in which **format and manner** they find information most useful – this could be through illustrations, role play, videos, or through other means, in addition to more traditional written or verbal communications
- a **preliminary agenda** for the events, summarising the different topics that will be discussed
- what people's **rights and roles** are under the project, and how they can contribute to project design and implementation. If those consulted are among decision-makers related to the project, they should be informed about what they are being asked to endorse or approve.

¹⁵ See IADB (2019), *Meaningful Stakeholder Engagement: A Joint Publication of the MFI Working Group on Environmental and Social Standards*, Washington, DC. Available at: <https://publications.iadb.org/en/meaningful-stakeholder-engagement-joint-publication-mfi-working-group-environmental-and-social>.

3.4. Information disclosure

3.4.1. Client-led information disclosure

By its nature information disclosure is a one-way form of communication: client to stakeholder. Any response is considered under the guidance on meaningful consultation in section 3.5.

The client must disclose relevant project information to assist stakeholders in understanding the risks, impacts and opportunities of the project and how the project plans for any stakeholder input to decision-making. Specific details of contents are provided in PR10, paragraph 18 and guidance by project risk is given in section 3.3.2 above.

Information needs to be provided at a level of detail that is meaningful for stakeholders. This might mean a gradual introduction of more detail, for example, beginning with what the project is at a high level, for example, a road in a given location, gradually followed by more detail at a local level where specific topics, such as maintenance of local land and infrastructure access and livestock crossing points, will arise.

The information must be provided in a manner and format that is understandable, easily accessible and culturally appropriate. Technical information on a website is rarely meaningful as background information. Instead the information should be made available in appropriate locations, formats and local languages as identified during stakeholder identification, analysis and ongoing engagement. Verbal communications or the use of images may be needed if some of the stakeholders are illiterate.

In addition to general disclosure activities, “prior” information should also be provided to stakeholders ahead of consultation events. The timing of prior information considers any stipulations in national law and should provide enough time for stakeholders to discuss the information among themselves and come to the consultation events with informed opinions.

Information should be disclosed with a specific purpose to respect stakeholder time and maintain the clarity of the engagement programme. This includes the client being clear what the primary message/content should be.

Table 7 lists the main tools used for information disclosure in the economies where the EBRD invests and some key strengths and weaknesses of each, particularly considering that information must be disclosed in a manner that is accessible (including choice of language) and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs (including disability, literacy, gender, mobility, differences in language or accessibility).

Effective stakeholder engagement typically combines several of these techniques to maximise the number of stakeholders that will be able to access the information.

When selecting techniques, useful questions to consider are:

- is there an engagement forum already in place for the stakeholder(s) I want to engage?
- does that forum alone, or in combination with other forums, meet the project’s needs for stakeholder engagement?

After considering the techniques in Table 7, if the client still predicts there will be a gap in coverage based on infrastructure or other factors preventing access, a telephone call or in-person visit should be considered.

In all cases, disclosure via trusted third parties (for example, an NGO) should also be considered where necessary and culturally appropriate to avoid intimidation, coercion or any form of manipulation.

For all techniques the author(s) of the information should be experienced in both producing such forms of information and in the technical content (see Table 7). This might require several members of a project team to be involved in developing information, including project engineers, and reviewing the information before disclosure.

Table 7. Example information disclosure tools

Tool	Strengths and weaknesses
Traditional media (TV, radio, newspapers, including press releases/conferences/advertising)	<p>Example strengths:</p> <ul style="list-style-type: none"> • disseminate project information to large audiences, including beyond the project area • established in most EBRD regions, including in rural and remote areas, and often in the local language(s) • often satisfies national regulatory requirements for notice provision for events such as public consultation on ESIA • TV and radio do not require literacy of the recipient, some TV stations broadcast with subtitles, and all forms are typically available at times spread across the day to accommodate stakeholder schedules • information transmission by a provider that is already known and potentially trusted by the stakeholder <p>Example weaknesses:</p> <ul style="list-style-type: none"> • harder to tailor messaging to a specific stakeholder group, including a version in additional languages • usually, a limited amount of information that can be conveyed in the time or space available
Project website	<p>Example strengths:</p> <ul style="list-style-type: none"> • disseminate project information to large audiences, including beyond the project area, to anyone with internet access • information can be made continuously available throughout the project lifecycle and be easily updated, for example, contact details, providing project updates and making copies of project documents available for download (NTS, ESIA, SEP, RP, GLAC, ESAP, grievance forms and so on), along with any tools that have been used to support engagement such as summary leaflets, acting as an online library of information available • very detailed or complex information can be provided, including reports and design detail and how this overlays existing community infrastructure or other baseline features • large-volume files can be viewed, such as drone filming and photography, to provide virtual tours of the project site • selected information can be relatively easily mirrored by national or local government websites as appropriate to support a wider dissemination of information <p>Example weaknesses:</p> <ul style="list-style-type: none"> • requires internet access, levels of which vary across the EBRD regions and among stakeholder groups, for example, the elderly often have a lower level of access than those of working age, and rural areas typically have a lower level of access than urban areas • some literacy skills or language skills are required to navigate a website even if the information contained is more accessible, such as videos, and in different languages
Disclosure by other electronic methods (email, social media, text message) (see further guidance in Annex 3)	<p>Example strengths:</p> <ul style="list-style-type: none"> • good for tailoring messaging to a specific stakeholder/group, including a version in additional languages • if the project can identify and access social media platforms already used by a local community this can be a very effective means of providing short messages or notifications, invitations or updates regarding the project, including text-based or video messages. An example could be the use of a community Facebook page <p>Example weaknesses:</p> <ul style="list-style-type: none"> • email and text require up-to-date contact details • all require access to a mobile phone or the internet • not typically used to share documents (although can be used to direct stakeholders to further information)

Tool	Strengths and weaknesses
Written (letters, brochures, leaflets, key information sheets)	<p>Example strengths:</p> <ul style="list-style-type: none"> • relatively easy to tailor messaging to a specific stakeholder group, including a version in additional languages • can be a good tool to summarise information (for example setting out the topic or potential project key impact, the project position and activities that have been, and will be, undertaken), and allow access at whatever time the stakeholder is available to read it and still refer stakeholders to other information sources • can be physically posted through doors and deposited at public meeting points, allowing delivery to almost any location with the requisite effort • letters are often used for official communications with government and so are a familiar and relied on method of communication in many of the EBRD regions • some form of recorded delivery might be possible, helping to know a stakeholder did receive certain information <p>Example weaknesses:</p> <ul style="list-style-type: none"> • up-to-date contact details are needed to engage with a specific stakeholder • can become out of date quite quickly • literacy is required to receive the information if it relies on words as its main content
Information boards (also called bulletin boards, notice boards, public displays)	<p>Example strengths:</p> <ul style="list-style-type: none"> • good for providing regular updates, notifications and contact or grievance mechanism details to local communities, particularly where information boards are already an established means of information dissemination, for example, a community notice board at a village hall. Can also be placed at the boundaries of a project site • can be specifically tailored to a community • stakeholders can access the information at their relative convenience <p>Example weaknesses:</p> <ul style="list-style-type: none"> • does require a certain level of literacy (if it relies on words as its main content) and physical mobility to access. Using maps or other visual aids can help increase accessibility of the notices • information boards/posters need to be checked for weather or other damage on a regular basis

Box 2. Key points to cover during public consultation events may include:

- explaining objectives of the discussion, how the event will be structured, and expected follow-up
- agreeing on an agenda for the discussion; In some circumstances, particularly where there are low levels of trust, a formal protocol may need to be agreed on before real discussions can take place
- summarising the information about the project that people have been provided before the consultation event (see previous section)
- managing expectations and being clear about what role the consultations play in decision-making
- ensuring that, at a minimum, the discussion covers people's perceptions and expectations about project benefits and potential adverse impacts; how adverse impacts may be avoided or minimised; what the appropriate mitigation mechanisms may be; and what people consider to be appropriate institutional and organisational mechanisms
- providing sufficient time for people to express their views. Consider holding follow-up discussions if needed
- selecting facilitators based on their ability to listen, explain and be empathetic; where possible, have facilitators who are known and trusted locally, and if translations are needed, use local bilingual resource persons whenever possible
- summarising points made and how follow-up actions and feedback will take place
- explaining how people can communicate with the project, and what their right to remedy is if the project fails to meet its obligations or is perceived to cause harm.

Source: IADB (2019), *Meaningful Stakeholder Engagement: A Joint Publication of the MFI Working Group on Environmental and Social Standards*, Washington, DC.

Box 3. The 10 elements of meaningful consultation

- 1. Identification of priority issues:** what are the likely risks and opportunities arising from the project, and that are of concern or interest to stakeholders?
- 2. Stakeholder analysis and engagement plan:** who is affected by the project, and who has an interest that can influence outcomes? How will the project engage with them? Is the process disaggregated by gender and potentially vulnerable groups?
- 3. Prior information:** how will information be provided to stakeholders before consultation and consultation events in a meaningful way? Are stakeholders given sufficient time to review and discuss the information?
- 4. Appropriate forums and methods for the consultation process:** how should consultation events be organised? How should the project ensure that the voices of vulnerable or marginalised groups are heard and considered? Have measures been taken to protect people from retaliation where relevant?
- 5. Transparency in decision-making through documentation, public disclosure and feedback to stakeholders:** how will the stakeholders be informed about project decisions and how their views and inputs have been addressed? Have systematic records of consultation events been kept and shared with stakeholders?
- 6. Design and implementation decisions considering stakeholder perspectives:** how will stakeholder concerns and recommendations be considered and addressed in project decision-making and the overall management system? How is this documented? Has a mitigation hierarchy been applied, in identifying, avoiding, minimising or compensating for potential adverse impacts?
- 7. Baseline data and action plans:** have appropriate data, indicators and benchmarks been established? What are the action plans that the project will implement to reduce risk and enhance benefits for project stakeholders?
- 8. Establishment of a management system incorporating stakeholder engagement:** how will the project establish and maintain a suitable and adaptive management system to address E&S issues throughout the lifetime of the project?
- 9. Grievance mechanisms:** how can stakeholders seek remedy if they feel the project is causing harm to them or the environment? Is a grievance mechanism known to affected people, and easily accessible by all? Does the mechanism have the mandate and authority to address and resolve concerns raised by stakeholders?
- 10. Ongoing stakeholder engagement throughout project implementation and completion:** what are the mechanisms established to ensure that stakeholders are kept informed and involved throughout project implementation and in transition arrangements for the closing of the project?

Source: IADB (2019), *Meaningful Stakeholder Engagement: A Joint Publication of the MFI Working Group on Environmental and Social Standards*, Washington, DC.

3.4.2. EBRD-led information disclosure

The EBRD also discloses certain project documents in accordance with its AIP (2019).¹⁶ Clients need to plan for provision of information to the EBRD to facilitate this disclosure. Clients should agree disclosure requirements with the Bank, including confirmation of timing which should be integrated into the client's project schedule.

EBRD disclosure typically consists of:

- the disclosure of a project summary document (PSD), including E&S information, for all projects on ebrd.com
- updates to the PSD if there are material changes to the project subsequent to the release of the original PSD
- updates to the PSD (if required) for Category A and certain Category B projects following annual review
- disclosure of an NTS and SEP on ebrd.com for higher-risk Category B projects if deemed necessary beyond AIP requirements
- disclosure of the ESIA and associated management plans for all Category A projects on ebrd.com. The documents should also be made available for review at the EBRD's London Headquarters and the relevant Resident Office (or other alternative location)¹⁷ in the local language and one of the four Bank languages should stakeholders request to review such documentation. The client disclosure period for the ESIA (or supplementary assessment) should normally be aligned with the EBRD disclosure period of 60 or 120 days.

As per the ESP, the Bank may in some cases also conduct its own public consultation to gauge stakeholder views.

EBRD-led consultation meetings

The EBRD is committed to providing a safe platform and communication channel for representatives of NGOs, policy think-tanks, academic research institutes, gender/inclusivity groups, professional associations, advocacy groups and other CSOs. In preparation for consultation, any concerns raised by CSOs in regards to such meetings are carefully reviewed and the following actions may be undertaken:

- ensure that no public agency or host government-organised non-governmental organisation is invited to the consultation
- keep participants' names and organisations they represent confidential
- for virtual meetings:
 - o use the Bank's preferred secure web conferencing tool
 - o a password will be required to join the meeting
 - o the meeting will be end-to-end encrypted
- if, despite all efforts, retribution still occurs, the issue will be raised with OCCO to investigate any reprisal claims.

¹⁶ This section presents a summary only. For authoritative information refer to the Access to Information Policy available at: <https://www.ebrd.com/what-we-do/strategies-and-policies/access-to-information-policy.html>

¹⁷ An alternative location is where access will be available to view the ESIA electronically or on request in hard copy.

3.5. Meaningful consultation

PR10 requires meaningful consultation, based on the nature and scale of the project's adverse risks and impacts and the level of stakeholder interest.

While execution of each element of PR10 and this guidance note fundamentally contribute to achieving meaningful consultation, it is worth summarising the key principles and elements of a system that enables this.

This section also highlights two-way engagement forums, building on the guidance on disclosure tools in section 3.4.

There are several criteria that ought to be met for a stakeholder consultation process to be considered meaningful. Above all, it should not be thought of as one or more isolated events, organised in a pro forma manner to "check a box" or to meet a licensing requirement. It should be preceded by an analysis of the project, its context and potential impacts, and who the relevant stakeholders are, and it should be followed by genuine consideration of stakeholders' views and concerns in decisions related to project planning and implementation, that is, a degree of modification of the project design or implementation should exist as a possibility.

Meaningful consultation is a two-way process that:

1. will begin early in the project planning process to gather initial views on the project proposal and inform project design
2. encourages stakeholder feedback, particularly as a way of informing project development and engagement by stakeholders in the identification and mitigation of E&S risks and impacts
3. continues on an ongoing basis
4. is based on the prior disclosure and dissemination of relevant, transparent, objective and easily accessible information in a time frame that enables consultations with stakeholders
5. is undertaken in a culturally appropriate format, in relevant local language(s), is understandable to stakeholders and takes into consideration stakeholders' decision-making processes
6. considers and responds to feedback
7. supports active and inclusive engagement with project-affected parties including disadvantaged or vulnerable groups
8. is free from external manipulation, interference, coercion, discrimination, intimidation and retaliation
9. is documented by the client.

These principles are effectively put into action by implementing the 10 elements of meaningful consultation described in IADB (2019) and summarised in Box 3.¹⁸

These elements overlap with the project's technical assessment processes such as ESIA, and with management decisions related to project design and implementation.

An effective consultation process will often require several separate events and formats, engagement at different times with the same stakeholders or those that are only present part of the time, for example labour migrants or seasonal users of land and resources, and continuous engagement with those who may be opposed to the project.

¹⁸ These 10 elements are not sequential. They overlap to a large extent and constitute an iterative process during the various stages of a project cycle. Further, some of these elements could arguably be merged, or alternatively disaggregated further. The intent here is not to suggest that these elements are fixed and given, but to provide an overview of important considerations that help structure the stakeholder engagement process in a systematic manner. Various institutions and practitioners are likely to stress different aspects in alternative ways.

When selecting engagement techniques, useful questions to consider are:

- Is there an engagement forum already in place for the stakeholder(s) I want to engage?
- How might contextual risk influence a stakeholder's use of the existing engagement forums, and any introduced by the project?

Table 8 lists the main tools used for engagement in the EBRD regions and some key strengths and weaknesses of each.

For all techniques the lead project participants should be experienced in such forms of engagement. In addition, all personnel that may come in contact with stakeholders should be trained to understand the importance of respectful behaviour.

Engagement via trusted third parties (for example, an NGO) should be considered where necessary and culturally appropriate to avoid intimidation, coercion or any form of manipulation. The section 3.1.7 "avoiding retaliation" provides further guidance. This facilitation can help to reduce the risk that discussion of sensitive topics results in tensions and brings additional information and experience to the project.

Clients should analyse attendance at engagement events for representation of stakeholders from various groups, including geographies. If analysis indicates a particular event has only been effective for particular groups and this was not the intention, consider how it might be further supplemented. Within this consider the possibility that a lack of attendance was due to poor prior information regarding the purpose of the event or stakeholder fatigue.

One common point of confusion for stakeholders is engagement undertaken for an associated facility by government representatives who are separate from the EBRD client project that it is associated with. For example, the consultation for a transmission line being conducted separately from that of the wind farm (the transmission line is the associated facility that will connect the wind farm to the national grid). It is prudent to coordinate activities wherever possible.

Engagement should be documented in a format that will feed back into the project management system allowing effective incorporation into decision-making.

It is also good practice to provide direct feedback to participants about how their concerns are being addressed.

This may include:

- a record of location, time and participants (where considerations of confidentiality allow and, if not, simply a general description of the types of stakeholders)
- key issues discussed
- any agreements reached
- how recommendations have been or will be considered in project decision-making
- areas of disagreement or diverging views (again maintaining confidentiality as needed by not associating views with a specific participant) and the reasons why some recommendations cannot be accommodated
- future expected consultation process.

Table 8. Example engagement methods

Method	Strengths and weaknesses
<p>Large group formats including:</p> <ul style="list-style-type: none"> • public hearings or meetings • open houses 	<p>Example strengths:</p> <ul style="list-style-type: none"> • potentially engage with large audiences • transparency: attendees receive the same information and questions and answers • public meetings often contribute to meeting national legislative requirements for engagement such as public consultation on ESIA • open houses offer a more informal but ongoing means of contacting the project, for example, field officers accessible to the public during dedicated timeslots for community members and local government to visit, collect information, meet with field team members and discuss any concern or issue • at least some parts of the meeting will not require literacy and the client can maximise the use of visual aids such as maps and even physical models or examples of materials to maximise non-written components [This applies to any meeting format] <p>Example weaknesses:</p> <ul style="list-style-type: none"> • typically, only one language must be chosen to conduct the meeting • harder to tailor to a specific stakeholder group • a common pitfall of public meetings is the event becomes information dissemination only and can be received as lecturing rather than dialogue. [Before consultation events, consider orientation sessions for participating project authorities, to ensure that they understand that this is as much about soliciting stakeholder views and concerns as it is about imparting information] • large events may become polarised or dominated by more outspoken or powerful individuals. [Consider contextual risks such as: existing ethnic and religious tensions; conflict, fragility and violence; the presence of illegal immigrants or informal land users; and existing human rights abuses when planning meetings. For example, consider whether facilitation by a trusted third party will increase the effectiveness of the meeting and whether all stakeholders and project representatives will be (and feel) safe to participate in the planned format. Consider providing a means for stakeholders to put forward any matters or questions in advance, including anonymously, that they wish to have addressed at meetings.] • in some societies, women will not speak as freely in the presence of men and may have more limited mobility and authority, meaning their voices are less likely to be heard in this forum • although new technologies enable remote participation in some cases, these meetings often still require physical presence which might present barriers to stakeholder participation either financially¹⁹ or physically. Meetings are often held outside of work hours but still conflict with domestic responsibilities. In settings where transport infrastructure is poor or damaged, travel to events might not be possible at all for some participants. [Consider the number and location of public meetings to try to maximise attendance and any practical solutions available to the client such as providing transport or childcare for a meeting and assessing the overall accessibility of the venue for disabled stakeholders.]
<p>Small group formats including:</p> <ul style="list-style-type: none"> • workshops and seminars • focus groups • advisory panels • community-based committees • site visits 	<p>Example strengths:</p> <ul style="list-style-type: none"> • good for tailoring engagement to a specific stakeholder/group or topic, including tailoring participation to the needs of vulnerable groups or in settings of gender inequality • allows for a more direct relationship between the client and stakeholders • a versatile tool for engagement for the full project cycle, for example representative community-based communities can be established (or accessed if already existing) to run for the life of a project as a broad forum for dialogue from identification of potential impacts and mitigation measures through to participating in grievance management and participatory monitoring, engaging affected people in ongoing decision-making processes <p>Example weaknesses:</p> <ul style="list-style-type: none"> • the perceived transparency of the engagement must be carefully managed as, by their nature, only certain stakeholders are invited. Where stakeholders are invited as representatives of a particular group it is good practice to also include other means of engaging with members of the group they represent within the overall engagement programme where possible and disclosing meeting outcomes where confidentiality and considerations for stakeholder safety allow. The client should also consider whether a closed-door meeting might in fact be more intimidating to some stakeholders depending on the parties present and plan forums to avoid such situations (the same is true for individual or household meetings).

¹⁹ While it is not recommended to pay people to attend consultation events, people should have their direct costs such as payment for transportation covered, in cases where events are held at some distance from people's homes, or transport can be provided by the project. People should also be provided with food and drink to ensure that they do not incur personal expenses.

Method	Strengths and weaknesses
<p>Individual or household formats including:</p> <ul style="list-style-type: none"> • discussions as part of conducting surveys or census studies • outreach • key informant interviews 	<p>Example strengths:</p> <ul style="list-style-type: none"> • good for tailoring engagement to a specific stakeholder/group or topic, including tailoring participation to the needs of vulnerable groups • allows for a more direct relationship between the client and stakeholders • useful for discussing sensitive information or to ensure better understanding of a technical topic or planned process by either the stakeholder or client. Typical examples are for stakeholders directly affected by land access, meeting with government and traditional leadership or subject matter experts • engagement can be conducted at almost any location with the requisite effort, including in stakeholders' homes, reducing the need for them to travel • some questionnaire formats offer anonymity, potentially encouraging some stakeholders to provide their feedback, and can be completed at the participants' own pace <p>Example weaknesses:</p> <ul style="list-style-type: none"> • potentially resource-intensive with multiple project representatives likely required to conduct the meetings, while ensuring the safety of all involved and consistency of messaging and project commitments • self-completed questionnaire formats require some level of literacy and while they gather data at the individual or household level do not always have the benefits of in-person engagement such as the other methods listed in this category
<p>Consultations using electronic media (see further guidance in Annex 3)</p>	<p>Example strengths:</p> <ul style="list-style-type: none"> • as for information dissemination (section 3.4) <p>Example weaknesses:</p> <ul style="list-style-type: none"> • as for information dissemination (section 3.4) • the security of any such channels and tools should be reviewed frequently and appropriate data security measures applied. Considerations are described in sections 3.1.6 and 3.1.7.

3.6. Disclosure and consultation on Category A projects

Specific guidance on disclosure and consultation on Category A projects is provided in section 3.3 and in Annex 2 on enhanced SEP for Category A projects.

3.7. Engagement during project implementation and external reporting

PR10 requires that throughout the life of the project, the client will provide information to identified stakeholders, on an ongoing basis. Elements of good practice for engagement during project implementation and external reporting are summarised below.

IADB (2019) includes further guidance on the core principles and elements of international good practice for engagement during project implementation and external reporting such as:

- During the project implementation, when ESAPs and ESMPs are being implemented, it is important that feedback from stakeholders is sought, especially on mitigation effectiveness and monitoring measures. Issues may alter during a project's implementation and stakeholder sensitivities to ongoing impacts can also change. A project's management system should be adaptive to receive and respond to stakeholder feedback and results of monitoring.
- SEPs should present how and when affected communities and stakeholders will be engaged with during project implementation and up to completion of the project. Engagement should vary during the stages of implementation and should be planned looking at the peaks of project activities, and those which relate to significant impacts and community concerns identified during the earlier stages of engagement. For example, where job opportunities and issues related to workers' influx are questions and issues raised frequently by stakeholders during earlier project stages, planning frequent updates during periods of ramp-up of recruitment (by the client and/or contractors) and on the workforce levels would be advisable. There should be a plan to involve stakeholders in transition arrangements around closure of the project.
- Consideration should be given to providing affected communities and other stakeholders periodic updates and progress reports on project activities, and particularly on issues and concerns or community initiatives connected to the project. This could be in the form of a periodic (for example quarterly) newsletter or leaflet. These can also be used to inform the affected community and stakeholders of future planned project activities.
- During project implementation details as to how unforeseen activities and accidental incidents will be managed are generally set out in a project ESMS (such as in an emergency response plan for larger projects). Communities and other stakeholders should be engaged on plans that consider unforeseen activities or incidents that may impact them. If local and other government authorities are involved in incident response it can be a regulatory requirement for the project to engage on these plans with these stakeholders.

Participatory monitoring

- Participation of the community or other relevant stakeholders in E&S monitoring activities can deliver benefits and build trust, especially where there are significant adverse impacts or community concerns.
- It is important that the boundaries of the roles of external parties participating in monitoring are clearly scoped and agreed. The use of a simple memorandum of understanding (MoU) is advisable.
- The process used for the selection of individuals who will be part of the participatory monitoring requires careful thought to ensure that all concerned parties are represented, along with their role in feeding back to the community.
- Where existing community forums are operating, these should be identified and could be a route to consider both engagement during project implementation as well as identification of individuals to participate in monitoring activities.

- Identification and any selection of community members to participate in monitoring activities should be done transparently. These roles generally should not be paid, very careful consideration should be given as to how to reimburse individuals during such monitoring for their reasonable expenses. Ideally the project should provide directly any such support required for individuals to participate in monitoring (for example, transport and subsistence) and time monitoring to accommodate participants' availability. Such matters are important to include in the MoU before implementation of the monitoring.
- Affected communities and other relevant stakeholders should be asked what they suggest for monitoring and what principles of information disclosure will be applied as agreed in the MoU. Projects should undertake monitoring of how stakeholder issues and feedback have been taken on board and considered during project decision-making and where it may have contributed to avoidance or minimisation of E&S impacts.
- As well as participatory monitoring, more complex projects might consider the use of an advisory panel, typically made up of experts and community representatives on a given topic. This can be especially useful for projects with significant community or other stakeholder concern on a given topic (for example, biodiversity issues). The terms of reference (ToRs) should be agreed on when an advisory panel is established. The ToRs should describe roles and responsibilities, as well as how the project will use findings and recommendations from the advisory panel, including disclosure of information modalities.

External reporting should consider compliance with the client's corporate policies on environmental and social governance and increasing regulatory and policy requirements for transparency on corporate performance (for example, the EU Corporate Sustainability Reporting Directive if applicable).²⁰

Clients can also consider internationally accepted engagement and reporting mechanisms such as the Global Reporting Initiative.²¹

The number of key performance indicators (KPIs) is typically proportionate to the nature and scale of the project and in any case should be incorporated into the overall ESMS for the project.

Monitoring of engagement applies to all phases of a project and structured monitoring should occur from when the SEP is disclosed as a minimum.

Considerations in developing KPIs for monitoring stakeholder engagement include:

- a review of the project SEP, grievance mechanism and the project impacts should be undertaken, as well as previously identified community and stakeholder concerns, to identify KPIs
- engaging with affected communities and other relevant stakeholders on what they would like to receive information on during the project implementation and KPIs created to provide this
- KPIs should be SMART – specific, measurable, attainable, relevant and time-bound.

20 See European Commission (n.d.), Corporate sustainability reporting, Brussels. Available at: https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting_en.

21 See the Global Reporting Initiative website at <https://www.globalreporting.org/>.

Examples of KPIs include:

- percentage of project documents that have been adequately disclosed to stakeholders in accordance with the SEP
- number of stakeholder engagements completed, broken down by stakeholder group and affected community, against what was planned in the SEP
- number of activities completed that are designed to support the informed consultation and participation of women, against what was planned in the SEP
- number of activities completed that are designed to support the informed consultation and participation of vulnerable groups, against what was planned in the SEP
- number of positive versus negative press and social media statements on the project. However, this KPI will only be valid if the information is gathered from credible media sources
- number of community grievances raised and broken down by gender and affected community per month
- number of grievances raised that were acknowledged within the specified target time in the grievance mechanism
- number of grievances raised that were resolved within the specified target time in the grievance mechanism
- KPIs on trends and rates of recurring grievances, for example, the number of grievances that can be classified as having occurred a second time or more within a quarter or a six-month period.

Additional guidance is provided in sections 3.3 and 3.8 and an example SEP in the annex.

3.8. Grievance mechanism

Despite systematic stakeholder engagement, grievances can still arise from a multitude of project-related issues and can carry different levels of complexity depending on the contextual and other risks involved. A grievance mechanism is therefore considered a crucial component of an effective stakeholder engagement system.

This section provides guidance on setting up and implementing a project grievance mechanism, providing tips for navigating certain specific requirements and considerations. A typical process, sample documents and tools are provided or referenced.

3.8.1. EBRD requirements

The EBRD's PR10 requires clients establish a grievance mechanism to receive and facilitate the resolution of grievances from affected stakeholders, including affected communities.

Key principles for Grievance Mechanism from PR10 (paragraph 29):

- respond in a timely manner
- proportionate to project risks and potential adverse impacts
- transparent manner that is culturally appropriate, discreet, responsive to stakeholder needs and concerns
- free from manipulation, interference, coercion, intimidation and retribution
- readily accessible at no cost
- does not prevent access to judicial or administrative remedies
- inform stakeholders about the grievance mechanism
- report on implementation of grievance mechanism
- protect privacy of affected individuals
- allow for anonymous grievances
- provision of mediation for resolution of grievances where there are significant community concerns
- monitoring and analysis of trends.

Other PRs contain requirements in respect of the management of grievances (see Table 9):

Table 9. Grievance management, referenced in other EBRD PRs

PR2 Labour and working conditions (paragraphs 21 and 24)	Grievance mechanism for employees/workers and non-employee workers
	Guidance can be found in EBRD PR2 guidance note on Employee Grievance Mechanism (2017) ²²
PR4 Health, safety and security (paragraph 43)	Grievance mechanism to allow concerns about security arrangements and personnel to be raised by affected communities and workers. Requirement to inform communities and workers about the grievance mechanism
PR5 Land acquisition, involuntary resettlement and economic displacement (paragraph 40)	Establish grievance mechanism as early as possible in the land acquisition process, consistent with provisions of PR10. Recourse mechanism shall be designed to resolve disputes in an impartial manner. Monitoring reports to include outcomes of grievance mechanism
	Additional guidance can be found in the EBRD PR5 guidance note on land acquisition, restrictions on land use and involuntary resettlement (2023) ²³
PR7 Indigenous peoples (paragraphs 27 and 28)	Grievance mechanisms will be culturally appropriate and accessible to indigenous peoples and allow for availability of judicial recourse and customary dispute mechanisms. More use of verbal reporting may be necessary
	Unresolved conflicts/grievances will be brought to the immediate attention of the EBRD
PR9 Financial intermediaries	FIs are required to put in place a system for dealing with external communication on E&S matters. The FI will respond to such enquiries and concerns in a timely manner. FIs should therefore operate a grievance mechanism. If FIs are financing a subproject that meets the Category A criteria in Appendix 2 of the ESP, the provisions of PR10 apply, including the development and implementation of a grievance mechanism (paragraph 14).

22 See EBRD (2023), *EBRD Performance Requirement 2: Labour and working conditions – Guidance note on employee grievance mechanisms*, London. Available at: <https://www.ebrd.com/documents/admin/employee-grievance-mechanism.pdf>.

23 See EBRD (2023), *PR5 guidance note on land acquisition, restrictions on land use and involuntary resettlement*, London. Available at: <https://www.ebrd.com/documents/environment/land-acquisition-restrictions-on-land-use-and-involuntary-resettlement.pdf?blobnocache=true>.

3.8.2. Scope of a grievance mechanism

A grievance mechanism is the process through which affected parties (including individuals, communities and groups) and other stakeholder grievances are received, acknowledged, investigated and responded to. The grievance mechanism should be accessible to all stakeholders who consider themselves affected by the project activities. This should include activities being undertaken by EBRD clients directly and by their contractors and subcontractors.

Grievance mechanisms should be used for grievances and complaints; they are not intended to handle concerns, issues and requests from stakeholders. These should be captured as part of stakeholder feedback, considered and responded to through the stakeholder engagement programme. The handling of stakeholder concerns and issues should be taken seriously. If they are not captured and responded to effectively they can escalate to grievances and complaints.

Table 10 provides clarification of key terms related to the scope of a project grievance mechanism:

Table 10. Grievance management definitions

Grievance mechanism	<ul style="list-style-type: none"> • Process for receiving, acknowledging, investigating and responding to grievances or complaints • Should include what will happen if a complainant is not satisfied with the proposed resolution. For larger projects (that is, projects involving land acquisition and those with significant community concerns or complex issues), an appeals process/recourse mechanism should be included in the mechanism if the complainant is not satisfied with resolution • Non-judicial process managed by a project (company). Does not affect a complainant's access at any point to judicial or administrative remedies • May be referred to as a project grievance mechanism, grievance mechanism or a community grievance mechanism (CGM). Usually separate from an employee/worker grievance mechanism (as required under EBRD PR2)
Grievances or complaints	<ul style="list-style-type: none"> • A grievance or complaint is an expression of dissatisfaction with the project activities (actual or perceived), typically referring to allegations of a specific incident or impact. Complainant may be seeking a specific solution • Project activities include project company actions as well as contractor and subcontractor actions • The terms "grievance" and "complaint" can be used interchangeably, without presuming differences in scale, complexity or seriousness <p>Example:</p> <ul style="list-style-type: none"> • it is alleged that a contractor is using as a haulage route a road that runs past a local village school, resulting in road safety risks, noise and dust. The project ESIA and ESMP state this road was not to be used for construction access. Complainants seek the solution that the project cease use of this road for construction access and make good any damage caused
Concerns and issues	<ul style="list-style-type: none"> • Concerns and issues are questions, general requests or requests for information, or perceptions regarding the project activities, that may or may not be related to a specific incident or impact. Systematic and meaningful stakeholder engagement should enable such concerns and issues to be fed into and responded to by the project • Concerns may become complaints if not addressed satisfactorily <p>Examples:</p> <ul style="list-style-type: none"> • local community request to be given preference for employment opportunities during construction • farmers express worries that during the planned project land and valuation surveys their livestock will escape onto the road and be killed
Complainant	<ul style="list-style-type: none"> • Person or group of people/organisation that has a grievance against the project or its contractors and subcontractors, and who submits a grievance
Appeals process/ recourse mechanism	<ul style="list-style-type: none"> • Where a complainant is not satisfied with the proposed resolution from the project, the process for appeal or recourse • The terms "appeals process" and "recourse mechanism" can be used interchangeably
Mediation	<ul style="list-style-type: none"> • The facilitation by an independent mediator of both parties' efforts to reach an acceptable solution
Arbitration	<ul style="list-style-type: none"> • Whereby both parties agree to be bound by the decision of an independent arbiter

3.8.3. Why is a project-specific grievance mechanism required?

A grievance mechanism can result in a number of benefits, including:

- improved stakeholder trust and relationships by treating complainants with respect by acknowledging and responding to their grievances in a consistent, transparent and timely manner
- prevent grievances from escalating, including those due to misunderstandings over project plans and activities
- provide a prompt, consistent, accessible and transparent process for grievances to be handled
- improve a project’s understanding of its contextual risk and the management of its impacts from monitoring of trends arising from grievances and any corrective actions resulting from grievances.

Having a process to manage grievances and complaints is an essential part of a project stakeholder engagement system. It is important in any organisation or project to address complaints effectively, in a timely, discreet and culturally appropriate manner and without risk of retaliation for the complainant. If grievances are left unresolved or not handled transparently they can escalate and damage stakeholder relationships, result in reputational risks and increase the risk of additional disputes and conflicts arising, especially in some contexts.

Typical questions	Responses include:
<p>“Why is a project-specific grievance mechanism required when we are operating in a country governed by rule of law and people can resort to existing judicial or administrative remedies?”</p>	<ul style="list-style-type: none"> • judicial or administrative remedies may entail upfront expenses that are beyond some people’s resources. The costs involved can be prohibitive for some people seeking redress through such mechanisms. These remedies can be slow and complex to access and navigate without support (for example, legal advice which can be expensive), especially for vulnerable groups and individuals • vulnerable groups and individuals may be nervous or resistant to using judicial or administrative remedies • a non-judicial project grievance mechanism should reduce exposure to costly and lengthy litigation, as well as reputational risks • some grievances can be resolved quickly, which is good for both the complainant and project. If a project grievance mechanism is not available simple grievances may escalate • providing a mechanism to receive, investigate and respond to grievances in a systematic, transparent and timely way can improve stakeholder trust and relationships
<p>“If we set up a grievance mechanism, will this encourage people to complain, result in lots of grievances and have a negative impact on our reputation?”</p>	<ul style="list-style-type: none"> • without a grievance mechanism generally a project does not have records to judge the nature and number of complaints • complaints may be perceived to increase once a grievance mechanism is available and accessible to stakeholders. However, this can often be because the mechanism provides a route to capture and handle grievances. Without a clear mechanism grievances are often left unresolved, with some grievances which could be resolved easily and quickly being left to escalate • having a transparent process to receive, investigate and respond to grievances should reduce the risks of grievances escalating, which can increase the risk of reputational damage

3.8.4. When to set up a grievance mechanism

A grievance mechanism should be set up as early as possible in the project cycle.

- It should be set up during the pre-construction (design/planning/pre- and during feasibility) stages wherever practical.
- Grievance mechanisms should be in place during construction, operations and decommissioning, and possibly for a short period post-closure for projects with significant impacts.
- For Category A projects, large new or major expansion projects and projects with significant community concerns or complex issues, the grievance mechanism should be established during the EIA/ESIA phase and ideally be available from the beginning of such permitting processes that involve field studies and interaction with communities.
- For all projects involving land acquisition a grievance mechanism must be in place before the census of affected persons and assets, as this particular phase is likely to give rise to numerous concerns and grievances. In some jurisdictions the cut-off date may be before the full census. The grievance mechanism should be in place before any cut-off date is established for the land acquisition and valuation process.

3.8.5. Setting up a grievance mechanism

3.8.5.1. Consider the project context

- A grievance mechanism should be proportionate to the risks and impacts of a project, as well as its nature, scale and complexity.
- Contextual factors (such as location, including political environment, scale and complexity) and risks (including environmental, social and safety) of a project contribute to the type and likelihood of grievances being raised.

For a grievance mechanism to be fit-for-purpose the contextual factors and risks associated with a project should be considered when designing the mechanism and identifying the resources to implement the mechanism.

Figure 2. Considerations for setting up a grievance mechanism

Project nature, complexity and scale

- **Larger, complex projects, projects with large-scale land acquisition and significant community concerns** probably require an enhanced grievance mechanism. Enhancements could include additional channels for people to raise grievances, digital platforms and reporting, more project resources to implement the grievance mechanism and a multiple-tier appeals process.
- **Linear projects** have a different impact profile to single-site projects with affected communities being spread geographically along the route. The channels to receive grievances (for example, CLOs, postal or complaint boxes, phone number/grievance hotlines and so on) and to inform stakeholders about the grievance mechanism need to be planned carefully to ensure accessibility. By contrast a single-site project could have a grievance office at or near the project site and channels based in the communities to receive grievances.
- **Brownfield or expansion projects** can have legacy issues associated with the previous use of the site (for example, pollution issues, previous land acquisition processes, lack of community engagement over the use and development of the site and so on).
- **Projects that provide goods and services to the public including public transport and solid waste management** have a large number of service users and are exposed to complaints regarding the provision and quality of the services and any associated E&S risks.
- **Project legacy issues** can influence the type of grievances being raised. Understanding legacy issues, how they were managed previously and whether any actions to resolve them were taken are valuable to consider when designing the grievance mechanism. Legacy issues can give rise to misunderstandings and assumptions about the planned project that the engagement process should try and address. Such misunderstandings and assumptions can trigger a significant number of grievances and complaints.

Affected community context and community dispute mechanisms

- **Affected community context** including socio-economic, livelihood, vulnerability and any legacy issues, are important to consider when designing and implementing a grievance mechanism. Information on the community should be developed and built on during the project cycle. This can draw information from stakeholder engagement and socio-economic records and surveys (for example, for the ESIA and land acquisition programme) during the project planning. Consideration of vulnerable groups' needs and access to a grievance mechanism should be considered when setting up the mechanism.
- **Existing non-judicial customary dispute settlement mechanisms** used by communities are relevant when setting up a project's non-judicial grievance mechanism, including whether the grievance mechanism could lean on these. Such existing customary dispute settlement mechanisms and the forums involved can be appropriate in some contexts as part of the appeals process. In some countries there is an ombudsman's office which forms a non-judicial appeals process that can sometimes be appropriate to draw on from the project grievance mechanism.

Project environmental and social impacts and risks

- **E&S impacts and risks** of a project can help gain a view of the potential community and other stakeholder concerns and likely grievances which could be raised. For example:
- **Road projects through communities** – noise and air quality complaints are likely during construction and then into operation.
- **Projects with significant impacts on land-based livelihoods** where land is scarce may see an increase in grievances relating to risks to food security and livelihoods. Such grievances may be raised by the affected communities as well as other interested stakeholders, such as CSOs and NGOs.
- **Projects that impact, directly or indirectly, natural habitat and areas of biodiversity value** may experience during pre-construction and construction complaints relating to impacts on these resources. Affected communities as well as local and larger NGOs may raise such grievances or raise them as issues externally (for example, on social media).

Box 4. Case study: understanding project context to inform the grievance mechanism

- Road-widening project where single-lane road is being upgraded to a dual-lane motorway in a heavily populated area. The widening will require land acquisition and result in economic and physical displacement.
- Legacy issues exist, comprising significant community concerns about the noise, air pollution and road safety from the existing road. The upgrade of the road to a motorway may be likely to give rise to significant numbers of complaints with respect to these legacy issues. Thus the resources in the project team should have some capacity and training ideally in these topics (or access to a technical expert for support). Given the legacy of significant community concerns the project should consider the use of an independent third party in the appeals process and have mediation services available.
- Impacts on the community will peak during construction so defining the contractors' role and responsibilities in grievance management is very important.
- The linear nature of the project should be considered when deciding the way to inform the community about the grievance mechanism and the channels through which grievances can be raised.
- The communities along the route include groups from certain minority ethnic groups, who speak various languages and have specific cultural practices. Grievances are required to be handled in a culturally appropriate manner, therefore understanding the context of the affected communities along the route is important in designing and implementing the grievance mechanism. Information on the grievance mechanism and the forms to receive grievances should be available in relevant local languages. It may be appropriate for CLOs to be available in the communities along the route and, where possible, for them to have the relevant language skills. Engagement should be undertaken sensitively with the communities to understand more about their cultural practices so the grievance mechanism can be framed appropriately.

3.8.5.2. Project scale and risk – proportionate grievance mechanism

A grievance mechanism should be proportionate to the risks and potential adverse impacts of the project. A more enhanced grievance mechanism may be appropriate for some complex projects.

Table 11. Application and complexity of grievance mechanism

Grievance mechanism (minimum)	Grievance mechanism (enhanced)
<ul style="list-style-type: none"> • for Category B and C projects, generally. However, for Category B projects depending on the project context and impacts, some elements of the grievance mechanism may need to be enhanced • may not have dedicated resources to implement grievance mechanism, may have to share this responsibility across a few functions. <p>Grievance mechanism should, as a minimum:</p> <ul style="list-style-type: none"> • be publicised and disclosed in a format and language(s) that is/are readily understandable to the affected stakeholders • include clear channels for grievances to be raised and received. These channels must be free to access and use by complainants, and be readily accessible • have a clear process and time frame to acknowledge, assess and resolve grievances while keeping complainants informed of progress • have the necessary flexibility to resolve grievances quickly where appropriate • maintain confidentiality and protect privacy of complainants, allow anonymous grievances to be raised and incorporate measures to prevent retaliation. Include in policies clear statements to the effect that actions that amount to retaliation will not be tolerated and will be investigated • include customary dispute settlement processes and forums should be considered in development of the grievance mechanism • not prevent access to judicial or administrative remedies • include channels to receive grievances and engage with complainant that are gender responsive and give further consideration of vulnerable people's needs • include guidance on what will happen should the complainant not be satisfied with the proposed resolution • monitoring and analysis of trends. 	<ul style="list-style-type: none"> • for Category A projects, large, new or major expansion projects, projects involving land acquisition and projects with significant community concerns or complex issues an enhanced grievance mechanism should be established <p>Minimum requirements for a grievance mechanism plus the following enhancements depending on the project:</p> <ul style="list-style-type: none"> • dedicated resources to implement the grievance mechanism, including grievance officer and CLOs • additional channels to receive grievances may be required, reflective of the project context and risks. These must be free to access and use by complainants • for projects with land acquisition a recourse mechanism is mandatory. A multiple-tier appeals process/recourse mechanism where complainants do not accept a project's proposed resolution may be required • projects with significant community concerns or significant displacement impacts should consider provision of mediation services or the use of independent arbitration. Such mediation generally would be triggered during the appeals process/recourse mechanism • additional monitoring and increased senior management oversight of monitoring.

The types of grievance may vary during the project cycle. The allocation of resources to implement a grievance mechanism should consider the project cycle and when grievances are likely to peak. In practice grievances can be anticipated to peak at a number of points in a project cycle. Some examples follow:

- Pre-construction: during asset surveys, valuation processes, disclosure of compensation entitlements and payment of compensation complaints can peak. During increased site activity for baseline surveys, intrusive surveys can specifically increase complaints (for example geotechnical investigations where trial pits or other such intrusive techniques are used). Hiring of a local workforce can trigger complaints, including regarding how local and national content requirements are being considered.
- Construction: this is generally the stage of the project cycle where there is the largest change and impact on the community. Peaks of grievances can be expected related to construction impacts (for example noise, disturbance, dust, traffic) and labour-related issues. The presence of contractors and subcontractors, and their workforce, in the community can give rise to complaints, and arrangements need to be in place to handle grievances on multiple fronts. Coordination between contractors and the project/company should be a key focus.
- During operations for some projects the impacts on affected communities may decrease, depending on the sector. However, for some sectors, particularly those which provide services, a large number of complaints could be expected during operation.

- Delays to a project schedule can result in an increase in grievances for some projects. A few specific delay-related scenarios that commonly give rise to an increase in complaints include:
 - o delay to payment of compensation for land and relocation of affected community
 - o employment opportunities being delayed and expectations related to benefits from the project.

3.8.5.3. Step-by-step process

The following section provides a typical step-by-step process for a grievance mechanism. These are formed around typical steps (below) that any mechanism should include in order to meet the PR10 requirements and are reflective of good international practice.

Figure 3: Typical grievance mechanism (outline flow chart)



Clients must be aware of and respond to grievances in a timely manner. The timing of acknowledging receipt of a grievance and responding with the proposed resolution should be contained within the grievance mechanism and reflected in the SEP. Timing may vary depending on the project context. The following indicative time frames provide a guideline that projects may follow:

- written acknowledgement of receipt of grievance: within seven days of receiving a grievance
- proposed resolution: within 30 days of receiving the grievance.

Complaints should be reviewed as soon as they are received and prioritised for resolution. Regardless of general response and resolution time frames, some complaints may require immediate attention – for example, an urgent safety issue or where it concerns damage to a person’s property during a survey. There are some complaints that are simple and can be resolved quickly. Many complaints deal with rather minor construction, disruption or nuisance issues or misunderstandings that can be addressed and fixed promptly. Grievance mechanisms should provide a framework to resolve such matters quickly, if at all possible and appropriate. These complaints, however, should still be recorded and the resolution or action taken to resolve them recorded.

Two main tiers are generally contained in a grievance mechanism: the first tier comprises an internal process aiming to reach a proposed resolution (steps 1 to 5) and then a second tier being available where complainants are not satisfied with the proposed resolution (step 6). A more detailed typical grievance management flowchart is provided overleaf.

Figure 4. Typical grievance management flow chart

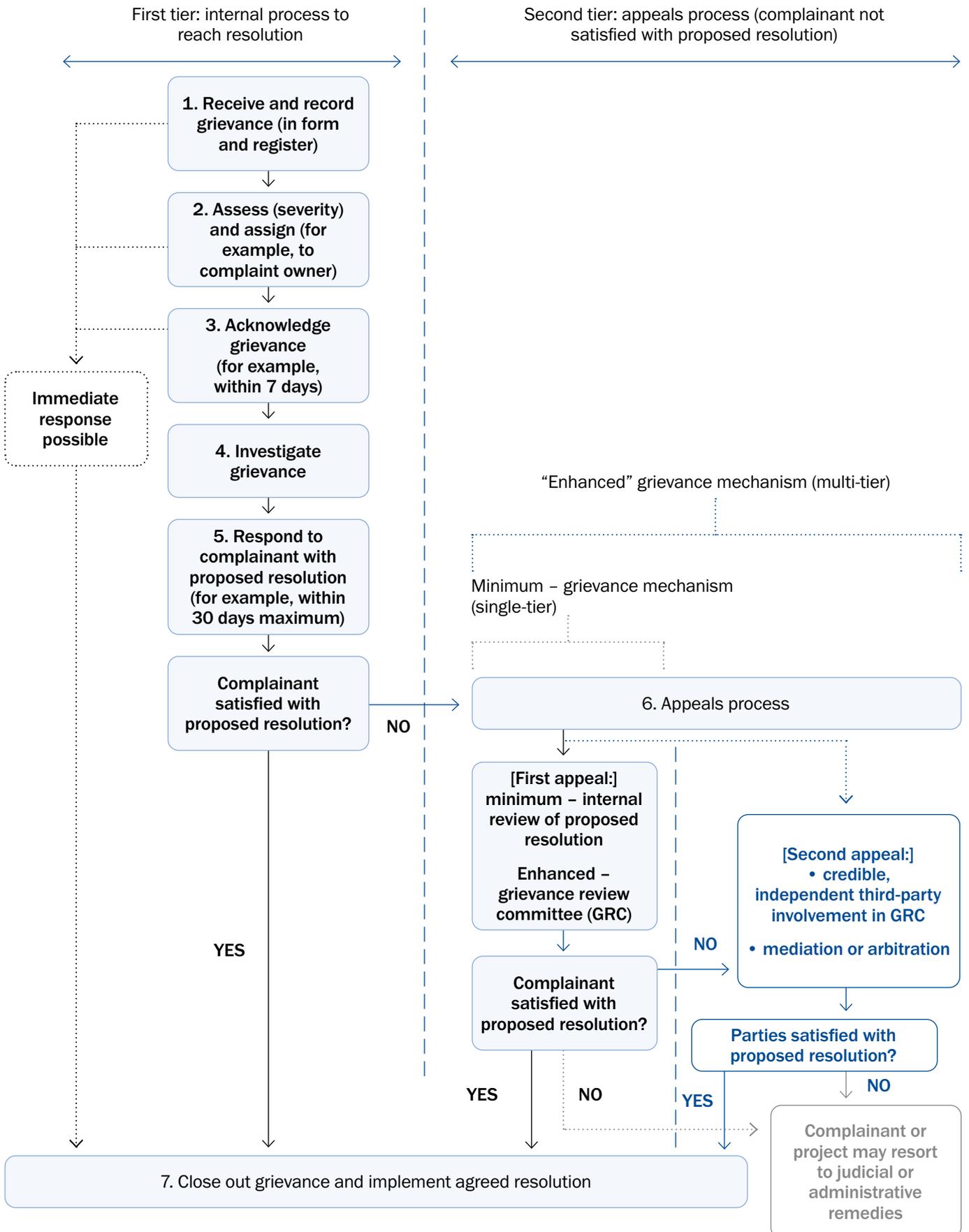


Table 12. Summary of steps in a typical grievance mechanism

<p>1. Receive and record</p> <ul style="list-style-type: none"> multiple points of access should be available for grievances to be received by project (section 3.8.6) when a grievance is raised, whether verbally or in writing, complainant should be contacted by project (for example, CLO, grievance officer and so on) and a grievance registration form completed resolve grievances requiring immediate action and simple low severity ones, where appropriate escalate grievances of a critical nature (section 3.8.5.6) record grievance in a simple grievance register
<p>2. Assess and assign</p> <ul style="list-style-type: none"> grievance officer (or function responsible) should: <ul style="list-style-type: none"> categorise grievance: categorising grievances helps with monitoring and assigning the relevant person to be the complaint owner assess severity of level of grievance (escalate if considered critical) assign complaint owner responsible for investigating and resolving complaint update grievance register with complaint owner
<p>3. Acknowledge</p> <ul style="list-style-type: none"> grievance officer (or function responsible) acknowledges receipt of grievance to complainant within time frame contained in mechanism, preferably in writing verbal acknowledgement may occur in some project contexts, but this is not preferable document acknowledgement in grievance register complainant should be kept updated of progress and if the response is delayed
<p>4. Investigate</p> <ul style="list-style-type: none"> investigation of grievance should seek to establish the validity of the grievance, verify claims made by complainant and seek evidence to substantiate them, and identify appropriate resolutions where required investigation may require visiting location of grievance, engagement with other parties (including third parties), photographs and review of documents during the investigation engagement may be required with the complainant care must be taken to protect the identity of the complainant and their personal information (section 3.8.5.7) findings and proposed options for resolution should be documented.
<p>5. Respond</p> <ul style="list-style-type: none"> from the investigation proposed options for resolution should be identified. Engagement should be undertaken with the complainant to: <ul style="list-style-type: none"> summarise the investigation and proposed resolution(s) options allow a two-way conversation with the complainant. The aim is to seek an acceptable solution in some cases from the investigation the grievance may be deemed to be unfounded. In these cases this should be communicated to the complainant, preferably in writing
<p>6. Appeal/recourse</p> <p>A process should be available for complainants not satisfied with the proposed resolution. Mechanism depends on project context:</p> <ul style="list-style-type: none"> projects should consider a single-tier appeals process even where there is no significant E&S issues/risks as a minimum a grievance mechanism should include what will happen should a complainant not be satisfied with the proposed resolution (for example, the resolution is reviewed by a different manager) for a more enhanced grievance mechanism an internal grievance review committee would be an appropriate forum for appeals some more complex projects may require a multi-step appeals process/recourse mechanism offering some degree of independence from the project. This may comprise the grievance review committee for a first appeal, this could be internal or may involve third parties, with a further opportunity for a second appeal to a process facilitated by an independent third party to help resolve disputes in an impartial manner. Projects where EBRD PR5 and PR7 are applicable require an independent appeal process for projects with significant community concerns or displacement impacts provision of mediation and/or access to arbitration should be considered. Either party can resort to mediation or arbitration generally the outcome of any appeal committee should be documented and shared with the complainant (for example, close-out letter).
<p>7. Close out and implement action</p> <ul style="list-style-type: none"> complainant accepts the proposed solution: <ul style="list-style-type: none"> acceptance should be documented in either a simple letter or form (for example grievance acceptance and closure form) implement resolution and agreed actions update grievance register with closure status (for example resolved, unresolved (that is, appeals process available), abandoned (that is, complainant not contactable), unfounded).

3.8.5.4. Grievance mechanism documents and tools

The typical documents and tools that are used in the implementation and monitoring of a grievance mechanism are summarised below. The types of documents that should be developed vary depending on the requirements of a specific grievance mechanism.

Table 13. Grievance documentation

Grievance procedure	<ul style="list-style-type: none"> • a simple document outlining the grievance mechanism; presenting the channels and process of how grievances are received and handled, as well as the appeals process/recourse mechanism; forms and template letters can be included in the appendices • provisions for confidentiality, protecting personal data, conflicts of interest, anonymous complaints and zero tolerance policy against any forms of retaliation should be included • process of regularly monitoring the implementation of the mechanism and analysing trends is described • the roles and responsibilities for the implementation of the grievance mechanism are outlined, including that of client, contractors and of specific staff assigned to grievance management; this document can assist in the training and sensitisation of the project/client team and contractors • example templates of grievance procedures are available online in good practice guidance, including the resources noted below
Grievance registration form	<ul style="list-style-type: none"> • a grievance registration form is used to record a grievance when received; this would either be completed by the complainant or with the support of a project representative; where a complainant is supported to complete the form the contents should be read by or read to the complainant • the complainant should be requested to sign the form. However, this should not be mandatory and it should be their own free will to do so; a copy of the form should be provided to the complainant • suggest the use of pre-printed carbon copy pads of the form so there are multiple copies of the same form (for example, three) can be useful in some contexts; if the form is completed digitally the option for signature may not be possible practically • the form should give the complainant the option for: <ul style="list-style-type: none"> o the grievance to be anonymous o their identify to not be disclosed without their consent (sometimes referred to as a confidential grievance) • a sample grievance registration form is provided in Annex 4
Grievance acknowledgement letter	<ul style="list-style-type: none"> • a template acknowledgement letter can be prepared, which is then issued to complainants to acknowledge their grievance has been received • this should be issued within the time frame contained in the grievance mechanism; the letter should contain the details of the contact person, a brief outline of the grievance mechanism and what the complainant should expect, including the time frame for response • example templates of grievance acknowledgement letters are available online in good practice guidance, including the resources noted below
Grievance acceptance and closure form or letter	<ul style="list-style-type: none"> • a simple letter or template form can be used to record the resolution offered and accepted by the complainant, as well as confirm the action taken
Grievance register	<ul style="list-style-type: none"> • grievances should be registered and logged regardless of whether they are received in writing or verbally; good practice is to log all grievances, even recurrent ones, those resolved immediately and grievances that are eventually deemed to be unfounded or unreasonable • a spreadsheet or database is often used to register, manage and monitor grievances; this is referred to as a grievance register; a sample grievance register is provided in Annex 5 • a grievance register should keep track of: <ul style="list-style-type: none"> o name and contact details of complainant (if appropriate); with confidential grievances, assign grievance case numbers to these grievances; the grievance register may then include a case number but not the name or other details of the complainant o date and description of grievance o category of grievance (for example, employment, environment, nuisance, land acquisition/compensation, health and safety, social, cultural heritage, harassment, stakeholder engagement) o project activities or location the grievance applies to and team/department/contractor responsible for activity or management of the operations in this location o the person charged with addressing the complaint, often referred to as the complaint owner o proposed resolution (including any options for resolution that could be discussed with the complainant) o how and when information and responses were communicated to the complainant o whether the complainant is satisfied or not with the proposed resolution, process and outcome o date grievance closed.

Documents that are provided to complainants should be in relevant written languages that they understand. This may mean a few key documents need to be translated into additional languages (for example, the form and letters to complainants).

There are resources available online to provide additional guidance on setting up a grievance mechanism and these include tools and templates for typical documents (for example, grievance procedure template, grievance register).

Such resources include:

- World Bank Compliance Advisor Ombudsman Community Grievance Mechanism Tool Kit (<https://www.cao-grm.org/>)
- International Petroleum Industry Environmental Conservation Association (IPIECA) Community Grievance Mechanisms Toolbox (<https://www.ipieca.org/resources/good-practice/community-grievance-mechanisms-in-the-oil-and-gas-industry/>).

3.8.5.5. Anonymous complaints/grievances

A grievance mechanism must allow for anonymous grievances to be raised and addressed (where permitted by law). An “anonymous grievance” where the complainant is unknown to the project, is different to a “confidential grievance” where a complainant does not want their identity disclosed without their consent. It is paramount that those who wish to register a grievance can remain anonymous if they so prefer and complainants should feel free to give as little personal information as they wish.

Enabling anonymous complaints to be received in itself can be challenging and can depend on the project context. The channels to raise an anonymous grievance must be culturally appropriate and free to use. Section 3.8.6.2 presents channels used for grievances and identifies which channels can be suitable for raising anonymous grievances.

Information on the grievance mechanism should communicate that anonymous grievances can be raised and how.

There are practical limitations regarding response to anonymous grievances and achieving full resolution, which should be noted. It is important while allowing anonymous grievances to be raised that a project communicates that confidential grievances can be submitted and how they will be handled to protect a complainant’s identity.

For anonymous grievances the process should follow that set out in the grievance mechanism. It will not, however, be possible to acknowledge an anonymous grievance or discuss proposed resolutions unless the option of a proxy or third party allows for this and the complainant agrees. The investigation should still identify proposed resolutions where appropriate and any corrective actions implemented.

3.8.5.6. Escalation of critical complaints/grievances

If a grievance is assessed as being of a critical nature this should be escalated as soon as possible to the grievance officer/function and senior management (responsible for the grievance process and those who may be responsible for managing such matters in a project/company for example health, safety and environment or security). If the grievance involves an allegation related to a person involved in implementing the grievance mechanism then identifying the appropriate person to escalate it to may need to be considered carefully.

It is not possible to define critical grievances for all project scenarios. Grievances of a critical nature are those generally which may require special protection measures for the complainant (or persons alleged to be involved or witness to an incident). They may relate to harassment, threats, physical violence, disrespectful behaviours, security incidents, GBVH, issues arising from accidents or potential for community tension or conflict arising out of a situation. Investigations should be led by a relevant senior manager; for certain grievances external trained support and independent advice may need to be accessed.

Given the sensitive nature of such complaints, measures should be in place to protect the identity of the complainant and any witnesses. Conflicts of interest should be considered in the decision on who should investigate and handle such grievances (for example, claims of harassment should not involve any party alleged to have been party or witness to such harassment). Documentation related to such a grievance should be kept confidential with restricted distribution and access.

3.8.5.7. Data protection, confidentiality and avoiding retaliation

PR10 requires a grievance mechanism to:

- be free from manipulation, interference, coercion, intimidation and retribution
- protect the privacy of affected individuals
- handle grievances in a discreet and culturally appropriate manner.

Sections 3.1.6 and 3.1.7 describe good practice approaches and the EBRD’s requirements to manage confidentiality, protect personal data and avoid retaliation during stakeholder engagement, including within a grievance mechanism.

Matters specific to grievance mechanisms are summarised below:

- Guidance and training should be specifically undertaken with complaint owners who will investigate grievances on maintaining confidentiality during their investigations. This is especially important where the investigation involves engagement with other parties and there could be an increased risk of retaliation (for example, claims of harassment, threats, disrespectful behaviours, security incidents, issues arising from accidents or conflict).
- Conflicts of interest:
 - o The roles and responsibilities of those involved in the handling of grievances should avoid placing people into situations where they have a conflict of interest. This should also consider whether they could have a perceived conflict of interest by an independent person (for example, a line manager of a person who has been accused of bad behaviour in the community or a construction supervisor whose team were undertaking the activity which has resulted in the grievance).
 - o In assigning a complaint owner and the person who will engage with the complainant during the investigation and on the proposed resolution it is important to consider any conflicts of interest. It is good practice for either a grievance committee or senior manager responsible for the grievance mechanism oversight to review any such cases where a potential conflict of interest may exist.
 - o Where a grievance is raised regarding a contractor's staff or contractor-led activity, it may be appropriate for a joint investigation (that is project/company and contractor) or the project company to lead the investigation.
- Avoiding retaliation:
 - o Grievance mechanisms for local communities are required by the EBRD to be readily accessible and implemented without risk of retaliation for those who raise grievances or complaints.
 - o When grievances are received the assessment (step 2) should consider whether there is a risk of retaliation and consider for certain types of grievance that may require special protection measures escalating them (section 3.8.5.6). The risk of retaliation does vary depending on the project context. The types of grievance which may have an increased risk of retaliation include: harassment, threats, physical violence, GBVH, disrespectful behaviours, security incidents, issues arising from accidents or potential for community tension or conflict arising out of a situation.

- o Protecting project/company employees or contractors from retaliation as well as the complainant should also be considered in the implementation of a grievance mechanism. For example, allegations about the behaviour of or activities undertaken by specific staff can risk inappropriate retaliation against some individuals.

3.8.5.8. Benchmarking grievance mechanisms against good international practice

The United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy Framework"²⁴ promotes the use of grievance mechanisms and provides eight effectiveness criteria for grievance mechanisms.

These principles can be used to benchmark project grievance mechanisms against, while recognising project context and legal requirements can result in differences. This PR10 guidance on grievance mechanisms has been developed to be aligned with such effectiveness criteria. How a client implements their grievance mechanism will determine whether the outcomes are consistent with these criteria.

The IPIECA manual²⁵ contains a simple tool (tool 1) for such a benchmarking exercise. For Category A projects, larger and more complex projects, projects with significant E&S impacts or with significant community concerns undertaking the benchmarking exercise helps consider alignment with the United Nations Guiding Principles on Business and Human Rights (UNGPs) and so can be beneficial. It may help identify areas of improvement for a grievance mechanism.

3.8.6. Publicising and providing access to the grievance mechanism

3.8.6.1. Publicising the grievance mechanism

Clients are required to inform stakeholders of the grievance mechanism. A grievance mechanism should be publicised and disclosed in a format and language(s) that is readily understandable to the affected communities and stakeholders. Both written forms of communication and documents, as well as verbal and interactive methods of communication, should be used to publicise the grievance mechanism.

24 See United Nations (2011), *Guiding Principles on Business and Human Rights*, New York and Geneva. Available at: https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

25 Available at: <https://www.ipieca.org/resources/good-practice/community-grievance-mechanisms-toolbox/>.

Table 14. Communicating the grievance mechanism

Methods to inform stakeholders about a grievance mechanism	Printed documents
	Face-to-face, in-person
	Traditional media
	Digital and social media platforms

The locations where documents on the grievance mechanism are left should include venues and meetings where the affected community and stakeholders gather and interact (for example, community halls and meetings, market days). Such venues and meetings can also be useful for project representatives to attend, if appropriate, to be available to raise awareness and provide information on the grievance mechanism.

Box 6. Key messages to communicate externally on the grievance mechanism:

- how to report a grievance
- the grievance will be registered and acknowledged by the project; some grievances may be resolved quickly, if not, then they will be investigated
- the time periods for acknowledgement of a grievance and the proposed resolution will be provided to the complainant
- proposed resolution will be implemented if agreed; if a complainant is not satisfied with the proposed resolution offered then they can appeal
- how they can appeal
- reporting a grievance is free of charge
- use of the grievance mechanism does not stop a person from seeking other legal or administrative remedies
- grievances can be made anonymously and how to do this
- personal information will only be shared if a complainant agrees and will be treated confidentially
- grievances will be handled discreetly and carefully to protect complainants from retaliation; the project will not tolerate actions of retaliation and will investigate any allegations of retaliation.

3.8.6.2. Channels to raise grievances

Multiple channels should be available for stakeholders to raise grievances. The numbers and type of channels used will depend on the project context and risks. They should always ensure that grievances can be received in the relevant local languages.

In identifying the channels to be made available the potential barriers for affected communities and stakeholders to make complaints should be considered. This should include consideration of barriers that vulnerable groups may face.

Examples of barriers include: literacy and language issues, limited access and use of communication and digital tools (such as mobile phone, internet and email), fear of reprisals, or legacy issues contributing to a lack of trust. Channels used should be culturally appropriate and gender responsive (for example, allowing women to raise complaints with a female project representative).

With the exception of confidentiality being requested or an anonymous grievance being made, in practice grievances are often raised in person and face-to-face with a project representative. In certain instances some stakeholders may express their concerns in a public forum, some might do this to attract media attention. More traditional face-to-face channels should be available, as well as more remote channels, such as phone, email, text messaging, letters and complaint boxes. Those working with linear and physically remote projects will specifically find it beneficial to make such remote channels available.

Anyone who has lodged a grievance should be afforded the opportunity to have someone accompany them in meetings and interviews held during the investigation of such a grievance. All reported grievances must be taken seriously and handled accordingly.

Staff responsible for handling complaints should avoid subjective value judgements that may lead to the trivialising of complaints. They should be cautioned to not discount grievances.

Channels to raise grievances:	
In person	<ul style="list-style-type: none"> Grievances can be lodged with CLOs, grievance officers or other project representatives and contractor CLOs/representatives. In situations where a person might feel uncomfortable discussing a grievance with a person of a different gender then the option to hold discussions with someone of the same gender should be offered, both at the time of registering the grievance, as well as during the following grievance process. Grievances can be raised at project offices (for example, main and construction) and any project community offices. Where specific security arrangements prevent easy access of community members and stakeholders to a project office, the project may need to open dedicated community offices or alternative offices that are more accessible. Local authority offices, such as municipalities or district administration, can be considered for some projects as a possible venue for grievances being raised. This can be relevant for linear infrastructure projects where the state or government authority is the EBRD client or involved in the project.
Toll-free grievance hotline/ dedicated telephone number, email, text messaging, postal or web-based online filing of grievances	<ul style="list-style-type: none"> These can be useful but in some contexts are not sufficient, especially in rural, remote and poorer communities. It is important therefore to have multiple access points for receiving grievances. Channels such as telephone hotlines and web-based filing of grievances can be managed appropriately to receive anonymous grievances. For example, where grievances are received verbally, the person can be asked first whether they would like to do this anonymously with no personal details taken. Letters and web-based forms can be used as a channel to submit grievances anonymously.
Complaint boxes in public areas	Can also provide a channel for raising anonymous grievances.
Third parties	<ul style="list-style-type: none"> In certain contexts, for projects with significant displacement impacts, significant legacy issues that may have affected trust or significant community concerns, the use of the services of an independent third party should be considered (for example, local community representative, legal firm, advocates or NGO) who may be available to receive grievances and submit them. A third party or a proxy can support receiving anonymous complaints and in some instances proposed resolutions can be communicated with the complainant if they so choose. Making a third party a method with which to raise grievances for vulnerable groups may be appropriate and considered necessary in certain contexts. The use of a third party may also be appropriate in some contexts where the EBRD client is a state or government authority. In some countries and for some sectors there may be an ombudsman's office for non-judicial complaints. They can be a specific channel where state or other public authorities are involved in a project. This may offer an additional channel for projects to consider receiving complaints, including anonymous ones

3.8.7. Roles and responsibilities

3.8.7.1. Organisation and resources

Clients should allocate responsibility for dealing with grievances; generally this is allocated to the function within the organisation that is also in charge of community liaison. However, it may vary depending on the project scale and organisational structure:

- For smaller and less complex projects, such as Category C and some Category B projects, they may not have dedicated resources to implement the grievance mechanism and this may have to be shared across other functions. Sometimes a point of contact may be provided within the public relations or communications department to raise grievances with or manage the registration of grievances. Once the grievance has been received and acknowledged, one or several trained staff in technical functions (for example environmental, health and safety, procurement, construction lead, engineering lead), whose roles are likely to relate to grievances, should be allocated responsibility as the complaint owner, depending on the type and scope of the grievance. Some Category B projects may be of a scale where a community liaison function is established with some CLOs and maybe a grievance officer.
- For Category A projects, large, new or major expansion projects, projects involving large-scale land acquisition and projects with significant community concerns or complex issues it would be expected that a community liaison function is embedded within the organisational structure and there are dedicated resources to implement the grievance mechanism, such as a grievance officer and CLOs. The number of resources would depend on the project scale and context. For linear projects, having CLOs available along the route is sometimes necessary. CLOs also have an important engagement function.
- With increasing access to digital technology and video recording devices (such as smart phones) incidents involving actual or perceived risk or damage to areas of natural habitat and biodiversity value can be posted (for example, on social media) and distributed quickly. This can give rise to an escalation of issues, misunderstandings, increased complaints and result in reputational risk. The stakeholder engagement system and grievance mechanism may require access to technical experts to support pro-active engagement and provide support if such grievances are raised.

Grievance review committees (GRCs) can enhance a grievance mechanism and can have the following roles:

- reviewing escalated grievances and appeals from complainants who are not satisfied
- authorising additional actions/alternative proposed resolutions in order to provide another avenue for achieving acceptable resolutions
- approving the close out of grievances where it is not reasonably possible to reach an agreed resolution with a complainant
- looking at trends in grievances received, identification of corrective actions for the mechanism and supporting their implementation.

GRCs can be drawn from different functions within the project organisation, including from contractors. Such committees can include external stakeholders (for example, community leaders, local community representatives) and external, independent third parties (for example, law firms, advocates or NGOs). The involvement of external stakeholders can be especially valuable where there is significant community concern about a project's activities. The scope of work of the GRC needs to be developed by management and roles and responsibilities agreed with all committee members.

3.8.7.2. Management role and responsibility

Senior management oversight and involvement in the grievance mechanism is required for a number of reasons:

- Some key issues that escalate externally and result in complaints of a critical nature are related to matters stakeholders have raised earlier in the project cycle or have raised repeatedly. These sometimes have not either been fed through to the project decision-making avenues, were discounted or were not escalated to management. This may happen because staff are concerned about raising issues to management or there is no process set out for escalation, or there is no senior management oversight of the grievance mechanism.
- Grievance procedures that include GRCs or periodic grievance meetings, or, for smaller projects a senior manager reviews the grievance mechanism and monitoring can result in improvements and earlier responses to issues to prevent them from escalating.
- Resolutions for some grievances can need senior management authority to approve and implement (for example, they can have a significant cost associated with them or the action could affect the schedule).

Within the grievance mechanism the role of senior management and the process to escalate critical or repeated complaints should be clearly distinguished. A senior manager should be assigned responsibility for oversight of the implementation of the grievance mechanism. Generally a senior manager should be involved in the GRC, who, as well as being in place to hear reviews, should have a role in periodically monitoring the grievance mechanism.

3.8.7.3. Contractor responsibility for grievance management

Contractors' roles and responsibilities for receiving grievances, supporting the investigation and resolution of grievances and abiding by the project grievance mechanism should be clearly set out in the grievance procedure and stipulated in the contractor's contract (and other working documents). An important element of this can be how the contractor's community liaison function coordinates with the client community liaison function.

All grievances received by contractors should be logged, shared with the project and registered. There may be certain grievances that contractors can immediately and quickly resolve (for example, gates being left open during the works and livestock escaping or entering the construction area). The contractor, however, should still log these and provide the necessary information to the client.

Affected communities and stakeholders do not generally differentiate between project activities undertaken by a client team and those undertaken by the contractors. Therefore, it is important that contractors are trained in handling grievances, concerns, requests, and so on in compliance with the project grievance mechanism. Relevant clauses should be contained within the appropriate contract with contractors (and other relevant parties, such as supervising engineers) regarding their roles in supporting the client with the grievance mechanism. Their contracts should mandate that they will abide by the project grievance mechanism; this includes the requirements for confidentiality, data protection, management of personal data, conflicts of interest and avoidance of retaliation. Contractors should provide plans or documents outlining how they will build awareness and train staff (and subcontractors) on the grievance mechanism and within this how contractor staff (such as contractor CLOs) will refer grievances received to the client.

The client may receive complaints about the activities being undertaken by contractors (and their subcontractors). If the client needs to lead the investigation, when assigning the complaint owner, consideration should be given to whether the person is senior enough and they should be afforded the full support of the person who is managing this contractor. Where repeated complaints in a location or on a specific matter are made about a contractor (or their subcontractors) this should be escalated and corrective action be a matter of discussion with the senior management of the contractor.

3.8.8. Monitoring and reporting

Monitoring should be undertaken on an agreed periodic basis; for most projects this should be monthly. Periodic monitoring of agreed indicators (examples below) should be undertaken and a short report prepared (such as a set of short slides):

- number of grievances during the reporting period
 - o opened
 - o investigation ongoing
 - o resolved
 - o unresolved (complainant not satisfied with resolution – grievances referred to appeals process)
 - o closed:
 - complainant satisfied with resolution
 - complainant not satisfied with outcome of appeal/abandoned (that is complainant not contactable)/unfounded
- analysis of time required to acknowledge and propose resolution to complainant against the time frames set in the grievance mechanism
- categories of grievances (as relevant to the project and contained in grievance register)
- anonymous grievances (number, type, location (if available)); trends in these should be monitored. If there is an increase in the numbers of anonymous grievance it should be reviewed whether there are external concerns about grievances being handled in confidence
- trends (for example, number or category of grievances compared with previous reporting period)
- keeping a profile of those who lodge a grievance could prove useful in terms of knowing who and where the most affected are; personally identifiable information, however, should be redacted from such profiles; aggregated data such as gender, age and location could be gathered.

These periodic monitoring reports should highlight any grievances of a critical nature that have been escalated and should be reviewed by the senior manager responsible for oversight of the grievance mechanism and shared with relevant heads of department.

The senior manager responsible for oversight of the grievance management function should undertake a quarterly or bi-annual review of the monitoring programme. The purpose of this review could be to:

- analyse trends to identify underlying systematic issues and generate lessons learned
- review grievances of a critical nature which have been escalated during the period to identify any lessons learned or corrective action to reduce risks in the future
- review grievances which have been submitted for appeal (such as to the GRC) to identify any themes as to why resolutions were not accepted by complainants and whether the appeals process is functioning effectively and identify possible areas for improvement/discussion.

Where contractors are part of the grievance mechanism, the senior manager review should encompass the review of any specific trends in complaints with regard to contractor activities, workforce behaviour and their support for the implementation of the grievance mechanism. Feedback, lessons learned and any required corrective action for contractors can be a valuable output of such a review.

In order to improve the mechanism it can be useful for periodic monitoring reports and senior manager reviews to be shared and discussed with the GRC, where applicable.

3.8.9. Specific considerations

3.8.9.1. Vulnerable groups and individuals

A grievance mechanism should be accessible to all affected stakeholders. Making a grievance mechanism accessible and effective for vulnerable groups and individuals is important. Grievance mechanisms should be developed considering the needs and barriers faced by vulnerable groups and individuals in interacting with the project and raising grievances.

The barriers faced by the groups discussed in section 3.1.4 can present additional challenges to those individuals and groups accessing a grievance mechanism. For example, language, remoteness and cultural sensitivities can contribute to these individuals and groups experiencing challenges to access a grievance mechanism and trusting in such a mechanism.

Key elements of a good grievance mechanism discussed in this guidance (summarised below) can provide a framework to encourage vulnerable groups and individuals to raise grievances and for them to be handled appropriately. With some additional consideration these elements can be further augmented to address where relevant the needs and barriers faced by these individuals and groups.

Key elements of a good grievance mechanism:

- consideration of project context, affected community context (including vulnerable groups and individuals) and risks in designing the grievance mechanism
- language:
 - o the grievance mechanism should be publicised and disclosed in a format and language(s) that is/are readily understandable to the affected stakeholders
 - o engagement and verbal disclosure of information on the grievance mechanism should be in relevant languages; the project representatives receiving and handling grievances should speak relevant languages or have translators available; additional provision could be made where some groups may wish to have their own translators who they select; to build trust it can be important to accommodate such requests.

- customary dispute settlement processes and forums should be considered in development of the grievance mechanism; this may be useful to inform proposed resolutions or to contribute to the appeals process
- multiple methods to publicise the grievance mechanism and multiple channels to receive grievances:
 - o should consider the needs of vulnerable groups; the existing forums and methods of engagement within and used by vulnerable groups should be considered; for example, women's meetings, farmers groups, local radio, village/community noticeboards, use of social media
 - o places where vulnerable groups meet and interact could be a consideration when deciding where to place complaint boxes, if used
 - o the use of third parties to raise grievances on behalf of complainants or receive grievances from them and communicate these to the project
 - o documents to publicise and be used in the grievance mechanism should be simple, understandable and distributed throughout the project area, including places where vulnerable groups meet and interact.
- provisions for confidential grievances to be raised and the identity of the complainant to be protected; communicating this provision to vulnerable groups is important, including how a complainant's identity will be protected and that the grievance will be handled in confidence
- provisions for anonymous grievances can encourage some vulnerable groups and individuals to feel able to raise grievances
- reinforcing the policy of non-retribution and that measures are contained in the grievance mechanism to avoid retaliation against complainants.

Further guidance on improving access to a grievance mechanism for vulnerable groups and individuals can be found in the forthcoming guidance note on vulnerable groups (2023).

3.8.9.2. Gender considerations

The EBRD expects its clients to identify all types of potential gender impacts of a project, including GBVH risks, to both the workforce and communities. A project may affect women and men²⁶ differently and they may have a different response and concerns about project impacts. Access to project benefits or the opportunities a project can offer, such as employment, can differ for women and men. This can mean that women and men may also have different types of grievances. Women and men may also communicate their grievances differently or feel comfortable raising them through certain channels.

A grievance mechanism should be tailored to be gender responsive; the key elements of a good grievance mechanism discussed in this guidance provide a framework for this.

²⁶ This is not intended to imply that there are only two genders; where these terms are used it is intended to capture all forms of self-identified gender and/or sexual orientation. This would include members of the LGBTQI+ community.

When designing a grievance mechanism some additional consideration for gender can be valuable regarding:

- methods used to inform stakeholders about the grievance mechanism: have female and male staff available to verbally provide information on the mechanism
- channels to receive and the process to handle grievances: in situations where a person might feel uncomfortable raising a grievance with a person of a different gender then the option to hold discussions with someone of the same gender should be offered, both at the time of registering the grievance, as well as during the following grievance process
- if a review forum/meeting or a GRC for appeals is established it should include women representatives in addition to men
- confidential grievances, protection of the identity of complainants and provision for anonymous grievances:
 - o having channels available where everyone feels safe to report grievances and they can be raised in confidence (and there is the option for anonymity) are important contributing factors to a grievance mechanism being responsive to gender
 - o these elements of a grievance mechanism are especially important where there are complaints of a critical nature which require special protection measures, such as reports of GBVH.

Further guidance on specific considerations for grievance mechanisms from a GBVH perspective can be found in section 5.3 of [Addressing Gender-Based Violence and Harassment](#).

3.8.9.3. Government-led projects

In addition to resorting to the judicial system, many governments in the EBRD regions have their own grievance procedures for challenging an administrative decision. Often this is based on specific ombudsman services. Experience demonstrates, however, that the efficiency of these systems may not meet the Bank's expectations and requirements for a timely resolution of grievances. In such cases, the Bank requires that a project-specific grievance mechanism be established, unless adequate evidence can be provided by the relevant government that existing mechanisms provide effective and timely grievance resolutions.

In a typical government-led project, it is practical to rely on different levels of local government (for example municipality/district) to establish a two-tiered appeal system as described in section 3.8.5.3.

3.8.9.4. Changes to project environmental and social risks and impacts

During a project lifecycle changes to projects may occur. These can happen after the project information disclosure, such as of the ESIA and other project documents (section 3.4), and during project construction and implementation.

Changes that occur at any stage and result in significant changes to the E&S risks and impacts of a project will require clients to undertake additional disclosure and consultation.

Examples of potential changes which could trigger this requirement include:

- changes in project scope or intended use of the EBRD financing proceeds
- changes in project design, such as the project footprint, location, routing, production capacity, changes in raw materials, technology or processes, changes in water use, changes in emission controls
- changes in project schedule
- changes in construction methodologies, such as: 24-hour construction activity, use of cofferdams, use of open trench construction as opposed to direction drilling and pulling (for example, for pipelines), major schedule changes which could have biodiversity impacts, changes to earthworks
- E&S monitoring showing impacts are more significant than originally assessed
- changes in operational methodologies, such as: local employment strategy, working hours extending into night shifts/24-hour working patterns, changes in use of raw materials, technology or to a process.

Where changes are determined to result in significant changes to E&S impacts, then the client should disclose updated information to stakeholders and undertake additional consultation before these changes. This should, as a minimum, target stakeholders who will be affected by the altered impacts and those interested in the issues related to these impacts. Any project approvals which could be affected should be identified and the relevant regulatory agencies consulted. The client will need to consult on both the changes to the impacts and the altered/additional mitigation measures proposed. Significant changes should include those which cannot be readily mitigated with existing project mitigation measures.

Project SEPs should include a commitment to be reviewed and updated as the project progresses, and this includes where there are changes to the project resulting in significant E&S risks and impacts.

The client is required to notify the EBRD where there are "any changes to the project's scope, design or operation that is likely to materially change its environmental or social risks and impacts" and as agreed with the EBRD, will need to update the applicable project documents that were previously disclosed. Further guidance is provided in the PR1 guidance note on what may constitute a material change.

Acronyms

AIP	Access to Information Policy
CBO	Community-based organisation
CGM	Community grievance mechanism
CLO	Community liaison officer
CSO	Civil society organisation ²⁷
E&S	Environmental and social
EBRD	European Bank for Reconstruction and Development
EIA	Environmental impact assessment
ESAP	Environmental and social action plan
ESIA	Environment and social impact assessment
ESMP	Environmental and social management plan
ESMS	Environmental and social management system
ESP	Environmental and Social Policy (2019)
EU	European Union
FAQs	Frequently asked questions
FBO	Faith-based organisation
GBVH	Gender-based violence and harassment
GDPR	General Data Protection Regulation
GLAC	Guide to Land Acquisition and Compensation
GRC	Grievance review committee
IPAM	Independent Project Accountability Mechanism
KPI	Key performance indicator
LGBTQI+	Lesbian, gay, bisexual, transgender, queer, intersex and others
MFI	Multilateral financial institution
MoE	Ministry of Environment
NGO	Non-governmental organisation
NTS	Non-technical summary
PAP	Project-affected person
PR	Performance Requirement
PSD	Project summary document
RF	Resettlement framework
RP	Resettlement plan
SEA	Strategic environmental assessment
SEP	Stakeholder engagement plan
ToR	Terms of reference
UNGP	United Nations Guiding Principles on Business and Human Rights

²⁷ For the EBRD's purposes, civil society includes NGOs, policy and research think-tanks, social movements, labour unions, community-based organisations, women's groups, business development organisations and other socio-economic and labour-market actors, including individual activists. See <https://www.ebrd.com/who-we-are/civil-society-overview.html>.

Annex 1. Glossary

Term	Definition
Appeals process/ recourse mechanism	The process for appeal or recourse where a complainant is not satisfied with the proposed resolution from the project. The terms “appeals process” and “recourse mechanism” can be used interchangeably.
Arbitration	Occurs whereby both parties agree to be bound by the decision of an independent arbiter.
Complainant	Person or group of people/organisation that has a grievance against the project or its contractors and subcontractors and submits a grievance.
Concerns and issues	Concerns and issues are questions, requests for information, or general perceptions regarding the project activities, that may or may not be related to a specific incident or impact. Systematic and meaningful stakeholder engagement should enable such concerns and issues to be fed into and responded to by the project. Concerns may become complaints if not addressed satisfactorily.
Contextual risks	Contextual risks refer to risks in the project setting that a project neither caused nor contributed to, but which it is associated or linked with. Contextual risks can increase the severity of adverse impacts from the project; they can affect the project’s performance; and they can constitute significant reputational and financial risk to the institutions involved. A project may, for example, be perceived to be complicit in human rights abuses, if it is seen to benefit from abuses committed by others. Examples of contextual risks may include: <ul style="list-style-type: none"> • conflict, fragility and violence • human rights abuses • gender inequality • political instability • ethnic and religious tensions • legal protection and rule of law • potential for elite capture, opposition or distortion of project by influential stakeholders • corruption and weak governance • natural disasters and climate effects • legacy issues involving past history, which people perceive to be associated with the current project in one way or another, or which may affect project outcomes in various ways.
Gender	Refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in their responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.
Grievance mechanism	Non-judicial process managed by a project/client for receiving, acknowledging, investigating and responding to grievances or complaints. Should include what will happen if a complainant is not satisfied with the proposed resolution. Does not affect a complainant’s access at any point to judicial or administrative remedies. May be referred to as a project grievance mechanism or a CGM. Usually separate from an employee/worker grievance mechanism (as required under the EBRD’s PR2).
Grievances or complaints	A grievance or complaint is an expression of dissatisfaction with the project activities (actual or perceived), typically referring to allegations of a specific incident or impact. A complainant may be seeking a specific solution. Project activities include project company actions as well as contractor and subcontractor actions. The terms “grievance” and “complaint” can be used interchangeably, without presuming differences in scale, complexity or seriousness.
Information disclosure	Information disclosure is a one-way process and refers to the body of documents related to a project that are placed in the public domain, whether or not a project promoter/developer/EBRD client are required to do so.

Term	Definition
IPAM	An independent accountability mechanism of the EBRD. It receives and reviews concerns raised by project-affected people and CSOs about Bank-financed projects, which are believed to have caused harm.
Meaningful consultation	<p>Meaningful consultation is a two-way process that:</p> <ul style="list-style-type: none"> • will begin early in the project planning process to gather initial views on the project proposal and inform project design • encourages stakeholder feedback, particularly as a way of informing project development and engagement by stakeholders in the identification and mitigation of E&S risks and impacts • continues on an ongoing basis • is based on the prior disclosure and dissemination of relevant, transparent, objective and easily accessible information in a time frame that enables consultations with stakeholders • undertaken in a culturally appropriate format, in relevant local language(s), is understandable to stakeholders and takes into consideration stakeholders' decision-making processes • considers and responds to feedback • supports active and inclusive engagement with project-affected parties including disadvantaged or vulnerable groups • is free from external manipulation, interference, coercion, discrimination, intimidation and retaliation • is documented by the client.
Meaningful engagement	Meaningful engagement encompasses both information disclosure and meaningful consultation.
Mediation	The facilitation by an independent mediator of both parties' efforts to reach an acceptable solution.
Stakeholders	Stakeholders are those who will be or are likely to be affected (directly or indirectly), positively or negatively, by a project (project-affected parties), as well as those who may have an interest in, or may influence, the project (other interested parties).
Vulnerable groups (or people)	"Vulnerable groups" refers to people who, by virtue of gender identity, ethnicity, age, disability, economic disadvantage or social status may be more adversely affected by project impacts than others and who may be limited in their ability to claim or take advantage of project benefits. Vulnerable individuals and/or groups may also include people living below the poverty line, the landless, the elderly, women- and children-headed households, refugees, internally displaced people, minority ethnic people, natural resource-dependent communities or other displaced persons who may not be protected by national and/or international law.
Retaliation	<p>Retaliation can include any form of threat, harassment, violence or punitive action taken against an individual, group or organisation (such as a worker, contractor, community member, activist, human rights defender or CSO) who has lodged a complaint or voiced criticism or concerns about a company or a development project. The victims of retaliation can be internal to the company or project (for example, direct and contract employees or project personnel) or they can be external (for example community members, activists or members of a CSO).</p> <p>For the purposes of this guidance note, the terms retaliation, retribution and reprisal will be used interchangeably.</p>

Annex 2. Enhanced SEP–Category A Project (example)

Note 1: This is presented as general guidance and should be adapted to the specificities of the project context.

Note 2: The EBRD appreciates conciseness. The expected size of a SEP for a Category A project is in the range of 20 to 40 A4 pages, annexes not included. Bulky and disorderly documents will not be reviewed and hence will not be accepted.

Stakeholder engagement plan

“Trans-Country Motorway, Town A to Town B, Country X”

(Pre-construction and construction)

Note: This is a fictional example of a Category A road project stakeholder engagement plan

Advisory notes provided in text boxes, followed by example text

A length guide is provided by section. The stakeholder engagement plan (SEP) level of detail will always depend on the project context. A key question for determining the right level of detail is to ask: does this information make the project clear and help stakeholders understand (a) how to get information and (b) how to provide feedback?

Date: month and year

Stakeholder engagement plan

Contents

1. Introduction	X
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5. Project stakeholders and communication methods	X
6. Stakeholder engagement programme	X
7. Grievance process	X
8. Monitoring, evaluation and reporting	X
9. Contact details and responsibilities	X
10. Annexes	X

1. Introduction

[Length guide: maximum one page text]

Elements that make a better SEP

- a brief introduction to the project and the main parties involved; the organisation of big projects can be confusing, especially when they involve multiple companies, contractors and consultants, each with new acronyms; clear introductions help address this
- the purpose and scope of the SEP, including how it complements historical projects, other business units or corporate engagement efforts.

The public company Country X Motorways (CXM)²⁸ intends to construct a 40 km section of motorway between Town A and Town B (the “project”), which is part of the development of the Trans-Country Motorway, Country X’s main north-south transport route. CXM is wholly owned by the Country X government.

The project has been developed by CXM within the Country X legislative requirements and those of the European Bank for Reconstruction and Development (EBRD), who is considering providing a loan to finance the project.

This document is a stakeholder engagement plan (SEP) describing the planned stakeholder engagement process for the project. It outlines a systematic approach to help CXM build and maintain a constructive relationship with the stakeholders for the project including the locally affected communities. The document also includes a grievance mechanism for stakeholders to raise any grievances that do arise.

The SEP will be updated as needed throughout the project preparation (pre-construction), construction, operation and closure, to ensure it continues to include the most appropriate engagement plan. This first issue sets out the detailed plan during the remaining pre-construction phase, anticipated to last until around the end of 2022, and the anticipated plan during the construction phase of the project.

²⁸ Note that this is a fictional company name, created for the purposes of this example SEP.

2. Project description

[Length guide: maximum two pages text plus figure(s)]

Elements that make a better SEP

- description and a figure of the location of the project
- summary of the need for the project
- summary description of the project, including any high-level design information, the stage of design/project development, and figure of the proposed route/site where applicable
- environmental and social (E&S) footprint: summary of the E&S setting through which the project runs/ is located, including land use and communities along the route/within the vicinity of the site, and key administrative units with an explanation of the administrative units in the context of the country (that is, not just the closest “community” or list of nearest settlements or towns); use clear, labelled maps which show the project in the community/local area context.

Common issues to avoid

- too much baseline information, which is more appropriate for the ESIA document; the SEP should focus on information to indicate project-affected people, communities and groups at a high level.

Project location and need

The project is in the northern part of the country (see Figure A2.1, project location ringed in black) and is a 40km-long motorway section through the administrative entity “Municipality X”. The project is significant for the connection of the northern areas of Country X to the Trans-Country Motorway. It will also increase traffic capacity and road safety in Municipality X, removing some of the road safety risks and congestion from heavy through-traffic in the local villages, and is the final section to be constructed of the Trans-Country Motorway, as defined in the Country X Spatial Plan.

Figure A2.1: Project location

[Insert map: map to show detail of project location and adjacent surrounding area including places or geographical features that stakeholders will be familiar with to orientate themselves]

Project design and route

The project starts at the northern end of Town A, forming a junction with the existing part of the Trans-Country Motorway, crossing the Blue River, and forming an overpass of the existing municipal road. The project then continues through a cutting before entering a tunnel (700 metres long). On exiting the tunnel, the road continues for 30 km through largely agricultural land with scattered villages, before ending at the western edge of Town B where it joins with the existing section of the Trans-Country Motorway.

The road will have a design speed of 120 km/h and be about 25 metres wide.

The design has considered local access with the provision of overpasses for local roads and access routes.

The layout of the project is shown in Figures A2.2 and A2.3 below, showing the route and more detailed land use, respectively [*guidance note: where both route/site and the satellite imagery-level of detail can be shown on one figure this is the preference*]. Settlements that are most likely to experience effects from the project are highlighted, although this will be confirmed through the E&S studies that will be conducted in consultation with communities as described in section 3.

Figure A2.2. Layout of project – example 1

[Insert map: map to show detail of project and adjacent surrounding area including places or geographical features that stakeholders will be familiar with to orientate themselves]

Figure A2.3. Layout of project – example 2
[Insert map: map to show detail of project and adjacent surrounding area with satellite imagery as a background]

Project status and schedule

The status of the project and planned schedule is summarised below:

- **engineering design:** the basic design, which includes preliminary routing and layout, has been prepared for the project; the detailed design is scheduled to start in 2022
- **land:** some land will need to be purchased for the project. However, no land has been surveyed or acquired yet; the detailed design will confirm the exact project land needs
- **construction schedule and workforce:** CXM intends to commence construction in the first quarter of 2023, with construction completed by the end of 2024. Between 400 to 750 workers are predicted to be employed for construction on the project at its peak.

3. Stakeholder engagement regulatory framework

[Length guide: two to three pages]

Elements that make a better SEP

- A summary of stakeholder engagement requirements within the national regulatory framework that applies to the project, for example, the spatial planning process, EIA process and land acquisition/expropriation process; include any transboundary requirements that might apply
- A brief explanation of how international requirements for engagement have been incorporated into national legislation is helpful to some readers and helps the SEP author understand whether there might be additional international best practice to consider in cases where it is not incorporated into the national framework.
- Requirements should be concise and help a reader easily understand the rules and their rights for their participation in the engagement process for the project.

Common issues to avoid

- Content is either too generic or overly detailed; the goal is to highlight the requirements related to stakeholder engagement that might be most relevant for the reader, for example, the EIA Code requires a 30-day public consultation period, advertised in the national newspaper 28 days in advance, where members of the public can submit their comments on the report findings in person or in writing, and how those comments are then considered.

Stakeholder engagement in Country X applicable to the project is mainly connected to the preparation of relevant spatial planning documents, the land expropriation process, and the environmental impact assessment (EIA) process.

The E&S effects of the project will be assessed under the [Law on Environment]²⁹ and in accordance with the EBRD Environmental and Social Policy (ESP) (2019).³⁰ The project has been determined as requiring an EIA under national legislation and as a Category A project under the EBRD’s ESP, and thus requires a formalised and participatory environmental and social impact assessment (ESIA) process. CXM intends to undertake one ESIA to meet both national and EBRD requirements and this is herein referred to as the ESIA unless national processes are specifically being referred to. Additional environmental permits and consents will also be applied for as applicable to the project activities under national legislation.

The project requires the acquisition of land and assets resulting in economic displacement and potentially limited physical displacement. The land acquisition process will be undertaken in accordance with requirements of national legislation for projects in the public interest and those of the EBRD.

3.1. Relevant ‘Country X’ stakeholder engagement requirements

Table A3.1 shows the key legislation that enshrines European Union (EU) and international convention requirements related to stakeholder engagement.

Table A3.1. Main national legislation containing international requirements

Key national legislation	EU legislation/international convention
Law on Spatial Planning (Official Gazette [OG] of CX No. XXX)	Directive on access to environmental information (2003/4/EC) Directive for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (2003/35/EC)
Law on Environment (Chapter on EIA procedure and transboundary context and information dissemination, public participation, and access to justice requirements) (OG No. XXXX)	Convention on environmental impact assessment in a transboundary context (Espoo Convention, February 1991) Country X ratified the Espoo Convention in 1999 (OG No. XXXX) Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention, June 1998). The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between the public and public authorities. The Aarhus Convention was ratified by Country X in 1999 (OG No. XX).

29 [Client to insert details of the relevant legislative document here.]

30 <http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

A list of laws and summary of associated stakeholder engagement requirements for the project is provided in Table A3.2:

Table A3.2. Key legal framework in Country X requiring stakeholder engagement for the project

Legislative area	Key parts of the regulatory framework	Summary of stakeholder engagement requirements
Preparation of project documentation and related strategic studies (including spatial plans and strategic environmental assessments)	<p>Law on Spatial Planning and Construction of Building (OG No. XXX)</p> <p>Law on Strategic Environmental Assessment (SEA) (OG No. XXX)</p>	<p>Public disclosure and consultation activities are organised in connection with the preparation of related strategic and other studies, under the Law on Spatial Planning. The laws regulate the procedures for public information and participation throughout the process of development and adoption of urban and spatial planning documents.</p> <p>The relevant spatial plan for the project is complete, and the summary of engagement undertaken is included in section 4 of this SEP.</p>
EIA	<p>Law on EIA (OG No. XXX.)</p> <p>The practical public involvement is performed through:</p> <ul style="list-style-type: none"> rulebook on the contents of the notice of intent to implement the project, the decision on the need for EIA, the environmental impact assessment study, and the assessment study compliance report (OG No. XXX) decree on the public participation in the process of preparation of environmental regulations and environmental plans and programmes (OG No. XXX) 	<p>The legislation sets out the requirements for undertaking an ESIA of potential impacts of public and private projects that are likely to have a significant impact on the environment before development consent/a construction permit is granted in the form of approval for project implementation.</p> <p>The Law on EIA defines the rules and detailed procedures for including the public in the decision-making process. Consultations with the public and other stakeholders during an EIA are a key feature of national social and environmental assessment procedures. These requirements are incorporated into the national environmental legislation, in the Law on Environment (Chapters X and XI), and the bylaws.</p> <p>What this means practically is described in more detail in the text following this table.</p>
Land acquisition (expropriation)	<p>Law on Expropriation (OG No. XXX)</p>	<p>Under the national legal framework relating to expropriation affected land owners and users with legal rights must be consulted. Affected owners of properties are individually invited to a hearing and notified about the submission of the proposal for expropriation and the proposed compensation amount.</p> <p>More detail on the process for land expropriation is contained in section 6 of this SEP.</p>

The Law on EIA defines the rules and detailed procedures for:

- disclosing information to the public
- public participation where the public can actively be involved in public discussions and submit their written opinion within the different EIA phases of the procedure
- through the mechanism of access to justice, when the public could influence the decision-making with submitting appeals to the court.

In summary, the procedures include the following steps:

- The public is informed through the national media (this must include a national newspaper) as to where the draft EIA study will be disclosed (where the hard copy is available for review, the dates and time it can be reviewed). The public are invited to send comments and/or attend public consultations. A period of 30 days is provided for public comments.
- Public consultations are held in an appropriate local venue (for example, city hall) and the plan/document is presented. The EIA study must have been available, and notice provided to the public, at least 28 days in advance of this meeting.
- Comments received from all stakeholders are processed and the document is revised to reflect them. A report on which comments have been adopted and which have not, with a justification, is delivered together with the updated draft document to relevant authorities who judge whether the comments have been meaningfully considered and addressed.

Availability of all key documents and decisions in the EIA process must also be published on the Ministry of Environment (MoE) website as a minimum. The following documents are publicly disclosed by MoE:

- notification of intention for project implementation
- EIA screening and scoping decisions
- announcement of availability of the EIA study
- disclosure of the EIA study
- public hearings on the EIA study
- report on adequacy of the EIA study
- MoE decision on granting consent to or rejecting the application for the project.

The EIA public consultation process is the responsibility of the MoE. It will organise the public consultation, disclose the EIA and issue invitations, and coordinate the public hearing. CXM can be invited as a stakeholder.

Under the national process, the main opportunity for public comment is during public hearings on the EIA study.

Grievances

The main laws that include mechanisms for grievances and appeals, include:

- Law on EIA (OG No. XXX)
- Law on Expropriation (OG No. XXX)
- Law on Construction (OG No. XXXX).

3.2. EBRD requirements

All projects financed by the EBRD must be structured to meet the requirements of the EBRD's ESP (2019) which includes 10 Performance Requirements (PRs) for key areas of E&S sustainability that projects are required to meet, including PR10 on Information disclosure and stakeholder engagement.

In addition, the EBRD's Independent Project Accountability Mechanism (IPAM), as an independent last resort tool, aims to facilitate the resolution of social, environmental and public disclosure issues raised by project-affected people and civil society organisations (CSOs) about EBRD-financed projects among project stakeholders or to determine whether the Bank has complied with its ESP and the project-specific provisions of its Access to Information Policy; and, where applicable, to address any existing non-compliance with these policies, while preventing future non-compliance by the Bank.

The EBRD's ESP defines stakeholder engagement as an ongoing process that involves the following elements:

- (i) stakeholder identification and analysis
- (ii) stakeholder engagement planning
- (iii) disclosure of information
- (iv) meaningful consultation and participation leading to the client incorporating into its decision-making process the views of the affected parties on matters that affect them
- (v) an effective grievance procedure or mechanism
- (vi) ongoing reporting to relevant stakeholders.

The process of stakeholder engagement should begin at the earliest stage of project planning and continue throughout the project life.

An essential element in the stakeholder engagement process – to ensure a meaningful and effective consultation process – is the careful identification of all involved stakeholders and the examination of their concerns, expectations and preferences. Special attention should be paid to the identification of vulnerable stakeholders. The engagement with these stakeholder groups needs to be planned and managed with special care.

Furthermore, the EBRD requires that the project developer establishes and maintains an effective grievance mechanism, ensuring that any stakeholder complaints are received, handled and resolved effectively, in a prompt and timely manner.

This SEP has been developed in line with these requirements and in consideration of the categorisation of the project as Category A under the ESP (2019), requiring a formalised and participatory ESIA process.

The land acquisition process will be undertaken in accordance with the requirements of national legislation for projects in the public interest and those of the EBRD, in particular: PR5 Land acquisition, involuntary resettlement and economic displacement and associated guidance. A resettlement plan (RP) will be developed in accordance with PR5.

4. Summary of previous stakeholder engagement

[Length guide: maximum three pages]

Elements that make a better SEP

- A good “Summary of Previous Engagement” is often forgotten. It is helpful to demonstrate to readers that the project proponent has an awareness of key issues, which helps stakeholders trust that their feedback will be considered in the future. The EBRD requires that stakeholder engagement begins as early as possible in the project development and continues throughout the project cycle. Therefore, it is important to present the engagement during the project preparation phase before the SEP.
- The section includes information disclosure as well as consultation and does not need to have been undertaken by the proponent; for example, if a project is included in a spatial plan that underwent consultation this can be included.
- Be concise. Pictures of meetings, long lists of participants and other outputs from engagement such as minutes are more appropriate for a stakeholder engagement report, which may accompany impact assessment or due diligence documentation. Some detail can be appended, for example, if the project is quite advanced and there is a long list of engagement activities, but try to keep the text concise and in the main text where possible.
- If information that has been disclosed is still available, and will continue to be, adding a “sources of information” section or annex can be very helpful, with links to documents or addresses where available.

In accordance with the legislative requirements of Country X, stakeholder engagement activities have been conducted as part of the update to the national spatial plan of Country X to 2030, which includes the project as one component of the Trans-Country Motorway.

CXM also closely cooperates with municipalities and met with the mayor of Municipality X, whose jurisdiction contains the full project route, in February 2021 to introduce the project, receive any initial feedback from the mayor, and discuss next steps. It was established during this meeting that the municipal plan includes the development of this project and underwent a public consultation process.

No additional stakeholder engagement and information disclosure by CXM regarding the specific project details, impacts and benefits has been undertaken at this stage.

A summary of previous stakeholder engagement activities is provided in Table A4.1.

Table A4.1. Summary of previous stakeholder engagement activities

Document/study/step	Summary of stakeholder engagement activities
Spatial plan of Country X to 2030 ³¹	<p>The draft spatial plan of Country X to 2030 was publicly disclosed by the Country X Spatial Planning Department in the period 1 September 2015 to 1 December 2015. All municipalities received the following materials for disclosure: summary of the draft spatial plan (textual), set of graphic attachments (CD), five theme maps, the book of complaints, comments, opinions and suggestions, and advertising material for the purposes of public information on public access to the document.</p> <p>Stakeholder discussions were held in 10 regional centres, including one in Municipality X. In each of these centres the discussions were held for three days and were attended by the representatives and citizens of nearby municipalities. On the first day, discussions were attended by representatives of local self-governments (mayors, heads of department, staff and professionals), the second day the discussions were attended by representatives of companies (business people), and on the third day representatives of public services (schools, health institutions, cultural institutions, and so on).</p> <p>All received comments were considered and decided on. The draft plan was revised based on the comments that were accepted and explanations regarding those that were not accepted were provided to the council for the completion of the draft plan and the government. Documents are available that have recorded the public discussions on the spatial plan. Although most comments were not specific to the project, most questions and comments relating to the Trans-Country Motorway were in regards to the potential loss of agricultural land. There was also general support for road safety and congestion improvements.</p> <p>The revised plan was submitted to the council for the completion of the draft plan and the government of Country X, for consideration by the parliament.</p> <p>The plan was adopted on XXX 2016 by the parliament of Country X. The decision was published in OG No. XX.</p>
Municipal plan 2020-30 ³²	<p>The draft municipal plan for Municipality X 2020-30 was publicly disclosed in the period 1 March 2018 to 1 April 2018 on the municipal website and through advertisement on municipal noticeboards, with hard copies available for viewing at town halls.</p> <p>Members of the public were able to submit comments in writing throughout the 30 days and during a public consultation event held at the municipal city hall on 20 April 2018, which was advertised in advance on the municipal website and municipal noticeboards and the local newspaper and radio station.</p> <p>During the public disclosure there were no written comments relating to the motorway (the project). During the public consultations most of the questions related to the motorway concerned issues regarding the protection of local groundwater sources and loss of fertile cultivated land and some concern regarding safety during construction due to the presence of heavy machinery and vehicles in communities and restriction of existing access to local businesses. A particular concern was raised by several residents that any road construction might affect the cemetery on the NW edge of Town A. There were 143 participants at the public consultation, 32 women and 111 men.</p> <p>All received comments were considered and decided on. The draft plan was revised based on the comments that were accepted and explanations regarding those that were not accepted were provided as an annex to the plan. The plan requires designers of the project to consider the concerns raised in future planning.</p> <p>The plan was adopted by the municipal council on 5 May 2018, as published on the municipal website.</p>
Meeting with the Municipality X mayor, February 2021 ³³	<p>CXM met with the mayor and department head for spatial planning at the municipal offices on 10 February 2021.</p> <p>CXM described that the project they are now planning is the section of the Trans-Country Motorway between Town A and Town B as described in the spatial plan to 2030. CXM described that it has begun discussion with the EBRD about potential financing for the project. Potential steps and timelines for development were presented and a question-and-answer session followed. No concerns were raised. However, the mayor confirmed CXM should begin by taking into consideration the comments received on the municipal plan and also confirmed ongoing lines of communication, which were to include CXM planning a next meeting with the mayor's office regarding conduct of the ESIA for the project and to make a more detailed plan for activities and engagement.</p>

In summary, stakeholder concerns identified to date include:

- potential loss of agricultural land
- protection of local groundwater sources
- public safety during construction due to the presence of heavy machinery and vehicles in communities
- restriction of existing access to local businesses
- any effect on the cemetery on the NW edge of Town A.

31 Insert hyperlink to country spatial plan.

32 Insert hyperlink to country spatial plan consultation

33 Insert hyperlink to municipal plan

5. Project stakeholders and communication methods

[Length guide: two to four pages]

Elements that make a better SEP

- Demonstrate the process that has been used for stakeholder identification and indicate stakeholder groups that have been identified to date.
- Include those people and groups who are affected by the project (for example, communities along the route); have interest in the project (for example, NGOs); and have the potential to influence the project.
- Likely communication methods to engage with stakeholders need to be described.
- Vulnerable groups and gender considerations: demonstrate the client has considered the project context and how it might influence stakeholders' ability to participate; generic nominations of "unemployed youth, women, persons living with disabilities and so on" as vulnerable need to be accompanied by concrete steps to be taken to reach these groups. In sensitive environments where gender participation is an issue, there should be concrete steps or methods planned to increase gender participation.
- Allow a stakeholder to register their interest.

Common challenges

- Often the section includes too much "analysis" on a stakeholder's importance/influence, the common matrix used in many documents. While important, this should be for internal use only.

The purpose of identifying stakeholders is to determine the organisations and persons who are likely to be affected by the E&S impacts of the project or may have an interest in the project, and to use that information to plan the best way to engage with them. Stakeholder identification is an ongoing process, and thus key stakeholders will continue to be identified during different stages of the project.

Stakeholder identification has been conducted based on:

- analysis of information about the potentially affected area (project area of influence)
- analysis of information about the municipalities and communities in the project area of influence
- consultations with statutory bodies with responsibilities related to the project
- analysis of local service providers whose assets may be affected by the project and/or who may have to provide services for the project (emergency services, fire brigades, owners and operators of public utilities, local police, and so on)
- analysis of existing CSOs, including community-based organisations (CBOs), faith-based organisations (FBOs) and NGOs at the national and local levels interested in social and environmental issues.

The stakeholders identified to date and the planned communication methods are shown in Table A5.1.

Communication methods consider potential stakeholder needs, for example, holding a community meeting in the local town hall, rather than a more remote location such as a regional centre, to provide more opportunity for access for the local community. **The project welcomes suggestions on how to improve the proposed communication methods. Suggestions can be submitted via the contact information for CXM in section 9.**

The stakeholder approach at the national level focuses on official correspondence, multi-stakeholder workshops or working groups and, where necessary, one-on-one meetings, while that for the municipal and community levels will use a wide range of engagement methods to ensure coverage of relevant stakeholders. The methods used will include focus group meetings to target, for example, special interest groups and vulnerable groups identified by the E&S team for focused issue-specific consultation.

Based on the national infrastructure survey 2019 (ref.), it is expected that all households will have access to at least a landline telephone and television or radio, with 80 per cent having reliable access to the internet.

The project recognises that marginalised and disadvantaged groups are likely to experience impacts differently from mainstream society. Engagement activities will be used to gather information and opinions on how different groups are affected and will take into consideration logistical and cultural factors such as language, physical access, literacy levels and time availability of these groups.

CXM will also take into account any Covid-19 restrictions in the work organisation, considering both national requirements and guidance that has been produced by international institutions such as the EBRD:

– see <https://www.ebrd.com/sustainability-covid.html> which provides a variety of alternate information disclosure and stakeholder engagement measures in light of Covid-19 restrictions. There were no restrictions in place at the time of this SEP. Any alteration to engagement methods due to Covid-19 will be disclosed on the CXM website and Municipality X website as a minimum, along with an assessment of the need to continue to conduct any engagement that was not possible in its original form at a later date instead.

Table A5.1. Identified project stakeholders and communication methods

Stakeholder group/stakeholders	Likely communication methods
<p>National government: The national government will have a role in granting regulatory approvals and monitoring and enforcing compliance with national legislation and plans throughout all stages of the project. The national government is also likely to be a source of information for completion of studies such as the ESIA.</p>	
<p>Ministries and state institutions:</p> <ul style="list-style-type: none"> • MoE • Ministry of Transport • Ministry of Agriculture, Forestry and Water • Ministry of Culture • Ministry of Finance • Ministry of Local Self-government • Ministry of Social Affairs • State Labour Inspectorate • State Construction Inspectorate • Centre for Economic Development • Ministry of Lands, including Land Survey Department 	<p>Official correspondence and meetings, EIA application, regulatory applications, site inspections as needed by approvals.</p> <p>Communication will follow established procedures in line with national regulation where this exists.</p>
<p>Municipal government: Municipal government is responsible for the implementation of legislation and development plans and policies at the municipality level with respect to health, education and economic development and may have an approval or compliance monitoring role for potential project impacts in this regard. This includes issuing some construction permits. The daily responsibilities of the municipal government such as infrastructure and waste management are also likely to interact with project activities at certain points. Municipal government is also likely to be the level of government that local communities contact first regarding project activities. Municipal government is also likely to be a source of information for completion of studies such as the ESIA.</p>	
<p>Municipality X, where the project will be implemented and including all relevant departments.</p> <p>This list may be expanded to include other municipalities that might experience project effects as identified in future studies such as the ESIA.</p>	<p>Official correspondence and meetings.</p> <p>Communication will follow established procedures in line with national or local regulation where this exists.</p>
<p>Public companies/entities: Government-funded parties who might have land or other assets within the country, which could be affected by the project, for example, for operating infrastructure such as the national electrical grid and for operating public services such as health services and emergency services. These activities might affect, or be affected by, project activities, including the project relying on the services provided by these entities.</p>	
<p>National, municipal (and local where present) emergency services, fire brigades, healthcare providers, utility (energy, water, waste) owners and operators, police.</p>	<p>Official correspondence, including formal notifications and meetings.</p> <p>Communication will follow established procedures in line with national or local regulation where this exists.</p>

Stakeholder group/stakeholders	Likely communication methods
<p>Local communities: Households and communities that may be affected by the project. This includes: people who own and/or use the land affected by the project through direct land take or by social and environmental impacts. This group also includes other people who visit or use land or resources that may be affected.</p> <p>Some communities have a president (town or village-elected leader) who supports municipal government with local implementation of governance duties and acts as a stakeholder representative in that regard.</p>	
<p>Presidents, residents, businesses and land and amenity users of the towns and villages within the project area of influence:</p> <ul style="list-style-type: none"> • Town A • Town B • Village A • Village B • Village C • Village D <p>Some individuals or groups in these locations may be considered more vulnerable than most of the affected population and will require the implementation of tailored or focused engagement measures. Vulnerable groups identified to date are:</p> <ul style="list-style-type: none"> • elderly single-headed households • single-parent households who might need to be physically relocated • persons who depend on the affected land for incomes/livelihoods and it is the only land they own or use including informal users • other persons who will be affected by physical and/or economic displacement, whose socio-economic status is low, for example, beneficiaries of social welfare • children walking/travelling to and from school, who could be exposed to construction safety risks • disabled people living in affected communities • illiterate persons who may have difficulties accessing information about the project and land acquisition or understanding contracts and other important documents, and so on. <p>Other vulnerable groups will be added as identified through the project development process. Further impacts and categories of vulnerability will likely be confirmed during the future asset inventory and socio-economic survey that will be carried out during consultations with land owners and other engagement to be carried out as part of the ESIA, including any minority ethnic groups who meet the definition of vulnerability.</p>	<p>Information about the project (for example, NTS, ESIA, SEP, RP, guide to land acquisition and compensation (GLAC), press releases), published on CXM website.</p> <p>Information disclosure through the media: newspaper(s), as well as electronic local and national media, radio, TV and leaflets, including notices in advance of and during the construction period along the existing portions of the motorway.</p> <p>Public consultation meetings (suitable locations and timings for community meetings will be identified for invited participants' comfort and access, including consideration of any implications of traditional roles by gender). Invitations to public consultation will specifically describe the format of the meeting (written presentation, video, speaking), how meeting attendance and other data will be recorded, summarised and reported, and the facilities that will be available to stakeholders such as food and drink, and any specific disabled access provision. The invitation will provide both email and telephone contact details for stakeholders to request any additional elements that would remove a barrier to their participation. The project will consider these earnestly and provide any adaptations that are technically and financially feasible and suggest (by reply to the stakeholder or their advocate) alternate means of engagement for a given stakeholder where they are not.</p> <p>Focus group meetings and workshops to identify impacts, agree and implement mitigation measures, as necessary. The project will continue to investigate whether there are any existing community forums that might be used for these activities. To date the Municipality X Federation of Farmers and Women's Association have been identified.</p> <p>Use of bulletin boards (located in affected settlements and municipality administration) by posting project information/notices.</p> <p>The project will investigate any other forums currently used by the communities, such as community social media pages, and incorporate these into the stakeholder engagement programme where practical.</p> <p>Land owners/land users/business owners directly affected by land acquisition will be invited to group and/or individual meetings with households/individuals about the land acquisition process for the project. Information will include a GLAC presenting this information in a form that is as concise and understandable as possible and in a language understood by the given stakeholder. A video describing the land acquisition process will also be available on the project website to aid access to the information for those who prefer a visual method of information disclosure.</p>

34 The term “vulnerable people” refers to people or groups of people who may be more adversely affected by project impacts than others by virtue of characteristics such as their gender, gender identity, sexual orientation, religion, ethnicity, indigenous status, age (including children, youth and the elderly), physical or mental disability, literacy, political views, or social status. Vulnerable individuals and/or groups may also include, but are not limited to: people in vulnerable situations, such as people living below the poverty line, the landless, single-headed households, natural resource-dependent communities, migrant workers, refugees, internally displaced people, or other displaced persons who may not be protected through national legislation and/or public international law. ESP (2019).

Stakeholder group/stakeholders	Likely communication methods
	<p>Presidents: official correspondence and meetings in addition to the measures above.</p> <p>With respect to vulnerable groups, the project will continue to investigate whether there are established CBOs or other community representatives that can provide advice on optimising access of vulnerable groups to the project engagement process. The project has contacted the NGO Access Country X who advocate for increased adult literacy and also provide insight into the adaptation of disclosure and engagement tools for illiterate stakeholders or stakeholders with a lower level of literacy, such as the use of verbal and video tools, short format messages and general consideration of the level of written documentation needed to support community engagement such as focus groups.</p> <p>Vulnerable groups and/or individuals will also be engaged with directly where possible to identify any specific information or consultation needs to take any concerns or impacts into account. It is already anticipated that certain elderly and physically disabled stakeholders will need to be visited at home or provided support for transportation to meetings and provision for their comfort at those meetings based on the needs they express or are expressed by their family or other caregivers.</p> <p>It is anticipated that engagement, will need to be undertaken in the national language and the language of the minority ethnic group A as a minimum.</p>
Other organisations: NGOs, CBOs, FBOs, media organisations and others that might be identified that are present in the project area of influence or have an interest in the project	
<p>Preliminary list:</p> <ul style="list-style-type: none"> • Country X Ecological Society • BirdLife Country X • Town A Heritage Society • Municipality X Federation of Farmers • Women's Association • Access Country X • National Citizens Association for Support of Persons with Disabilities • Youth Council of Municipality X <p>Other organisations will be added, as identified throughout the life of the project.</p>	<p>Information about the project (for example, NTS, ESIA, SEP, RP, press releases), published on the CXM website.</p> <p>Information through the media: newspaper(s), as well as electronic local and national media, radio, TV and leaflets.</p> <p>Public consultation meetings.</p> <p>Focus group meetings and workshops.</p> <p>Official correspondence and meetings.</p>
Potential partners: Organisations, businesses and individuals with direct interest in the project, for example, running businesses or providing services and supplies to the project	
<p>Contractors and primary suppliers, workers and their representatives.</p>	<p>Information primarily through the project website and government procurement processes.</p> <p>The selected construction contractor will be required to submit a recruitment and procurement plan including means to advertise any employment or supplier opportunities locally, most likely through the municipal website and/or community noticeboards or newspaper(s).</p> <p>Official correspondence, meetings.</p> <p>Internal human resource processes are outside of the scope of this SEP.</p>

If you are a stakeholder who has not been identified in the table above but would like to be included in the stakeholder engagement for the project, please contact the project using the contact details provided in section 9.

6. Stakeholder engagement programme

[Length guide: one to two pages of text plus table[s], which can be appended]

Elements that make a better SEP

- Predictability of methods for engagement: summarise the stakeholder engagement programme with time-specific events that can be completed (that is, who is doing the work, schedule, engagement platforms, target groups and key messages (reason for engagement) and so on). Insert detailed actions for the next 12 months minimum, and as much detail as possible for subsequent periods. Activities can be given a date or phrased as “construction start plus x weeks” and so on if needed and where more precise information is not yet known. Including descriptions such as “regular meetings” or “continuous contact” makes the programme harder to evaluate.
- Coordinate any additional international best practice requirements for engagement with national requirements to the extent possible to avoid stakeholder confusion and fatigue. An example is coordinating any additional public consultation processes for ESIA envisioned by the EBRD and national requirements for EIA into one public consultation process where possible.
- State where the stakeholders can find project documentation and in what language[s].
- State how views raised by all stakeholders will be considered and how feedback will be provided.
- Include dissemination of the grievance mechanism.
- Consider any cross-border consultation that might be needed.
- Include that the SEP will be updated to reflect project progress, and the timing of that update, at a minimum annually. Include provisions for stakeholder engagement if there are changes to the project, which result in significant changes to the project environmental or social risks and impacts.
- The example text below structures the content by stakeholder group. This is to allow a given stakeholder to more easily identify the engagement planned for them. It is valid to use alternative approaches such as structuring the engagement programme by activity, for example, for the ESIA, for land acquisition and so on. Regardless, always consider whether the stakeholder can easily identify the activities that apply to them.
- More detailed guidance for the stakeholder engagement requirements for PR5 are contained in the EBRD PR5 guidance note.

The stakeholder engagement programme serves two key purposes:

- disclosing appropriate information about the project – disclosure of relevant project information helps stakeholders understand the potential E&S impacts and opportunities of the project and how these will be managed; consultation activities are more informed and constructive if stakeholders have accurate and timely information about the project
- providing stakeholders with the opportunity to voice their opinions, preferences, concerns and grievances; this enables participation and involvement in the planning and design process and the enhancement of proposed impact mitigation measures.

Table A6.1 outlines the action plan for stakeholder engagement for the project. This will be updated as the project develops to include the more detailed actions during construction and operation.

The SEP will be updated at a minimum annually to ensure it reflects the project status and engagement plans.

All activities are the responsibility of CXM unless otherwise stated.

Box 1. A note on large-scale linear projects

- Where the project is likely to pass through many communities, perhaps over several hundred kilometres, engagement might need to be described more conceptually to begin with, until the detail and timing by community can be known.
- A commitment is often then required to generate engagement action plans as the project develops, for example, a stakeholder engagement action plan per construction spread.
- Tiers of engagement might also be defined that can generally be described at the early stage of a project, for example, “all stakeholders directly affected by land acquisition will automatically be included in Tier 1 engagement”. Tier 1 would then be defined, for example, including at a minimum an invitation to a small group meeting in addition to any general project engagement processes.
- Projects at this scale might also require multiple stakeholder relationship managers, for example, a manager for engagement with national government or for the land acquisition process. These roles should be described in the SEP.
- The idea with all of these methods of presentation is to describe at least the system of engagement that will be used, even if the exact measure that will be applied to a stakeholder’s village cannot be known until more detailed project planning or design is possible.

All engagement activities are documented. The following documentation will be used:

- a stakeholder engagement log: it will contain, for example, details on information presented, meetings held, feedback and questions received and project responses including any commitments made to stakeholders
- meeting minutes template
- stakeholder list: this needs to be kept up to date with identified stakeholders to help ensure their inclusion in engagement activities
- grievance register, which will record all grievances received, management actions taken and whether it has been closed out satisfactorily; grievances are dealt with using a specific process (see section 7).

All comments and questions received will be reviewed to ascertain the feasibility to satisfy or address the comment or question and the stakeholder informed of the outcome.

It is anticipated that engagement will need to be undertaken in the national Country X language, and the language of Minority Ethnic Group A. Information disclosure on the CXM website will also include a version in English. CXM will continue to consider whether any additional translations/translators are required as new stakeholders are identified.

Table A6.1. Stakeholder engagement programme by stakeholder group – pre-construction

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
<p>Presidents, residents, businesses and land and amenity users of the towns and villages within the project area of influence.</p> <p>[See following row for additional measures for person(s) experiencing either physical or economic displacement as a result of project-related land acquisition or restrictions on land use, other assets or natural resources (project-affected persons, PAPs).]</p>	<p>Description of project and rationale, timeline and activities, SEP, key E&S impacts, relevant mitigation measures.</p> <p>Activities for ESIA scoping, development and disclosure, including potential activities related to baseline information-gathering.</p> <p>Timing is indicated in the next column by activity.</p>	<p>By end of January 2022:</p> <p>The following documents will be available on the CXM website (hyperlink to company website):</p> <ul style="list-style-type: none"> • this SEP • ESIA scoping leaflet (one-page A4) describing in summary terms: the project; potential alternatives; the ESIA process; preliminary impacts identified; a description of the engagement process and the grievance process; contact details • a draft of the GLAC (to be finalised during subsequent engagement and available as final by March 2022 for meetings with PAPs). • a short video covering the same topics as the scoping leaflet. <p>Hard copies of the documents will also be available at the following locations (addresses provided in SEP section 9):</p> <ul style="list-style-type: none"> • CXM • Municipality X offices. <p>Official correspondence and meetings with presidents of local communities. The schedule for these will be set during the initial communication with the presidents. CXM will request an initial meeting or call with each president by the end of January, ahead of community meetings and to help plan for those meetings. Discussion will include impact of the time of day or year that meetings are held. CXM will enquire about any community social media that could be considered for inclusion in the engagement programme and about any other means to aid information disclosure such as placing hard copies in village libraries. CXM will also ask about existing community grievance mechanisms and how these might interact with the project grievance process.</p> <p>Additional engagement needs will be considered to address any barriers to inclusion. The project will continue to investigate whether any existing community forums could be utilised beyond those already identified (Municipality X Federation of Farmers and Women’s Association).</p>

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
Presidents, residents, businesses and land and amenity users of the towns and villages within the project area of influence.	Description of project and rationale, timeline and activities, SEP, key E&S impacts, relevant mitigation measures. Activities for ESIA scoping, development and disclosure, including potential activities related to baseline information-gathering. Timing is indicated in the next column by activity.	<p>During February and March 2022 – ESIA scoping:</p> <p>The goal of ESIA scoping is to obtain initial feedback on: the project itself and potential alternatives; the scope for the ESIA; the SEP; and the grievance process. Specific activities will include:</p> <ul style="list-style-type: none"> • scoping workshops with selected stakeholders, potentially including selected representatives of residents such as presidents of villages or residents experienced in a topic, NGOs, government participants; this will provide input to the draft ESIA scoping report • disclosure of the draft ESIA scoping report on the CXM and Municipality X website; hard copies will be available at the following locations as a minimum (addresses provided in SEP section 9): <ul style="list-style-type: none"> o CXM o Municipality X offices • a hard copy of the scoping leaflet available at all meetings; CXM will also consider the use of images such as posters of typical construction activities to support engagement • public meeting(s) on the draft scoping report to present the results of the scoping activities and allow for stakeholder feedback; it is proposed that a meeting will be held in the community hall of Town A and the community hall of Town B • the time and locations and meeting format and facilities for the planned public consultation meeting(s) will be disclosed: on the CXM website, Municipality X website, community noticeboards, and using any other means deemed by the municipality or presidents of communities to be practical and beneficial, such as newspaper, radio and TV • meetings will specifically cover any potential effects on the cemetery on the NW edge of Town A and other concerns raised by the public during previous spatial planning engagement for the motorway • inputs from scoping meetings are taken into consideration in the form of the final terms of reference for the ESIA. <p>Anticipated Q3 and Q4 of 2022 – ESIA report:</p> <p>The EIA public consultation process is the responsibility of the MoE. It will organise the public consultation, disclose the EIA and issue invitations and coordinate the public hearing. CXM will also undertake certain supplemental activities as described below in accordance with EBRD requirements and respond to requests for meeting format and facility adaptation, working with MoE to determine possibilities, including provision of any additional funding required.</p> <p>During the ESIA development, engagement to describe and gain input and feedback on:</p> <ul style="list-style-type: none"> • the purpose, nature, scale and duration of project activities • potential impacts on stakeholders as well as proposed mitigation plans highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and differentiate measures to mitigate these • the envisaged stakeholder engagement process, including the time and venues for planned consultation meetings and the process by which meetings will be notified, summarised and reported <p>Specific activities will include:</p> <ul style="list-style-type: none"> • focus group meetings or working groups with specific stakeholder groups or around specific project impacts, including identifying and potentially agreeing mitigation measures; one example could be a working group of local and national stakeholders to discuss potential effects on cultural heritage; other examples could include a meeting for women and a meeting focused on impacts from noise; the ESIA predictions and engagement to this point will determine the final focus groups.

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
Presidents, residents, businesses and land and amenity users of the towns and villages within the project area of influence.	Description of project and rationale, timeline and activities, SEP, key E&S impacts, relevant mitigation measures. Activities for ESIA scoping, development and disclosure, including potential activities related to baseline information-gathering. Timing is indicated in the next column by activity.	<p>Once a draft ESIA is available, engagement to gain feedback on the impact assessment and proposed E&S impact management measures. Specific activities will include:</p> <ul style="list-style-type: none"> public disclosure of the draft ESIA and associated documents,³⁵ using the same means for disclosure as for the ESIA scoping report; specifically for the draft ESIA, it must be available on the internet and in hard copy for a minimum of 120 days³⁶ and its availability advertised in the national newspaper the <i>Daily Times</i> at least 28 days ahead of public consultation meetings follow-up focus groups, likely with the same groups as for the draft ESIA unless new stakeholders or topics have become apparent in the meantime public meetings on the draft ESIA; it is currently planned that a public meeting will be held in the community hall of Town A and the community hall of Town B; the EIA study must have been available, and notice provided to the public, at least 28 days in advance of this meeting any lessons learned during the scoping phase regarding optimising stakeholder engagement opportunities will be employed for the ESIA disclosure the final ESIA will remain in the public domain (available on the internet and by request from CXM) for the duration of the project. <p>The public will also be able to use the grievance process described in section 7 below. Information regarding the grievance procedure will also be widely disseminated to affected municipalities and affected local communities.</p> <p>The project NTS and EBRD Environmental and Social Action Plan (ESAP) for the project, which summarises remaining actions with respect to E&S for project lender financing will also be disclosed once available as part of lender due diligence; timing still to be determined.</p>
Project-affected persons	The RP will set out the detailed engagement plan for consultation with affected land owners and users. Timing for the next 12 months is indicated in the next column by activity. The programme includes taking the opportunity, where possible, for the meetings for land acquisition to also plan work with the community to avoid working at sensitive times and confirm any impacts on local access during construction and operation.	<p>For the activities below, if opportunities are available to combine engagement activities with the activities for the ESIA this will be done to make the most of stakeholders' time.</p> <p>By the end of March 2022: Land owners/land users/business owners affected by land acquisition will also be invited to group meetings focused on the land acquisition process for the project. Information and activities will include:</p> <ul style="list-style-type: none"> a GLAC in a concise and easy-to-understand format; this will also be available at municipal offices; a video describing the land acquisition process will also be available on the project website for those who prefer a visual method of accessing information a presentation of the detailed project footprint and affected land and assets; effects on access to land (including identification of whether land outside the footprint may be orphaned and become uneconomic to farm); agree mitigation measures; announce and describe the socio-economic survey/ census by CXM; land and asset surveys by the Country X Land Survey Department and the process of valuations of properties; present an initial entitlements matrix and types and method of compensation

35 This will be part of an E&S disclosure package including the ESIA, NTS, SEP, ESAP and other documentation as required in both English and local language(s).

36 The EBRD Access to Information Policy provides that the Bank disclose ESIA's for this type of Category A project for 120 calendar days before consideration of the project by the Board of Directors and that clients align their disclosure period with this requirement.

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
Project-affected persons	<p>The RP will set out the detailed engagement plan for consultation with affected land owners and users.</p> <p>Timing for the next 12 months is indicated in the next column by activity.</p> <p>The programme includes taking the opportunity, where possible, for the meetings for land acquisition to also plan work with the community to avoid working at sensitive times and confirm any impacts on local access during construction and operation.</p>	<ul style="list-style-type: none"> • explanations will be provided of the revised access arrangements and access to the project (Motorway) when completed; this will include the use of clear maps and a list of underpasses and local service road access arrangements • allowing CXM to gather some key socio-economic data, including livelihoods data, in order to identify any specific needs and vulnerabilities and inform additional support or assistance necessary, including livelihoods restoration support • these sessions will also offer the PAPs an opportunity to discuss any land-related matters they would like. <p>Approximately April to end of June 2022:</p> <ul style="list-style-type: none"> • Country X Land Survey Department surveys in the field to verify data held in the public records and confirm affected land and assets. CXM, with the municipality's support, will assist the Country X Land Survey Department to engage with the local community to identify affected users and owners, including any effects to the cemetery to the NW of Town A. • in parallel with these activities, CXM will undertake one-to-one engagement with households whose residential structures are physically affected and with business owners whose businesses are directly affected, including undertaking a detailed socio-economic survey; the socio-economic survey will enable CXM to identify specific needs and any vulnerabilities to inform additional resettlement support for/and assistance necessary, including livelihood restoration support; in addition, this direct engagement will enable discussion of compensation options (for example, cash compensation at replacement value plus moving allowances or replacement property). <p>Approximately July 2022 onwards:</p> <ul style="list-style-type: none"> • individual meetings to present proposed compensation as required under CXM legislation for land expropriation • communication to individuals of any non-statutory compensation measures being proposed by the project • disclosure of the RP in parallel with or as part of the ESIA³⁷ • engagement then continues as detailed in the RP.

³⁷ For Category A projects, the resettlement plan or framework shall be publicly disclosed by the EBRD as part of, and concurrently with, the ESIA (typically the resettlement plan or framework is one of the volumes of the ESIA), as foreseen in PR10. No confidential personal information (for example, name, personal contact and address details, information of personal income and compensation packages and so on) shall be contained in resettlement plans as these are intended for public disclosure. Resettlement, land acquisition and valuation documentation held by the project, which includes personal information, such as lists of project-affected persons, certain photographs, and information on personal income and compensation packages, among others, will be managed in line with relevant data protection laws and good practice.

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
Municipal government: Municipality X, where the project will be implemented and including all relevant departments. This list may be expanded to include other municipalities that might experience project effects as identified in future studies such as the ESIA.	In Q4 2021: <ul style="list-style-type: none"> • description of project and rationale, timeline and activities • describing and agreeing roles and processes for engineering design, ESIA, and other permitting, including ideas for facilitating access to vulnerable groups and gender inclusion more broadly • sharing the SEP, key E&S impacts, and potential mitigation measures. Subsequent meetings will be planned in accordance with the outcome of this meeting.	Meeting with representatives of municipal administration and departments responsible for infrastructure development, E&S issues and economic development. Meeting to include: <ul style="list-style-type: none"> • presentation about project development, alignment of the motorway section and E&S impacts and mitigation measures and municipal development plans • confirmation for further communication and collaboration during the project development and stakeholder engagement, including how grievances regarding the project might be registered via the municipality, including local availability of grievance forms. Official correspondence and meetings as agreed above are likely to include the provision of information on project progress and issues that concern local communities, for example, issues in relation to general planning, utilities and infrastructure management, traffic management, health, safety and security issues, emergency response, general environment, including waste management and so on. Meetings will specifically cover any potential effects on the cemetery to the NW of Town A and other concerns raised by the public during spatial planning to date. Communication will follow established procedures in line with national or local regulation where this exists.
National government	<ul style="list-style-type: none"> • activities required for regulatory approvals including for the ESIA (will be ongoing) • potential activities related to baseline information-gathering for the ESIA (Q1 and Q2 2022) • discussion with Ministry of Social Affairs regarding vulnerable groups (Q1 2022). 	Official correspondence and meetings, regulatory applications, site inspections as needed by approvals. Communication will follow established procedures in line with national regulation where this exists. Discussion with Ministry of Social Affairs to share expertise in both identifying and providing access to engagement and general project processes for vulnerable groups, along with any existing information on and support available to them.
Public companies/entities: National, municipal (and local where present) emergency services, fire brigades, healthcare providers, utility (energy, water, waste) owners and operators, police	Discussion of project plans to prepare for and coordinate activities during construction and operation (Q1 and Q2 2022). Consultation and agreement on responsibilities for emergency response and preparedness for the project (timing to be determined based on initial meetings).	Official correspondence, including formal notifications and meetings. The draft project transport and community health and safety management plans will be shared with emergency services and local utility companies, for example, to aid discussion. Timing of advance notice and information requirements to these stakeholders for specific construction activities to be agreed. Communication will follow established procedures in line with national or local regulation where this exists.

Stakeholder group	Activity and timing	Method/detailed content
Pre-construction (CXM anticipates construction will begin at the start of 2023, pre-construction is the engagement until then)		
Other organisations: NGOs, CBOs, FBOs, media	Description of project and rationale, timeline and activities, SEP, key E&S impacts, and relevant mitigation measures. Activities for ESIA scoping, development and disclosure, including potential activities related to baseline information-gathering. Timing: outreach to begin in January 2022.	In addition to the disclosure and public consultation measures outlined in this table, individual meetings and official correspondence as needed. This will include sharing expertise and ideas in both identifying and providing access to engagement and general project processes for vulnerable groups and gender inclusion more broadly. Before finalisation and disclosure of the ESIA: focus groups on information-gathering for the project baseline, including biodiversity, identifying impacts, and potentially agreeing mitigation measures.
Potential partners: Contractors and primary suppliers, workers and their representatives	Contractor and supplier engagement activities Timing: to be determined. Contractor selection will be undertaken in 2022.	Information primarily through the project website and government procurement processes. Selected construction contractors will be required to submit a recruitment and procurement plan including the means to advertise any employment or supplier opportunities locally, most likely through the municipal website and/or community noticeboards or newspaper(s). Official correspondence, meetings. Internal human resource processes are outside of the scope of this SEP.

Table A6.2. Stakeholder engagement programme by stakeholder group – construction

Stakeholder group	Activity and timing	Method/detailed content
Construction (Construction is planned to start in the first quarter of 2023, and be completed by the end of 2024) Specific timings for engagement will generally be determined as an outcome of pre-construction engagement and be reflected in an updated SEP at that time		
Residents, businesses and land and amenity users of the towns and villages within the project area of influence. Presidents of local communities in the settlements within the project area of influence. Users of roads and access roads in the construction area.	Ongoing, including advance, engagement on project timeline and activities, including updates on construction activity. Any public safety messages. Advertisement of employment or supply opportunities. Information on impact mitigation measures including those in the transport management and community and health, safety and security plans.	CXM (possibly via the construction contractor(s)) will: <ul style="list-style-type: none"> inform the public of the general timetable for construction activities provide safety briefings to communities before construction begins inform affected communities on the progress of construction inform affected communities about any construction activities that may affect them, in advance of the activities, including any significant anticipated impacts and proposed mitigation measures (including disclosing the project ESMP), seeking feedback on the success of the implementation of these measures. Mechanisms will include information boards installed at project borders with general information on the project, that is the contractor, main supervisor, construction permit number and schedule of works and a poster/leaflet reminding stakeholders of the grievance mechanism available. Updates will also be posted on the CXM website and Municipality X website and on community bulletin boards. Construction signs and safety messages will be in place. Focus group/small group meetings to continue to identify or monitor impacts and agree and implement mitigation measures as needed, for example, on road safety or traffic management. Individual meetings and face-to-face discussions, as needed, to respond to stakeholder questions or concerns. Official correspondence as needed. The public will also be able to use the grievance procedure described in section 7 below. Information regarding the grievance procedure will also be widely disseminated to affected municipalities and affected local communities.
Municipal government	Ongoing update on project timeline and activities, including plans for stakeholder engagement and the grievance mechanism. Any additional activities as agreed during pre-construction engagement.	Methods as agreed during pre-construction engagement. Official correspondence and meetings as agreed above including the provision of information on project progress and the addressing of issues that concern local communities, for example, issues in relation to general planning, utilities and infrastructure management, traffic management, health, safety and security issues, emergency response, general environmental including waste management, community plans and activities, and so on.
National government	Activities required for ongoing regulatory approvals or requirements.	Official correspondence and meetings, regulatory applications, site inspections as needed by approvals.
Public companies/entities	Continued coordination of activities and notice provision during construction.	Official correspondence, including formal notifications and meetings.
Other organisations: NGOs, CBOs, FBOs, media	Updates on project activities.	In addition to the disclosure and public consultation measures outlined in this table, individual meetings and official correspondence as needed.
Potential partners: Contractors and primary suppliers, workers and their representatives	Contractor and supplier engagement activities.	Official correspondence, meetings, site visits. Engagement as per the contractor recruitment and procurement plans including the means to advertise any employment or supplier opportunities locally, most likely through the municipal website and/or community noticeboards or newspaper(s). Internal human resource processes are outside the scope of this SEP.

Table A6.3. Stakeholder engagement programme by stakeholder group – operation and closure

Stakeholder group	Activity and timing	Method/detailed content
<p>Operation and closure (The project is designed to be in operation for at least 20 years)</p>		
<p>The SEP will be updated to reflect plans for stakeholder engagement during operation at least six months ahead of the start of the operational period.</p> <p>Engagement requirements for operation and closure will largely be determined as an outcome of pre-construction and construction engagement. An indication of possible activities and methods is provided below:</p> <ul style="list-style-type: none"> • information through the local and national media • focus group/small group meetings to continue to identify or monitor impacts and agree and implement mitigation measures as needed • official correspondence and meetings to provide information on issues that concern local communities, for example, issues in relation to utilities and infrastructure management and emergency response • E&S performance reporting on the project website, available in hard copy in the municipal office and provided in person/by mail as needed, including details of grievance management; level of detail and frequency to be determined during the pre-construction and construction, E&S studies and stakeholder engagement, but will include at least annual reporting • continuing accessibility of the grievance mechanism. <p>The SEP will be updated for the closure period near the end of the operational period.</p> <p>Stakeholders can submit their recommendations for engagement for any phase using the contact details in section 9.</p>		

7. Grievance process

[Length guide: one to two pages plus chart]

Elements that make a better SEP

- Describe the grievance process by which people affected by the project can bring their grievances and raise concerns to CXM for consideration.
- Define what is meant by a “grievance”.
- Specifically consider any barriers to access to the procedure for vulnerable groups, including considerations related to gender.
- Allow a stakeholder to register their grievance through multiple channels.
- State the project timeframe commitments to acknowledge a grievance (for example within 7 days of receipt) and to respond to a grievance (for example within 30 days of receipt).
- Should always include an appeal process/recourse mechanism:
 - o further guidance is available in the EBRD PR10 Guidance Note.
- SEP should reinforce communication of some other key messages on the grievance mechanism, including the following:
 - o reporting a grievance is free and does not require the payment of any money
 - o use of the grievance mechanism does not stop a person from seeking other legal or administrative remedies
 - o grievances can be made anonymously; personal information will only be shared if a complainant agrees and will be treated confidentially
 - o grievance will be handled discreetly and carefully to protect complainants from retaliation; the project will not tolerate actions of retaliation and will investigate any allegations of retaliation.

Common issues to avoid

- No detail provided on responsible people, project-specific procedures, timeframes (acknowledgement, response and so on) and mechanisms of communication with complainants; often not clear how it links to existing processes, for example, website, municipal entities with city-level complaint mechanisms.

A grievance process will be adopted as presented in Figure A7.1.

CXM and their contractor(s) will accept all comments and complaints (grievances) associated with the project, submitted either verbally or in writing. A sample of the project’s public grievance form is provided at the end of this document.

Reporting a grievance is free and does not require payment.

The grievance form (in the Country X language, Minority Ethnic Group A language and English) will be made available on the project web site www.countryx/cxm.com. Municipality X (and any other municipalities identified as affected) will receive pre-printed forms to be made readily available for the public and the grievance mechanism will be publicised in affected municipalities and communities as described in section 6 stakeholder engagement programme. Any person or organisation may send comments and/or complaints in person, by phone, via post or email using the contact information provided in the grievance form.

Contact details of the construction contractor(s) will also be made publicly available in the local area. Contractors are obliged to manage grievances in accordance with CXM/ project grievance process.

All comments and complaints will be responded to in accordance with the preferred method of communication specified by the complainant, if contact details of the complainant are provided. Individuals who submit their comments or grievances have the right to request that their name be kept confidential or to remain anonymous if they choose.

Grievances will be handled discreetly and carefully to protect complainants from retaliation where this might be a concern. The project will not tolerate actions of retaliation and will investigate any allegations of retaliation.

Unless otherwise required by legislation, CXM will endeavour to register and acknowledge receipt of the grievance within 7 working days, and to respond within 30 days of receiving the grievance to inform the complainant of the corrective action taken or proposed corrective action and estimated timeframe for completion.

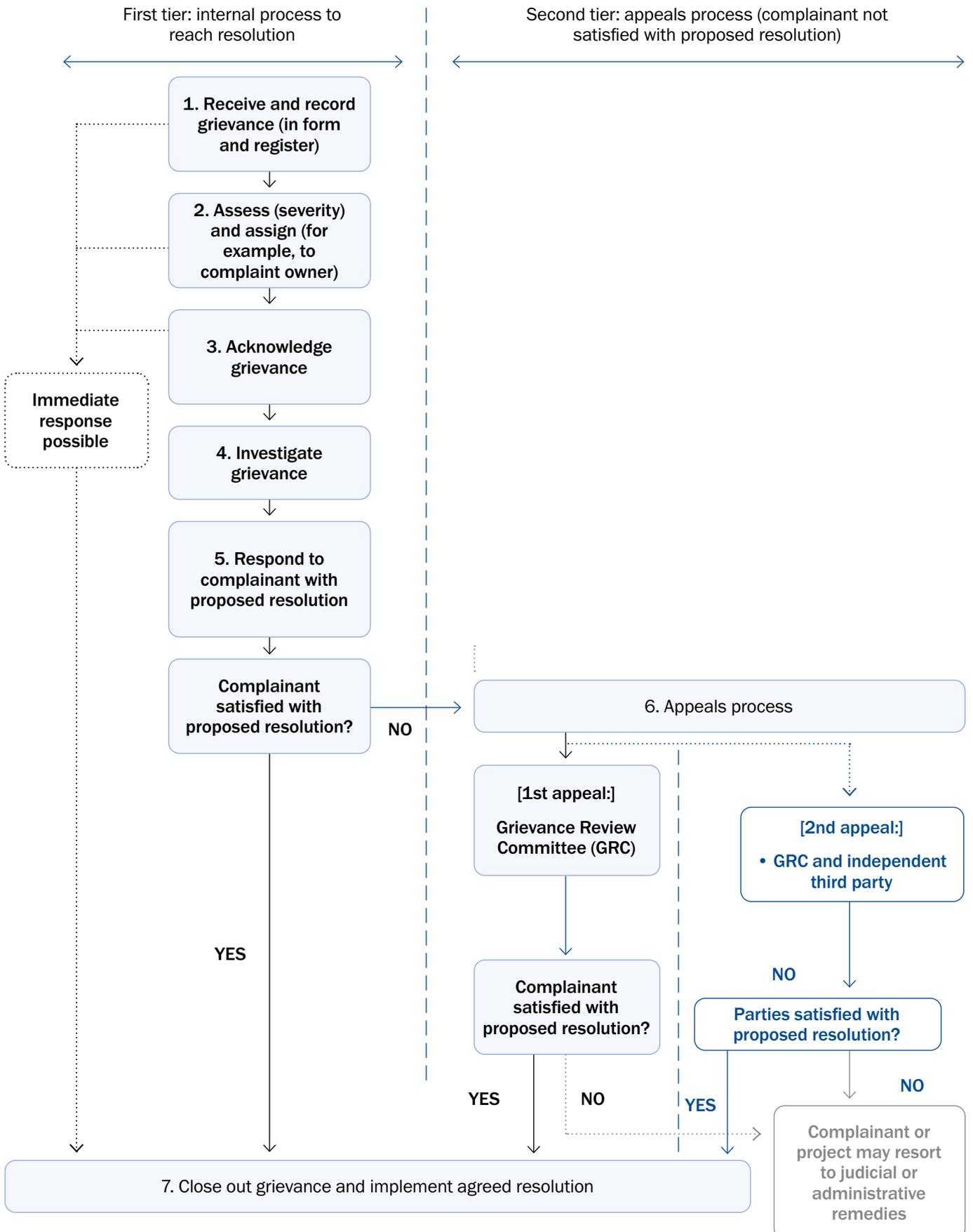
CXM will monitor the way in which grievances are being handled by their staff and contractor(s) and ensure they are properly addressed within deadlines specified above. CXM will keep a grievance register of all grievances (including those received and addressed by the contractor(s)), based on which monthly grievance management reports will be produced and included in the annual E&S reports, published on their website.

A separate grievance mechanism is available for workers.

Municipality X has confirmed that the municipality does not have a specific grievance mechanism, only those that exist in law and therefore if grievances about the project are received, they will be addressed in accordance with the law. However, the project will also be made aware of any grievances where considerations of confidentiality allow and in any case, the themes of the grievances received. CXM will in return update the municipality about any concerns and grievances it receives from the community in the same manner. The municipality will keep hard copies of the project grievance form available and highlight to community members that they are also able to use those.

At all times, complainants are also able to seek legal and administrative remedies in accordance with the laws and regulations of Country X.

Figure A7.1. Grievance process



Appeals process/recourse mechanism

Where a complainant is not satisfied with the proposed resolution (immediate actions and corrective actions) offered then they can appeal. The complainant should contact CXM stating that they would like to raise an appeal to the resolution proposed as they are not satisfied with it. A grievance review committee will meet. The committee will include the project and government representatives or other independent third parties. The committee will study the complaint and the refused proposed resolution and consider if another solution is appropriate. Any alternative resolution will be discussed with the complainant. Where no alternative resolution is identified during the appeal this shall be communicated to the complainant.

8. Monitoring, evaluation and reporting

[Length guide: one to two pages text plus tables of specific key performance indicators that might be included]

CXM will monitor SEP implementation, evaluate the effectiveness of the SEP, and report to stakeholders on engagement activities.

Elements that make a better SEP

- describe how implementation of the SEP will be monitored and results of monitoring will be used
- describe how and when results of stakeholder engagement will be reported back to stakeholders
- include how the SEP will be updated over time, including provision for stakeholder engagement if there are changes which result in significant changes to the project's environment or social risks and impacts.

Monitoring and evaluation

CXM will undertake the following monitoring and evaluation activities monthly as a minimum during pre-construction and construction:

- community liaison officer (CLO) will review stakeholder documents described in section 6 such as the stakeholder engagement log and grievance log to:
 - o compare the percentage of planned versus actual stakeholder engagement activities broken down by stakeholder group
 - o percentage of commitments made to stakeholders that are completed
 - o check for proper completion of documentation
- media monitoring of press and radio stories relevant to the project by the public relations department
- the CLO and the social specialist will analyse trends in stakeholder feedback to determine if there are any re-occurring themes that might require additional management actions in order to address them; regarding grievances, the CLO and the social specialist will specifically assess:

- o efficiency of the grievance process: total number of grievances received by category and gender and number and percentage resolved; number and percentage of grievances resolved according to prescribed timeframes
- o effectiveness of the grievance process: number of recurring grievances by category
- the CLO and the social specialist will attend at least monthly meetings with the project manager to report on and discuss SEP implementation; meeting content will include planned versus actual stakeholder engagement activities and progress in commitments made to stakeholders, grievance process efficiency and effectiveness, and any limitations to implementation of the SEP and commitments such as resources.

This does not preclude additional activities that occur in response to more urgent issues arising, such as grievance responses described elsewhere in this SEP.

Where engagement is conducted by contractors, project requirements are defined in contractor management plans and implementation included in monitoring.

External reporting

In addition to feedback provided to stakeholders during the engagement activities described in the section 6 stakeholder engagement programme, CXM will generate the following reports summarising how stakeholder input has been considered in the project:

- a summary report on public input to the ESIA process
- annual reports on E&S performance; these will summarise the key themes that have been raised, including grievances, and how they have been considered; any public annual reporting on grievances will ensure anonymity.

These will be published on the CXM and Municipality X websites and hard copies placed in the Municipality X office as a minimum.

The SEP will be reviewed by the CLO, the social specialist and project manager at least annually including a review at the end of the pre-construction phase and at the end of the construction phase to assess whether:

- the stakeholder list remains appropriate
- engagement activities are appropriate for different groups of stakeholders
- the frequency of activities is sufficient
- grievances are being adequately dealt with
- project resourcing of stakeholder engagement remains appropriate.

This will include consideration of any project changes that might result in significant changes to the project's environmental or social risks and impacts.

The SEP for construction and operations will be finalised and disclosed at least three months before the start of each phase.

9. Contact details and responsibilities

[Length guide: maximum one page]

Elements that make a better SEP

- ensure clear contact details for the project
- describe the main roles and responsibilities within the project team for stakeholder engagement
- insert web and physical addresses of the locations where information will be disclosed
- include contact details for the EBRD.

CXM

The project will employ at least one CLO, who will provide the main point of contact for stakeholders and undertake regular visits to the project area. Once employed, the contact details for the CLO will be added to the disclosed project information such as grievance posters and at public meetings. The CLO will be responsible for daily implementation of the SEP activities, such as planning meetings, visiting the community, arranging for the participation of other project team members as required, attending internal project planning meetings, and reporting to stakeholders as described in section 8. They will be supported by the project social specialist as described in section 8.

Contact details of the construction contractor(s) will also be made publicly available in the local area.

In the meantime, and as an additional way of getting in touch with the project throughout, stakeholders can contact:

CXM

Contact person: [Name], Public Relations

Address: Floor 10, 82nd Street, Capital City

Tel: +12 345 6789

Email: [email address]

[CXM Website as hyperlink]

Should a stakeholder prefer to communicate with a member of CXM staff of the same gender, CXM will make staff available.

The public relations team and CLO will be supported by the CXM project manager who holds overall responsibility for the effective engagement of the project stakeholders, as outlined in this SEP, including grievance management and ensuring resources are available for stakeholder engagement activities.

A training programme will be in place to ensure that all CXM project team members are briefed on the application of this SEP as applicable to their role.

Municipality X

The Municipality X office address and website are as follows:

Municipality X

Address: City Hall, 15th Street, Municipal Capital

Tel: +12 111 2222

[Municipality website address as hyperlink]

Community noticeboards and the CXM website will also provide these contact details for the project.

10. Annexes

Glossary (see example in Annex 1)

Grievance form (see example in Annex 4)

Annex 3. Digital stakeholder engagement

Leveraging digital tools for meaningful stakeholder engagement

(i) Introduction

This guidance explores the opportunity to better engage and consult with project beneficiaries with appropriate remote, efficient and digital tools.

It has been prepared to assist the EBRD's clients, impact assessment practitioners who may be involved in project appraisals, monitoring and related due diligence; and/or other stakeholders who wish to better understand the key concepts and specific requirements addressed in PR10 through the use of digital tools.

This guidance note is not intended as a comprehensive "how to" guide that would duplicate the wealth of guidance and/or good practice examples available elsewhere. Instead, it is designed as a concise "where to" guide that helps users find appropriate external guidance and provides examples of tools that can be used for PR10.

(ii) The importance of digital tools for information disclosure and stakeholder engagement

The EBRD considers stakeholder engagement to be an essential part of good business practices and corporate citizenship, and a way of improving the quality of projects. In particular, effective community engagement is central to the successful management of risks and impacts on communities affected by projects, as well as central to achieving enhanced community benefits.

Digital tools now provide remote-based solutions to help clients build and maintain over time a constructive relationship with their stakeholders, in particular the locally affected communities. The use of digital tools provides an opportunity to make consultation more effective, wider and the linkages between the affected communities and beneficiaries potentially more direct and tailored at the local level. These tools help ensure that the assessments that are undertaken are fit for purpose, that the data are efficiently collected and displayed, utilised and readily accessible to non-experts.

Lastly, digital information provides the opportunity to build on initial baseline data collected to provide accessible data on monitoring and performance, available to stakeholders over time and in real time in some cases. In addition, digital storage of such information in a readily usable and accessible form could provide a data repository for improving the efficiency of impact assessments and stakeholder engagement.

The rich project information and datasets can be harnessed with digital tools in order to increase engagement and consultation, but also the accountability and development of data patterns to inform further project design.

(iii) Digital engagement tools

There are a multitude of digital engagement tools that the EBRD's clients can leverage to support meaningful information disclosure and consultations, while meeting the ESP (2019), including PR10, through the project lifecycle. This section is not intended as a comprehensive listing; instead it is designed to help users explore example digital solutions for each dimension of the PR10, as highlighted hereafter.³⁸ As apparent from the descriptions some tools can be used for more than one dimension.



(iv) Stakeholder identification

Tools available for stakeholder identification include:

- Survey Monkey <https://www.surveymonkey.co.uk/>
- Survey Planet <https://surveyplanet.com/>
- Typeform <https://www.typeform.com/>
- Enketo <https://enketo.org/>
- Engagement HQ <https://www.bangthetable.com/>

(v) Information disclosure

- Mailchimp <https://mailchimp.com/>
- Sendinblue <https://www.sendinblue.com/>

(vi) Consultation

- Microsoft Skype, Zoom, Microsoft Teams, Cisco Webex, YouTube, WhatsApp, Viber, Telegram and other locally used tools
- ArcGIS and other interactive geographic information system tools

(vii) Participation and reporting

- KoBoToolbox <https://www.kobotoolbox.org/>
- Social Pinpoint <https://www.socialpinpoint.com>
- Participatr <https://participatr.co.uk/>
- Mentimeter <https://www.mentimeter.com>

(viii) Grievance mechanism

- Frontline SMS <https://www.frontlinesms.com/>
- QlueApp <https://www.qlue.co.id/product/qlueapp/>

³⁸ The EBRD does not assure the effectiveness of these products or services (see disclaimer).

There are also a number of tools styled as overall stakeholder management systems, for example Darzin³⁹ and Borealis,⁴⁰ which are project-based, customisable services, providing aspects from a stakeholder database through to grievance management and wider E&S risk management tools with a stakeholder component such as Iso-Metrix.⁴¹ These are relatively complex tools, likely best suited to projects with large numbers of diverse stakeholders, and consideration should be given to the resources required for their set-up and maintenance to make the most of the benefits they might provide.

(ix) Challenges to take into account for digital tool deployment

Digital solutions will not be considered as the objective per se, but as the tools that can help overcome the limitations related to physical consultations and broaden the reach of engagement activities.

Data protection: all data under EBRD-financed projects and activities will fall under the applicable national privacy and data protection laws. Projects funded by the EBRD should apply good international practice (for example, principles of the GDPR) if more stringent than national laws. It is paramount for clients and consultants to check whether the protocols followed by any online solution used offer these data protections and standards.

Limited access and connectivity: limited mobile phone usage and internet connectivity can make electronic communication more challenging in some contexts. A simple interface with little customisation helps keep the need for connectivity speed at a low level. Systems with widespread SMS reliance on the user side also aid simplicity and reliability. Despite digital growth, mobile ownership still remains far from universal. Across low- and middle-income countries, 15 per cent of adults do not own a mobile phone and 45 per cent do not use mobile internet. Sole reliance on mobile phones does not allow for holistic consultations.

Written and digital literacy, and ease of use: variable levels of literacy among project stakeholders may reinforce the need for more oral and visual rather than written engagement channels. Simple forms and text boxes, as well as clickable visuals in surveys, can help tackle this challenge. In some cases, relying on a third party to both raise awareness of the use of the tool and set up the digital data collection process, can be beneficial to the consultation process.

Cultural considerations: direct methods of engagement, such as telephone surveys, may not be appropriate in some cultural contexts. Mobile phone and SMS remain the fastest-growing and simplest digital means of communication in the world, and any model of mobile phone can send and receive text messages. Despite this growth, the most marginalised groups – those living in isolated rural areas, those who are illiterate and older – do not always own a mobile phone. They are also predominantly female. That means that in some households there might be only one mobile phone, not accessible to women. This creates biases and imbalances in representation as a mobile gender gap persists.

Language and accessibility: online engagement tools may be lacking local language versions, but most of the tools have customisation functions that allow the creation of multiple language interfaces. Clients and consultants shall also be aware of accessibility impairments and problems such as visual limitations, the difficulty of typing on keyboards, the failure to recognise gesture-based interactions in devices, and user interfaces in general.

Personally identifiable information (PII) and risks of reprisal: the transparency of online engagement platforms can increase the risk of reprisals. It is therefore important to ensure that channels continue to be available for stakeholders to raise concerns, questions or complaints and have these addressed securely and/or anonymously. Online forms also allow for anonymity, and these options will be provided to users when interacting on any digital platform or feedback form.

(x) Recommendations for the EBRD's clients, consultants and practitioners

This guidance does not propose a “one digital size fits all” to stakeholder engagement, but rather a set of digital tools to leverage based on a project’s nature and requirements and in combination with other more “traditional” stakeholder engagement tools and approaches.

Digital stakeholder engagement is a process that should be done systematically but with flexibility.

Digital tools can be helpful solutions for meaningful stakeholder engagement. They need to be compliant with PR10 and adapted to the project context.

The principle of proportionality should also guide the degree of effort: in projects with low or no risk, the consultation process can rely more heavily on one standard digital tool. Projects with moderate risk should have a two-way digital channel for dialogue with affected stakeholders, while complex, large-scale or higher-risk projects require more systematic and thorough engagement with stakeholders throughout the project and may rely on multiple online and digital tools.

Digital tools are often not sufficient on their own to obtain reliable and representative data and to meaningfully and holistically engage with beneficiaries. The ultimate aim is to use an appropriate range of tools as part of a stakeholder engagement programme to ensure engagement is timely, accessible, culturally appropriate and reaches all stakeholders, including vulnerable people.

39 <https://www.darzin.com/>

40 <https://www.boreal-is.com/>

41 <https://www.isometrix.com/>

Annex 4. Grievance registration form (example)

Reference no.	
Full name	First name
Note: you can remain anonymous if you prefer or request not to disclose your identity to third parties without your consent	Last name
	<input type="checkbox"/> I wish to raise my grievance anonymously
	<input type="checkbox"/> I request not to disclose my identity without my consent
Contact information	<input type="checkbox"/> By post: please provide mailing address:
Please mark how you wish to be contacted (mail, telephone, email)
	<input type="checkbox"/> By telephone:
	<input type="checkbox"/> By email:
Preferred language for communication	<input type="checkbox"/> [Insert relevant languages] [Insert relevant languages]
	<input type="checkbox"/> Other language or preferred, please state
Description of incident or grievance	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
Date of incident/grievance	
	<input type="checkbox"/> One time incident/grievance (date
	<input type="checkbox"/> Happened more than once (how many times?
	<input type="checkbox"/> Ongoing (currently experiencing problem)
What would you like to see happen to resolve the problem?	
Signature of complainant:	
Date:	
Grievance received by:	Name of person receiving grievance:
If received by project/company representative/ other party please complete	Position of person receiving grievance:
	Signature:
	Date:
Please return this form to: [name], [position for example, grievance officer], [company name],	
Address Tel.: or Email:@com	
COPIES:	
<input type="checkbox"/> Complainant	
<input type="checkbox"/> Recipient/grievance officer	
<input type="checkbox"/> File record copy	

Annex 5. Grievance register (example)

Number	Grievance case no.	Date received	Received by	Channel/methods received by	Name of complainant	Location/ community	Brief description of grievance (if critical nature highlight)	Category	Date acknowledged	Responsible department or contractor	Complaint owner	Proposed resolution/ feedback to complainant	Date of proposed resolution/response communicated to complainant	Complainant satisfied with proposed resolution/response (yes/no)?	If no, summarise why and if complainant taking to appeal	Date closed	Satisfied with outcome of appeal (yes/no)?	If no, why not?
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		

Annex 6. Stakeholder engagement register (example)

1	Record all meetings, informal chats, calls, important email/mail exchanges and presentations in this tracker. Please use your judgement to record activities and relevant issues. You may not record all emails
2	Ensure that you have recorded all necessary details from relevant stakeholder interaction with a good and relevant level of detail, in other words, name, organisation, role, method of interaction, first contact or regular meeting under a specific SEP action, and so on. Please ensure that you are compliant with relevant EU and national legislation on collecting and processing personal information. Please also ensure that you provide prior information on this to the stakeholder as per the requirements of laws and regulations
3	Ensure that you have entered information sensibly and that such information is action-oriented in content/feedback, including noting the action requested by and agreed with the stakeholder, for example, the stakeholder requests more information on the project/operation; looks for specific information; wants to engage further; has a complaint but does not know how to file it; or is distant to the project but would like to keep receiving information; or is willing to engage further but does not have time/mandate and so on
4	Note that this is a simple CSV form to keep track of record-keeping of stakeholder engagement activities. Large-scale linear projects might require additional software or tools to handle the volume of information to be managed, that is, Isometrix, StakeTracker, Darzin, SustaiNet, Borealis or other software and data management systems of choice
5	Note that this is a tracker that should provide overall information on engagement activities. Please use your judgement to take proper action to record full content of engagement activity through minutes or reports. Minutes/reports may not be needed for some quick and informal type of activities but may be needed for SEP-defined consultations, large public disclosure activities or when formal records are needed showing agreement over an issue by attendees
6	Do not make changes in format once it is approved by management and in use. Otherwise it becomes difficult to aggregate data and make collective reporting

Description

Stakeholder category	Identify below firstly stakeholder categories as per your stakeholder map/SEP, that is, affected communities and people, authorities, NGOs and so on
Stakeholder engagement indicator	Engagement type indicator
SEP-identified activity	Interaction with regards to a SEP-identified activity
Unplanned visit/meeting	Interaction with regards to an activity not identified in SEP
Project meeting/workshop/working group	Project meeting/workshop/working group
Unofficial meeting	Quick chat and other informal type of engagement
Official meeting	Organised and planned meetings with officials and authorities on permits, for example
Presentation	Presentation
Engagement type	
One-to-one	Stakeholder has the possibility to interact quite actively and provide direct feedback that is, during a meeting/call/roundtable/official visit
Small group	2-5 participants
Big group	More than 6
Public disclosure	Large meetings, open disclosure and consultation activities where the activity is publicly open to anyone

Stakeholder engagement register

Number	Name	Surname	Position/title	Organisation	Stakeholder category	Phone/email	People attending	Engagement indicator	Engagement type	Meeting place	Notes before meeting	Notes after meeting	Actions to take and follow up (who is responsible)	Documents shared/ content of information shared	Meeting date	Follow-up date	Notes on progress/ status of actions
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	

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