

Independent Complaint Mechanism

IKI

Independent Complaint Mechanism of IKI

Complaints

Eligibility Determination – redacted version¹

IKI Project N/A

ICM Case: 2023-01

24 March 2023

¹ EDITING OF THE ELIGIBILITY DETERMINATION: In line with the IKI ICM policy (Section 3.5.1), this eligibility statement is redacted so as not to disclose any information that could identify the person(s) and/or organizations which are the subject of the complaint. This also relates to information about the IKI project in question, particularly the country, name of the project, funding amount and the competent Ministry.

Eligibility Determination

The Independent Complaint Mechanism (ICM) Policy of 1 February 2022 of the International Climate Initiative (IKI)² (hereinafter called the “ICM Policy”) sets out how the ICM deals with complaints from a person, group of persons, or community who may be/may have been negatively impacted by or during the course of an IKI project and/or would like to report significant adverse environmental impacts caused directly by the IKI project and/or that would like to provide evidence of economic crime or violations of budgetary or grant law by or in the course of an IKI project. Once a complaint is received, the ICM Policy requires the ICM to determine if the complaint meets the eligibility criteria set out in Section 4.1 of the ICM Policy. It is to be noted that this determination is procedural and that it does not represent a judgement on the merits or the substance of the case (Section 4.1.2 (g)).

SUMMARY OF ELIGIBILITY DETERMINATION

For reasons stated in this document, the ICM determines that this complaint is **ineligible** for further processing by the ICM under the ICM Policy.

COMPLAINT AND PROCEDURAL HISTORY

The ICM first became aware of the complaint on 6 February 2023 when it was received in the ICM’s complaint inbox. The complaint related to a road rehabilitation project in a country in the MENA region allegedly funded by a bilateral development finance institution (DFI). The complaint alleged, among others, that the complainants worked in the project and that their employment had been unjustly and arbitrarily terminated while they were on leave in their home country, and that they had not been paid appropriate compensation and other dues. The complaint also alleged that the termination of their employment was retaliatory and in response to their refusal to cover up alleged violation of social and environmental standards as well as fraud and corruption in the administration of the project. The ICM acknowledged receipt of the complaint on 10 February 2023.

The ICM interviewed the complainants and obtained further details of the complaint on 10 March 2023. The complainants appeared distressed by the termination of their employment and provided further information to the ICM of their alleged unjust termination of employment and alleged fraud and corruption in the project. On further examination of the complaint, it was determined that IKI does not fund projects in the country in question and therefore has no funding relationship with the project concerned. With the permission of the complainants, the ICM referred the matter to the relevant bilateral DFI’s complaints mechanism, which informed ICM that they already were in contact with the complainants about the concerns raised in the complaint.

ELIGIBILITY CRITERIA

The ICM examined the eligibility of the complaint against the eligibility criteria set out in Section 4.1 of the ICM Policy. The primary eligibility criteria and the ICM’s findings in relation to these criteria are set out in the table below. Absent an IKI funding relationship with the project subject of the complaint, the ICM has no mandate to entertain this complaint, which is therefore ineligible for further processing.

² Available at: https://www.international-climate-initiative.com/fileadmin/iki/Dokumente/Beschwerdemechanismus/IKI_ICM_policy_EN_202202.docx

Criterion	Yes/No/Not applicable	Reason(s)
Was required information provided to the ICM (see Sections 3.4 and 3.5 of the ICM Policy)?	Yes	The complainant(s) have provided all required information as set out in Section 3.4 and 3.5 of the ICM policy in the complaint and during interviews with the ICM.
Does IKI have a funding relationship with the project (whether past, present or future)?	No	IKI has no funding relationship to the project.
Is there a link between the IKI-funded project and the subject of the complaint?	Not applicable	Not applicable
Are there grounds for exclusion (Section 3.7) of the complaint?	Not applicable	Since the complaint is found ineligible due to the lack of funding relationship, further grounds for exclusion have not been assessed.
Is there at least one (1) complainant.	Yes	
<p>If the complaint relates to safeguards:</p> <p>(a) have the complainants credibly demonstrated that either they themselves or third parties are impacted or are likely to be impacted by an IKI project?</p> <p>Exception: in case of negative environmental impacts, this criterion of individual concern may be waived if the environmental impacts are direct, are significant, and are directly caused by the IKI project.</p> <p>(b) Does the complaint include information about (potentially) significant (not) indirect adverse effects or risks to complainants or third parties?</p>	<p>(a) Not applicable</p> <p>(b) Not applicable</p>	Since the complaint is found ineligible due to the lack of funding relationship, further grounds for exclusion have not been assessed.
If the complaint is regarding economic crime or violations of budgetary or grant law, has the complainant provided evidence of criminal acts or	Not applicable	IKI has no funding relationship with the project concerned.

violations of German budgetary law?		
If the complaint alleges reprisals and threats against the complainants have specific incidents of reprisals or threats been included in the complaint?	Yes	The complainants have set out specific incidents of reprisal or threats in the complaint.

ELIGIBILITY DETERMINATION

For the reasons stated above, the ICM determines that this complaint is **ineligible** under the ICM policy.

The ICM will inform the supervisory body and the complainants that this complaint is ineligible and has been closed. It is worth noting that this determination of ineligibility of the complaint is procedural, and that it does not represent a judgement on the merits or the substance of the case (Section 4.1.2 (g)). This decision as to ineligibility will also be published on the ICM website, but the complaint will not be made public.

Issued by the ICM Expert Panel

Published by:
Andrea Kämpf
 IKI Independent Complaint Mechanism
 Complaints Office