

COMPLAINTS MECHANISM

SG/E/2024/07

MALAWI NRWB WATER EFFICIENCY (MALAWI)

CONCLUSIONS REPORT

21 JUNE 2024



SG/E/2024/07

Malawi NRW Water Efficiency (Malawi)

Conclusions Report

Complaint confidential: No

External distribution

Complainant
Promoter

Internal distribution

Secretary General
Inspector General
Relevant EIB services

Disclaimers

This report is based on the information available to the EIB Group Complaints Mechanism up to 24 May 2024.

Instead of issuing an initial assessment report, the Complaints Mechanism hereby closes the complaint with this conclusions report, on the basis of paragraph 2.3.3 of the EIB Group Complaints Mechanism Procedures.

The EIB Group Complaints Mechanism

The EIB Group Complaints Mechanism (Complaints Mechanism) is a tool enabling the resolution of disputes if any member of the public feels that the European Investment Bank (EIB) might have done something wrong, that is, if it has committed an act of maladministration. The Complaints Mechanism is not a legal enforcement mechanism and will not substitute the judgment of competent judicial authorities.

Maladministration means poor or failed administration. It occurs when the EIB fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. The concept of maladministration includes failure by the EIB to comply with human rights, applicable law or the principles of good administration. Maladministration may relate to the EIB Group's decisions, actions or omissions and may include the environmental or social impact of the EIB's projects and operations.

One of the main objectives of the Complaints Mechanism is to ensure the right to be heard and the right to complain. The mandate of the Complaints Mechanism includes the resolution of problems raised by complainants in cooperation with relevant internal and external stakeholders. Where possible, the Complaints Mechanism also actively promotes and supports local resolution efforts (e.g. through project-level grievance mechanisms). For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

Complainants that are not satisfied with the EIB's response to their complaint may file a complaint of maladministration against the EIB with the European Ombudsman¹.

¹ Available at: <https://www.ombudsman.europa.eu/en/home>. For more information, see section 4.5 of the [EIB Group Complaints Mechanism policy dated \(November 2018\)](#).

1 PROJECT

- 1.1 The Malawi NRW Water Efficiency project (the project) aims to ensure a reliable water supply, primarily for people living in the Mzuzu and Ekwendeni areas in the northern region of Malawi. More specifically, the complaint received concerns the component of the project related to raising the crest of the Lunyangwa dam². The project is partially financed by the EIB and is being developed by the Northern Region Water Board (NRWB or the promoter). In November 2016, the EIB Board of Directors approved the financing of the project, and the EIB signed the finance contract on 4 July 2017.

2 COMPLAINT

- 2.1 On 9 February 2024, the Complaints Mechanism received a complaint from an individual raising concerns related to a consultant for the project. The complainant is an instrumentation engineer who was proposed by the consultant to the promoter as an expert for the preparation of the Lunyangwa dam safety management plan. The complainant stated that the consultant had included his work in the relevant inception report without any contract having been signed with him and without payment for the work performed.
- 2.2 The complainant requested the Complaints Mechanism to intervene with the objective of finding an amicable solution.

3 WORK PERFORMED

- 3.1 The complaint raises concerns regarding the environmental and social impacts of an EIB-financed operation. The work of the Complaints Mechanism in such cases begins with an initial assessment. From the outset of this initial assessment, the complainant and the contractor expressed willingness to reach an amicable solution. Therefore, the Complaints Mechanism helped the parties to reach a prompt resolution of the concerns raised.
- 3.2 The Complaints Mechanism took several steps to facilitate resolution: (i) held meetings with the EIB services; (ii) reviewed relevant internal and external documents related to the project and the complaint; and (iii) had numerous calls and written exchanges with the complainant, the consultant and the promoter. Employing a shuttle diplomacy approach, the Complaints Mechanism fostered communication and negotiation between the complainant and the consultant, enabling them to express their views and explore potential solutions while working towards an agreement.
- 3.3 An agreement was reached between the complainant and the consultant on a contract to be signed between them and on the respective payment. On 23 May 2024, the complainant informed the Complaints Mechanism that the contract had been signed.

4 CONCLUSIONS

- 4.1 Thanks to the collaborative efforts of the complainant, the promoter, the consultant, the EIB services and the Complaints Mechanism, the concerns raised could all be addressed during the initial assessment phase of the complaint to the satisfaction of the involved parties. No further action is therefore needed.

² Available at: <https://www.eib.org/en/projects/pipelines/all/20160106>.

- 4.2 In line with paragraph 2.3.3 of the EIB Group Complaints Mechanism Procedures, the initial assessment phase and the complaint are hereby closed with the issuance of this conclusions report.

Complaints Mechanism