

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



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**ELIGIBILITY DETERMINATION:
Complainant: Confidential
Regarding UNDP's "Funding Facility for Stabilization" project**

**Case No. SECU0022
Date: 13 February 2024**

Basic Data


Case No.	SECU0022
Category of Non-Compliance:	Social and Environmental
Location:	Iraq
Date Complaint received:	5 September 2023
Source of Complaint:	Confidential
Eligibility assessment conducted by:	Richard Bissell, Lead Compliance Officer
Compliance Officer assigned:	
Other investigators assigned:	
Related Case(s):	N/A

Signatures

Prepared by:

Paul Goodwin, Head of Unit, SECU

Approved by:



Chris Taylor, Director, OAI

I. Overview

1. On 5 September 2023, the UNDP Social and Environmental Compliance Unit (SECU) received a referral from the Investigations Section (IS) in the Office of Audit and Investigations (OAI). The referred complaint was submitted to IS on 4 September 2023. The complainant is an individual citizen from Mosul, Iraq. The complaint relates to UNDP's Funding Facility for Stabilization project in Iraq.
2. The complainant alleges that three houses, including their own, have partially collapsed and that these houses were serviced by a UNDP rehabilitation programme three years ago. The complainant alleges that the UNDP provided their house with plastic pipes for water and that there was a water leak that affected the stability of their house. According to the complainant, there is now a big cavity under the street, and there is a fear that other houses may collapse at any time.
3. SECU spoke with the complainant on 6 September 2023. The complainant explained to SECU that their house, which belonged to their deceased father, had been heavily bombarded by military attacks in 2017, and that only 20-30% of the town was left standing after these military attacks. According to the complainant, renovation works carried out by UNDP started in 2019 and were completed in early 2020. During this call with the complainant, the complainant expressed doubt as to the precise cause of the cavity, explaining that there could be several explanations. The complainant expressed concern that the UNDP's rehabilitation project did not assess the soil status before work was carried out, and the complainant expressed blame towards the UNDP for not having thoroughly checked the structure.
4. SECU registered the complaint on 7 September 2023 and thereafter sent a documentation and information request to the Iraq Country Office (CO). The CO confirmed that the complainant's house was serviced under the UNDP Funding Facility for Stabilization (FFS) project in Iraq. The CO's position is that the UNDP housing works of 2019-2020 in the area do not appear to have any linkages with the issue of recent cavity formation. The CO cited other possible causes for the cavity formation, including construction work carried out by other parties, issues with structural soundness that predated UNDP's involvement, and the limited nature of the rehabilitation work carried out by the UNDP.
5. The CO explained to SECU that only houses that were deemed to be structurally stable and repairable were selected for rehabilitation under this project and that this assessment was done on the basis of a visual inspection.
6. In response to being notified of the complaint, the CO visited the complainant's house and confirmed that the house is currently deserted due to safety concerns and that visual inspections indicate a significant cavity underneath the house extending to the narrow road and other nearby houses. The CO indicated that an initial assessment suggested that seven nearby houses have also experienced similar settlement issues and have been evacuated due to safety concerns. The CO indicated to SECU that it had contacted the municipality and urgently requested their intervention, and that in response the municipality had closed the road, initiated soil

investigations, and initiated communication with the Directorate of Antiquities, given the historical significance of the area.

7. As required by SECU's Investigation Guidelines,¹ this memorandum provides SECU's assessment of whether the complaint is eligible for a full investigation by SECU.
8. SECU has determined that the complaint is eligible for a compliance review.

II. Project Details

9. The Funding Facility for Stabilization (FFS) Project (Atlas Award ID: 00089459) has a start date of May 2015 and has a planned end date of 31 December 2023. It is a Direct Implementation Modality (DIM) project.²
10. FFS supports the government of Iraq to stabilize areas liberated from the Islamic State of Iraq and the Levant (ISIL). Working in 31 locations across the five liberated governorates, and in nine major sectors - electricity, health, water, education, sewerage, livelihoods, municipalities, roads and bridges, and social cohesion - FFS focuses on rehabilitating public infrastructure and providing essential services to communities living in areas affected by the conflict.³
11. According to the Prodoc, Output 1 under FFS is to support the Iraqi Government in newly liberated areas to address immediate challenges for return of internally displaced persons, including rehabilitating houses in liberated areas.
12. The CO confirmed to SECU that, in relation to the complaint, this housing project was covered under the Funding Facility for Stabilization, contract # PAM 222-19 for Rehabilitation of 274 house in Nabi Jarjees & Ras Al Kur neighborhood in Mosul. The contract award date was 7 October 2019, and the completion date was 4 March 2020. The CO also confirmed that this project was funded by KfW.
13. In relation to other activities undertaken in Mosul, Iraq under FFS, the CO confirmed that projects in Mosul total 997 (completed = 982, under implementation = 12, under Procurement = 3). These are across multiple sectors and include Infrastructure Rehabilitation, Livelihoods, Social Cohesion and Training.

III. Summary of Process to Date

14. 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.

¹ <http://www.undp.org/content/undp/en/home/librarypage/operations1/secu-investigation-guidelines/>

² Prodoc, page 14.

³ See: <https://www.undp.org/iraq/projects/funding-facility-stabilization>.

15. SECU received the complaint on 5 September 2023, registered the complaint on 7 September 2023 and posted it on its case registry, available at www.undp.org/secu.
16. 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. Due to delays outside of SECU's control in gathering relevant information, SECU was not able to conduct an eligibility determination on this case within the required twenty business days.

IV. Determination of Eligibility

17. **Criterion 1: Relates to a project or programme supported by UNDP.** The complaint relates to damage to a house that was rehabilitated under UNDP's Funding Facility for Stabilization project in Iraq, with a plausible allegation that the UNDP project caused that damage. As such, the complaint meets the first criterion under Section 8.1.
18. **Criterion 2: Raises actual or potential issues relating to compliance with UNDP's social and environmental commitments.** UNDP is required to ensure compliance with its social and environmental commitments, including the Social and Environmental Standards (SES), for all activities that are funded through UNDP accounts. The complaint raises potential issues related to the level of due diligence required under the SES to identify and assess potential social and environmental risks (including cumulative risks), and requirements to identify and adopt measures to avoid, minimize, mitigate and manage adverse social and environmental impacts. The complaint raises potential issues relating to human rights commitments, particularly UNDP's commitment to protecting human rights, including the right to adequate housing. The complaint also raises potential issues relating to the stakeholder engagement conducted as part of this project, as well as the level of information provided to project beneficiaries to ensure that they understood the purpose, nature and scale of the project. Thus, the complaint raises issues of compliance with UNDP's social and environmental commitments and meets the second criterion under Section 8.1.
19. **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 complainant has suffered harm as a result of the partial collapse of their house. The complainant has left their house due to safety concerns. Nearby houses have also experienced similar settlement issues and residents have evacuated. While the complainant and the CO have shared differing views on the cause of the collapse, an independent assessment of damage has not been carried out. It is unreasonable to carry out this assessment at the eligibility phase of the SECU process. At this stage, the cause of the collapse cannot be stated with certainty, and there remains the possibility of a plausible causal relationship between UNDP's involvement and the harm. Furthermore, even assuming that UNDP activities were not the cause of the collapse/harm, at least two other questions remain, pointing to a possible causal relationship between UNDP's activities and whether the harm could have been avoided or minimized: 1) whether UNDP carried out sufficient due diligence under the SES in assessing direct and indirect risks, including cumulative risks from other relevant developments; and 2) whether UNDP adequately ensured that information concerning the Project's purpose,

nature and scale was made available, and that there was adequate stakeholder engagement throughout the process. Accordingly, in review of the complaint and information provided by the CO, concerns of noncompliance with the SES and of possible consequential harm have arisen, which would need to be examined further in an investigation. Therefore, the third criterion under Section 8.1 is met.

20. As all three Criteria are satisfied, SECU has determined that the complaint is eligible for a social and environmental compliance review.

V. Next Steps

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