

Notice of Admissibility

Independent Complaints Mechanism
20 June 2020

ICM complaint #20-001 re: FMO-financed operation Nyamagasani 2 HPP

On 18 May 2020, the Complaints Office of FMO received a complaint concerning the FMO-financed operation Nyamagasani 2 HPP project. The complaint was lodged by an individual complainant from Kanyathsi Parish, Kasese District, Uganda.

The Complaints Office of FMO has confirmed the receipt of the complaint with a letter of acknowledgment. Subsequently, FMO Complaints Office has informed the members of the Independent Expert Panel (hereafter "Panel") about it and confirmed that the operations to which the complaint related were financed by FMO. The FMO-financed operation involves the construction of the 6 MW Nyamagasani 2 run-of-the-river hydro plant.

The Complaint

The complainant argues that, in September 2017, her property was damaged due to construction related to the Nyamagasani 2 HPP project. The complainant argues that she has not received adequate compensation as compared to other land owners who were compensated for similar damages. The complainant states that following a formal inspection and assessment by the project's grievance management committee, there was originally an agreement that she would receive a certain amount of Ugandan shillings as compensation. However, in subsequent discussions with the project's grievance office, no agreement on the compensation amount was reached. The complainant flags irregularities in the manner by which her grievance claim was handled and seeks to be compensated as others who suffered similar damages were compensated.

Admissibility

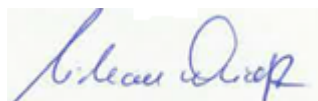
In relation to the specific admissibility criteria under para. 3.1.4 of the ICM's Policy, the complainant has provided information in the complaint letter which indicates that she has been affected by a project financed by FMO. The complaint letter alleges direct adverse impact.

The complaint letter also complies with requirements laid out in para. 3.1.2. Specification of the FMO policies potentially violated is not required, as para. 3.1.2 does not make such specification mandatory and most complainants would not be able to specify the relevant FMO policy. In this particular complaint, a violation of PS1 is potentially applicable, but requires further examination during a Preliminary Review of the complaint (see para. 3.2.3).

The Panel is satisfied that FMO has an active financial relationship with the client; there is an indication of relationship between the project and alleged impacts and the complaint relates to substantial direct or indirect and adverse impacts or risks.

The members of the Panel are satisfied that the complaint fulfils the criteria for admissibility based on the information provided to the Panel. The members of the Panel are of the opinion that this complaint therefore should proceed to the Preliminary Review phase in order to determine the appropriate next steps under the terms of the mechanism.

Yours sincerely,



Michael Windfuhr



Arntraud Hartmann



Inbal Djalovski