

**United Nations Development Programme – OAI, Social and Environmental Compliance  
Unit**



*Empowered lives.  
Resilient nations.*

**ELIGIBILITY DETERMINATION:**

**Complainant: Confidential**

**Regarding UNDP's**

**Malawi National Registration and Identification System project**


**Case No. SECU0005**

**Date: 8 January 2018**

**Basic Data**

|                                      |   |
|--------------------------------------|---|
| Case No.                             | SECU0005  |
| Category of Non-Compliance:          | Social  |
| Location:                            | Malawi  |
| Date Complaint received:             | 1 October 2017                                    |
| Source of Complaint:                 | Confidential                                      |
| Eligibility assessment conducted by: | Richard Bissell, Lead Compliance Officer          |
| Compliance Officer assigned:         | Anne Perrault, Compliance Officer                 |
| Other investigators assigned:        | Paul Goodwin, Unit Coordinator / Research Analyst |
| Related Case(s):                     | N/A   |

Signatures:

Prepared by:  Date: 8 January 2018

---

Richard Bissell, Lead Compliance Officer, SECU

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Brett Simpson, Deputy Director, Head of Investigations,  
and Officer-in-Charge, OAI

## I. Overview

1. On 1 October 2017 the UNDP Accountability Mechanism (AM), through its joint [project.concerns@undp.org](mailto:project.concerns@undp.org) complaints email address, received a communication from an individual in Malawi who worked for the UNDP Malawi National Registration and Identification System Project (NRIS Project) as a Registration Officer (RO). The communication included a completed Stakeholder Response Mechanism (SRM) and Social and Environmental Compliance Unit (SECU) form requesting an investigation, and a memo outlining a number of specific concerns.
2. As described in the NRIS Project Document, project goals are to register all Malawians 16 years of age and older, issue national identity cards to registered individuals, and create a permanent system to maintain registration records. The Project Document describes that 'expected results' include 'design, establish and manage the necessary systems, infrastructure and equipment for the National Registration and Identity system, employing biometrically secure Smartcards; supervise the mass registration for all eligible Malawians (an estimated 9 million) within the country in 2017; transition the system to a continuous registration model in 2018 and to develop the capacity and systems of NRB to maintain and operate the system; provide an interface to other private and public sector systems....and to ensure the effective management of the Project.'
3. The NRIS Project is a DIM project, and under this modality UNDP contracted PriceWaterhouseCoopers (PwC) to hire, manage, and pay approximately 4000 individuals to serve as ROs to register Malawians pursuant to the project.
4. The complainants, in their complaint and in a subsequent interview with SECU, assert that UNDP did not pay adequate attention to key labour-related concerns affecting hired ROs, including insufficient salary and daily allowances, violations of Malawi labour laws, unfair dismissals, arrests for organizing and advocating for higher wages and better working conditions, harms to reputations as a result of the arrests, unfair deductions for broken equipment, among other concerns.
5. The UNDP Malawi Country Office (CO), in an email to SECU on 15 December 2017, noted that UNDP responded to salary concerns by securing approval for a proposal 'to raise ROs monthly remuneration by 75%....' The CO described that the proposal was implemented in July 2017 and applied retroactively. The CO additionally stated that 'all ROs agreed to be on probation, meaning that they could have been terminated by PwC at any time, without notice and also for operational needs (such as downsizing the operation) all in line with the current Malawian labor laws.'
6. After registering the case on 9 October 2017, SECU delayed its eligibility determination as attempts were made by the SECU/SRM Accountability Mechanism to gather more information from the Country Office to determine whether this was a contract dispute between UNDP and the complainant, or whether the issues related to UNDP's social and environmental standards in the context of its projects and programmes. After sufficient information was gathered, SECU proceeded with its eligibility determination.
7. As required by SECU's Investigation Guidelines (<http://www.undp.org/content/undp/en/home/librarypage/operations1/secu-investigation-guidelines/>), this memo provides SECU's assessment of whether the complaint is eligible for an investigation by SECU.

## II. Documentation of Concerns and Stakeholders

8. Information from the UNDP Malawi CO reflects that the complainants' and possibly other community members' concerns have been documented by the CO. The CO noted that the "NRIS project recorded 43 complaints on human resources related issues during the mass registration." Concerns raised by the complainants have also been shared publicly and through various media, including wide coverage in newspapers. Information from reputable sources, including newspapers and other media, indicates that other registration officers, of which there are 4,200, may have similar concerns about their treatment in the context of this project.
9. SECU has identified an initial list of interviewees to which SECU has ready access.

## III. Project Details

10. The UNDP-supported activity implicated by this complaint – the registration and provision of National ID cards to Malawi citizens, occurred under the Malawi National Registration and Identification System (NRIS) project. The Project Document was signed by the UNDP Malawi Resident Representative in October 2016 (Atlas Award ID: 0010322, Project ID: 00100113), with a start date of October 2016, an end date of 31 December 2018, and a US\$ 49,694,000 budget. The donors for the project are the Government of Malawi, United Kingdom (UKAID), the European Union, Ireland, Norway, the United States (USAID), and UNDP.
11. The project's "Indicative Outputs" are "(a) Up to 9 million Malawians are registered and issued with a National Identity card in 2017; (b) NRIS is transitioned to a permanent and continuous registration system; (c) Government MDAs are assisted to adopt the use of the NRIS" and, most relevant to this complaint, "(d) Project is efficiently managed, staffed and coordinated, and is implemented with national ownership." On page 11, the Project Document further elaborates the meaning of Indicative Output (d), noting it "is to ensure that the project progress is monitored and guided by an appropriate Governance structure and engenders national ownership, that the Project is properly managed, staffed and capacitated to fulfil the Outputs, and that it is evaluated and audited in accordance with UNDP's rules and regulations." The proper staffing of the project, including its ROs, is one of the main indicative outputs of the NRIS.

## IV. Summary of Process to Date

12. The Investigation Guidelines for SECU detail the process for responding to complaints. **Section 8. The Complaint Review Process – Eligibility and Terms of Reference** directs SECU to register complaints within five days of receipt if they are not automatically excluded pursuant to Section 1.1 Policy basis.
13. SECU registered the complaint on 9 October 2017 and posted it on its case registry, available at [www.undp.org/secu](http://www.undp.org/secu).

14. **Section 8.1, Determining Eligibility of a Complaint**, indicates that within twenty business days after registering the complaint, SECU will determine if the complaint meets the eligibility criteria specified in Section 8.2. To be eligible a complaint must: (1) Relate to a project or programme supported by UNDP; (2) Raise actual or potential issues relating to compliance with UNDP's social and environmental commitments; and (3) Reflect that, as a result of UNDP's noncompliance with its social and environmental commitments, complainants may be or have been harmed.
15. Due to delays outside of SECU's control, SECU was not able to conduct an eligibility determination on this case within the required 20 business days. As per **Section 1. Purpose** of the investigation guidelines, Compliance Review Investigations circumstances "may require a deviation from guidelines in the interest of a fair process to the complainants..." In this circumstance, SECU required additional time to determine the legal and financial relationship between the complainant and UNDP before proceeding with an eligibility determination.

## V. Determination of Eligibility

16. **Criterion 1: Relates to a project or programme supported by UNDP.** The UNDP Malawi CO acknowledges that the activity in question is supported through a UNDP project/programme. The complaint therefore relates to a project supported by UNDP and, as such, meets the first criterion under Section 8.1.
17. **Criterion 2: Raises actual or potential issues relating to compliance with UNDP's social and environmental commitments.** The complaint raises issues related to UNDP's assessment of risks, identification and adoption of measures to avoid and mitigate harmful impacts, identification and implementation of measures to respond to harmful impacts, labor standards, including work standards and occupational health and safety standards, and human rights. Thus, the complaint raises issues of compliance with UNDP's social and environmental commitments, and meets the second criterion under Section 8.1.
18. **Criterion 3: Reflect that, as a result of UNDP's noncompliance with its social and environmental commitments, complainants may be or have been harmed.** The complainants describe various ways they have been harmed by UNDP's NRIS Project, including inadequate salaries and working conditions, arrests, and reputational harm, among other harms.
19. SECU has, therefore, determined that the complaint is eligible for a social and environmental compliance review.

## VI. Next Steps

20. SECU will initiate the review with discussions with the Complainants and relevant UNDP Staff, including the Project Manager. A complete description of investigative steps will be available in the terms of reference for the investigation.