

# Statement of Eligibility

Redacted version\*  
Projects: Alianza Mexicana-Alemana de Cambio Climático  
and WaCClim – Empresas de Agua y Saneamiento para la  
Mitigación del Cambio Climático (Redacted)  
ICM Case: 2024-01  
Date: 01.04.2024

# Table of contents

- 1 INTRODUCTION.....2
- 2 SUMMARY OF ELIGIBILITY DETERMINATION.....2
- 3 COMPLAINT AND PROCEDURAL HISTORY.....2
- 4 ELIGIBILITY ASSESSMENT.....4
- 5 ELIGIBILITY DETERMINATION.....6

# 1 INTRODUCTION

The Independent Complaint Mechanism (ICM) of the International Climate Initiative (IKI)<sup>1</sup> was established to enable people who suffer (potential) negative social and/or environmental consequences from IKI projects, or who wish to report the improper use of funds, to voice their complaints and seek redress. The ICM Policy dated 1 February 2022 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 of the case (Section 4.1.2 (g)).

## 2 SUMMARY OF ELIGIBILITY DETERMINATION

For reasons stated in this report, the ICM determined on 1 April 2024 that this complaint is **ineligible** under the ICM Policy.<sup>2</sup>

## 3 COMPLAINT AND PROCEDURAL HISTORY

The ICM received the complaint on Wednesday, 7 February 2024. The complaint relates to two projects, namely the *Alianza Mexicana-Alemana de Cambio Climático*<sup>3</sup> (four phases) and the *WaCClim – Empresas de Agua y Saneamiento para la Mitigación del Cambio Climático*<sup>4</sup> project (“the WaCClim project”) in Mexico funded by IKI, with GIZ as the implementing organization (IO). The *Alianza Mexicana-Alemana de Cambio Climático* project “supports the Mexican government in the implementation of its climate and biodiversity objectives. It uses an inclusive approach, involving the national, state and local levels, focusing on mitigating greenhouse gas emissions, adaptation to build resilience, as well as biodiversity conservation and ecosystem services.”<sup>5</sup> The objective of the WaCClim project in Mexico is to support “the water and sanitation sector in the implementation of the NDCs (Determined Contribution at the National level), mainstreaming the mitigation and adaptation approach and continue the awareness and development of capacities of operating agencies.”<sup>6</sup>

The complaint alleges that because of “personal segregation and discrimination” the complainants’ private water service company has been denied participation in the above projects supplying its own “Zero Emissions Wastewater Purification” technology. The complaint also alleges that, based on statements in the “WaCCliM – Empresas de Agua y

---

<sup>1</sup> Available at: [https://www.international-climate-initiative.com/fileadmin/iki/Dokumente/Beschwerdemechanismus/IKI\\_ICM\\_policy\\_EN\\_202202.pdf](https://www.international-climate-initiative.com/fileadmin/iki/Dokumente/Beschwerdemechanismus/IKI_ICM_policy_EN_202202.pdf).

<sup>2</sup> EDITING OF THE ELIGIBILITY DETERMINATION: Among others, this complaint relates to allegations of reprisals. In line with the IKI ICM policy (Section 3.5 Nr. 1), this eligibility statement is therefore redacted so as not to disclose any information that could identify the complainant(s).

<sup>3</sup> <https://iki-alliance.mx/portafolio/mexican-german-climate-change-alliance/>

<sup>4</sup> <https://iki-alliance.mx/portafolio/towards-carbon-neutral-water-and-waste-water-utilities/>

<sup>5</sup> Supra ft 3.

<sup>6</sup> Supra ft 4.

Saneamiento para la Mitigación del Cambio Climático - II Alliance.pdf<sup>7</sup>, the complainant(s) requested “detailed financing and project information” from a GIZ project staff member which had not been provided. The complaint alleges that instead, GIZ staff gave a negative reply stating that the project did not “support technology development”. The complainant states that this is an inaccurate response as the project documents mention that the main objective of the project is the “support of Renewable Energy Transition” and the water purification technology he was offering achieved that goal.

The complainant(s) also alleges reprisals by a Mexican Government agency reportedly involved in one of the two projects. The ICM provided the complainant(s) with several references to resources which could help the complainant(s) in this situation.

The ICM acknowledged receipt of the complaint on 14 February 2024.

The ICM thereafter contacted the complainant(s) and obtained further details on the complaint.

The ICM has also had the opportunity to review correspondence between the project implementer and the complainant(s) as well as other internal correspondence.

### ***Future Reprisal Risk Assessment***

The IKI ICM examined the allegation of reprisals in the context of future reprisal risks to the complainant(s). There appeared to have been an incident in which the complainants’ repurification demonstration plant had been allegedly vandalised in 2018-19. The complaint states that this was allegedly “ordered” by the Mexican Federal Water Council (CONAGUA). CONAGUA was one of the agencies implementing the WaCClim project from 2019-22. CONAGUA was not part of the project in 2018, and as such the ICM is unable to attach responsibility for the alleged acts of reprisals during the period 2018-19 to CONAGUA, as CONAGUA became part of the WaCClim project from 2019-22. Besides, the ICM was unable to find information beyond the fact of vandalism stated by the complainant(s) supported by photos of the damage. On this basis, the ICM is not able to establish a link between the alleged actions of CONAGUA and the WaCClim project. To clarify, this does not mean that the ICM finds there were no reprisals against the complainant(s), only that the ICM cannot attach responsibility for the alleged reprisals to a project implementer at this stage. In this context, While the ICM recognises that there may be reprisal risks to the complainant(s), it is not able to conclude that these risks are posed by IKI or the project implementer. Nevertheless, to protect the complainant(s), the ICM will maintain confidentiality of the complainant(s) in this case.

### ***Communication with ZUG/IKI and IO***

The ICM, in keeping with its policy,<sup>8</sup> contacted ZUG, the relevant Ministry and Implementing Organization (IO) and requested them to comment on aspects of the complaint.

---

<sup>7</sup> [https://iwa-network.org/wp-content/uploads/2019/01/2018\\_WaCCliM\\_Roadmap\\_SP\\_screen.pdf](https://iwa-network.org/wp-content/uploads/2019/01/2018_WaCCliM_Roadmap_SP_screen.pdf)

<sup>8</sup> IKI ICM Policy, Section 4.1.2(c).

## 4 ELIGIBILITY ASSESSMENT

The ICM assessed the eligibility of the complaint against the ICM Policy. As described above and in more detail in the ICM Policy, the ICM “*investigates breaches of environmental and social safeguards, budgetary law, incidents of financial crime, reprisals and threats against complainants that fall under the scope of the IKI’s funding activities.*”<sup>9</sup> Complaints must relate to one of the categories of complaints outlined in the ICM Policy.

The ICM also confirmed that the complaint directly related to IKI projects. IKI funding for the two projects was 10.5 million Euros and one of the two projects is in the fourth implementation phase.

The complainant(s) states that information was requested from GIZ Mexico about the above-mentioned two projects and offered the complainants’ water purification technology as a solution to the projects concerned. In the complainants’ request for information, the complainant(s) cited project documentation which stated that the project was to innovate water purification technology and included working with the private sector to find solutions.

In response, a staff member of GIZ wrote to the complainant(s) stating that the documents that had been cited by the complainant(s) were essentially informational in nature and that both projects were not open calls for technology proposals. The staff member further stated that both projects were designed for GIZ to work with Mexican Government counterparts to provide technical assistance to improve wastewater treatment and management in Mexico.

The complainant(s) allege that the response from GIZ was discriminatory. The complaint alleges discrimination against the complainant(s), and the resulting rejection of the complainants’ offer of a viable, cost effective and efficient water treatment technology.

The ICM has examined the documents cited by the complainant(s), and the project documentation as well as the IO’s response. IKI and implementing organizations such as GIZ are free to develop projects in partnership with other stakeholders, including governments. In doing so, the project can be structured to work with government agencies as well as the private sector and with civil society and communities. This project was designed for GIZ to provide technical assistance to the agencies of the Government of Mexico. Where such a project states that the intent of the project is to work with the private sector (as in this case), it is certainly open to private sector entities to submit unsolicited proposal to participate in the project, and to offer technologies for use in the project. However, this does not create an entitlement for unsolicited submissions to be considered by project personnel, nor does it obligate them to accept such proposals. Such an obligation may only arise, where the project implementers, be they a government, civil society or private sector entity, issues an open call for proposals (or request for proposals).

The complainant(s) did not respond to or seek information in the context of such an open call for proposals. As such, the allegation of discrimination cannot be sustained. Discrimination occurs when people in equal positions are treated differently by a decision-maker without reasonable justification or when people in unequal situations are treated equally without reasonable justification. The complainant(s) has not been able to show any other private sector entity who has been treated differently to the complainant(s) in the context of these two projects, nor has the ICM been able to elicit any such instances in this case.

The general information about the project that the complainant(s) requested is available on the GIZ website and a response was provided explaining the situation to the complainant(s) by GIZ staff. Further, the ICM sees no potential violations of environmental or social safeguards or integrity issues that arise for consideration in this context.

---

<sup>9</sup> IKI ICM Policy, Section 1.

The ICM also examined the reprisals complaint. For the reasons set out above in this report, the ICM is unable to see a connection between the alleged reprisals and these two projects.

Part of this complaint relates to the allegation that the project was not implemented efficiently and that it did not achieve the goals for which it was funded by IKI. The ICM takes this opportunity to clarify that the ICM can and will accept complaints that allege environmental or social safeguard violations or economic crime and violation of budgetary law and will address them in accordance with the established procedures. Complaints that are about how well a project has been implemented, or that a project did not achieve its goals or was not done effectively or efficiently that do not touch on environmental or social safeguard violations or economic crime and violation of budgetary law, are not matters the mechanism can or will address. Such complaints are best addressed by ZUG management and the implementing organization.

The ICM examined the eligibility of the complaint against the eligibility criteria set out in Section 4.1 of the ICM Policy. The eligibility criteria and the ICM's findings in relation to these criteria are set out in the table below. Taking all the information and information available into account at this initial procedural stage and having carefully considered the comments of ZUG and the Implementing Organization, the ICM concludes that the complaint is **ineligible** for further processing.

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 required information as set out in Section 3.4 and 3.5 of the ICM Policy.
Does IKI have a funding relationship with the project (whether past, present, or future)?	Yes	The two projects cited above are financed by IKI.
Is there a link between the IKI-funded project and the subject of the complaint?	Yes	The subject of the complaint is about a request for information about the IKI project, alleged reprisals and the alleged rejection of the complainants' proposed water purification technology by GIZ
Are there grounds for exclusion (Section 3.7) of the complaint?	Not applicable	Since the complaint is found ineligible for the reasons set out in this report, further grounds for exclusion have not been assessed.
Is there at least one (1) complainant.	Yes	
Does the complaint relate to environmental and social safeguard	No	As elaborated above, the complaint does not constitute a safeguards complaint
If so: (a) have the complainants credibly demonstrated that either they themselves or third parties are	<i>Not applicable</i>	

impacted or are likely to be impacted by an IKI project? <sup>10</sup>		
(b) Does the complaint include information about (potentially) significant (not) indirect adverse effects or risks to complainant(s) or third parties?		
Does the complaint relate to economic crime or violations of budgetary or grant law	No	
If so,  has the complainant(s) provided evidence of criminal acts or violations of German budgetary law?	<i>Not applicable</i>	
Does the complaint relate to reprisals or threats against complainant(s)	Yes	
If so,  have specific incidents of reprisals or threats been included in the complaint?	Yes/	The complainant(s) have set out specific incidents of reprisal or threats in the complaint. However, based on the information available at this time, the ICM is unable to see a connection between the alleged reprisals and IKI or the IO or the two projects involved.

## 5 ELIGIBILITY DETERMINATION

The eligibility criteria as set out by the ICM Policy are not fulfilled for either of the allegations. The ICM consequently determines that the complaint is **ineligible**.

The ICM will inform the supervisory body, the complainant(s), and other parties involved that this complaint is ineligible (Section 4.1.2 (e) and (f)). This decision as to ineligibility will also be published on the ICM website.

The ICM will now close this complaint.

### Issued by the ICM Independent Expert Panel

**Lalanath de Silva, Sârra-Tilila Bounfour, Philipp J. Koenig**

Published by:

Andrea Kämpf

IKI Independent Complaint Mechanism

Complaints Office

---

<sup>10</sup> 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.