

February 2005

**Preparation for the Operating Procedures of Objection Systems regarding compliance  
with Environmental and Social Considerations**

For the purpose of ensuring the compliance of Japan International Cooperation Agency (hereinafter referred to as “JICA”) Guidelines for Environmental and Social Considerations, JICA draws up the Operating Procedures of Objection Systems.

The Operating Procedures come into force April 1, 2005 and cooperation projects selected in and beyond Fiscal Year 2005 are subject to them. If once the public points out any matters concerning environmental and social considerations in cooperation projects after the closing date for request submission, the Office of Environmental and Social Considerations Review will receive those remarks, and JICA will consider necessary responses, based on the Examiners’ opinions if needed.

## **The Operating Procedures of Objection Systems**

### **1.Aim**

In regard to compliance with Japan International Cooperation Agency (hereinafter referred to as “JICA”) Guidelines for Environmental and Social Considerations (hereinafter referred to as the “Guidelines”), the Operating Procedures (hereinafter referred to as the “Procedures”) prescribe necessary matters for ensuring the Objection Systems.

### **2.Purpose**

To provide opportunities for people actually or potentially damaged by JICA-assisted cooperation projects to submit objections in order to ensure compliance with the Guidelines.

To reflect investigation findings on requests for the cooperation projects.

To encourage, through various efforts, dialogues between project proponents and requesters (who file objections regarding environmental and social considerations) toward accomplishing the above mentioned purposes of (1) and (2).

### **Composition**

Three Examiners for the Guidelines (hereinafter referred to as the “Examiners”) are assigned.

The Examiners are chosen from among the public and should have expertise in the field of environmental and social considerations, international cooperation, and/or legislation; they act as delegates to the JICA Vice President in charge.

Each request submitted is taken under any one of the Examiner’s charge, and he/she prepares a report of investigation after taking into account the other Examiners’ views.

### **Tasks of Examiners**

To investigate facts as to whether or not JICA has complied with the Guidelines, and to report to the

JICA Vice President in charge, the results of the requests submitted for JICA's non-compliance with the Guidelines.

To recommend necessary measures to the JICA Vice President in charge in order to ensure JICA's compliance with the Guidelines when the Examiners have concluded that JICA has not complied with the Guidelines.

### **Term of the Examiners**

The Term of the Examiners is two years in principle. If one of the Examiners resigns, then the term of replacement is the remaining term of the former Examiner.

In order to fulfill the above-mentioned tasks, the Examiners have the following rights:  
to access the information necessary for his/her activities, including documents and records in JICA's possession;

to interview JICA's personnel and ask that they submit relevant documents; and

to ask relevant JICA departments to make arrangements to interview third parties (including persons other than JICA's personnel) and to request submission of relevant documents.

In order to faithfully perform their tasks, the Examiners have the following obligations:  
to faithfully perform the tasks in regard to the requests submitted;

to take due care of the human rights of the requesters and other parties concerned, and not to behave in such a manner as to unduly injure the requesters and other parties concerned;

not to use information which the Examiner has had access to in performing his/her task for any purposes other than those for which the Examiners fulfill the tasks indicated in the article 4; and

to comply with the articles prescribed in these Procedures.

### **Cooperation Projects to be Subject to the Procedures**

A request to raise objections may be submitted for any cooperation project in which substantial damage has actually been incurred or is likely to be incurred in the future due to JICA's non-compliance with the Guidelines.

### **Qualifications of a Requester**

A request must be submitted by two or more residents of a country who have suffered direct substantial damage or who are likely to suffer substantial damage as a result of JICA's non-compliance with the Guidelines.

A request may be submitted by a representative, if, in view of the particular circumstances of the region in question, there is no alternative. If a request is submitted by a representative, the names of requesters must be identified and the representative must be duly authorized by them.

### **Period of Time to Submit Requests**

A request pointing out any of JICA's non-compliance with the Guidelines may be submitted: 1) between the time when a summary of the preparatory study report is disclosed on JICA's website and the time one month after a summary of the draft final report is disclosed on the website in the case of Development Study, or 2) between the time when a summary of the preliminary study report is disclosed on the website and the time one month after a summary of the draft Basic Design study report is disclosed on the website in the case of Prior Study of Grant Aid Project, or 3) between the time when a summary of the preparatory study report is disclosed on the website and the time when the cooperation project is terminated (end date indicated on R/D) in the case of Technical Cooperation Project.

\* A summary of the draft final report and a summary of the draft Basic Design study reports must be disclosed on JICA's website for all Category A projects, and for some of Category B projects for which disclosure is deemed to be particularly necessary.

### **Procedures of Objection Systems**

Requesters submit a written request

The Examiners notify the requesters, the departments in charge of the relevant cooperation project, and the Office of Environmental and Social Considerations Review, of the acceptance of the written request (*see Appendix 2*), in principle, within five (5) business days after the receipt of request.

The Examiners review the request, interview the persons concerned, and if the description in the request is deemed to be fairly reasonable, they make a decision

If a decision not to commence the Procedures is made, the Examiners inform the JICA Vice President in charge and the requesters of the decision and reasons thereof in writing (*see Appendix 4*).

Even if the decision not to commence the Procedures is made, the Examiners may, if they deem it useful for cooperation projects, transfer the request to relevant departments. If the case is so transferred, the departments must deal with the request, and report the result to the Examiners. The JICA Vice President in charge and the requesters shall be notified of such transfer.

The Examiners ascertain whether or not JICA has followed procedures of the Guidelines by interviewing the departments, the requesters, the Office of Environmental and Social Considerations Review, and/or the Advisory Council of Environmental and Social Considerations Review, etc., and by conducting field surveys when necessary.

Within three (3) months after the commencement of Procedures, the Examiners report the results of investigation to the JICA Vice President in charge and the requesters (*see Appendix 5, 6*). If the Examiners determine that JICA has not complied with the Guidelines, the Examiners make recommendations to the JICA Vice President in charge to ensure compliance.

The Examiners' report is immediately sent to the requesters. The requesters may submit to the Examiners their opinions on the contents of the report. The Examiners pay due respect to such opinions and, if they deem that the opinions contain information useful for the cooperation project in question, may transfer the opinions to the departments.

Within one (1) month after the Examiners submit their report to the JICA Vice President in charge, the departments submit in writing to the JICA Vice President their opinions on the Examiners' report and, in the case that the Examiners conclude that JICA did not comply with the Guidelines, measures to be taken for compliance with the Guidelines, as necessary.

## **Contents of Request**

A request should contain the following information in Japanese, English or the official language of the requesters. If the request is written in the official language, the Examiners must translate the request into Japanese or English before commencing the procedures and, therefore, it may take some time before the requesters are notified of the acceptance.

Names of the requesters.

Address or contact address of the requesters.

In principle, the requesters' information should not be disclosed to the public. If the requesters desire not to disclose their names, they may indicate this in the Request.

Cooperation project for which the request is submitted.

All information regarding name of country and cooperation project, project site, and project outline are stated appropriately.

The name of the project does not have to be stated precisely; however, the requesters are required to provide related information so that the project can be identified. In that case, the time needed to confirm information from the requesters may delay acceptance of the request.

Description of damage actually suffered by the requesters or future damage likely to be suffered by the requesters as a result of JICA's non-compliance with the Guidelines.

Relevant provisions of the Guidelines that the requesters consider JICA to have violated and the facts constituting such alleged non-compliance.

Resolution desired by the requesters.

Details of the contacts the requesters made with the project proponent in order to resolve the damage .

The requesters should make contact with the project proponent prior to submitting their request. For this reason, it is necessary to state date and time, names of persons with whom the requesters made contact, and the response of the project proponent. However, if there were unavoidable reasons why the Requester could not make contact with the project proponent, such reasons should be stated.

Details of the contacts the requesters made with JICA in order to resolve the damage .

The requesters should make contact with the JICA overseas office or departments prior to

submitting a request. For this reason, it is necessary to state date and time, names of persons with whom the requesters made contact, and JICA's response. The requesters may also give an explanation as to why JICA's response was inadequate.

JICA's public relations department must, if it receives an inquiry from the public, promptly refer that person to the relevant JICA overseas office, so that that person he or she can contact with the overseas office quickly and efficiently.

If a request is submitted by a representative, the requesters must explain why it is necessary to submit the request through a representative; furthermore, evidence that the agent has been duly authorized by the requesters must be attached.

## **Responses to Examiners    Report and Recommendations**

JICA Vice President in charge takes measures

The Examiners receive departmental reports on the status of implementation of the instructions given by the JICA Vice President in charge, and report it back to the Vice President by submitting the Examiners' annual report (*see Appendix 7*) of activities.

## **Disclosure of Information**

The Examiners give make considerable efforts not to contain any information to be protected in accordance with related laws and regulations. The Examiners' report, the opinion of requesters, and the opinion of the departments are disclosed on the JICA's website immediately, and at a relevant overseas office.

The Examiners give make considerable efforts not to contain any information to be protected in accordance with related laws and regulations. The Examiners' annual report is disclosed on the JICA's website, at the JICA library, and at a relevant overseas office.

The Examiners display their contact address on JICA's website, and endeavor to have a wide public presence.

The working language is English in principle, and the Japanese and/or the official languages of the requester's are used as necessary.

### **Consideration for a Requester**

The Examiners give consideration to the requesters' human rights so as not to cause problems for them through raising objections.

### **Preventing Request Abuse**

The Examiners, for the purposes of preventing abuse, review whether the request was submitted adequately, in conformity with the purpose of the Procedures.

### **Secretariat**

A secretariat will be organized for assisting the Examiners' tasks once a request is submitted. The secretariat consists of several JICA personnel.

### **Implementation and Review of Operating Procedures of Objection Systems**

The Operating Procedures come into force April 1, 2005, and the cooperation projects selected in and beyond Fiscal Year 2005 are subject to the Procedures.

The Operating Procedures will be reviewed, in principle, in conjunction with the review of the Guidelines.

[THE END]