

December 6, 2018

Via Electronic Mail

Mr. Achim Steiner, Administrator
United Nations Development Programme
One United Nations Plaza
New York, NY 10017
Email: achim.steiner@undp.org

Re: SECU investigations pending review and decision

Dear Mr. Steiner:

We are writing with regard to the important oversight function of UNDP Administrators in the Social and Environmental Compliance Unit's (SECU) complaint process. As civil society organizations and practitioners who advocate for accountability in development finance and support those who have been harmed by development projects, we are committed to ensuring that compliance investigations provide institutional accountability and redress to project-affected communities in an efficient and timely manner.

Many of the undersigned contributed to the development of SECU, which serves as a critical forum through which project-affected people can raise concerns and seek remedy for negative impacts caused by UNDP activities. However, SECU investigations alone cannot restore livelihoods; resolutions through the complaint process depend on an institutional commitment and action to make complainants whole, which in turn relies on an Administrator's leadership and responsiveness.

The Investigation Guidelines for SECU state:

After receipt of the final Compliance Review Investigation report, the UNDP Administrator will **expeditiously** make a final decision regarding what steps, if any, UNDP will take to bring the project or programme into compliance and/or mitigate any harm to the Complainants or other affected persons, as appropriate. SECU will forward the UNDP Administrator's decision to the Complainants, publicly release the decision on its case registry, and announce the decision on SECU's website.¹

¹ Social and Environmental Compliance Unit (SECU), *Social and Environmental Compliance Unit Investigation Guidelines*, sec. 10.6, para. 46, <http://www.undp.org/content/undp/en/home/librarypage/operations1/secu-investigation-guidelines/> (emphasis added).

According to SECU's public registry², two investigation reports (#SECU0003-Bosnia and Herzegovina and #SECU0004-Panama) have been pending for some time and your review and decision are required before the cases can advance for the complainants.³ The Social and Environmental Compliance Unit completed its investigation for #SECU0003-Bosnia and Herzegovina on June 8, 2018 (182 days ago). The delay for this case is particularly notable given that some of the undersigned provided comments on the draft compliance review report on February 12, 2018.⁴ Similarly, case #SECU0004-Panama has been awaiting your review and approval since September 18, 2018 (80 days ago).

While we understand that each case deserves a thorough and fair review, we find delays of this nature to be unreasonable, particularly in a complaint process on which project-affected people's livelihoods depend. They not only run counter to the language in the Investigation Guidelines but also undermine the principles of fairness and predictability that underpin SECU's – and ultimately UNDP's – legitimacy.

We appreciate your commitment to the institutional integrity of UNDP and its goals to positively impact people's lives through sustainable development. We respectfully request your attention to these pending cases so that the complaint process can reach its final stages. We look forward to hearing from you regarding their status.

Sincerely,

Accountability Counsel
African Coalition for Corporate Accountability (ACCA), Centre for Human Rights,
University of Pretoria
African Law Foundation (AFRILAW)
Bank Information Center
Bank Information Center Europe
Both ENDS
Buliisa Initiative for Rural Development Organisation (BIRUDO)
Center for International Environmental Law (CIEL)
Centre for Research on Multinational Corporations (SOMO)
Collectif Camerounais des Organisations des Droits de l'Homme et de la Démocratie
(COCODHD)
Gender Action
Green Advocates International

² SECU, Social and Environmental Unit - Case registry, <https://info.undp.org/sites/registry/secu/SECUPages/SECUSummary.aspx>.

³ The undersigned are not party to these cases, nor have they been in communication with any parties to the cases. This letter is meant as a general inquiry in order to ensure institutional accountability and access to meaningful remedy through the complaint process. It is not to be interpreted as on behalf of the complainants.

⁴ Letter from Kindra Mohr, Policy Director, Accountability Counsel, Jolie Schwarz, Senior Policy Advisor, Bank Information Center, and Erika Lennon, Senior Attorney, Center for International Environmental Law, to SECU Team (Feb. 12, 2018), <https://www.accountabilitycounsel.org/wp-content/uploads/2018/12/2-12-18-response-to-draft-report-secu0003.pdf>.

Inclusive Development International
International Accountability Project
Jamaa Resource Initiatives
Lumière Synergie pour le Développement
MiningWatch Canada
Narasha Community Development Group
Network Movement for Justice and Development
Oyu Tolgoi Watch
Réseau Camerounais des Organisations des Droits de l'Homme (RECODH) / Cameroon
Network of Human Rights Organizations (CNHRO)
Rivers without Boundaries
Urgewald

cc: Tegegnetwork Gettu, Associate Administrator
Michele Candotti, Chief of Staff, Executive Office
Helge Ostveiten, Director of the Office of Audit and Investigations
Luis Felipe López-Calva, Director of the Regional Bureau for Latin America and the
Caribbean
Mirjana Spoljaric Egger, Director of the Regional Bureau for Europe and the
Commonwealth of Independent States
Abdoulaye Mar Dieye, Director of the Bureau for Policy and Programme Support