

Annual Report  
of  
the Examiners for the JICA Guidelines  
for Environmental and Social Considerations

Fiscal Year 2021

The Examiners for the JICA Guidelines  
for Environmental and Social Considerations

Japan International Cooperation Agency  
(JICA)

## Objection System

To ensure compliance with the “Guidelines for Environmental and Social Considerations” published in April 2010 (hereinafter referred to as the “Guidelines”) of Japan International Cooperation Agency (JICA), JICA has appointed external examiners for the Guidelines (hereinafter referred to as the “Examiners”), who are independent from the departments of JICA responsible for individual projects and environmental and social considerations analysis (hereinafter referred to as the “operational departments”).

The objectives of the Objection System are (1) to investigate whether facts behind JICA’s alleged non-compliance exist or not and to report the results to the President of JICA (hereinafter referred to as the “President”), aiming to ensure JICA’s compliance with the Guidelines; and (2) to facilitate consensual dialogues between the parties concerned for the prompt resolution of disputes on any specific environmental and/or social issues that arose from JICA’s non-compliance with the Guidelines. The parties concerned refer to the parties that have submitted objections (hereinafter referred to as the “Requesters”) and “Project Proponents etc.,” which include host country governments (including local governments) involved with the project, borrowers, and project proponents.

The Examiners are required to promote realization of the objectives in compliance with basic principles, namely, independence, neutrality, efficiency, promptness, and transparency.

For the details of the procedures for submitting a request to raise objections (hereinafter referred to as the “Request”), please refer to the “Objection Procedures Based on the Guidelines for Environmental and Social Considerations” (proclaimed in April 2010) (hereinafter referred to as the “Objection Procedures”), posted on the following website:

[https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/c8h0vm0000013oi1-att/objection.pdf](https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000013oi1-att/objection.pdf)

## Annual Report of the Examiners

This annual report has been prepared to publicize the activities provided by the Examiners for Fiscal Year 2021, in accordance with the Objection Procedures.

## Acknowledgements

This annual report has been prepared in accordance with the Objection Procedures.

As stipulated in the Objection Procedures, the objectives of the Examiners' activities are to find the facts as to whether JICA has complied with the Guidelines or not and to encourage dialogues among the parties concerned, to promptly solve any specific environmental and social disputes of JICA-supported projects, thereby ultimately encouraging JICA's compliance with the Guidelines. In Fiscal Year 2021, no Requests have been made.

The Examiners would like to take this opportunity to thank all of you who cooperated in the Objection Procedures.

April 2022

### Examiners for the Guidelines

Ms. KANEKO Yuka

Professor, Center for Social Systems Innovation, Kobe University

Mr. HAYASE Takashi

Professor Emeritus, Nagasaki University

Mr. MURAYAMA Takehiko

Professor, Department of Transdisciplinary Science and Engineering, School of Environment and Society, Tokyo Institute of Technology

(Listed in the order of the Japanese syllabary)

I. OUTLINE OF ACTIVITIES DURING THIS FISCAL YEAR
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**1. Number of the Requests received**

For Fiscal Year 2021, no Requests have been received by the Examiners.

**2. Number of cases with respect to which the procedures were determined to be commenced/ suspended/ not to be commenced**

There were no cases with respect to which the procedures were determined to be commenced, suspended, or rejected for Fiscal Year 2021.

**3. Review and analysis of the reasons for making decisions to suspend and/or not commence the procedures**

N/A

**4. Preparation of the investigation reports by the Examiners in response to the Requests**

There were no investigation reports prepared by the Examiners for Fiscal Year 2021.

**5. Analysis with respect to the non-compliance with the Guidelines alleged in the Request**

N/A

**6. Opinion from the Requesters**

N/A

**7. Confirmation of Status of the Implementation of Instructions made by the President**

In accordance with the first sentence of Paragraph 2 of Article 13 of the Objection Procedures, the status of implementation of the instructions given by the President based on the proposals in the investigation reports prepared by the Examiners is reported to the President in the Annual Report. In Fiscal Year 2021, the relevant operational departments informed the Examiners in March 2022, and the Examiners confirmed the status of implementation of the instructions given by the President for the following project.

- ✧ **Status of the Implementation of Instructions given by the JICA President with respect to the "Thilawa Special Economic Zone (SEZ) Development Project in the Republic of the Union of Myanmar"**

With regard to this project, the Examiners made proposals to the President in their

Investigation Report prepared in Fiscal Year 2014<sup>1</sup> in response to the Request, and since then, the Examiners have reported to the President in their annual reports on the status of the implementation of the instructions given by the President based on these proposals<sup>2</sup>. In Fiscal Year 2021, we were informed by the operational department as summarized in below.

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① Continuation of Employment and Complaint Management Mechanism for Project Affected People and Delay in Use of Common Land

- The Thilawa Community Coordination Meeting (in Thilawa) has not been held since January 2020 due to the impact of the spread of COVID-19 and other reasons. However, the developers have been making efforts to promote the employment of the relocated persons, which had been requested by the residents in the project site. As of January 2022, a total of 75 people were employed in SEZ, including 19 persons relocated from Zone A and 56 persons relocated from Zone B.
- The Thilawa Complaint Management Mechanism continues to be utilized. In 2021 (January to December), two complaints (The breakdown is as follows: Residential relocation/compensation related: one; Environmental impact of Thilawa development project: one) were received and both of them have been resolved.
- JICA had been asking the local government to solve the situation where the three acres of common land that had been developed for the residents who had moved along with the development of Zone A was not available because other people were claiming title to the land. In February 2021, a political upheaval by the Myanmar military occurred, and the situation has not changed.

② Use of Lessons Learnt in the Next Phase

Since the political upheaval in February 2021, no new development or acquisition of land associated with it has been carried out.

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<sup>1</sup> "3.5. Problem solving methods" and "3.6. Continued Support" of "Investigation Report Thilawa Special Economic Zone Development Project in the Republic of the Union of Myanmar" as of November 2014 ([https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/c8h0vm00008zvp4f-att/report.pdf](https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm00008zvp4f-att/report.pdf) )

<sup>2</sup> "III. Status of the Implementation of Instructions made by the President" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2014)" (pp. 8-10), "III. Status of the Implementation of Instructions made by the President" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2015)" (pp. 4-6), "III. Status of the Implementation of Instructions made by the President" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2016)" (pp. 3-6), "7. Confirmation of Status of the Implementation of Instructions made by the President" of "I. OUTLINE OF ACTIVITIES DURING THIS FISCAL YEAR" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2018)" (p. 4), and "7. Confirmation of Status of the Implementation of Instructions made by the President" of "I. OUTLINE OF ACTIVITIES DURING THIS FISCAL YEAR" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2019)" (pp. 4-6), "7. Confirmation of Status of the Implementation of Instructions made by the President" of "I. OUTLINE OF ACTIVITIES DURING THIS FISCAL YEAR" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2020)" (pp. 3-5) ([https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/index.html](https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html))

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The abovementioned report indicates that in FY 2021, JICA’s operational department continued to confirm the environmental and social considerations to be taken by the Project Proponents, etc. in accordance with the instructions given by the President based on the examiners’ investigation report. Accordingly, the Examiners recognize that JICA has made continuous efforts for the environmental and social consideration, such as the recovery and improvement of livelihoods through the employment of relocated persons and the continued operation of the complaint management mechanism.

The future of this project cannot be foreseen, because the project environment has changed drastically due to the political upheaval. However, if JICA is involved in new phase of the development, it is desired that lessons learnt so far will be utilized appropriately.

II. REVISION OF THE GUIDELINES FOR ENVIRONMENTAL AND SOCIAL CONSIDERATIONS AND THE OBJECTION PROCEDURES

The Objection Procedures were recently revised along with the Guidelines for Environmental and Social Considerations, and the Examiners received reports from the relevant department of JICA on the details of the revisions as follows.

- Paragraph 1 of Article 16 (Review and Transitional Provisions) of the Objection Procedures stipulates that the procedures shall be reviewed together with the Guidelines for Environmental and Social Considerations. After about four years of review and revision work, the new Guidelines and the Objection Procedures were issued on January 4, 2022 and will come into effect on April 1 of the same year.
- As major changes, the Guidelines for Environmental and Social Considerations were revised based on the responses of multilateral aid organizations such as the World Bank, including efforts to estimate and disclose total greenhouse gas emissions as a response to climate change issues, changes in the method of publishing environmental assessment reports with the aim of more quickly bringing about development effect while promoting information dissemination and dialogue with the public at the early stage of project planning, and the expansion of measures to ensure the appropriate participation of affected local people.
- The Objection Procedures were mainly revised to clarify the independence and neutrality of the Examiners, ensure a sufficient investigation period, and improve access by reviewing the requirements for submission, taking into account the opinions of past Requesters and public comments.

### III. COLLABORATION AND COOPERATION WITH OTHER INSTITUTIONS: IAMnet

The Independent Accountability Mechanisms Network (IAMnet) is a network for experts involved in strengthening accountability and compliance related to the environmental and social considerations to regularly exchange views, as a part of internal controls and audits at international financial institutions and development assistance agencies.

Since 2016, the Examiners and the Secretariat of the Examiners of JICA participated in the annual general meeting of IAMnet as observers, and from June 2019, became an official member of IAMnet. In FY 2021, the annual general meeting of IAMnet (IAMnet Annual Meeting) was organized via an online system from September 27 through 30, 2021 by the Complaints Mechanism Division (EIB-CM) of the European Investment Bank (EIB). From JICA, Ms. KANEKO Yuka, Mr. HAYASE Takashi, and Mr. MURAYAMA Takehiko, Examiners of JICA, participated. At the meeting, information was shared and opinions were exchanged based on reports from various organizations on compliance inspections, on-site inspections, and the promotion of dialogue with petitioners in a restricted environment amid the ongoing spread of COVID-19 worldwide. On September 29, a round-table conference between IAMnet and civil society organizations was held.

### IV. MANAGEMENT STRUCTURE

#### 1. Examiners

The Examiners have been appointed by the President pursuant to the Guidelines and the Objection Procedures, both of which were proclaimed on April 1, 2010, and enforced on July 1, 2010.

Three Examiners have been assigned in accordance with the Objection Procedures, which state that JICA assigns two or three Examiners. The term of office of Examiner MATSUSHITA Kazuo (Professor Emeritus, Kyoto University) expired at the end of August 2021. Therefore, a selection committee<sup>3</sup> was held in accordance with the Objection Procedures, and Examiner MURAYAMA Takehiko (Professor, Tokyo Institute of Technology) was appointed as his successor on September 1, 2021.

#### 2. Secretariat of the Examiner

In order to process works in relation to the Examiners, the Secretariat was organized in accordance with the Objection Procedures.

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<sup>3</sup> The selection committee was held on July 30, 2021 at JICA headquarters, with one member each selected by JICA from academic experts, industry, the Japanese government, governments of developing countries, and NGOs.