

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



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**ELIGIBILITY DETERMINATION:**

**Complainant: Aret Kokin Nu Laplaz (AKNL) , regarding UNDP's**

**“Mainstreaming Biodiversity into the Management of Coastal Zone in the Republic of Mauritius ”  
Project**

**Case No. SECU0012**

**Date: 7 June 2019**

**Basic Data**

Case No.	SECU0012
Category of Non-Compliance:	Environmental
Location:	Mauritius
Date Complaint received:	23 March 2019
Source of Complaint:	Aret Kokin Nu Laplaz (AKNL)
Eligibility assessment conducted by:	Richard Bissell, Lead Compliance Officer
Compliance Officer assigned:	Richard Bissell, Lead Compliance Officer
Other investigators assigned:	Paul Goodwin, Head of Unit
Related Case(s):	N/A

**Signatures**

Prepared by: \_\_\_\_\_  
Richard Bissell, Lead Compliance Officer  
Social and Environmental Compliance Unit, OAI

Reviewed by: \_\_\_\_\_  
Brett Simpson, Deputy Director, Head of Investigations  
Office of Audit and Investigations (OAI)

Approved by: \_\_\_\_\_  
Helge Ostveitten, Director  
Office of Audit and Investigations (OAI)

## I. Overview

1. On 23 March 2019, the UNDP Social and Environmental Compliance Unit (SECU), received a communication from Aret Kokin Nu Laplaz (AKNL), an NGO coalition located in Mauritius.
2. The complainant's representatives assert that UNDP's work in the country to protect Environmental Sensitive Areas is tantamount to "greenwashing" in light of the permits being issued by the government for construction projects along the country's coast. According to the complaint, "The GEF and UNDP in particular are grossly negligent of continuously channelling funding to our Government despite a number of critical GEF-funded projects ending up in Government drawers, or coffers rather, with very little effective results. For instance, in 2007-2009, the GEF and UNEP funded a complete inventory of all ESAs, as well as the drafting of an Act that would have ensured solid legal protection for all ESAs. But the draft ESA Act was never presented to Parliament, nor was the national ESA inventory made public. It has been a complete waste of funds and time. Ten years down the road, the results are catastrophic: the ESA protection system, which was to be fully integrated in the procedures for development clearances, has become purely cosmetic as development licenses and permits are issued with scant regard for ESAs."
3. On 28 March 2019, SECU registered the case on its online case registry. SECU then made documentation and information requests to the UNDP Mauritius Country Office and the Complainant in order to inform SECU's determination of eligibility of the complaint.
4. According to the June 2016 Project Document (Prodoc) for the "Mainstreaming Biodiversity into the Management of Coastal Zone in the Republic of Mauritius" project, "The objective of the project is to mainstream the conservation and sustainable use of biodiversity and ecosystem services into coastal zone management (CZM) and into the operations and policies of the tourism and physical development sectors in the Republic of Mauritius through a 'land- and seascape wide' integrated management approach based on the Environmental Sensitive Areas' (ESAs) inventory and assessment. More specifically, the project will achieve this through a three-pronged approach: (1) support the incorporation of ESA recommendations into policies and enforceable regulations pertaining to integrated coastal zone management (ICZM), thereby mitigating threats to biodiversity and ecosystem functions and resilience with a special focus on tourism and physical development in the coastal zone; (2) support the effective management of marine protected areas (MPAs) across the RM, given that they contain an important proportion of critically sensitive ESAs; and (3) demonstrate mechanisms to arrest land degradation in sensitive locations, focusing on reducing coastal erosion and sedimentation and helping to restore ecosystem functions in key wetland areas."
5. As required by SECU's Investigation Guidelines (<http://www.undp.org/content/undp/en/home/librarypage/operations1/secu-investigation-guidelines/>), this memorandum provides SECU's assessment of whether the complaint is eligible for a full investigation by SECU.
6. SECU has determined that the complaint is eligible for a compliance review.

## II. Project Details

7. The “Mainstreaming biodiversity into the management of the coastal zone in the Republic of Mauritius” project (Atlas Award ID: 96201), had a signing date of June 2016, was actually launched in April 2017, and now has an end date of 2021. The Prodoc identifies the management mode of the project as “National Implementation Modality” (NIM), with the Mauritius Oceanography Institute (MOI) as the Implementing Partner. UNDP is identified as the Implementing Agency. The budget administered by UNDP includes \$4,684,600 of Global Environment Facility (GEF) funding, supplemented by \$20,000 of UNDP co-financing. The project also had approximately \$17,000,000 of parallel financing.
8. The Country Office noted that the project document was signed by all parties in June 2016, but the project was delayed by the transfer of the role of Implementing Partner from the MOI to the Mauritius Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping. Thus, implementation did not begin until April 2017 with the recruitment of the Project Management Unit. There were then multiple changes in the person holding the key position of Chairperson of the Project Steering Committee; this also caused delays given the role of the Steering Committee in overseeing all major decisions and workplans. With a view to keeping the project on track with the completion target, the procurement process for consultancies has since been accelerated.
9. The UNDP as the Implementing Agency, according to the Prodoc, is responsible for: “(1) providing financial and audit services to the project; (2) when required, recruitment of project staff and contracting of consultants and service providers (else, this responsibility lies with the IP); (3) overseeing financial expenditures against project budgets approved by the PSC; (4) appointment of independent financial auditors and evaluators; (5) ensuring that all activities including procurement and financial services are carried out in strict compliance with UNDP-GEF procedures.”

## III. Summary of Process to Date

10. 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.
11. SECU received the complaint on 23 March 2019, registered the complaint on 28 March 2019 and posted it on its case registry, available at [www.undp.org/secu](http://www.undp.org/secu).
12. 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.

#### IV. Determination of Eligibility

13. **Criterion 1: Relates to a project or programme supported by UNDP.** The complainant cites an ongoing project approved by UNDP in 2016 to meet the challenges of biodiversity and conservation: Mainstreaming Biodiversity into the Management of Coastal Zone in the Republic of Mauritius.
14. **Criterion 2: Raises actual or potential issues relating to compliance with UNDP's social and environmental commitments.** The complainant raises issues related to environmental sustainability, biodiversity conservation and sustainable natural resource management, and climate change mitigation and adaptation. The key Social and Environmental Standards relevant to the success of this project include: Overarching Principle 3 on Environmental Sustainability, Standard 1 on Biodiversity Conservation and Sustainable Natural Resource Management, and the Policy Delivery category on Screening, Assessment and Management of Social and Environmental Risks and Impacts.
15. **Criterion 3: Reflect that, as a result of UNDP's possible noncompliance with its social and environmental commitments, complainants may be or have been harmed.** The essential standards and commitments where non-compliance may have caused harm include the Overarching Principle 3 on Environmental Sustainability, Standard 1 on Biodiversity Conservation and Sustainable Natural Resource Management, and the Policy Delivery category on Screening, Assessment and Management of Social and Environmental Risks and Impacts. Specific issues and indications of non-compliance have arisen in review of the complaint, information provided by the Country Office, and other inputs, which would need to be examined in an investigation as spelled out in subsequent Terms of Reference. These include, among others: whether the project addresses the ongoing loss of Environmentally Sensitive Areas in a timely manner, whether the public stakeholders were given adequate opportunities and time to participate in the planning process for the project, whether the continuing and irreversible loss of marine biodiversity in Mauritius could be attributed to design and implementation of the project, and whether the project is able to meet the primary project output identified in the ProDoc ("Legal and regulatory frameworks, policies and institutions enabled to ensure the conservation, sustainable use, and access and benefit sharing of natural resources, biodiversity and ecosystems, in line with international conventions and national legislation.").
16. As all three Criteria are satisfied, SECU has determined that the complaint is eligible for a social and environmental compliance review.

#### V. Next Steps

17. As the complaint has been found eligible under SECU's procedures, SECU will initiate the compliance review with discussions with the Complainants and relevant UNDP Staff, including with the Project Manager. A complete description of investigative steps will be available in the terms of reference for the investigation, as posted on the SECU website.