



MONITORING REPORT:

Relating to SECU’s investigation into allegations of non-compliance with UNDP social and environmental commitments in the context of the following UNDP projects:

“Mitigating the Impact of the Syrian Refugee Crisis on Jordanian Vulnerable Host Communities” and
“Improving Solid Waste Management and Income Creation in Host Communities”

Case No. SECU0007

Date: 8 April 2024

Basic Data

Case No.	SECU0007
Category of Non-Compliance:	Social and Environmental
Location:	Jordan
Date Complaint received:	5 June 2018
Source of Complaint:	Dibeen Association for Environmental Development
Date of Administrator's decision:	10 June 2020

I. BACKGROUND

1. The UNDP Social and Environmental Compliance Unit (SECU) received a complaint on 5 June 2018 regarding the proposed location of a solid waste transfer facility in the Jerash area of Jordan, the preparatory work that was undertaken for this construction, and the subsequent decision to relocate the facility away from the initially proposed site. On 28 August 2018 the complaint was found eligible for an investigation.¹
2. SECU conducted an investigation and released its final investigation report on 6 December 2019.² The Investigation Report included the following recommendations:
 - a. SECU recommends that the Administrator takes appropriate steps to support all Country Offices with regard to the completion of a Social and Environmental Screening Procedure (SESP) for each UNDP activity to strengthen the social and environmental aspects of projects.
 - b. SECU recommends that the Administrator ensure that guidance and support is provided to Country Offices working in countries with developed environmental laws and regulations to perform comparative analysis of national policies relative to UNDP's Social and Environmental Standards (SES), in order to ensure application of the stronger of the two.
 - c. SECU also recommends that the Country Office review internal procedures to ensure application of the SES requirements for access to information and stakeholder engagement.
 - d. SECU recommends that the CO work together with other entities undertaking activities at the abandoned site in Me'rad with regard to future uses of the site to be of greatest value to the community.
3. On 10 June 2020, the Administrator issued his decision in relation to SECU's report. He directed UNDP to take actions to
 - a. "Work with the Ministry of Environment to suggest an adequate amendment to the article in the local Environmental and Social Impact Assessment (ESIA) Bylaw on the disclosure of ESIA reports so that in the future these reports can be shared with stakeholders;
 - b. Related to this, develop a training program on "public participation" in the ESIA process in coordination with the Ministry of Environment and the Jordan Federation for environmental NGOs and other relevant stakeholders including NGOs, CBOs, community leaders and youth groups;
 - c. Continue to prioritise and support the environment in general, and forests in particular, as part of UNDP's programmes to conserve and sustain the forests' ecosystems in Jordan;

¹ See all case documentation at <https://secu.info.undp.org/case-file/secu0007>

² See the final published Investigation Report for details about SECU's findings and recommendations at https://secu.info.undp.org/sites/g/files/zskgke461/files/sites/registry/secu/SECU_Documents/SECU0007_%20Final%20Investigation%20Reportc7a2b735ec6a42b5bc2acf2f9683fefc.pdf

- d. Analyse the compatibility/comparability of UNDP's Social and Environmental Standards (SES) with the relevant ESIA legislation;
 - e. Work with local partners to rehabilitate and replant trees at the abandoned site in Me'rad;
 - f. Continue to raise awareness of all staff in the Country Office of the importance of UNDP's Social and Environmental Standards (SES) and ensure compliance across all projects and programmes."
4. The UNDP Administrator also noted that "an inter-Bureau Task Force is now in place responsible for developing a plan to strengthen institutional capacities for SES implementation across the organisation, including enhanced capacities for oversight, support and learning. In addition, new guidance is under development on how Country Offices can review their national regulatory frameworks in the context of UNDP's SES to identify potential gaps and help ensure the higher standards are applied in the context of UNDP programming."
5. SECU is mandated to monitor the implementation of the Administrator's decisions regarding its reports.

II. MONITORING ACTIVITIES

6. In response to the Administrator's decision, the UNDP Jordan Country Office (CO) prepared a Management Plan that was finalized and shared with SECU on 25 March 2021. The Management Plan identified the following 'Key Actions' in response to SECU's Recommendations:
- a. *Recommendation:* SECU recommends that the Administrator takes appropriate steps to support all Country Offices with regard to the completion of an SESP for each UNDP activity to strengthen the social and environmental aspects of projects.

Management Response: 1. To ensure that all Country Offices are supported in implementing the requirements of the SES, including the SESP, an inter-Bureau Task Force has been convened by the Executive Office and the Bureau for Policy and Programme Support (BPPS). This Task Force is developing an Implementation Plan to strengthen institutional capacities for SES implementation, including enhanced capacities for oversight, support and learning.
2. Analyse the compatibility/comparability of UNDP's SES with the relevant ESIA legislation.
 - b. *Recommendation:* SECU recommends that the Administrator ensure that guidance and support is provided to Country Offices working in countries with developed environmental laws and regulations to perform comparative analysis of national policies relative to UNDP standards set out in the SES, in order to ensure application of the stronger.

Management Response: 1. Develop practical guidance on comparative/gap analysis of national policies relative to UNDP standards, including TOR to conduct studies for similar cases in the future.
2. Work with the Ministry of Environment to suggest an adequate amendment to the article in the local Environmental and Social Impact Assessment (ESIA) Bylaw on the disclosure of ESIA reports so that in the future these reports can be shared with stakeholders.

3. Develop training program on “public participation” in the ESIA process in coordination with the Ministry of Environment and the Jordan Federation for environmental NGOs and other relevant stakeholders including NGOs, CBOs, community leaders and youth groups.

- c. *Recommendation:* SECU also recommends that the Country Office review internal procedures to ensure application of the SES requirements for access to information and stakeholder engagement.

Management Response: Continue to raise awareness of all staff in the Country Office of the importance of UNDP’s Social and Environmental Standards (SES) and review internal procedures to ensure compliance across programme portfolio.

- d. *Recommendation:* SECU recommends the Country Office in Jordan work together with the other entities undertaking associated activities at the abandoned site with regard to future uses of the site to be of greatest value to the community.

Management Response: Work with local partners to rehabilitate and replant trees at the abandoned site in Me’rad.

7. On 11 June 2022, SECU inquired about updates regarding the implementation of the actions within the Management Plan. The CO responded on 16 June 2022 that they do not have any overdue activities. The CO explained that they had proposed activities that are to be organized in coordination and agreement with the Ministry of Environment but that there had not been any confirmations for activities yet. Regarding the rehabilitation of the abandoned site specifically, the CO had been in touch with relevant partners but stated that it did not know the plan by the local municipality for the site yet and that the necessary funds for rehabilitation activities had not been made available by the relevant partners.
8. On 12 September 2022, SECU followed up on the implementation of the CO’s management plan and the progress made in coordinating activities with the respective partners. SECU requested updates with reference to the specific items in the management plan and posed questions related to:
- a. The inter-Bureau Task Force to support Country Offices in implementing the requirements of the SES and what specific activities have taken place in Jordan and how these activities strengthened the CO’s capacity for SES implementation;
 - b. The findings of the CO’s analysis into the compatibility/comparability of the UNDP’s SES with the relevant ESIA legislation in Jordan;
 - c. The practical guidance generated on the comparative/gap analysis of national policies relative to UNDP standards and whether the results of the comparative/gap analysis had been used in any other way to strengthen the CO’s approach to social and environmental compliance in UNDP Jordan projects;
 - d. The status of the national revision exercise of the local ESIA by-law that had been mentioned in the context of the discussion of an adequate amendment to the article in the local ESIA by-law on the disclosure of ESIA reports;

- e. The planned training program on public participation in the ESIA process for Jordanian NGOs and other stakeholders;
 - f. SES awareness raising activities amongst staff in the CO and the review of internal procedures to ensure compliance; and
 - g. The CO's engagement with local partners to rehabilitate and replant trees at the abandoned site in Me'rad.
9. The CO responded on 26 September 2022, providing information on each of the questions. In particular, the CO explained that:
- a. Effective SES implementation had been on the agenda of a regional workshop convened by RBAS in Amman in early 2022 on the implementation of the strategic plan and in this context, the participants from the CO got an "update of the SESP process and the effective way to apply along with other existing national impact assessment tools".
 - b. The ESIA process and legislation required "an in-depth analysis of the potential risks and mitigation measures. It requires field work, sample collection and lab tests (e.g. air quality, soil type/quality, etc.) while the SES is mainly a desk review descriptive exercise. The ESIA also requires consultations with all stakeholders and the process should include at least two public hearings/workshop; scoping workshop/session and reviewing workshop/session. The ESIA process and legislation requires the deployment of a capacitated multidisciplinary team to conduct the assessment study. The ESIA is more comprehensive and evidence based."
 - c. The results of the gap analysis may have contributed to further understanding of the national requirements under ESIA framework and that the gap analysis had motivated the CO to "go beyond the SES framework trying to take into account the broader context of the national ESIA system in Jordan."
 - d. The revision exercise had not been undertaken yet, but discussions on the introduction of Strategic Environmental Assessments (SEAs) for policies and programs, which are not currently institutionalized, are taking place in which the CO had been engaged in, with input and feedback. If a legal and institutional framework for SEAs were to be adopted, it would imply a revision of the ESIA regulations. A timeline for this process could thus not easily be anticipated.
 - e. The discussed and agreed upon training sessions are still being suspended due to Covid 19 but the CO had raised awareness on public participation in the ESIA process for Jordanian NGOs and other stakeholders at other occasions such as "the latest ESIA's conducted by the office where the consultations and scoping workshops included sessions and discussions on public participation."
 - f. The "awareness sessions are continued and in different occasions" and updates on the SESP format/process are "immediately conveyed to all staff."

- g. There had been no change regarding the site and funding had not been made available, “however, the CO continued supporting forests management and conservation in the country through different planned interventions, of which some of them within and surrounding the Me’rad i.e. Dibeen forest Reserve and Deer Sanctuary in Dibeen (Deer’s reserve) through establishing picnic areas for visitors and constructing relevant facilities on the site e.g. gates, bathrooms, small shop, guard room, ..etc.”
10. On 4 November 2022, SECU responded to the CO with a number of comments and follow up questions on the information received. SECU highlighted that:
- a. The SESP, while a crucial tool for SES compliance, should not be the sole focus of capacity building efforts. The SESP is a tool for identifying social and environmental risks and opportunities associated with a UNDP project, but the management of those risks and opportunities must be informed by a deeper understanding of the SES requirements. SECU recommended a wider coverage of SES issues, and targeted sessions that occur with sufficient time allocated to fully address all aspects of the SES.
 - b. The SES require more than a desk review, and SECU would not characterize the SES as a descriptive exercise, given the many substantive requirements that need to be met. As SECU highlighted in its investigation report, while limited stakeholder engagement in the ESIA process was defended by the Country Office as consistent with Jordanian practice under national regulations, the SES clearly require more meaningful engagement and public access to project information. The notion of comparing policy requirements in the SES versus the Jordanian ESIA model should elicit a more rigorous comparison, addressing all social and environmental aspects covered by the SES and should not be confined to a physical analysis (e.g., requirements around sample collection, lab tests, etc.). SECU suggested that the CO may wish to rethink its approach to this task.
 - c. It is not clear how the "broader context" of the ESIA system is important and SECU inquired whether this suggests that some of the UNDP SES standards are applicable in a Jordanian context.
 - d. The Administrator’s decision specifically directed the CO to “work with the Ministry of Environment to suggest an adequate amendment to the article in the local Environmental and Social Impact Assessment (ESIA) Bylaw on the disclosure of ESIA reports so that in the future these reports can be shared with stakeholders”. SECU also inquired why the issue is now being taken up in the context of the SEA rather than the ESIA, how the proposed SEA would relate to the existing ESIA and whether the question of public release of project information was under active consideration.
 - e. The Administrator directed the CO to “develop a training program on ‘public participation’ in the ESIA process in coordination with the Ministry of Environment and the Jordan Federation for environmental NGOs and other relevant stakeholders including NGOs, CBOs, community leaders and youth groups” and SECU inquired about plans for specific training activities. SECU also stressed the importance of having specialized contractors who undertake public participation according to a professional approach and that for contractors to expand into this kind of work, training will undoubtedly be needed.

- f. The SES involve much more than the SESP and capacity should be built through dedicated activities. SECU also suggested that a consultation with the SES unit in BPPS about available resources to work with the staff could help to cover the full agenda of issues in the SES.
 - g. The Administrator spoke directly to the rehabilitation of the site, requiring that the CO “work with local partners to rehabilitate and replant trees at the abandoned site in Me’rad”. SECU asked the CO to clarify the barriers to progress on this issue and which local partners had been considered, and/or approached to address it.
11. SECU asked the CO to respond to these comments and questions but did not receive a response within the set timeframe. SECU continued to follow up with the CO on multiple occasions, until receiving a more substantial response by the CO on 22 June 2023.
 12. In this response, the CO emphasized the duration of the SECU investigation and that it had responded to all the queries and follow-ups by SECU despite “reservations on the accuracies of the findings e.g location and others”. The CO stressed that, in its view, it “has and is going beyond the “mitigation measures reflected in the management response” trying to invest in conserving and restoring forests across the country”.
 13. The CO further explained that they had already shared an initiative in the surroundings of the Me’rad i.e. Dibeen forest Reserve and Deer Sanctuary in Dibeen (Deer's reserve) establishing picnic areas for visitors and facilities on the site, noting that they “just have been informed that the site has been franchised to local municipality.” The CO also stated that they were attempting to secure funding for another project that is “targeting the entire country focusing on the Dibeen forests area”, reflecting “the commitment of the CO towards conserving and restoring natural ecosystems apart from and regardless of the subject case.” Regarding the follow up actions suggested on ESIA regulations, the CO confirmed that they had encouraged the Ministry of Environment to carry out a review for the ESIA procedure and that the latter had “welcomed the idea and confirmed they will do so in line with their priorities agenda.” The CO noted that “SESPs are by now becoming an integral part of [their] work and is on the priority check list that is strictly followed by the CO and is being monitored by the central team at the office.”
 14. The CO also noted that there have been “three similar big projects implemented by UNDP in collaboration during the past 3 years in northern and southern Jordan replicating the scope of the subject case, and no single negative feedback or comment from local communities and partners on these projects. To the contrary, the response has been very positive and the project interventions were welcomed.”

III. NEXT STEPS

15. Despite concerns raised by SECU, and further requests for clarity and information, the CO is of the view that it has completed all of the measures in its management response, and the CO’s responsiveness to SECU has become increasingly limited. As SECU sees no reasonable prospects for further progressing its monitoring in this case, it will issue a closure note. The closure note will detail SECU’s view as to whether all elements of the Administrator’s decision have been implemented based on the information provided.