

Comments Matrix SECU0012

A Compliance Report related to the Mainstreaming Biodiversity into the Management of Coastal Zone in the Republic of Mauritius Project

Social and Environmental Compliance Unit, OAI, UNDP

Paragraph #	Comment Submitter	Comment	SECU Response
General comments	UNDP Mauritius	UNDP understands that development projects in Mauritius may have had substantial impact on biodiversity and environmental assets and commits to contributing to address this urgent issue through the tools and other measures being developed through this and other UNDP supported projects. The Mainstreaming Biodiversity project was designed with these considerations in mind; and the planned UNDP actions to address this overriding concern will be outlined in the Management Response to the final SECU report.	Noted. Already reflected in the Report.
General comments	UNDP Mauritius	UNDP understands from this report that the conclusive finding of the SECU process is that the UNDP project is currently in full compliance with the Social and Environmental Standards Policy (SESP). This finding is not, however, stated decisively in the Executive Summary. Without such clarity, this leaves considerable room for stakeholders to interpret the findings and recommendations in wide and varied ways not consistent with the actual findings. UNDP recommends that the report is decisive and clear in the Executive Summary on the finding that the current project is in compliance with the SES Policy.	The Executive Summary makes clear that the project is in compliance with some of the standards, and only in partial compliance with others. Thus it would be inappropriate to describe the situation as full compliance. No change needed.
itional	UNDP Mauritius	There are three key considerations that would need to be resolved to give effect to Recommendation 1 as currently formulated: 1. <u>Maintaining the Independence of External Evaluators</u> : Mid-term Reviews (MTRs) are an independent process led by independent	With regard to the MTR, SECU does not state that the CO should diminish the independence of the MTR process. Because the MTR is occurring in parallel with the SECU investigation, it appeared at the time of the drafting that the MTR would be a valuable opportunity to consider a wider range of issues than might typically be the focus of a MTR. If Management believes there may be better

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		<p>external evaluators. The process is governed by GEF and UNDP monitoring and evaluation policies and MTR guidelines. While the UNDP Country Office can provide this SECU report to the MTR team for review, along with other relevant information and stakeholder inputs; the MTR team does remain obliged to follow the MTR guidance and issue independent findings and recommendations. As such, the Country Office cannot dictate recommendations, including the elevation of ambitions for project completion, to the MTR team.</p> <p>2. <u>Limitation of UNDP mandate</u>: The enactment of laws is a government- responsibility undertaken by mandated officials and subject to national processes and priorities. UNDP has no legal or other authority to enforce the adoption of national legislation. The elevation of the objectives of the project to include the adoption of legislation cannot, therefore, be framed within the scope of UNDP’s mandate or control.</p> <p>3. <u>Expansion of project scope and ambition</u>: This project was designed and endorsed following UNDP and GEF guidance. This requires that the level of ambition of a project be realistic and achievable within the agreed timeframe, duration and budget of the project. The elevation of the objectives of the project to the adoption of legislation contravenes this guidance.</p> <p>4. Use of the word ‘<u>permanent</u>’. What is the evidence base to support this assertion?</p> <p>Therefore, UNDP suggests amending this recommendation as follows:</p> <p><i>OAI/SECU recommends that this report is shared with the independent evaluators to inform the mid-term review process. Stakeholders place special emphasis on enactment of an updated Wetlands Bill and an ESA</i></p>	<p>opportunities to address remedial measures, they should be spelled out in the Action Plan to follow the Administrator’s decision responding to the final SECU report. SECU has amended this recommendation to reflect that option.</p> <p>SECU recognizes and agrees that ultimately any strengthening of the legal and administrative frameworks will depend on steps taken by the national government. But UNDP has an opportunity to reflect in this project the aspirations of its Social and Environmental Standards, through the technical findings it has laid out. To find common purpose with the national partners and local stakeholders, through a mutual recognition of the desired <u>outcomes</u>, will make them more likely to be fulfilled.</p> <p>The final comment relates to the issue of expectations, and the view of some prior evaluators that the success rate of the country program would benefit from aiming for limited and clearly achievable <u>outputs</u>. While the “success” of the project might rise statistically, the <u>outcomes</u> may still be highly adverse to the health of the overall biodiversity sector in Mauritius. With the recent historical trends being to develop shoreline of significant environmental value, and the draining of inland wetlands, a project of too limited scope may result in irreversible (i.e., permanent) damage to the overall future biodiversity of the country.</p> <p>SECU would not want Management to misinterpret the recommendation here, and provides adjustments to the wording in paragraphs 6 and 35.</p>

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		<p><i>Bill, along with the establishment of unimpeded public access to the improved wetland survey data being generated by this project. The urgency of these steps needs to be emphasized to the Government of Mauritius in view of the impacts on biodiversity and environmental assets. UNDP should seek to work with the Government of Mauritius and stakeholders to achieve the project objectives within the project timeframe; and lay emphasis on contributing to the Government's finalization of important legislation for the protection of biodiversity in Mauritius.</i></p>	
7	UNDP Mauritius	<p>The underlined statement (<u>some of the judgments on individual elements of the risk assessment neither appeared to reflect UNDP experience with past investments nor heeded the warnings on risk from the stakeholder consultations</u>) is subjective as no supporting documentation or analysis is provided. UNDP recommends providing clear evidence to support this statement or to remove it.</p>	<p>The statement is based on the documentation provided to SECU by the CO, such as the minutes and conclusions of the meetings undertaken with official and community stakeholders in the course of project preparation. The CO also provided the iterations of the risk assessment framework, with the risk elements substantially modified to a lower risk level at a later point in the process, without any rationale provided for the changes.</p>
6 – Recommendation 1	Ministry of Environment	<p>Adoption of administrative procedures and laws are in line with established procedures and are subject to policy decisions taken under obligations at national and international levels, including Multilateral Environmental Agreements (MEAs) to which Mauritius is a party. Policy making is a matter which is sovereign to the country. Nonetheless, it is noted that the Mainstreaming Biodiversity (MB) project has a number of components which are meant to constitute/formulate indispensable tools for an effective management of Environmentally Sensitive Areas (ESAs). There are also meant to strengthen protection and management of biodiversity in the country, namely, through the:</p> <ul style="list-style-type: none"> a) Updating of coastal and marine Environmentally Sensitive Areas (ESA) maps, and b) Review of legislative framework on ESAs with a focus on coastal and marine ESAs 	<p>SECU agrees that any change of administrative procedures or legislation is a matter for the Government of Mauritius to determine through its sovereign procedures. The SECU report raises these issues in the spirit of the partnership in this project between UNDP and the Government, in which regular dialogues should allow the project to reflect both the policy framework of the Government as well as the Social and Environmental Standards of UNDP.</p> <p>The language of the report has been edited to make clear that SECU does not expect the CO to execute Government policy.</p>

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		<p>Necessary legislative and administrative steps are meant for consideration by policy makers. It is also to be noted that the MB project does not cover all the ESAs in the country, but rather focuses mainly on coastal and marine ESAs.</p> <p>As mentioned at paragraph 27 in the draft SECU report, there are data gaps and institutional weaknesses that need to be addressed first. These are essential steps prior to clearing the way for regulating ESAs.</p> <p>Given the required sequence of events, in terms of completion of steps, such as identification, surveying, mapping, assessment and ground truthing of ESAs, it is not understood how the project can elevate its ambitions for the passing of a comprehensive legislation for ESAs.</p>	
<p>6 . Enactment of an updated Wetlands Bill</p>	<p>Ministry of Environment</p>	<p>Within the MB project, UNDP Country Office has provided technical assistance for the formulation of a draft Wetland Bill. The draft Wetlands Bill has been submitted to the Government in January 2020. Consultations are on-going to finalise the institutional arrangements required to operationalize the provisions of the Bill. Across different fora, including in the National Assembly, Government has shown its commitment towards enacting the Bill (Annex A). The enactment of the draft Wetlands Bill will follow all necessary procedures, as per the rule of law in Mauritius.</p>	<p>Noted. This updating of the chronology of useful progress of the Wetlands Bill is helpful and is now reflected in paragraphs 5 and 23.</p>
<p>6- Enactment of an ESA Bill</p>	<p>Ministry of Environment</p>	<p>As previously mentioned to SECU's investigators, the legal framework concerning ESAs in Mauritius encompasses many laws and regulations which fall under the purview of various Ministries/authorities. A review undertaken under the Mainstreaming Biodiversity project identified a series of such laws failing under the purview of at least 17 different</p>	<p>Text changed to reflect the update in developments regarding ESAs and related legislation.</p>

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		<p>institutions responsible for the management of the different categories of ESAs.</p> <p>Taking into consideration the timing of project outputs from the MB projects as well as the tasks required to regulate ESAs comprehensively (given that the project is limited in its scope to coastal and marine ESAs and not to all categories of ESAs), government has opted to pursue its efforts and decided to undertake the review and formulation of an updated comprehensive ESA Bill within a recently-approved GEF grant to the tune of USD 1.69 Million for the project on “Mainstreaming Sustainable Land Management (SLM) and Biodiversity Conservation in the Republic of Mauritius”.</p> <p>This new project will complement the MB project and address further gaps with a view to coming up with recommendations pertaining to the most appropriate legislative and regulatory framework for ESAs.</p> <p>As previously mentioned, all necessary procedures will be followed for the enactment of a draft ESA Bill.</p>	
<p>6 – Unimpeded public access to the improved wetland survey data being generated by this project</p>	<p>Ministry of Environment</p>	<p>It is an existing commitment that maps that will be generated will be made publicly available. At present, the technical assessment is on-going and these maps (PDF version) will be hosted on a server at the Department of Continental Shelf and Maritime Zone Administration and Exploration.</p>	<p>Text updated in paragraph 27 to reflect this new information.</p>
<p>6 – Recommendation 2</p>	<p>Ministry of Environment</p>	<p>There are two levels of coordination across Governmental units in respect of the Mainstreaming Biodiversity project, namely:</p> <p>a) All stakeholders are represented at the level of the Project Steering Committee (PSC) to steer the project efficiently; and</p>	<p>SECU appreciates the details laid out here to reflect Government commitments to build coordination across the many interested Government units as well as with the private sector and NGOs. Carrying through on these commitments will be essential to meeting the targets of the project as well as long-term implementation in the</p>

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		<p>b) The project has also set up 5 dedicated Technical Committees where stakeholders meet and discuss their activities/projects, plans and expected results for better effectiveness and efficiency. These Technical Committees report directly to the PSC (See Annex B).</p> <p>Coordination across Government units improved considerably after the Project Management Unit (PMU) was set up and the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping took over the Chairpersonship and leadership of the PSC. At the time the SECU investigations were initiated, the implementation of the project had already caught up with the initial delays as mentioned in paragraph 16 of the SECU report.</p> <p>It is noted that at Paragraph 9 of the draft Investigation Report, the SECU tea already recognized that there has been strong compliance with stakeholder participation during project design. This includes private sector and civil society.</p> <p>Diospyros Ltd, a consultancy firm engaged in biodiversity (a representative of the private sector), is a member of the PSC. The “Association des Hoteliers et Restaurateurs de L’lle Maurice” (ARHIM), a network of small hotels and restaurants, is also invited to all workshops and working sessions. Rogers Ltd, a big private conglomerate, also involved in hotel businesses, also participates in workshops and has committed in kind contribution of USD 405,000 to the project.</p> <p>With regard to the engagement of civil society, it is to be stressed that NGOs have been involved in various components of the project (Annex C). These</p>	<p>face of perpetual pressure on environmental assets in Mauritius.</p> <p>The report now reflects some of the key landmark changes identified in this comment. See Para 16.</p>

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		<p>concrete examples showcase the ambition of the project to increase the capacity of NGOs to be able, not only to submit responsive proposal in the UNDP format, but to also implement successfully projects where the coastal communities are the beneficiaries.</p> <p>The Government of Mauritius also engaged with NGOs in the “Assises de L’Environnement”, which is a national consultative exercise undertaken within the context of the formulation of new environmental policies, strategies and action plans for the Republic of Mauritius. These consultations included above 400 participants from over 200 organisations across Government, private sector, civil society, academia, donor agencies and trade unions. The complainants had participated actively in these consultations, whereby the need to regulate ESAs was discussed.</p> <p>In light of the above, it is viewed that very lively stakeholder participation has been obtained for this project.</p>	
9	Ministry of Environment	<p>To replace “Tourism Authority” by “Ministry of Tourism” across whole document.</p> <p>The SECU report compared the Tourism Development Plan (2002), which was not approved by Cabinet, with other documents which were approved, such as the National Development Strategy 2005 and the Tourism Strategic Plan 2018-2021. As the TDP 2002 was not approved by Cabinet, it was never considered as a Government policy. Hence, it is not factually correct to state that there is confusion about development directions pertaining to a non-approved Plan.</p> <p>Some 15 years ago, the Bel Ombre and St Felix Integrated Master Plans were worked out by then Ministry of Housing and Lands, in collaboration with the relevant public and private stakeholders, including the local community with a view to</p>	<p>The correction in the name of the Government unit for tourism has been made.</p> <p>Plans and strategies have been clarified, including in paragraph 23.</p> <p>The valuable narrative regarding tradeoffs between environmental and economic growth strategies in the Bel Ombre and St Felix areas illustrates well the recurrent challenges to sustained progress on system-wide biodiversity. Awareness of the decision elements faced by the Government, and in the future more acutely in the wake of the COVID tourism shutdown, would be useful to highlight in future strategic discussions.</p>

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		<p>ascertaining that development took place in a sustainable manner. The policy decision to develop the Bel Ombre and St Felix areas was taken to address socio-economic issues prevailing at that time, namely, in the sugar and textile sectors, through heavy investment in infrastructure, amongst others and the creation of jobs in the region. The housing Census carried by Statistics Mauritius in 2011 (based on the Relative Development Index, available on http://statsmauritius.govmu.org/English/StatsbySubject/Pages/poverty.aspx), provides documented evidence that some localities in the districts of Black River and Savanne were among the poorest in the Republic of Mauritius. Bel Ombre and St Felix were considered as poverty areas in Mauritius. In that context the then government deemed it important to address socio-economic issues in that region through heavy investment in infrastructure, amongst others and the creation of jobs. As at date, some 6 Hotels operating in the region of Bel Ombre and St Felix and employing some 2200 people have improved the livelihoods of the local communities to some extent. Businesses such as restaurants and pleasure crafts have also flourished.</p>	
10	Ministry of Environment	<p>This recommendation from SECU refers to Principle 3 of UNDP's Social and Environmental Standards, pertaining to Environmental Sustainability. Long-term sustainability of the MB project is being addressed by Government through a multi-pronged approach, including:</p> <ul style="list-style-type: none"> a) The early adoption of recommendations of different elements of the Mainstreaming Biodiversity project (Annex D); b) The ESA maps will be made public and the Ministry of Housing and Land Use Planning has agreed to integrate the updated Surveyed Wetlands generated by the project 	<p>As noted, the SECU report finds the project in compliance with Principle 3. The elaboration of the Government's implementation of sustainability principles is an important affirmation of the importance of this project. The five areas of detailed moves by the Government are reflected in modifications following paragraph 25.</p>

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		<p>in the forthcoming review of the Outline Planning Schemes;</p> <p>c) A draft Wetlands Bill is available and under consideration. It will be operationalized after the institutional and other arrangements are finalized;</p> <p>d) The Agence Francaise de Developpement and the Fonds Francais pour l'Environnement Mondial have already agreed to finance the replication of the ridge-to-reef-based Integrated Coastal Zone Management plan to be developed for Black River District under the MB project to all other coastal districts; and</p> <p>e) The GEF has agreed to finance the "Mainstreaming Sustainable Land Management (SLM) and Biodiversity Conservation in the Republic of Mauritius", whereby the ESA Bill will be given due consideration through an in-depth review and reformulation exercise.</p> <p>The GEF Independent Evaluation Office (IEO) recognized in its Small Islands Developing States (SIDS) Strategic Country Cluster Evaluation Report 2019, that considerable investment has been made by Government in terms of human, technical and financial resources devoted to the sustainability of projects which are GEF-funded in Mauritius. For instance, the sustainability rating of the Marine Protected Areas project, which is the predecessor of MB project, was improved following the GEF IEO evaluation (https://www.gefio.org/sites/default/files/ieo/evaluations/files/scce-sids-2018.pdf)</p>	
11	Ministry of Environment	Refer to response SN#4 above in respect of maps being made available.	Text amended.

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11	Ministry of Environment	<p>In Mauritius, we have the Environment Protection Act instead of an “Environment Act”. Same should accordingly be amended in the whole document. Furthermore, the Environment Protection Act is not due for renewal in 2021.</p> <p>However, with the formulation of a master plan for the environment sector in Mauritius 2020-2030 (which is currently being finalized), UNDP Country Office has recently agreed to provide technical assistance to undertake an in-depth review of the Environment Protection Act, taking into consideration recommendations formulated. This exercise will be carried out in 2020 and will take into account a number of proposed amendments related to, amongst others, ESAs.</p>	<p>Correction made to title of legislation across the text.</p> <p>Details on the Environment Protection Act noted in the text at paragraph 27.</p>
12	Ministry of Environment	<p>The design of this project was commended at GEF Council level at the project approval stage. It is considered that the project provides a holistic approach to addressing environmental management, and, in fact, is the first GEF multi-focal area project for Mauritius. The overall thrust of project design at donor level in the current time is to favour integrated approaches, systems thinking and cross-sectoral considerations. Lessons learnt from this project will be taken into consideration in the design of future multi-focal initiatives.</p> <p>On the point of “The history of incomplete prior attempts to address environmental management comprehensively”: The Ministry strongly disagrees with such a statement, whereby issues pertaining to ESA management have been generalized to the whole spectrum of environmental management in Mauritius. Around the world, all governments are continually taking actions to improve environmental management, and measures/targets are devised cyclically both at national level and under the relevant Conventions (e.g. Aichi targets for the Convention on Biological Diversity), with regular</p>	<p>Noted.</p> <p>The SECU report commends the multi-focal design of the project, and as noted in a prior comment, the engagement of 17 government units in the project is ambitious and appropriate. As noted here by the Ministry of Environment, lessons have been learned from past management of environmental issues and will hopefully inspire replication of these approaches in the future.</p>

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		<p>reporting due by all Countries (Convention targets are regularly revised in the light of the lessons learnt, which are then incorporated in Convention provisions).</p>	
	<p>Platform Moris Lanvironnman (informal network of NGOs and citizens actively engaged in promoting sustainability in Mauritius) (</p>	<p>The draft report states that the complainant’s submission is that the project failed to “protect Environmentally Sensitive Areas (ESAs), violates social and environmental standards, in light of the development permits being issued by the government for hotel and residential construction projects along the country’s coast”.</p> <p>a. We have already shared our concerns during the investigation that it seems to us that the complaints raised had no basis to be addressed by SECU in regard to violation of UNDP’s Social and Environmental Standards (SES).</p> <p>b. This Draft Investigation Report (DIR) reinforces these pre-existing concerns about the relevance of the investigation.</p> <p>c. We are unclear about how the Project can be violating SES when new hotel and real estate development permits are issued. None of the objectives and output of the Project target these directly. This issue will arise during implementation of a key output, such as for instance, the development of a Wetland Bill and will be addressed further under the relevant sections.</p> <p>d. We are of the opinion that all the issues addressed in the DIR are not to do with violation of Social and Environmental Standards.</p> <p>i. They are lessons learned about gaps and weaknesses in project design - including the</p>	<p>Noted.</p> <p>This comment addresses claims made in the Complaint, rather than the content of the SECU report. SECU has carefully considered the applicability of the SES in light of issues on the ground as well as the guidance issued by UNDP management on the scope of the SES.</p>

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		<p>risk assessment underpinning its strategy- as well as project implementation.</p> <p>ii. These can be addressed as part of a comprehensive Mid Term Review of the Project. Indeed, this seems to be main thrust of the 2 recommendations in the DIR.</p> <p>iii. These lessons learned captured in the review can be further used in any UNDP country programme or thematic evaluation to inform future interventions. They are not about violating SES.</p>	
<p>Overarching Principle 3 on environmental sustainability.</p>	<p>Platform Moris Lanvironnman</p>	<p>a. The principle was considered relevant because the complaint was considered to be broad and strategic in nature, even though pinned to a specific project. When the rationale for Principle 3 is highlighted and quoted in Point 19 however, it is clear that this refers to any policy and project that does not target environmental sustainability, but which needs to be guided by the overarching Principle 3 to go beyond a narrow focus, and to explicitly consider and address its broader environmental and social impacts. It clearly does not target a dedicated environmental project. It is about mainstreaming environmental standards into nonenvironmental policies, programmes and projects.</p> <p>b. However, the terms “narrow” and “impact” are being used in different senses in the case of a non-environmental project which violates SES compared to an environmental one which does not violate SES, but may need review;</p> <p>c. Points 19-24 cover a lot of contextual aspects that may be more appropriate in the background section1 , the stakeholder</p>	<p>Noted.</p> <p>The scope of the SES principles is broader than the suggestion in this comment. The SES is not narrowly focused on economic or infrastructure projects. In fact, it is especially important that the SES be considered in environmental projects as well.</p>

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		<p>participation section or in general policy dialogue and advocacy about the rationale for environmental sustainability and for sustainable tourism.</p> <p>d. It seems that the gist of a finding - which is not clearly stated- is that the project and/or the Country Office deliberately chose to limit its scope and ambition and that this potentially violates this standard. The Project adopted a narrow strategy: Despite a wide-ranging awareness of the gamut of environmental challenges, it chose to narrow the outputs – to specific locations, to specific sectors and to start small with a view to sequence, scale up and replicate to other sectors and sites over time. This seems to us not so much a violation of the Overarching Principle of Sustainability as an issue of project design and strategy, not within SECU’s remit. It is not about a narrow economic or infrastructure project focus which does not consider its broad adverse environmental impacts.</p> <p>e. Additionally, the DIR nevertheless states that the project is COMPLIANT with Principle 3 “only at this stage of the project” – that is design and early implementation stage - (Point 25). But this time, “because it has left open the sustainable impact of the project”. This is not about violating Principle 3, but about how effective the Project has been or will be in achieving the outputs and its ensuing impact on biodiversity. This is inconsistent. It is the flawed design that limits its positive impact in implementation, including through limiting prevailing negative impacts. It is not about negative social and environmental impacts induced, generated by the Project, thus violating SES.</p>	

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		<p>But the issue of whether the design is flawed and inappropriate is again one that is normally addressed at Mid-Term Review, and so as to readjust the activities and approach during the Project’s lifetime.</p> <p>f. On our understanding, the development and adoption of a Wetland Bill as part of Project implementation provides the scope for reviewing the policies which should frame all legislation. It would include the development permits for particularly, but not exclusively, hotel and real estate development along the coast, the focus of the complaint regarding compliance.</p>	
<p>Standard 1: Biodiversity conservation and sustainable natural resource management</p>	<p>Platform Moris Lanvironnman</p>	<p>a. The DIR (points 26,27) considers that the project complies with Standard I in terms of its technical design and its intentions, namely that it aims to achieve relevant Sustainable Development Goals, and “not just minimize damage from development projects”.</p> <p>b. However, it would be helpful if this was stated clearly early on and then developed. It comes at the end of a lengthy, complex point which contains other information regarding the project design process, which again may be more relevant to other standards examined in the DIR or other instruments or modalities, such as Project review.</p> <p>c. Point 27 again ties the issue of compliance with SES to achieving Project Impacts</p> <ul style="list-style-type: none"> i. How can the project fall outside the standard if it does not manage to achieve outputs and more challengingly, outcomes? ii. Does the failure to achieve biodiversity objectives and impacts make a project 	<p>Noted.</p> <p>It is important, as noted in the prior response, to appreciate the integrative and multi-sectoral approach of both the SES as well as of the ProDoc for this specific project. The SES speaks of both outputs as well as outcomes, the latter being essential to achieve sustainability goals.</p>

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		<p>non-compliant? Then the failure to adequately address climate change also makes framework conventions non-compliant!</p> <p>iii. And how can the perceived inadequacy of a communications strategy be construed as a failure of compliance? That an adequate and appropriate communications strategy is an important shortcoming of the project, is not within the scope of SECU. It is within the scope of a mid-term review exercise certainly.</p> <p>d. Point 28 seems to indicate the need for some reinforcement of the approach to enlist developers in the private sector to support the project objectives. But again, this is for the project review to consider</p> <p>e. It needs however to be pointed out - given the specific focus of the complaint - that the developers pushing for new permits are not necessarily among the existing stakeholders in the hotel and tourism sector. The latter may not have much influence on the former. The relevant stakeholder is the government and its policies. The appropriate forum may then not be within the scope of a project of limited duration alone.</p>	

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Screening, assessment and management of social and environmental risks and impacts	Platform Moris Lanvironnman	<ul style="list-style-type: none"> a. Points 29-31 also reflect the overall mistargeting of this project as violating SES. Point 29 sets out the rationale for using the Social and Environmental Screening Procedure for adequate screening, assessment and management of the social and environmental risks and impacts that project activities might present. b. The DIR considers that the SESP conducted during Project Design was not in depth enough to capture the potential risks of all factors leading to potential project failure (Point 29). This assessment appears to be contradicted in Point 31. In any case, the inadequate screening, assessment and management identified by stakeholders in the course of the investigations refer more to the political, institutional and economic risks for the project not be implemented as envisaged and achieve its desired environmental objectives and impacts. c. The environmental and biodiversity problems persist partly because the project has not been able to be implemented in part because of inadequate assessment of risk arising out of factors outside of the project. Not because it has been implemented, or it could be implemented with collateral damage to biodiversity and social inclusion. The Wetlands Bill is a case in point. d. It is for the Project's Mid-Term Review to take the lessons learned in the course of implementation, mitigate project strategy issues such as take complementary steps using other instruments and processes, to boost project effectiveness and impact. 	<p>Noted.</p> <p>This comment appears to agree with the report's view that the Mid-Term Review or another mechanism needs to take another look at the SESP criteria, as provided for in the guidance for keeping the risk factors up to date throughout the project process.</p>

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Stakeholder participation and response mechanisms	Platform Moris Lanvironnman	<ul style="list-style-type: none"> a. There is no finding under this part. Point 32 to 34 summarises what is said under the standard. But as already pointed out, some of the findings of other sections are relevant here. b. Point 37 does find that compliance with that standard has been strong in some aspects, particularly at design stage, but without specifying further. 	Noted.
Recommendations	Platform Moris Lanvironnman	<ul style="list-style-type: none"> a. Recommendation 1 is for the Mid-Term Review to elevate ambitions for project completion. The central thrust of the complainants was and remains including an ESA Bill, not just a Wetland Bill. <ul style="list-style-type: none"> i. There is no need to trigger a SECU Investigation to address this. b. Recommendation 2 is for the Mid-Term Review to reconsider the risk framework. <ul style="list-style-type: none"> ii. There is again no need for a SECU Investigation about SES to come to that assessment. iii. The potential barriers indicated do not consider the critical one, policy incompatibilities – including between sustaining existing hotel/coastal real estate operators and new development. But we believe that this is outside the remit of SECU. c. When the two recommendations are considered, it is quite possible that the findings that lead to Recommendation 2 may well frustrate Recommendation 1. So many barriers that according to the DIR elevate the risk level to Medium/High from the original Medium are hardly conducive to elevate ambitions for the specific project 	Noted. SECU recognizes the limitations on a MTR, and has amended the recommendation to encourage the CO to consider alternative avenues as well that might increase the likelihood of dealing with the multi-sectoral issues in this and future projects.

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PML concluding comments and recommendations	Platform Moris Lanvironnman	<ul style="list-style-type: none"> a. We reiterate that the DIR reinforces the assessment that the SECU investigation need not have been triggered. b. There is no clear statement anywhere regarding compliance or not under each SES. But we do not see anywhere where it states unambiguously that the targeted Project has not been compliant under each SES. A clearer presentation structured under main findings and ensuing recommendations under each SES would be helpful if our reading of the DIR does not fit the intended findings. c. The SES are a crucial instrument. It would be judicious if there was a more stringent screening about its appropriateness and safeguard against its misuse. We think that the publicity generated around this exercise has not helped the communication about the project. Or indeed to enhance the policy dialogue over sustainable tourism and integrated coastal zone management that the complainants as well as PML, have been engaged in since the investigation. d. The Assises de l'Environnement, held during January and February 2020, an initiative of the Ministry of Environment, was such a platform. Stakeholders brought up a number of overarching risks and concerns as well as desired objectives and outcomes. Foremost among them have been the continuing policies regarding coastal zone hotel and real estate development. It is to be hoped that this process will update environmental policy and create a more enabling policy environment for biodiversity projects and for SES to be mainstreamed in non-environmental policies, strategies and projects. 	<p>Noted.</p> <p>The comment conveys an interpretation of the SES and the compliance review process that is contrary to the approach taken by UNDP.</p>

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N/A	<p data-bbox="386 651 464 678">AKNL</p> <p data-bbox="323 721 527 1024">(Complainant in this case - an environmental network of associations and individuals, recently evolved into an NGO)</p>	<p data-bbox="548 172 1188 386">SECU relies heavily on the project’s Mid-Term Review (MTR) to implement SECU’s recommendations and findings. The draft report of the MTR was circulated on 18 August. Its contents show the MTR has not taken onboard the findings and recommendations from SECU.</p> <ul data-bbox="621 415 1209 1502" style="list-style-type: none"> <li data-bbox="621 415 1209 613">○ The MTR fails to put forward any clear actions as recommended in the draft SECU Compliance Review, such as the “adoption of necessary legislative and administrative steps appropriate for avoiding irreversible damage to biodiversity” <li data-bbox="621 621 1209 922">○ The MTR does not even acknowledge SECU’s finding that “approvals of development projects continue with substantial and permanent impacts on biodiversity and environmental assets”. The terms “irreversible” does not feature once in the draft MTR report, while the term “damage” appears only to mention “reputational damage for the project and for UNDP”. <li data-bbox="621 930 1209 1502">○ The MTR maintains the project’s Overall Risk Rating as being Medium, whereas based on the SECU recommendations, and all the supportive documentation provided by AKNL, the risk should have been increased to High, or at least Substantial. This would then have needed the setting up of an Environmental and Social Management Framework (ESMF) and an Environmental and Social Management Plan (ESMP). Being ignored by the MTR, SECU’s recommendations are in effect already ineffective before being finalised. This means that despite SECU having made a number of findings as to how the project is not in compliance with UNDP’s social and environmental standards, the draft SECU 	<p data-bbox="1232 172 1318 199">Noted.</p> <p data-bbox="1232 240 1944 407">In the TOR of this SECU review, there is no role to assess the Mid-Term Review. Such reviews are carried out by independent consultants at the behest of UNDP Management and are not asked to address compliance with standards at the core of their remit.</p> <p data-bbox="1232 448 1944 643">If Management has a more effective approach to achieve the purposes of SECU recommendations, it can be spelled out in the Action Plan to implement any decisions responding to SECU’s report made by the Administrator. SECU reflects that in amendments to the first two recommendations.</p>

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		<p>Compliance Report will not bring the project back into compliance.</p> <p>Furthermore, there is a fundamental contradiction in the MTR assessment - it gives high achievement ratings while mentioning that it was not able to find or establish evidence on the ground! So what is then the purpose on an "independent' review"? For instance, in terms of the project's Progress Towards Results, the MTR gives a top Objective Achievement Rating of 5 for the Project Objective, yet states: "Indicator 1 End Target seems overachieved, though this could not be independently verified (on the ground), and it is difficult to assess "improved management". Similarly, very top ratings are given for Outcome Achievement levels. But these come with statements such as: "METT Tracking Tools scores are reportedly high and almost all nearly achieved End target. MTR has not been able to verify the reported METT scores on the ground. MPA and Reserves Areas and management reportedly increased, though MTR not able to verify on the ground."Despite not having been able to verify on the ground, the MTR considers that: "The project seems largely "On Track" to achieve its targets or even surpass these in some areas."; "The "The Project was well designed and the project Document well written, though no "Theory of Change" was developed." This is not an independent review aimed at assessing objectively how well a project is being implemented. We would like to point out that the extensive body of documentation already provided by AKNL should be used as supplementary evidence to all points made herein. This body of supporting documentation comes to bridge a significant gap in the MTR.</p>	
1	AKLN	Our complaint is not simply about UNDP violating its own policies. Our complaint is about UNDP-GEF's work in the country to protect Environmental Sensitive Areas (ESAs) being tantamount to	SECU's mandate, as laid out by the Social and Environmental Standards and reflected in its own investigation guidelines, is to address non-compliance of the UNDP SES in the context of UNDP-supported activity.

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		<p>greenwashing their destruction. We brought SECU investigators to a number of coastal sites where ESAs are being destroyed or are set to be destroyed, due to development permits that were requested AFTER the start of the project being approved nevertheless by the Government. These coastal ESA sites that SECU visited are clearly mentioned in the Project Document's text and landscape-seascape maps (Annexes 4 & 5). It is most disappointing therefore that SECU, after having stated at paragraph 17 that it undertook an extensive document review and carried out a field mission in Mauritius, does not record that various coastal ESAs that are clearly mentioned in the ProDoc's text and landscape-seascape maps and text are in fact being destroyed or approved for destruction AFTER the project started. It appears that the draft SECU report omits a major information which indeed demonstrated that UNDP-GEF's work in the country to protect ESAs is tantamount to greenwashing. The GEF has granted funds based on the contents of a Project Document (ProDoc) presented by the Government of Mauritius (GoM) and UNDP. This ProDoc states the following right at the beginning, pages 1 and 2: "As a result of the project, throughout the RM [Republic of Mauritius], biodiversity within coral reefs, seagrass beds, mangroves, inter-tidal mudflats, sand beaches and dunes, and coastal wetlands will be better protected and managed in a more sustainable manner. In addition, biodiversity within adjacent and closely related ESAs will indirectly receive greater protection." "The project aims to conserve and sustainably manage coastal and marine biodiversity in the RM, using the proxy of Environmentally Sensitive Areas (ESAs) identified through the study commissioned by the government</p>	

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		<p>of Mauritius in 2008 and completed in 2009.”Central to the project under investigation here is that it will provide better protection to coastal ESAs, building on the 2009 ESA Study. So, the question here for the SECU investigation is in fact quite simple: is the project or not effectively ensuring that the little biodiversity remaining on the Mauritian coast is urgently being preserved, as per the commitment made to the GEF by UNDP and the RM? It is not. The project is not even protecting ESAs listed in the ProDoc and the authorities are blatantly ignoring the 2009 ESA Study when approving development permits. We are therefore disappointed that the SECU is not stating clearly that this project is failing to keep the commitment made to GEF of protecting coastal ESAs. Also, there is no mention at all also in the draft MTR report of how coastal ESAs listed in the ProDoc are being destroyed, despite AKNL having shared all the necessary information in detail with the MTR team of consultantsThe GEF has granted money to UNDP and the Government of Mauritius on the basis of what was presented in the Project Document. UNDP is failing to present the facts fully regarding non-compliance and violations. The GEF might feel it is entitled to better levels of accountability from UNDP.AKNL therefore would like to ask SECU to revise its recommendations as follows: regarding development projects that will have substantial and permanent impacts on biodiversity and environmental assets in the coastal zone and to which EIA licenses have been issued after the start of the project, SECU should recommend that the Minister of Environment cancels these EIA licenses. If such a recommendation is not feasible for SECU, then at the very least, SECU must recommend that the Minister of Environment,</p>	

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		as provided for in sections 24(3) and 25 of the Environment Protection Act, kindly requests new EIAs to be conducted.	
5	AKNL	No, the central issue of our complaint is that the UNDP-GEF's work in the country to protect Environmental Sensitive Areas (ESAs) is tantamount to greenwashing their destruction.	Noted. Language amended.
6	AKNL	The MTR in its draft report has failed to take onboard this recommendation from SECU - see first row of comments above.	Noted. The Administrator's decision is likely to be released after the MTR.
6	AKNL	<p>There are 2 critical inbuilt failures in the project's design, which AKNL has highlighted to SECU many times and which the draft SECU report disappointingly fails to mention despite the huge amount of evidence provided by AKNL:</p> <p>1.No focus on Environmental Rights so as to safeguard ESAs, i.e. ensuring effective checks and balances with civil society having effective access to the courts to challenge the approval of development permits:</p> <ul style="list-style-type: none"> ○ the project does not target, nor even mention, the critical issue of Mauritian authorities systematically denying members of the public and civil society the right to lodge cases in courts to protect the environment and to challenge the approval of EIA licenses and building permits ○ Since the start of the project, new laws (e.g. Finance Acts of 2016 and 2020) are being passed restraining environmental rights further by making it nearly impossible to lodge appeals against EIAs and Building Permits. As a result: ○ EIA appeals lodged post project start are failing on purely procedural grounds, even before the merits and scientific evidence gathered by activists are even considered 	<p>Noted.</p> <p>The comment provides useful additional context to the issues raised in the Complaint and addressed in the SECU report. Rather than re-litigate the project design process in all its aspects, the SECU report has focused on the questions that can be addressed by the CO at this stage of the project.</p>

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		<ul style="list-style-type: none"> ○ Civil society will not be able to block an imminent wave the destruction of coastal ESAs with the post-Covid economic recovery plan announced by Government in June 2020. <p>The critical aspect here is this : it should have been a KEY FOCUS of the GEF-UNDP project that the public and civil society are provided effective means to challenge in the courts a Government decision to grant an EIA license or a building permit in the coastal zone. Every modern society keen on achieving sustainable development has in place effective civil society watchdog mechanisms. This is the very basis and essence of Democracy. It is therefore quite shocking that this GEF-UNDP project has failed to consider as central to the achievement of the project that laypersons, CBOs, NGOs, charities are given effective access to the justice system to block EIA licenses and building permits. How come such an omission happened? It is a violation of the Human Rights Based Approach enshrined in Global UNDP Policy.</p>	
6	AKNL	<p>2. No real focus on the partial and superficial enforcement of key existing tools, regulatory principles and laws, that if applied in full would enable extensive protection of ESAs. The ProDoc very quickly sidesteps these existing tools.</p> <ul style="list-style-type: none"> ○ ESA Study 2009A central foundation of the GEF-UNDP project, this study is nebertheless blatantly ignored on a routine basis in EIA application processes and this had continued even after the start of the project ○ National Development Strategy (NDS)The NDS, which came into force in 2005, has 2 full chapters on Environment and on Tourism. It lays down 11 policies on Environment and 8 policies on Tourism. At local government level, the NDS is detailed in a series of Outline Planning Schemes (OPS), 	<p>Noted.</p> <p>The comment provides useful additional context to the issues raised in the Complaint and addressed in the SECU report. Rather than re-litigate the project design process in all its aspects, the SECU report has focused on the questions that can be addressed by the CO at this stage of the project.</p>

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		<p>one for each of the different districts of the country. Plus, local authorities are required to implement Action Area plans in which the protection of ESAs is a clear crosscutting priority. The law is clear: all local plans need to be consistent with the NDS or they are overruled. The NDS hits all the right notes regarding the GEF-UNDP's project goal: biodiversity and ecosystem management are integrated into physical development planning and tourism sector activities. And the NDS already has legal force. It is the SUPREME planning framework for the country. Not only does it also warn against EIAs not being up to standard presently, it orders that EIAs henceforth be comprehensive. Not only does it say that the permitting authorities should use immediately its interim ESA map and then switch to more accurate ESA maps as soon as these are produced, it also orders permitting authorities to continuously stay up to date on the ESA information that is relevant to them. But the issue is the lack of enforcement and compliance with the NDS. The GEF-UNDP project should have targeted ensuring the full enforcement of the NDS, and SECU should therefore make a recommendation accordingly.</p> <ul style="list-style-type: none"> ○ c. Environment Protection Act (EPA) Section 18 of the Environment Protection Act (EPA) states that all EIA applications shall present (among other things): <ul style="list-style-type: none"> ○ the direct or indirect effects that the undertaking is likely to have on the environment; ○ an assessment of the inevitable adverse environmental effects that the undertaking is likely to have on the environment, people and society, where it is 	

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		<p>implemented in the manner proposed by the proponent; It thus mandatory by law for all EIA applications to be comprehensive. Yet in practice, this is not the case. Beach hotels for instance regularly submit EIAs that do not, or barely, discuss the environmental impacts on the lagoon. These are approved. The GEF-UNDP project should have targeted ensuring the full enforcement of the EPA. SECU should therefore make a recommendation accordingly.</p>	
8	AKNL	<p>The MTR has failed to do so. The draft report of the MTR maintains the project's Overall Risk Rating as being Medium, whereas based on the SECU recommendations, and all the supportive documentation provided by AKNL, the risk should have been increased to High, or at least Substantial. This would then have needed the setting up of an Environmental and Social Management Framework (ESMF) and an Environmental and Social Management Plan (ESMP).</p>	<p>Noted. The SECU field investigation was completed well before the work of the MTR was initiated, which therefore cannot be reflected in the SECU report.</p>
9	AKNL	<p>Paragraph 9 is totally unacceptable and very disappointing. UNDP has failed, and is continuing to fail, to enforce compliance with the Human Rights Based Approach (HRBA) supposedly a fundamental principle for all UNDP activities according to its Global Policies.</p>	<p>Noted. While the project has been assessed as being in substantial compliance with the SES guidance on public participation, the report does note that the issue will require additional attention if the project is to achieve its purposes.</p>
9	AKNL	<p>1. Clear conflict of interest not flagged by SECU regarding Project Steering Committee / Exclusion of key non-profit stakeholders. Very few non-profit actors of civil society were invited to be part of the project and were given a position of influence. Except for charity EcoSud, the NGOs / charities invited to participate are all dependent on CSR funding from major local private sector groups, with some of these charities acutely dependent on top on Government permissions and resources to carry out their activities. Apart from EcoSud, no independent non-profit civil society entity was</p>	<p>The report addresses these issues in paragraphs 32-34. While the report finds that the design of public consultation and participation is currently compliant with the SES, it also (in para 33) urges the CO in partnership with the Government to be proactive in engaging stakeholders who may feel excluded.</p>

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		<p>invited. Moreover and worryingly, SECU has chosen to ignore a major conflict of interest on the Project Steering Committee where, among its civil society members, sits an EIA consulting firm which has been a key contributor in EIA reports submitted after the start of the project by developers destroying coastal ESAs identified in the ProDoc. In stark contrast, local coastal communities, fisherfolk, village councillors, boat tour operators and grassroots activists notably have barely been involved in the project, if at all, if not even deliberately excluded. The project has selected the Black River district, a coastal region in the West of Mauritius, as a zone where Integrated Coastal Zone Management (ICZM) will be demonstrated. Yet, there has been no active involvement of the local village councils, of the lagoon boat tour operators, of dive centres, of local activists who fought for popular Benitiers islet to remain public, of local activists who fought for the Le Morne mountain to become a UNESCO World Heritage Site... It defies logic that SECU in its draft report refuses to issue any recommendation to address stakeholder participation issues in the project. It is truly a shame that an investigation into a greenwashing whistleblowing claim avoids looking into who were selected to represent civil society, and who were left out. Consequently, whether the SEP was adequate at design stage should not be good enough for an investigation assessing compliance regarding UNDP's Social and Environmental Standards (SES). The matter of the fact is that the SEP OUGHT to be proactive in any case. It becomes even more important.</p>	
9	AKNL	<p>2. Deliberate exclusion of AKNL confirmed by UNDP CO. In a letter to the SRM in June 2019, the UNDP CO confirmed that AKNL was deliberately excluded since project inception. Only one organisation within AKNL was invited to participate.</p>	Noted. See response to prior comment.

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		<p>This was registered charity EcoSud, in its own name. There were no invitations sent out to the AKNL civil society coalition, which is much wider than EcoSud. The way the CO has dealt with AKNL proves that the stakeholder engagement guarantees given to the GEF were squarely NOT applied. AKNL's efforts over 2015-2017 have been fully in line with the goal, objectives and outcomes of the project. Our work during that period was constantly in the media. AKNL today is a reputed civil society organization acting as gatekeeper to ensure that national authorities and third party interests act in ways appropriate to the protection, conservation and enhancement of dwindling natural commons. The track record of AKNL, although inconvenient to national authorities, third party private interests, and it would seem to UNDP as well, clearly shows that it has both a very high interest and a very high influence on the UNDP-GEF project. Consequently, it OUGHT to be a key project partner. This points to two pertinent observations:</p> <ul style="list-style-type: none"> ○ the fact that AKNL has been excluded from taking a stake in the project implies that same might have happened to other key stakeholders ○ the UNDP did not play its impartial role as Development Partner, but seem to be acting in cahoots with the Implementing Institutions (i.e. the Government), which both the ProDoc and SECU's baseline analysis have shown to 	
9	AKNL	<p>3. SECU must insist on urgent actions to render stakeholder participation inclusive It is not enough to conclude that a good enough job was done at stakeholder consultations during project design. The main point here is to look at whether an adequate Stakeholder Engagement Plan (SEP) was developed during the project preparation phase and</p>	Noted. See response to prior comments.

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		<p>has been put in place since project start, not only to capture the views of key stakeholders prior to inception, but also, and probably more importantly, to effectively engage stakeholders during project implementation, and project evaluation and monitoring. To not issue a recommendation to address these critical shortcomings in stakeholder engagement is even less logical when considering the following statements made at paragraphs 27 and 34:</p> <ul style="list-style-type: none"> ○ "the project could fall out of compliance with Standard 1, an outcome to be avoided" ○ "stakeholders in the project raised the need for substantial time, resources, and leadership to be invested in a communications strategy of proactive engagement with the necessary stakeholders." ○ "Projects that include mainstreaming needs to set a priority, from beginning to end, of an inclusive approach to stakeholders" <p>The poignancy of these points cannot be overstated given the prior assurances that the UNDP had provided to the GEF Council and the GEF Global CEO at the CEO Endorsement Request: <i>The project will focus its stakeholder engagement at two levels of intervention: (ii) working directly with civil society organizations, formal and informal use rights holders, and private individuals to mitigate impacts and optimize benefits of project activities. However, a thorough stakeholder analysis will need to be undertaken once the project starts to ensure appropriate and adequate representation of all interested parties in the participatory work planned through the project and to identify the organisations to be represented on the Project Steering Committee (PSC).</i> https://www.thegef.org/sites/default/files/project</p>	

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		_documents/ID5514_FOR_SUBMISSION_CEO_Endorsement_4843_Mauritius_Mainstreaming_Project_cm.pdf)	
21-24		AKNL commends SECU on the very concise analysis of relevant social and economic issues in Mauritius. But the draft SECU report does not presented a similar analysis of the country's legal and regulatory framework that applies to the mainstreaming of biodiversity protection. It cites for instance the country's National Development Strategy (NDS), which is the overarching development planning framework for Mauritius, without stating how the NDS already contains crucial provisions for the mainstreaming of biodiversity and that the enforcement of these pertinent provisions is not being effected adequately, if at all. This is something that the GEF-UNDP project chose also to overlook and by so doing, made a critical failure. See comments above regarding Recommendation 1.	It should be noted that enforcement of national strategies is the responsibility of the Government. The SECU report chose not to devote extended space to the accomplishments and shortcomings of prior approaches to improving the environment values in Mauritius.