

Public Comments on the New Guidelines for Environmental and Social Considerations (Draft) and  
Objection Procedures based on the Guidelines for Environmental and Social Considerations (Draft), and JICA's Answers

Public Comments	JICA's Answers
<p>(Philosophy and application of the Guidelines)</p> <ul style="list-style-type: none"> <li>- The draft for JICA Guidelines for Environmental and Social Considerations (hereinafter referred to as the “Environmental Guidelines”) does not include any improvements made for increasing the effectiveness of the inclusion of costs and quantitative evaluation.</li>   <li>- JICA should try to improve its reliability among the residents affected by projects and NGOs.</li>   <li>- Grant aid should also be covered.</li>   <li>- It should be confirmed that the project fulfils recommendations by the World Commission on Dams.</li> </ul>	<ul style="list-style-type: none"> <li>- As for the inclusion of costs, JICA is currently making efforts to incorporate the costs for environmental and social considerations in project costs. Also, as set forth in the Guidelines, JICA continues its effort to make its evaluation as quantitative as possible for available items.</li>   <li>- JICA has been making efforts to improve the transparency of its procedures and its accountability. The new Guidelines also include the continuous improvement in information disclosure, including the report on the preparatory survey and resettlement action plan. In addition, by also including efforts to improve accountability, such as clearly stating the procedures/requirements of environmental review and the decisions made by JICA on environmental and social considerations in the new Guidelines, JICA continuously works on establishing credibility for its projects.</li>   <li>- As stated in the Guidelines 1.7, the new Guidelines also cover grant aid.</li>   <li>- We think that the ideas of the recommendations by the World Commission on Dams have something in common with our Guidelines. Some of its details, including the consideration of alternative plans, social consensus and ensured compliance are already included in the</li> </ul>

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	<p>Guidelines. However, some of the specific matters referred to in recommendations by the World Commission on Dams include those that are less commonly implemented, even in developed countries, and which would be difficult to implement in terms of technology and funds in developing countries. The chairman of the Commission also explains that “recommendations by the World Commission on Dams provide guidance, rather than a regulatory framework.” JICA is willing to use the recommendations as useful material for reference.</p>
<p>(Definition of terms)</p> <ul style="list-style-type: none"> <li>- Is it appropriate to regard the term “impact” used in the Guidelines as negative impact?</li> <li>- Regarding the definition of the strategic environmental assessment (SEA), it is necessary to include specific examples of SEA elements. It is also required to clarify common procedures and evaluation methods for SEA.</li> <li>- It is necessary to include the definitions for the “Technical Cooperation for Development Planning” and the “Detailed design study.”</li> </ul>	<ul style="list-style-type: none"> <li>- As explained in 3.2.1., it is provided that both positive and negative impacts should be checked.</li> <li>- Because various cases are assumed as the target of SEA, we believe it is difficult to include a more common procedure than what is provided in 1.3 and 3.1.</li> <li>- “Technical Cooperation for Development Planning” is a type of existing development study scheme, which provides support to policy planning or the formulation of public works programs that do not necessarily assume financial aid from Japan. General explanations on the JICA aid schemes are available on websites and other sources, so we believe defining it in the new Guidelines is unnecessary.</li> </ul> <p>The definition of the “detailed design study ” is provided in 1.3 as “a study that decides the detailed plan of a project such as project objective, confirmation of feasibility, scale of input and activities, and it is conducted after the approval of the project by MOFA.”</p>

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<ul style="list-style-type: none"> <li>- Explanations on “meaningful participation” and “responsible for what they say” regarding the participation of stakeholders are necessary.</li> </ul>	<ul style="list-style-type: none"> <li>- “Meaningful participation” means that the opinions of stakeholders are appropriately incorporated in the plan through interactive communication. “responsible for what they say” means responsible remarks. These explanations will also be included in the FAQ.</li> </ul>
<p>(Basic policy of environmental and social considerations)</p> <ul style="list-style-type: none"> <li>- Items of environmental and social considerations that must be considered at the very least should be clearly stated for consideration towards a wide variety of impacts.</li> <li>- “Implement follow-up after the completion of cooperation projects” in the item of importance 3 in the existing Guidelines should remain as one of the items of importance also in the new Guidelines. It is also problematic that the draft of Guidelines does not include the evaluation on the effectiveness of environmental considerations and countermeasures in the ex-post evaluation of the project as well the feedback of results obtained from such evaluation.</li> <li>- One can consider adding a description saying that the</li> </ul>	<ul style="list-style-type: none"> <li>- Because specific items of impacts differ by each project, scoping is implemented when considering individual projects to narrow down into items that are based on the characteristics of the project. Major items are listed as examples in Appendix 5 “Categories and Items in Checklist” of the new Guidelines.</li> <li>- This change was made in reaction to adding the role of new JICA, which became the implementing organization of aid (loan aid and grant aid), to make environmental and social considerations consistently from the formulation of projects to monitoring in the items of importance. The change is based on changes in the scope of cooperation projects covered by the Guidelines, and we are currently working on the improvement of provisions related to monitoring. However, under the new Guidelines, follow-ups are provided with details similar to the existing Guidelines as an item related to the Technical Cooperation for Development Planning. In addition, the ex-post evaluation also covers evaluation on environmental and social considerations. However, the evaluation will be implemented from various aspects while ensuring objectiveness, and we believe it is not suited to being specifically provided in the Guidelines for Environmental and Social Considerations.</li> <li>- Because the Guidelines encourage the host countries to implement appropriate</li> </ul>

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<p>Guidelines should be implemented in a flexible manner according to implementation organizations.</p>	<p>environmental and social considerations by showing requirements to the host country, we believe that including the description as suggested is inappropriate.</p>
<p>(Procedures for environmental and social considerations)</p> <ul style="list-style-type: none"> <li>- The Guidelines say, "If appropriate environmental and social considerations are not undertaken, JICA will not undertake Loan aid, grant aid, or technical cooperation projects." However, we recommend making this part to the expression "...may not provide funding."</li>   <li>- Regarding the criteria of categorization, criteria for Category A and Category B should be clearly stated. Further, regarding "1. Sensitive sectors," "2. Sensitive characteristics" and "3. Sensitive areas" of Appendix 3, criteria such as "large-sized" should be clearly stated.</li>   <li>- In relation to the consultation with local stakeholders, the "framework for holding consultation with local stakeholders," the period of studies when consultations should be held for</li> </ul>	<ul style="list-style-type: none"> <li>- As stated in "1.1 Policy" and "1.2 Objectives" of the Environmental Guidelines, JICA recognizes the importance of its role in achieving sustainable development as an organization providing ODA, and therefore makes environmental and social considerations as a part of procedures to fulfill such role. Considering the importance of such procedures, we clearly stated in the Guidelines that "If appropriate environmental and social considerations are not undertaken, JICA will not undertake Loan aid, grant aid, or technical cooperation projects." JICA believes that it is important to encourage the host countries and related parties to make appropriate environmental and social considerations through dialogues with them.</li>   <li>- Because impacts differ according to the details of the project or regions and the situation of the society wherein the project is implemented, we consider that it is not appropriate to set common criteria to be applied across the board. While categorization is implemented by taking into consideration the examples given in Appendix 3, it is possible that impacts may differ even for cases in the same sector. We categorize projects on a case-by-case manner by following the definitions of each category, and disclose the results together with the reasons thereof.</li>   <li>- We consider that consultation with local stakeholders is important from the perspective of ensuring the necessary environmental and social considerations are made. However, local stakeholders vary widely among different projects. The details of environmental and social</li> </ul>

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<p>Category A, the timing of implementing consultation for feasibility studies, and the timing of consultation on the consideration of the outline for the Technical Cooperation for Development Planning should be stated.</p> <ul style="list-style-type: none"> <li>- Specific examples of the methods of “stakeholder analysis” as well as on what basis of analysis the consultation is held should be stated.</li> <li>- Formulation of the environmental management plan and monitoring plan should be clearly stated in 3.1.</li> </ul>	<p>considerations also differ. Therefore, we consider it important to hold consultations by judging appropriate content and format on a case-by-case basis, rather than uniformly defining the timing or format of consultation in detail. As for feasibility studies, 6, 8 and 9 of 3.1.2 specify the period of holding consultations. Consultation on considering the outline of the Technical Cooperation for Development Planning is held as needed, as provided in 6 of 3.4.3 and 6 of 3.4.4.</p> <ul style="list-style-type: none"> <li>- As also explained above, because the actual targets for stakeholder analysis differ by each project, we consider that it is difficult to show specific analysis methods in the Guidelines. Therefore, while the details differ by each project, the stakeholders to be included in the scope of the target of consultation and their attributes will be clarified through stakeholder analysis, and specific consultation will be held based on the results thereof.</li> <li>- As stated in Appendix 2, the Environmental Guidelines require the preparation of the environmental management plan (EMP), including the monitoring plan, as a part of the environmental impact assessment (EIA) report. As for preparatory surveys, 7 and 8 of 3.1.2 state that EIA or IEE should be implemented according to categories. Therefore, EMP will be included in such reports or surveys as needed.</li> </ul>
<p>(Showing criteria and examples)</p> <ul style="list-style-type: none"> <li>- Improvements should be made to make the Guidelines easier to understand, such as illustrating the timing of implementing necessary items related to the environmental and social considerations.</li> </ul>	<ul style="list-style-type: none"> <li>- It is difficult to accurately illustrate the necessary items provided in the new Guidelines. On the other hand, inserting a simplified diagram is inappropriate because it means to omit some of the provisions of the Guidelines. Therefore, the Guidelines do not include diagrams. We are considering the utilization of flow charts showing the outline as a reference for the explanation of the Guidelines.</li> </ul>

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<ul style="list-style-type: none"> <li>- It is desirable to show specific examples of the “special consideration,” as in “special consideration is required when implementing information disclosure and consultations with stakeholders” in 2.5.1.</li> </ul>	<ul style="list-style-type: none"> <li>- Because it is assumed that special consideration differs for each project plan, we will make appropriate considerations as needed on a case-by-case basis.</li> </ul>
<p>(Social environment and human rights)</p> <ul style="list-style-type: none"> <li>- “Country reports” and “information by related institutions” in 2.5.2 should be interpreted as including the reports on documents submitted by each country and investigation documents regarding the International Covenant on Civil and Political Rights.</li> </ul>	<ul style="list-style-type: none"> <li>- We consider that such reports on documents by each country should also be referred as needed.</li> </ul> <p>Based on your suggestion, as well as based on discussions at the Committee for formulating the new Guidelines, it is decided that the following underlined part will be added to the provision of the Guidelines in question.</p> <p>“JICA obtains country reports and information <u>widely</u> about human rights that are issued by related institutions, and seeks to understand local human rights situations by disclosing information about cooperation projects. Thus, JICA integrates local human rights situations into decision-making processes that relate to environmental and social considerations.”</p>
<p>(Information disclosure)</p> <ul style="list-style-type: none"> <li>- I think the examples of documents related to environmental and social considerations that are to be disclosed should be shown for each study type. Particularly, the specific examples of the name of the report and the type of information that will newly be included as information to be disclosed.</li> </ul>	<ul style="list-style-type: none"> <li>- Basically, documents to be disclosed are the same for all schemes and are specifically shown in the Guidelines for each category. As for Category A, in addition to the EIA report that is already included in information to be disclosed, the resettlement action plan and indigenous peoples plan were newly added to information to be disclosed. However, the case of the Technical Cooperation for Development Planning is shown separately in 3.4 since it has a peculiar nature, different from other types of projects.</li> </ul>

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<ul style="list-style-type: none"> <li>- It should be clearly stated that EIA reports and resettlement action plans include personal information.</li>   <li>- The timing of the formulation and disclosure of the resettlement action plan should be clarified.</li>   <li>- A description such as: “the host countries and related parties should disclose project information and hold consultation with stakeholders before the decision on implementing a preparatory survey is made” should be added to 3.2.1.</li>   <li>- As for the description the “EIA report is disclosed 120 days prior to the conclusion of the consensus document,” it is necessary to consider shortening the period.</li> </ul>	<ul style="list-style-type: none"> <li>- From the perspective of the protection of personal information, personal information with the risk of unduly infringing the interests of the person or any third party may be undisclosed. This issue will be included in the FAQ.</li>   <li>- It is stated in 2. of (1) Category A Project of 3.2.1 Environmental Review that JICA discloses the resettlement action plan before the environmental review for projects where any large-scale involuntary resettlement occurs. Formulation and disclosure of the plan in the host country is explained in Annex 1.</li>   <li>- Whether or not to implement a preparatory survey is the decision of JICA. It is stipulated that JICA discloses the result of categorization before the decision on implementing a preparatory survey is made, and that it conducts site reconnaissance and gathers information and opinions from stakeholders always for Category A projects and as needed for Category B projects before the implementation of a preparatory survey. At this stage, we believe that further disclosure of information by the host countries and related parties as well as the holding of stakeholder consultation is unnecessary. The details of information disclosure by the host countries and related parties and the holding of stakeholder consultation at the stage where a preparatory survey is underway are set forth separately.</li>   <li>- Considering the situation of other development assistance agencies (such as the World Bank and the Asian Development Bank), while also taking into consideration the discussions at the Committee for formulating the new Guidelines, JICA believes that the period of 120 days, which had been applied for ODA loans in the past, is appropriate.</li> </ul>
(Advisory Committee for Environmental and Social	

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<p>Considerations)</p> <ul style="list-style-type: none"> <li>- An explanation on the timing and frequency of holding the Advisory Committee for Environmental and Social Considerations for each scheme should be included in the Guidelines or in the FAQ.</li> </ul> <p>In addition, the general policy on the organization and operation method of the Advisory Committee should also be shown.</p> <ul style="list-style-type: none"> <li>- Criteria to decide the “necessary projects among Category B projects” in 2.7 should be specified.</li> <li>- Definitions for “consultation (<i>shimon</i>)” and “advice” should be added.</li> </ul>	<ul style="list-style-type: none"> <li>- As for the organization and operation of the Advisory Committee, JICA wishes to seek the best method by also taking into consideration the discussions at the Committee for formulating the new Guidelines.</li> </ul> <p>As for the timing and frequency of holding, JICA basically assumes the same timing and frequency for all schemes, namely loan aid, grant aid, a preliminary survey conducted by JICA for grant aid cooperation directly implemented by the Ministry of Foreign Affairs, and the technical cooperation project. On the other hand, because the work flow of the Technical Cooperation for Development Planning differs from others, the timing of holding the Advisory Committee for the Technical Cooperation for Development Planning was added in the new Guidelines as, “On the projects of technical cooperation for development planning, the Advisory Committee gives advice at full-scale study stage.” based on your opinion.</p> <ul style="list-style-type: none"> <li>- This covers Category B projects for which environmental and social considerations should be made with extra care. However, based on considerations on the details of individual projects, we do not think it appropriate to set specific criteria.</li> <li>- The new Guidelines do not follow the procedure of “consultation (<i>shimon</i>)” in relation to the Advisory Committee for Environmental and Social Considerations. Because the term is not used in the Guidelines, it is not defined. As for “advice,” please refer to the definition of the Advisory Committee for Environmental and Social Considerations in 13 of 1.3 Definitions.</li> </ul>



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<p>(Indigenous peoples)</p> <ul style="list-style-type: none"> <li>- Descriptions on the indigenous peoples plan should be added in parallel with the EIA and resettlement action plan.</li>   <li>- Although the definition of indigenous peoples by the World Bank is still not sufficiently clear, a definition similar to that of the World Bank at the very least is necessary. In addition, the timing of the preparation and disclosure of the indigenous peoples plan should be clearly stated in Appendix 1 of the new Guidelines. Further, the Guidelines should clearly state how to handle the cases where the details of the indigenous peoples plan specified in the environmental laws of the host country differ from the details of OP4.10 Annex B of the World Bank.</li>   <li>- Appendix 3 of the Safeguard Policy Statement revised on June 2009 by the Asian Development Bank can be used as a reference. However, because the part in Paragraph 31 saying that the requirement of “consent” can be replaced with “broad community support” and interpreting that there can be “broad community support” even if some individuals or groups object to the project is controversial, this part should not be applied to the Guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>- Descriptions on the indigenous peoples plan are newly included. (3.4.5.1, Appendix 2)</li>   <li>- As for the definition of indigenous peoples, JICA provides a definition on a case-by-case basis while taking into consideration OP4.10 of the World Bank and related information. On the other hand, in 2. of (1) Category A Project of 3.2.1 Environmental Review, JICA specifies that it will disclose the indigenous peoples plan before the environmental review in the case of projects requiring measures for indigenous peoples. Preparation and disclosure of the plan should be implemented before the environmental review by JICA. In addition, the new Guidelines stipulate that the details of the indigenous peoples plan should include as set forth in OP4.10 Annex B of the Safeguard Policies of the World Bank. JICA assumes that it will confirm the details of the individual indigenous peoples plan submitted as well as to implement additional confirmation or take additional approaches as needed.</li>   <li>- As for the issue pointed out, although JICA will not apply the Safeguard Policy Statement by the Asian Development Bank itself to its projects, it will use the Safeguard Policy Statement as a reference when necessary as specified in 3 of 2.6 of the Guidelines when confirming whether appropriate environmental and social considerations are made in accordance with the provisions of Appendix 1 of the Guidelines.</li> </ul>

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<p>(Peace building)</p> <ul style="list-style-type: none"> <li>- Although ODA from Japan in the area of peace building is expanding recently, it is not covered sufficiently in the draft of the new Guidelines. It is required that the Guidelines for Environmental and Social Considerations cover also the area of peace building.</li> </ul>	<ul style="list-style-type: none"> <li>- As for the area of peace building within the host country, as is pointed out here, JICA is trying to make considerations from the perspective of preventing conflict and promoting peace. As for the framework of environmental and social considerations, as stated in 1 of 2.3 Items on Environmental and Social Considerations, JICA is willing to continuously make sufficient considerations on regional conflicts of interest and the allocation of damages and benefits.</li> </ul>
<p>(Nuclear power generation)</p> <ul style="list-style-type: none"> <li>- It should be clearly stated in the new Guidelines that projects related to the construction, operation and maintenance of nuclear power plants (including peripheral facilities) are not aided. It should also be clearly stated in the Guidelines that training related to nuclear power generation will be limited to the areas of safety, safeguards and security.</li> </ul>	<ul style="list-style-type: none"> <li>- The purpose of the new Guidelines is to show the responsibility and procedure of the environmental and social considerations made by JICA as well as requirements set for the host country and related parties, rather than to stipulate the sectors for aid. Therefore, we believe that it is inappropriate to clearly state the “policy of not providing aid to projects related to nuclear power generation” in the Guidelines as suggested. Also, ODA for the construction of nuclear power plants is actually prohibited by OECD. (Annex 2 of OECD “Arrangement on Officially Supported Export Credit [16-Feb-2009]”)</li> </ul>
<p>(Other)</p> <ul style="list-style-type: none"> <li>- JICA should answer on its reaction to the opinions in public comments.</li> <li>- It is desirable to prepare handbooks and resource books, like those prepared by the World Bank and ADB.</li> <li>- There are typographical errors and omissions, as well as mixed</li> </ul>	<ul style="list-style-type: none"> <li>- As for opinions obtained, answers by JICA will be uploaded on its website by using this paper.</li> <li>- The preparation of original handbooks and the like by JICA is one of the issues to be considered in the future, and handbooks by the World Bank and the like will be used as a reference.</li> <li>- Corrections of typographical errors, standardizing of descriptions, and the correction of the</li> </ul>

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use of one-byte and two-byte characters, which should be corrected or made uniform. "2.6 laws and standards reference" should be corrected as "relevant Laws and Regulations."	phrase you mentioned to "relevant Laws and Regulations" are incorporated in the Guidelines for Environmental and Social Considerations and the Objection Procedures based on the Guidelines for Environmental and Social Considerations.