

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)
OBJECTION PROCEDURES
BASED ON THE GUIDELINES FOR ENVIRONMENTAL AND SOCIAL
CONSIDERATIONS
(Translation of Japanese Version)

April 2010

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1. Policy

To ensure compliance with the Japan International Cooperation Agency (hereinafter referred to as “JICA”) Guidelines for Environmental and Social Considerations (hereinafter referred to as the “Guidelines”), JICA hereby establishes Examiners for the Guidelines (hereinafter referred to as the “Examiners”) who are under the direct control of the President and are independent of departments responsible for individual projects and environmental analysis (hereinafter referred to as the “Operational Departments”), and JICA sets forth the following Objection Procedures based on the Guidelines (hereinafter referred to as the “Procedures”).

2. Objectives of the Procedures

- (1) To investigate whether JICA has complied with the Guidelines and report the results to the President; this will ensure JICA’s compliance with the Guidelines.
- (2) To encourage dialogues between the parties concerned, with their consent. Specifically, these are dialogues between parties that have submitted objections (hereinafter referred to as the “Requesters”) and entities that carry out projects (hereinafter referred to as the “Project Proponents”), which are held in order to assist in the prompt resolution of disputes concerning specific environmental and/or social problems caused by projects for which JICA provides assistance, which have arisen due to JICA’s non-compliance with the Guidelines.

3. Basic Principles

- (1) Independence

The Examiners will be appointed as an organ working under the direct control of the President and will be independent of the Operational Departments.

- (2) Neutrality

The Examiners must hear the opinions of all parties impartially and from a neutral standpoint, without taking the part of the Operational Departments, the Project Proponents, or the Requesters.

- (3) Efficiency

The Examiners must efficiently process the submitted objections.

- (4) Promptness

The Examiners must promptly process the Procedures and must, in principle, complete their activities by submitting a report within two (2) months after the commencement of the Procedures.

(5) Transparency

While considering the purpose of encouraging dialogue between the parties concerned and the treatment of information about the host countries and other parties, the activities of the Examiners must, in principle, be open to the public and must contribute to the furtherance of JICA's accountability.

4. Tasks of the Examiners

- (1) JICA assigns two or three Examiners who are independent of the Operational Departments.
- (2) The President appoints Examiners who meet the following requirements based on the opinions of a selection committee:
 - 1) Have no interest in relations with JICA's environmental and social considerations business; and
 - 2) Are fluent in Japanese and English.
 - 3) It is desirable that Examiners have knowledge of environmental and social considerations, international cooperation, and law.
- (3) The aforementioned selection committee consists of members that JICA selects through a fair and appropriate process from the realms of academia, the business community, the government of Japan, the governments of developing countries, NGOs, etc.
- (4) The Examiners' term of duty is three years, and selection for a second term is permitted. JICA will not employ Examiners during the three years directly following the end of their assignment. If one of the Examiners resigns, the term of replacement is the remainder of the former Examiner's term.
- (5) One of the Examiners takes charge of each request submitted, and he/she will prepare an investigation report after taking into account the other Examiners' views.

5. Powers and Duties of the Examiners

- (1) In order to attain the above-mentioned purposes, the Examiners shall have the following powers:
 - 1) To have free access to the information necessary for their activities, including, but not limited to, documents and records possessed by JICA;
 - 2) To be able to interview JICA's personnel and to ask that they submit relevant documents;

- 3) To be able to ask relevant departments of JICA to make arrangements to interview third parties, including persons concerned other than JICA's personnel, and to request the submission of relevant documents.
- (2) In order to faithfully perform their duties, the Examiners shall have the following obligations:
 - 1) To faithfully perform their tasks with regard to the requests submitted;
 - 2) To take due care of the human rights and business interests of the Requesters and other parties concerned and of the handling of information about host countries, and not to behave in such a manner as to unduly injure the Requesters and/or other parties concerned;
 - 3) Not to use information to which the Examiners have had access in performing their tasks for any purposes other than these tasks; and
 - 4) To comply with the Procedures.

6. Projects Covered by the Procedures

Requests to raise objections (hereinafter referred to as the "Requests") may be submitted with respect to the projects of (1) Loan Aid, (2) Grant Aid (excluding projects executed through international organizations), (3) Preliminary Studies of Grant Aid undertaken by the Ministry of Foreign Affairs (hereinafter referred to as "MOFA"), (4) Technical Cooperation for Development Planning, and (5) Technical Cooperation Projects covered by the Guidelines, 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.

7. Qualifications of the Requesters

- (1) A Request must be submitted by two or more residents of a country who have suffered actual damage or who are likely to suffer damage in the future as a result of JICA's non-compliance with the Guidelines regarding a project for which JICA provides cooperation.
- (2) If it is unavoidable in view of the particular circumstances of the region in question, etc., a Request may be submitted by an agent, provided that, in such cases, the names of the principals (Requesters) must be identified and the agent must be duly authorized by the Requesters.

8. Period within which to Submit a Request

A Request may be submitted during the period prescribed below.

- (1) Loan Aid, Grant Aid (excluding projects executed through international

organizations) and Technical Cooperation Projects

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses the results of a project's categorization and the time at which the project is completed. After the completion of the project, a Request pointing out JICA's non-compliance with the monitoring provisions of the Guidelines may be submitted during the time in which JICA is monitoring the matter, pursuant to the Guidelines.

(2) Preliminary Studies of Grant Aid undertaken by MOFA

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses the results of a project's categorization and one month after the final report is disclosed on JICA's website.

(3) Technical Cooperation for Development Planning

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses a project agreement document and one month after the final report is disclosed on JICA's website.

9. Contents of a Request

A Request must state the following information in Japanese, English, or the official language of the relevant country. If the Request is written in the official language of the relevant country, it is necessary for the Examiners to translate the Request into Japanese or English before commencing the Procedures; therefore, it may take some time before the acceptance of the Request is announced.

(1) Names of the Requesters

(2) Addresses or places of contact of the Requesters

A Request must be submitted in the Requesters' real names and contact addresses must be specified. However, the Requesters' information shall not be disclosed to outside persons, unless otherwise required by law. If the Requesters desire not to disclose their names to the Project Proponents, they may express this desire in the Request.

(3) Project with respect to which the Request is submitted

- * Country name

- * Project name

- * Project site

- * Project outline

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 cases in which the name of the project cannot be stated precisely, the time needed to confirm information from the Requesters may delay the acceptance of a request.

- (4) Description of actual damage incurred or likely to be incurred by the Requesters as a result of JICA's non-compliance with the Guidelines
- (5) Relevant provisions of the Guidelines considered by the Requesters to have been violated by JICA and the facts constituting such non-compliance as alleged by the Requesters
- (6) Causal nexus between JICA's non-compliance with the Guidelines and the damage
- (7) Resolution desired by the Requesters
- (8) Facts concerning the Requesters' consultations with the Project Proponents

In order to encourage dispute resolution through the parties' own efforts, the Requesters are asked to endeavor to engage in dialogues with the Project Proponents prior to the submission of a Request. For this reason, it is necessary to state in the Request the dates and times of such dialogues, the names of persons with whom the Requesters engaged in dialogues, the contents of the responses of the other parties, and other detailed facts concerning the Requesters' endeavors to engage in dialogues with the Project Proponents. If, however, there were unavoidable reasons for which the Requesters could not endeavor to engage in dialogues with the Project Proponents, such reasons should be stated.

- (9) Facts concerning the Requesters' consultations with JICA

The Requesters are asked to communicate with the Operational Departments prior to the submission of a Request. For this reason, it is necessary to state in the Request the dates and times of such communication, the names of the persons with whom the Requesters communicated, the contents of the Operational Departments' responses, and other detailed facts concerning the Requesters' communication with the Operational Departments. The Requesters may also state the reasons for which the Operational Departments' responses were considered to be insufficient.

If JICA's public relations department receives an inquiry from an outside person, it must promptly introduce to that person the relevant Operational Departments that are handling the project in question, so that dialogues with the Operational Departments can be conducted expeditiously and adequately. The Operational Departments must conduct a screening and an environmental review pursuant to the provisions of the Guidelines, recognizing the importance of information furnished by stakeholders.

- (10) If a Request is to be submitted by an agent, the Requesters must explain the necessity to submit the Request through an agent and attach evidence that the agent

has been duly authorized by the Requesters.

10. Process of the Procedures

(1) Submission of a Request

The Requesters submit a written Request (refer to attachment) to the Examiners by post, e-mail or delivery by hand.

(2) Acceptance of a Request and Notifications to the Requesters and the Project Proponents

The Examiners shall, so long as the names and the places of contact are stated in the Request, notify the Requesters, the Project Proponents, and the Operational Departments of the acceptance of the Request using the sample form attached hereto, within five (5) business days after the receipt of the Request. If the Requesters desire not to disclose their names to the Project Proponents, no information about the Requesters shall be disclosed to the Project Proponents.

(3) Preliminary Investigation

- 1) The Examiners shall check the Request to confirm whether or not all of the required matters are fully set forth within it. If the descriptions are insufficient or otherwise inadequate, the Examiners may ask the Requesters to rectify the deficiencies.
- 2) As necessary, the Examiners may interview the persons concerned with respect to whether or not the Requesters are qualified to submit a Request.
- 3) The Examiners shall, with the intention of preventing abuse, check the Request to confirm that it was submitted in good faith and adequately in conformity with the purpose of the Procedures.
- 4) Unless there are special circumstances that prevent the Examiners from doing so, a preliminary investigation will, in principle, be completed approximately one (1) month after the acceptance of a Request, and a decision will be made as to whether or not to commence the Procedures.

(4) Decision to Commence the Procedures

- 1) If, according to the examination form attached hereto, the Examiners deem that the Request satisfies the requirements to commence the Procedures and that the descriptions in the Request are fairly reasonable, they shall make the decision to commence the Procedures, and shall inform the President, the Requester, the Project Proponents, and the Operational Departments of the decision in writing.
- 2) If a decision not to commence the Procedures is made, the Examiners shall inform

the President, the Requester, the Project Proponents, and the Operational Departments of the decision and the reasons for the decision in writing. Even if a decision is made not to commence the Procedures, the Examiners may transfer the Request to the Operational Departments, if they deem it useful for the examination and monitoring of the project. The President and the Requesters shall both be notified of this transfer.

3) The Examiners may suspend the decision to commence the Procedures if a dispute concerning the project is pending in other resolution proceedings and the Examiners deem that the issues involved in these dispute resolution proceedings and those involved in the Procedures are substantially similar and that it is not necessary to commence the Procedures according to the objectives of the Procedures. If it is decided to suspend commencement of the Procedures, the President, the Requesters, a host country, etc., and the Operational Departments shall be notified in writing. If the intention of the Requesters to continue the Procedures is confirmed after the grounds for suspension have ceased to exist, the Examiners may decide to commence the Procedures.

4) In view of the legal principle of double jeopardy, if a Request was submitted in the past concerning the same damage, a decision not to commence the Procedures may be made, provided that this shall not apply to a new Request based on a new fact not known at the time of the prior Request.

5) The Requesters may submit their opinion in writing to the Examiners if a decision not to commence the Procedures is made. The Examiners must faithfully consider the opinion submitted by the Requesters and shall convey that opinion to the Operational Departments, as necessary.

(5) Investigation of the Facts of Compliance with the Guidelines

1) In order to investigate the facts of JICA's compliance with the Guidelines, the Examiners may meet with the Requesters and directly interview the Requesters about the matters with respect to which the Request has been submitted.

2) The Examiners shall interview relevant persons in the Operational Departments and ascertain the facts concerning (i) environmental and social considerations conducted during or before decision-making and (ii) monitoring. The Examiners may inspect any and all materials used by the Operational Departments when conducting this confirmation of environmental and social considerations and monitoring.

3) When necessary, the Examiners may interview residents who have the same view as that of the Requesters, residents who have different views from that of the

Requesters, Project Proponents, specialists, and other persons concerned, provided that if the Examiners intend to interview the host country and related parties, the Examiners will make initial arrangements to conduct interviews through the Operational Departments.

(6) Encouragement of Dialogues in an Attempt to Resolve Disputes

1) In order to resolve disputes, the Examiners may not only mediate for the purpose of encouraging dialogues among the Requesters, other residents who have been adversely affected, and the host country and related parties, but may also conduct individual interviews.

2) The Examiners must listen to the opinions of the persons concerned in a well-balanced manner, and must be careful, when conducting individual interviews, not to diminish people's trust in the Examiners' neutrality.

(7) Matters Handled Cautiously in Implementing Investigation and Activities to Encourage Dialogues

The Examiners may temporarily suspend their investigation and activities to encourage dialogues if a dispute concerning the project becomes pending in other dispute resolution proceedings, and if the issue in those proceedings and the issue in these Procedures are substantially similar and it is not necessary to commence the Procedures according to the objectives of the Procedures. The President, the Requesters, the Project Proponents, and the Operational Departments will be notified if such a suspension occurs. If the intention of the Requesters to resume the Procedures is confirmed once the grounds for suspension cease to exist, the Procedures shall be resumed.

11. Report to the President

(1) Within two (2) months after the commencement of the Procedures, the Examiners shall prepare a report, using the sample form attached hereto, which sets forth the results of the investigation of the facts of compliance with the Guidelines, the progress of dialogues, and the agreement between the parties concerned if a settlement is reached. The Examiners must submit this report to the President.

(2) If the Examiners determine that JICA has not complied with the Guidelines, the Examiners may recommend to the President possible measures to correct such non-compliance, as necessary.

(3) If the Examiners are unable to ascertain the facts as to whether or not JICA has complied with the Guidelines, or if the parties have agreed to dispense with the investigation by the Examiners of the facts of JICA's compliance or non-compliance,

the Examiners shall report to the President the progress of the dialogues and of the said agreement between the parties concerned.

- (4) If the Examiners believe that more time is required for investigation or for the encouragement of dialogues, the Examiners may report to the President the particulars of further required activities and the reasons why such activities are indispensable. Upon receipt of such a report, if the President decides that there is a suitable degree of unavoidable reasons to extend the period, the President may extend the period for up to two (2) months.
- (5) The Examiners' report shall immediately be sent to the parties concerned. The parties concerned may then submit to the Examiners their opinions on the contents of the report. The Examiners shall pay due respect to such opinions, and if they deem that the opinions contain matters useful for the monitoring of the project in question, they may transfer the opinions to the Operational Departments.

12. Opinions of the Operational Departments

Within one (1) month after the submission of the Examiners' report to the President, the Operational Departments shall submit their opinions in writing to the President. The Departments shall set forth their opinions on the Examiners' report, and, if the Examiners concluded in the report that JICA has not complied with the Guidelines, the Operational Departments shall set forth measures to be taken to ensure JICA's compliance with the Guidelines, as necessary.

13. Responses to Examiners' Report and Recommendations

- (1) Any instructions issued by the President in consideration of the Examiners' report, the opinions of the Operational Departments, and the opinions of the parties concerned shall be implemented by the Operational Departments.
- (2) The Examiners shall be informed of the status of the Operational Departments' implementation of the instructions issued by the President. When necessary, the Examiners will interview the Requesters and other relevant persons in order to gather and report related information to the President in the annual report of activities. If the Examiners deem it necessary, they may report to the President, at any time, the status of the Operational Departments' implementation of the instructions issued by the President. In addition, on the basis of the investigation results of individual cases in which it was concluded that JICA did not comply with the Guidelines, the Examiners may state, in the annual report, their opinion of the measures to be taken to ensure JICA's future compliance with the Guidelines and other matters.

14. Disclosure of Information

- (1) Information on the Procedures shall be disclosed in accordance with the following:
 - 1) The Examiners, after the acceptance of the Request, shall publicize the summary (country name, project site, project name, outline of the damage and JICA's alleged non-compliance with Guidelines) on JICA's website.
 - 2) The Examiners, after the commencement of the Procedures, shall publicize the Request in whole or in part on JICA's website, with confirmation that it does not contain any information whose disclosure is not required by the Procedures and/or by statute.
 - 3) The Examiners' report, the opinions of the parties concerned, and the opinions of the Operational Departments shall be sent to the parties concerned and promptly publicized on JICA's website, with confirmation that they do not contain any information whose disclosure is not required by the Procedures and/or by statute.
- (2) Since the Examiners' report and the opinions of the Operational Departments must, in principle, be publicized, they must not contain any information whose disclosure is not required by statute. If, in order to make the report meaningful, it is indispensable to state in the report any information whose disclosure is not required by statute, the prior consent of the parties concerned must be obtained.
- (3) Other documents that the Examiners have prepared in the performance of their duties shall be publicized pursuant to the provisions of applicable laws.
- (4) The Examiners shall prepare an annual report of activities using the sample form attached hereto and shall publicize it on JICA's website. Since the annual report of activities is a document that is prepared in order to be publicized, it must not contain any information whose disclosure is not required by statute.
- (5) The Examiners shall publicize their contact address on JICA's website, and endeavor to have their presence and activities widely known to the public by preparing and publishing pamphlets and posting information on JICA's website, etc., in collaboration with JICA's Public Relations Department.
- (6) The working language used in the disclosure documents on JICA's website shall be English, while Japanese and/or the official language of the Requesters shall be used as necessary.

15. Secretariat

A secretariat shall be organized to process work in relation to the Examiners. The

secretariat consists of several JICA personnel. The Examiners can utilize external specialists as needed.

16. Review of the Procedures and Interim Provisions

- (1) The Procedures shall be reviewed, in principle, concurrently with the review of the Guidelines. This review shall be conducted in consideration of the opinions given and the evaluations made by the users and the Examiners that have accumulated up to the time of the review.
- (2) The Procedures shall become effective in July 2010 and shall apply in the case of projects to which the Guidelines apply.

Note: If there is any ambiguity in the English version and/or any inconsistencies with the Japanese version, the Japanese version shall prevail.

Sample Request

Date:

To: The Examiners for the Guidelines

Japan International Cooperation Agency (JICA)

Names of the Requesters:

Contact information of the Requesters:

Address:

TEL:

FAX:

E-mail:

【If the Requesters are making use of an agent】

Name of the agent:

Contact information of the agent:

Address:

TEL:

FAX:

E-mail:

We desire that our names should be kept confidential from the Project Proponents.

Yes ▪ No (Circle one)

1. Project with respect to which the objections are submitted

* Country name:

* Project name:

* Project site:

* Project outline:

2. Substantial damage actually incurred or likely to

be incurred by the Requesters as a result of JICA's non-compliance with the

Guidelines:

3. Relevant provisions of the Guidelines considered violated by JICA and facts constituting JICA's non-compliance, as alleged by the Requesters:
4. Causal nexus between JICA's non-compliance with the Guidelines and the substantial damage:
5. Resolution desired by the Requesters:
6. Facts concerning the Requesters' consultations with the Project Proponents:
7. Facts concerning the Requesters' consultations with JICA's Operational Departments:
8. If a Request is to be submitted by an agent, the Requesters must explain the necessity for submitting the Request through an agent and attach evidence that the agent has been duly authorized by the Requesters.

The Requesters hereby covenant that all the matters described herein are true and correct.

[END]

Sample Notice of Acceptance

Date:

To: (Names of the Requesters)

The Examiners for the Guidelines

Japan International Cooperation Agency (JICA)

We hereby inform you that your request to raise objections dated DD Month, YYYY was accepted on DD Month, YYYY.

After completing the preliminary investigations, we will decide, in principle within one month, whether or not to commence the Procedures or suspend the commencement, and we will notify you in due course of our decision.

We may wish to interview you during the preliminary investigations, in which case we will contact you to make necessary arrangements.

If, after the preliminary investigations, it is decided that the Procedures shall be commenced, we will investigate the facts of JICA's compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations. For these purposes, we may wish to interview you, in which case we will contact you to make necessary arrangements.

An outline of your request (country name, project site, project name, claimed damage, and relevant provisions of the Guidelines that have been violated) and the progress of the Procedures will be publicized on JICA's website.

For details of the Procedures, please visit <http://www.jica.go.jp/environment/guideline> or send us an inquiry.

[END]

Sample Notice to Commence the Procedures

Date:

To: (Names of the Requesters)

The Examiners for the Guidelines

Japan International Cooperation Agency (JICA)

We hereby inform you of our decision to commence the Procedures with respect to your request to submit objections dated DD Month, YYYY (accepted on DD Month, YYYY) as described below. For details, please refer to the enclosed Results of Examination.

For approximately the next two months, we will investigate the details of JICA's compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations. For these purposes, we may wish to interview you, in which case we will contact you to make necessary arrangements.

Your request will be publicized on JICA's website. After completion of the relevant procedures, the reports prepared by the Examiners for the Guidelines, opinions prepared by JICA's Operational Departments, and opinions prepared by parties concerned will also be publicized on JICA's website. Information that is not required to be publicized by the Objection Procedures and/or statute will remain undisclosed.

For details of the Procedures, please visit <http://www.jica.go.jp/environment/guideline> or send us an inquiry.

[END]

Sample Notice of Decision not to Commence the Procedures

Date:

To: (Names of the Requesters)

The Examiners for the Guidelines

Japan International Cooperation Agency (JICA)

We hereby inform you of our decision not to commence the Procedures with respect to your request to submit objections dated DD Month, YYYY (accepted on DD Month, YYYY).

For details, please refer to the enclosed Results of Examination.

[Reasons for the decision not to commence the Procedures will be stated. Furthermore, the examination and monitoring procedures undertaken by JICA's Operational Departments will be described.]

Thank you very much for your attention.

[END]

**Sample Notice of Decision
to Suspend the Commencement of the Procedures**

Date:

To: (Names of the Requesters)

The Examiners for the Guidelines
Japan International Cooperation Agency (JICA)

We hereby inform you of our decision to suspend the commencement of the Procedures with respect to your request to submit objections dated DD Month, YYYY (accepted on DD Month, YYYY). For details, please refer to the enclosed Results of Examination.

[Reasons for the decision to suspend the commencement of the Procedures will be stated.]

If, after the grounds for suspension have ceased to exist, the intention of the Requesters to continue the Procedures is confirmed, we may decide to commence the Procedures.

Thank you very much for your attention.

[END]

APPENDIX 6

Sample Results of Examination

(This document is only a sample; in the case of an actual examination, more suitable descriptions will be made based on the nature of each Request.)

1. Formal requirements of the Request

All items are written in Japanese, English, or the official language of the country in which the Requesters reside.

There are items with insufficient descriptions.

2. Requirements to commence the Procedures

(1) Requirements regarding the Requesters

The Request has been submitted by two or more residents of the country in which the project is implemented.

The Request does not satisfy the above requirements.
--

It cannot be confirmed that the Request has been submitted by the Requester.
--

(2) Project with respect to which the objections are submitted

After identifying the project from the Request, it has been confirmed that JICA provides funding for this project.
--

After identifying the project from the Request, it has been confirmed that JICA does not provide assistance for this project.

The project cannot be identified from the Request.
--

(3) Period

1) Loan Aid, Grant Aid (excluding projects executed through international organizations), and Technical Cooperation Projects

The Request was submitted between the time at which JICA indicated its categorization of the project and the time at which the project was completed.

The Request was submitted after the completion of the project and during the time in which JICA was monitoring the matter, and JICA's non-compliance with the Guidelines concerning JICA's monitoring was pointed out.
--

The Request was submitted after the completion of the project, but JICA's non-compliance with the Guidelines concerning JICA's monitoring was not pointed out.
--

2) Preliminary Studies of Grant Aid undertaken by MOFA

The Request was submitted between the time at which JICA indicated its categorization of the project and one month after the final report was disclosed on JICA's website.
--

3) Technical Cooperation for Development Planning

The Request was submitted between the time at which JICA disclosed the agreement document of the project and one month after the final report was disclosed on JICA's website.
--

(4) Actual damage incurred or likely to be incurred by the Requesters as a result of JICA's non-compliance with the Guidelines

Actual damage incurred or likely to be incurred is described.

Actual damage incurred or likely to be incurred is not described.

(5) Relevant provisions of the Guidelines considered to have been violated by JICA and the facts constituting JICA's non-compliance alleged by the Requesters

Provisions not complied with and facts of non-compliance are reasonably described.
--

Provisions not complied with and facts of non-compliance are not reasonably described.
--

(6) Causal nexus between JICA's non-compliance with the Guidelines and the substantial damage

Description of causal nexus is considered reasonable.

Description of causal nexus is not considered reasonable.

(7) Facts concerning the Requesters' consultations with the Project Proponents

The Requesters have endeavored to have dialogues with the Project Proponents.

There is an unavoidable reason preventing the Requesters from having dialogues with the Project Proponents.

As the Requesters have not fully endeavored to have dialogues with the Project Proponents, the Requesters should first propose to have such dialogues.
--

(8) Facts concerning the Requesters' consultations with JICA

The Requesters have communicated with JICA's Operational Departments.

As the Requesters have not fully endeavored to communicate with JICA's Operational Departments, the Requesters should first attempt such communication.

(9) Prevention of abuse

There is no concern that the Request was submitted for abusive purposes.
There is a concern that the Request was submitted for abusive purposes; therefore, it is inappropriate to commence the procedures. (Examples) 1) The Request was submitted for the purpose of unduly obtaining compensation. 2) The Request was submitted solely for the purpose of delaying the implementation of the project. 3) The Procedures were utilized for the purpose of damaging the credit or reputation of the host country, etc. 4) The Request was submitted for political purposes unrelated to the project.
There is a serious false description in the Request.

[END]

Sample Notice to the Requesters of the Examiners' Report

Date:

To: (Names of the Requesters)

The Examiners for the Guidelines
Japan International Cooperation Agency (JICA)

We hereby inform you that we have submitted a report to the President of JICA with respect to your request to raise objections dated DD Month, YYYY (accepted on DD Month, YYYY).

Opinions on the said report may be submitted pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations.

The Examiners' report is presented below. The report itself, opinions of the parties concerned, and opinions of the Operational Departments will be publicized in due course. Information that is not required to be publicized by the Objection Procedures and/or statute will remain undisclosed.

[END]

Sample Form of the Examiners' Report

1. Summary of request accepted

- (1) Name of country
- (2) Name of city in which the project is located
- (3) Name of project
- (4) Alleged damage
- (5) Alleged non-compliance with the Guidelines

2. Results of preliminary investigations (results of examination are attached)

3. Results of investigations of relevant facts and encouragement of dialogues

- (1) Record of interviews with personnel of JICA's Operational Departments for the purpose of investigating JICA's compliance/non-compliance with the Guidelines

- * Dates and times of interviews

- * Content of interviews

- (2) Results of investigations of the facts concerning JICA's compliance/non-compliance with the Guidelines

- * Damage actually incurred

- * Facts concerning compliance/non-compliance with the Guidelines

- * Causal nexus between the damage actually incurred and the facts concerning compliance/non-compliance with the Guidelines

- * Final results

- * Possible measures to correct the non-compliance in the particular case (if the Guidelines are not complied with)

- (3) Agreement between the parties on the encouragement of dialogues and the record of dialogues held between the parties

- * Date and time of dialogues

- * Content of dialogues

- (4) Content of agreement reached between the parties, if any

- (5) Necessity for further mediation

4. List of materials on which the Examiners' judgment was based

[END]