

**JAPAN INTERNATIONAL COOPERATION AGENCY
OBJECTION PROCEDURES
BASED ON
THE GUIDELINES FOR
ENVIRONMENTAL AND SOCIAL CONSIDERATIONS**

(English Version)

January 2022

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1. Purpose

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 JICA Guidelines”), which were promulgated in April 2010 and revised in January 2022, JICA hereby establishes the Examiners for the JICA Guidelines (hereinafter referred to as “the Examiners”) who directly report to the JICA’s President and are independent from departments responsible for project management or environmental review (hereinafter referred to as “the Operational Departments”), and sets forth the following Objection Procedures based on the JICA Guidelines (hereinafter referred to as “the Procedures”).

2. Objectives of the Procedures

- (1) To investigate whether JICA has complied with the JICA Guidelines and report the results to the President in order to ensure JICA’s compliance with the JICA Guidelines.
- (2) To facilitate consensual dialogues between the parties concerned for the prompt resolution of disputes concerning specific environmental and/or social issues that arose from JICA-assisted projects due to JICA’s alleged or confirmed non-compliance with the JICA Guidelines. “The parties concerned” refers to the parties that have submitted requests to raise objections (hereinafter referred to as “the Requesters”) and “the Project Proponents” (host country governments related to the project including local governments, borrowers and/or project executing agencies).

3. Basic Principles

- (1) Independence: The Examiners will be appointed as an authority independent from the Operational Departments and directly report to the President.
- (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 deal with requests to raise objections.
- (4) Promptness: The Examiners must promptly deal with requests to raise objections and must, in principle, complete their activities by submitting a report within four (4) months after the commencement of the process pursuant to the Procedures.
- (5) Transparency: While considering the objective of the Procedures, i.e., facilitating dialogues between the parties concerned, as well as appropriate handling of information regarding the Project Proponents and the safety of the Requesters, the activities of the Examiners must, in principle, be open to the public and must contribute to the improvement of JICA’s accountability.

4. Tasks of the Examiners

- (1) JICA assigns two or three Examiners who are independent from the Operational Departments.
- (2) The President appoints the Examiners who meet the following requirements based on the opinions

of the selection committee:

- 1) Have no interest in relations to JICA's operation on environmental and social considerations;
 - 2) For those who have been employed by JICA, at least two years have elapsed from their time of employment with JICA;
 - 3) Are fluent in Japanese and English; and
 - 4) Have knowledge on one or more of the following: environmental and social considerations, international cooperation, and/or law.
- (3) The aforementioned selection committee consists of members that JICA selects through a fair and appropriate process from the academe, 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 former Examiners until three years have elapsed from their time of assignment.
- (5) One of the Examiners takes charge of each request to raise objection (hereinafter referred to as "Request"). The Examiner in charge is decided through discussion among the Examiners, taking into consideration the characteristics of the Request as well as other factors. The Examiner in charge will prepare an investigation report after taking into account other Examiners' views. If opinions are divided among the Examiners, the Examiner in charge will make the comprehensive judgment while also including the opinions of the other Examiners in the report.

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 held by JICA that are necessary for their activities, including, but not limited to, documents and records;
 - 2) To be able to interview JICA's personnel and to request the submission of relevant documents;
 - 3) To be able to request 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; and
 - 4) To utilize external experts as needed to perform their duties.
- (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 of the Requesters and other parties concerned and of the handling of information about the Project Proponents, and not to behave in such a manner as to unduly injure the Requesters and/or other parties concerned. In particular, when conducting interviews and facilitating dialogues between the parties concerned, the Examiners shall consider the risks of retaliation, etc. against the Requesters and/or other parties concerned, and confirm the need for safety measures and confidentiality in advance;
 - 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 may be submitted with respect to the projects of (1) loan aid, (2) grant aid (excluding projects executed through international organizations), (3) technical cooperation for development planning, (4) technical cooperation projects, and (5) projects similar to the above and related studies to which the JICA Guidelines apply, 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 JICA Guidelines.

7. Eligibility of Requesters

- (1) In principle a Request must be submitted by two or more residents of a country where JICA-assisted project is being implemented who have suffered actual damage or who are likely to suffer damage from the said project in the future as a result of JICA's non-compliance with the JICA Guidelines.
- (2) If it is unavoidable in view of the particular circumstances of the region in question, etc., a submission of the Request and subsequent procedures may be carried out by a representative, provided that the Requesters are identified and the representative is duly authorized by the Requesters.

8. Period within which to Submit a Request

For loan aid, grant aid (excluding projects executed through international organizations), technical cooperation for development planning, technical cooperation projects, and projects similar to the above and related studies to which the JICA Guidelines apply, a Request may be submitted after JICA's disclosure of the results of project categorization until one year after the completion of the project. When JICA checks the monitoring results pursuant to the JICA Guidelines after the completion of the project, a Request pointing out the monitoring results and JICA's non-compliance with the relevant provisions of the JICA Guidelines may be submitted during the time in which JICA is checking the monitoring results.

9. Contents of a Request

A Request must state the information described in 1) to 8) below in Japanese, English, the official language of the relevant country, or language used by the Requesters. If the Request is written in a language other than Japanese or English, it will be necessary for the Examiners to translate the Request into Japanese or English before commencing the process, and may require 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 their contact information must

be clearly indicated. Personal information of the Requesters shall be protected under “the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc.,” and shall not be disclosed to other persons and parties concerned without the consent of the Requesters. When special consideration is required for the handling of the Request to avoid disadvantages such as retaliation, the Requesters may describe such needs in the Request.

3) Project which is the subject of the Request

- 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 sufficient information to identify the project in question. If the project name is not precisely stated, more time may be required for the confirmation with the Requesters before the Examiners accept the request and notify the Requesters.

4) Description of actual damage incurred or likely to be incurred.

5) Efforts to engage in dialogues with the Project Proponents including their grievance redress mechanisms

In order to encourage dispute resolution through the parties’ own efforts, the Requesters are expected to make effort to engage in dialogues with the Project Proponents including the utilization of the grievance redress mechanism of the project, prior to the submission of the 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 facts concerning the Requesters’ efforts to engage in dialogues with the Project Proponents including the grievance redress mechanism. If the Requesters could not make effort to engage in dialogues with the Project Proponents due to uncontrollable circumstances, such circumstances should be described in the Request, and the Requesters are expected to make effort to consult with the Operational Departments of JICA including overseas offices. When the Requesters seek consultation with the Operational Departments, the Operational Departments shall recognize the importance of the information provided by the Requesters and respond appropriately, with due consideration for the safety of the Requesters.

6) Efforts to engage in dialogues with JICA

Prior to the submission of the Request, the Requesters are asked to make effort to engage in dialogues with the Operational Departments regarding the substantial damage that has been incurred or is likely to be incurred due to JICA’s non-compliance or alleged non-compliance with the JICA Guidelines. 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 facts

concerning the Requesters' efforts to engage in dialogues with the Operational Departments. The Requesters may also state the reasons for which the Operational Departments' responses were considered to be insufficient. To enable the Requesters to engage in appropriate dialogues with the Operational Department in a timely manner, JICA's public relations department and/or overseas offices must promptly introduce the Operational Department in charge of the project in question whenever they receive an inquiry to JICA. The Operational Departments must make efforts to engage in dialogues with the Requesters and acknowledge the importance of information provided by the Requesters, reflecting such information in screening, environmental review, and/or checking of monitoring results pursuant to the provisions of the JICA Guidelines.

7) Resolution desired by the Requesters

The Requesters shall state their expected solution and/or their preferred mode of investigation, i.e., greater emphasis on facilitating dialogues for dispute resolution, or review of compliance with the JICA Guidelines, or both in equal measures.

8) If the Request is to be submitted by a representative, the Requesters must explain the necessity to submit the Request through the representative and attach evidence that the representative has been duly authorized by the Requesters.

In addition to the above, it is desirable to include the following information in the Request.

9) Relevant provisions of the JICA Guidelines considered by the Requesters to have been breached by JICA and the facts constituting such non-compliance as alleged by the Requesters.

10) Cause-and-effect relationship between JICA's non-compliance with the JICA Guidelines and the damage.

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) Reception of the Request and Notifications to the Requesters and the Project Proponents

The Examiners shall, so long as the names and the contact information are stated in the Request, notify the Requesters, the Project Proponents, and the Operational Departments of the reception of the Request using the sample form attached hereto, within five (5) business days after the receipt of the Request. However, no personal information of the Requesters shall be disclosed to the Project Proponents.

(3) Preliminary Investigation

1) The Examiners shall check the Request to confirm whether or not it contains all of the required information. If there is a deficiency, the Examiners may ask the Requesters to provide complementary information.

- 2) As necessary, the Examiners may interview the persons concerned with respect to the eligibility of the Requesters.
 - 3) The Examiners shall, with the intention of preventing improper use of the Procedures, check the Request to confirm that it was submitted in conformity with the purpose of the Procedures.
 - 4) In principle, the Examiners shall complete the preliminary investigation approximately one (1) month after the reception of the Request, and decide whether or not to commence the process pursuant to the Procedures. If it requires more time to obtain or confirm the necessary information, the Examiners shall inform the Requesters accordingly.
- (4) Decision to Commence the Process pursuant to the Procedures
- 1) If, according to the examination form attached hereto, the Examiners deem that the Request satisfies the requirements to commence the process and that the descriptions in the Request are fairly reasonable, they shall make the decision to commence the process, and shall inform the President, the Requesters, the Project Proponents, and the Operational Departments of the decision in writing. The Examiners may also inform them if the priority/emphasis will be put on either facilitating dialogues for dispute resolution or on the review of compliance with the JICA Guidelines, based on the Request as well as the result of the preliminary investigation.
 - 2) If a decision not to commence the process is made, the Examiners shall inform the President, the Requesters, 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 process, the Examiners may transfer the Request to the Operational Departments, if they deem it useful for the appraisal and/or checking of monitoring results 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 process if the project is pending in other resolution proceedings and if the issue in these proceedings is practically the same with the issue being addressed by the Procedures, and therefore the Examiners deem it appropriate to suspend the process in accordance with the objectives of the Procedures. The suspension of the decision to commence the process, together with the grounds for suspension, shall be notified to the President, the Requesters, the Project Proponents, and the Operational Departments in writing. If the intention of the Requesters to continue the process is confirmed after the grounds for suspension have ceased to exist, the Examiners may decide to commence the process.
 - 4) In view of the legal principle of double jeopardy, if a Request concerning the same damage was submitted in the past, a decision not to commence the process may be made. However, this does 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 process is made. The Examiners must faithfully consider the opinion submitted by the Requesters and shall transfer the opinion to the Operational Departments, as necessary.

The opinion submitted by the Requesters shall be disclosed on the website in accordance with “14. Disclosure of Information” of the Procedures.

(5) Investigation of the Facts Concerning JICA’s Compliance with the JICA Guidelines

- 1) In order to investigate the facts of JICA’s compliance with the JICA Guidelines, the Examiners shall, in principle, directly interview the Requesters or their representative 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 results.
- 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, experts, and other persons concerned. If the Examiners intend to interview the Project Proponents, the Examiners may request the Operational Departments to make initial arrangements to conduct interviews.

(6) Facilitation of Dialogues for the Resolution of Disputes

- 1) The Examiners may mediate between the affected peoples including the Requesters and the Project Proponents to facilitate dialogues for dispute resolution. In addition, the Examiners may conduct individual interviews.
- 2) The Examiners must listen to the opinions of the persons concerned in impartial manner, and conduct individual interviews in a manner that will not compromise people’s trust in the Examiners’ neutrality.

(7) Utilization of External Experts

The Examiners may utilize external experts as needed for investigation of facts regarding JICA’s compliance with the JICA Guidelines or for facilitation of dialogues for dispute resolution. Under the direction of the Examiners, JICA shall carry out the contract process with the external experts pursuant to the relevant statutes and internal regulations.

(8) Caution Taken During the Investigation of Facts and/or the Facilitation of Dialogues

The Examiners may temporarily suspend the investigation of facts and/or facilitation of dialogues if the project becomes pending in other dispute resolution proceedings and if the issue in these proceedings is practically the same with the issue being addressed by the Procedures, and therefore the Examiners deem it appropriate to suspend the process in accordance with the objectives of the Procedures. The suspension of the process, together with the grounds for suspension, shall be notified to the President, the Requesters, the Project Proponents, and the Operational Departments in writing. If the intention of the Requesters to resume the process is confirmed once the grounds for suspension cease to exist, the process shall be resumed.

11. Report to the President

- (1) Within four (4) months after the commencement of the process, the Examiners shall, in principle, prepare a report using the sample form attached hereto, which sets forth the results of the investigation of the facts of JICA's compliance with the JICA 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 concluded that JICA has not complied with the JICA 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 JICA Guidelines, or if the parties have agreed to dispense with the investigation by the Examiners on 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 facilitation of dialogues, the Examiners may report to the President the particulars of further required activities and the reasons why such activities are indispensable, and extend the period for up to four (4) months.
- (5) The Examiners' report shall promptly be sent to the parties concerned and disclosed on the website. The parties concerned may submit to the Examiners their opinions on the contents of the report. The opinions of the parties concerned shall be disclosed on the website together with the Examiners' Report in accordance with "14. Disclosure of Information" of the Procedures. The Examiners shall pay due respect to such opinions, and if they deem that the opinions contain facts that are useful for the checking of the monitoring results of the project in question, they may transfer the opinions to the Operational Departments. When the Examiners transfer the opinions of the Requesters to the Operational Departments, the Operational Departments shall reflect the opinions in their project management including checking of the monitoring results, as necessary.

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, as necessary. The Operational 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 JICA Guidelines, the Operational Departments shall set forth measures to be taken to ensure JICA's compliance with the JICA Guidelines.

13. Responses to the Examiners' Report and Recommendations

- (1) Any instructions issued by the President based on the Examiners' report, the opinions of the Operational Departments, and the opinions of the parties concerned, shall be executed by the Operational Departments.
- (2) The Examiners shall be informed of the status of the Operational Departments' execution 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' execution 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 JICA Guidelines, the Examiners may state, in the annual report of the activities, their advice for the comprehensive and organizational measures to be taken to ensure JICA's future compliance with the JICA 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 disclose the summary (country name, project site, project name, outline of the damage, and JICA's alleged non-compliance with the JICA Guidelines) on JICA's website.
 - 2) The Examiners, after the commencement of the process pursuant to the Procedures, shall disclose the Request in whole or in part on JICA's website, after confirming that it does not contain any information whose confidentiality is protected 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 disclosed on JICA's website, after confirming that they do not contain any information whose confidentiality is protected by the Procedures and/or by statute.
- (2) Since the Examiners' report and the opinions of the Operational Departments must, in principle, be disclosed, they must not contain any information whose confidentiality is protected by statute. If such confidential information is the crucial component of the report and needs to be stated, 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 disclosed pursuant to the provisions of applicable laws.
- (4) The Examiners shall prepare an annual report of activities using the sample form attached hereto and disclose it on JICA's website. Since the annual report of activities is a document that needs to be disclosed, it must not contain any information whose confidentiality is protected by statute.
- (5) The Examiners shall publicize their contact information on JICA's website. In addition, the Examiners must endeavor to disseminate information on the Procedures and their activities by preparing and publishing pamphlets and posting information on JICA's website, etc., in collaboration with JICA's public relations department and other related departments including the Operational Departments.
- (6) The Operational Departments, in cooperation with the Project Proponents, must endeavor to make the Procedures and the activities of the Examiners known to the affected peoples, etc.
- (7) The working language used in the documents mentioned in (1) above shall be English, while

Japanese and the official language of the host country and/or language(s) widely used in the host country shall also be used as necessary.

15. Secretariat

A secretariat shall be organized to support the Examiners' duties and to process administrative work in relation to the Examiners. The secretariat consists of several JICA personnel.

16. Review of the Procedures and Interim Provisions

- (1) The Procedures shall be reviewed, in principle, concurrently with the review of the JICA Guidelines. The review of the Procedures shall be based on the opinions given and the evaluations made by the users and the Examiners in the past, and shall be conducted in a process that ensures its transparency.
- (2) The Procedures shall become effective in April 2022 and shall be applied to projects to which the JICA 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

(The Requesters need not adhere to the form shown below, as long as all the necessary information listed in “9. Contents of a Request” are provided.)

Date:

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

Names of the Requesters:

Contact information of the Requesters:

Address:

TEL:

FAX:

E-mail:

【If the Request is made through a representative】

Name of the representative:

Contact information of the representative:

Address:

TEL:

FAX:

E-mail:

Our names should be kept confidential and not passed to the Project Proponents, government agencies, or JICA’s Operational Departments.

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:

3. Resolution desired by the Requesters:

(In addition to the desired resolution, the Requesters may indicate whether they wish the Examiners to put more focus on conflict resolution or on compliance review, or both in equal measures.)

4. Requesters’ efforts to engage in dialogue with the Project Proponents (including grievance redress mechanisms):

(If the Requesters are being prevented from having a dialogue with the Project Proponents due to uncontrollable circumstances, describe the obstacles faced by the Requesters.)

5. Requesters' efforts to engage in dialogue with JICA's Operational Departments:
(If the Requesters were not satisfied with the response of JICA's Operational Departments, the Requesters may describe the reason for their dissatisfaction.)
6. If the Request is submitted by a representative, explanation on the necessity for submitting the Request through the representative, with an attachment of evidence that the representative has been duly authorized by the Requesters:

In addition to the above, it is desirable to include the following information in the Request:

7. Provision of the JICA Guidelines breached by JICA and facts constituting the JICA's non-compliance, as alleged by the Requesters.
8. Cause-and-effect relationship between JICA's non-compliance with the JICA Guidelines and the damage.

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

[END]

Sample Notice of Reception

Date:

To: (Names of the Requesters)

(N.B. Personal information of the Requesters will not be disclosed to other parties/persons)

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

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

We will make the decision after the preliminary investigation, in principle within one month, whether or not to commence the process pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations or suspend the decision, and we will notify you in due course.

We may request an interview with you during the preliminary investigation, in which case we will contact you for necessary arrangements including the date and time.

If, after the preliminary investigations, it is decided that the process shall be commenced, we will investigate the facts concerning JICA's compliance with the JICA Guidelines and facilitate dialogues between the parties concerned, pursuant to the Procedures. For these purposes, we may conduct an interview with you, in which case we will contact you to make necessary arrangements including the date and time.

An outline of your request (country name, project site, project name, claimed damage, etc.) and the progress of the process will be disclosed on JICA's website. For details of the Procedures, please visit the website below or send us an inquiry.

https://www.jica.go.jp/english/our_work/social_environmental/index.html

[END]

Sample Notice to Commence the Process

Date:

To: (Names of the Requesters)

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

We hereby inform you of our decision to commence the process pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations with respect to your request to raise objections dated DD Month, YYYY (received on DD Month, YYYY) as described below. For details, please refer to the enclosed Results of Preliminary Examination.

For approximately four (4) months, we will investigate the details of JICA's compliance or non-compliance with the JICA Guidelines and facilitate dialogues between the parties concerned, pursuant to the Procedures. For these purposes we may conduct an interview with you, in which case we will contact you to make necessary arrangements including the date and time.

Your request will be disclosed on JICA's website. After completion of the relevant processes, the reports prepared by the Examiners for the Guidelines, written opinion from JICA's Operational Departments, and written opinions from the parties concerned will also be disclosed on JICA's website. Information whose confidentiality is protected by the Procedures and/or statute will remain undisclosed.

For details of the Procedures, please visit the website below or send us an inquiry.

https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html

[END]

Sample Notice of Decision Not to Commence the Process

Date:

To: (Names of the Requesters)

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

We hereby inform you of our decision not to commence the process pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations with respect to your request to raise objections dated DD Month, YYYY (received on DD Month, YYYY) as described below. For details, please refer to the enclosed Results of Preliminary Examination.

[Reasons for the decision not to commence the process will be stated. The Examiners may also describe the appraisal and monitoring procedures undertaken by JICA's Operational Departments when relevant.]

Thank you very much for your attention.

[END]

Sample Notice of Decision to Suspend the Commencement of the Process

Date:

To: (Names of the Requesters)

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

We hereby inform you of our decision to suspend the commencement of the process pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations with respect to your request to raise objections dated DD Month, YYYY (received on DD Month, YYYY). For details, please refer to the enclosed Results of Preliminary Examination.

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

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

Thank you very much for your attention.

[END]

Sample Results of Preliminary Investigation

(This format is an example; in actual investigation, contents may be adjusted in accordance with the nature of each Request.)

1. Formal requirements of the Request

All necessary information are stated in Japanese, English, the official language of the relevant country, or language used by the Requesters.	
The Request lacks necessary information or there is a description that is insufficient. (Indicate which information is lacking or insufficient.)	

2. Requirements to commence the process pursuant to the Procedures

(1) Requirements of the Requesters

The Request has been submitted by two or more residents of the country in which the project is implemented.	
The Request has been submitted by one resident of the country in which the project is implemented, but there are grounds to assume that it was inevitable.	
The Request has been submitted by the representative, but there is evidence that the representative has been duly appointed by the Requesters.	
The Request provides the real names and addresses of the Requesters.	

(2) Project

It has been confirmed that the project identified from the Request is supported by JICA.	
It has been confirmed that the project identified from the Request is not supported by JICA.	
The project cannot be identified from the Request.	

(3) Period

The Request was submitted after JICA's disclosure of the result of project categorization and before one year had passed since the completion of the project.	
The Request concerns JICA's alleged non-compliance with the JICA Guidelines in regards with the checking of monitoring results, and was submitted during the period in which JICA is checking the monitoring results with the Project Proponents.	
The Request was submitted after one year had passed since the completion of the project, and does not concern JICA's checking of monitoring results.	

(4) Actual damage incurred or likely to be incurred by the Requesters

Damage that was incurred, or likely be incurred, by the Requesters is specifically described.	
Damage that was incurred, or likely be incurred, by the Requesters is not specifically described in the Request, and the Examiners could not obtain further information from the Requesters.	

(5) Requesters' efforts for engaging in dialogues with the Project Proponents, including the project's grievance redress mechanisms

The Requesters have made efforts to have dialogues with the Project Proponents.	
The Requesters could not make efforts to have dialogues with the Project Proponents due to uncontrollable circumstances.	
As the Requesters have not made efforts to have dialogues with the Project Proponents, the Requesters should first propose to have such dialogues.	

(6) Requesters' efforts for engaging in dialogues with JICA

The Requesters have communicated, or made efforts to communicate, with JICA's Operational Departments.	
As the Requesters have not made efforts to communicate with JICA's Operational Departments, the Requesters should first attempt such communication.	

(7) Prevention of the improper use of the Procedures

There is no concern that the Request was submitted for improper purposes.	
There is a concern that the Request was submitted for improper purposes; therefore, it is inappropriate to commence the process. (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 Project Proponents. 4) The Request was submitted for political purposes unrelated to the project. 5) There is a serious false description in the Request. (Describe the false description below.)	

3. Additional information (optional)

(1) Provision of the JICA Guidelines which have been breached by JICA and the facts constituting JICA's non-compliance, as alleged by the Requesters

Provision which JICA allegedly failed to comply with, and the basis for such allegation are logically described.	
Provision which JICA allegedly failed to comply with are indicated, but the basis for such allegation are not logically described.	

(2) Cause-and-effect relationship between JICA's non-compliance with the JICA Guidelines and the damage

There is a logical explanation on how JICA's non-compliance with the JICA Guidelines caused the damage alleged by the Requesters.	
There is no logical explanation on how JICA's non-compliance with the JICA Guidelines caused the damage alleged by the Requesters.	

[END]

Sample Notice to the Requesters on the Examiners' Report

Date:

To: (Names of the Requesters)

The Examiners for the JICA 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 (received on DD Month, YYYY).

Your 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 enclosed herein. The report itself, opinions of the parties concerned, and opinions of the Operational Departments will be disclosed in due course. Information whose confidentiality is protected by the Procedures and/or statute will remain undisclosed.

[END]

Sample Form of the Examiners' Report

1. Summary of the 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 JICA Guidelines (If it was described in the Request.)

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

3. Results of investigations of relevant facts and facilitation 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 JICA Guidelines
 - Dates and times of interviews
 - Content of interviews
 - (2) Results of investigations of the facts concerning JICA's compliance/non-compliance with the JICA Guidelines
 - Specific damage incurred, or likely to be incurred, by the Requesters
 - Facts concerning JICA's compliance/non-compliance with the JICA Guidelines
 - Cause-and-effect relationship between the specific damage and JICA's compliance/non-compliance with the JICA Guidelines
 - Conclusions
 - Possible measures to correct the non-compliance (if there was a non-compliance with the JICA Guidelines)
 - If external experts were employed for the investigation, their terms of reference may be described, as necessary.
 - (3) Agreement between the parties concerned regarding the facilitation of dialogues and the record of dialogues held between the parties
 - Date and time of dialogues
 - Content of dialogues
 - If external experts were employed for the facilitation of the dialogues, their terms of reference may be described, as necessary.
 - (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]

Sample Form of the Annual Report of the Examiners

1. Outline of activities during the fiscal year

- (1) Number of the Requests received
- (2) Number of cases in which the process pursuant to the Procedures were commenced/suspended and number of Requests rejected
- (3) Review and analyses of the rejected Requests and suspended processes (e.g., major factor beyond the rejection or suspension of cases.)
- (4) Number of Reports made by the Examiners
- (5) Review and analyses of the allegation of JICA's noncompliance with the JICA Guidelines (e.g., a clause in the JICA Guidelines that was frequently mentioned as not being adhered to by JICA, etc.)

2. Opinions expressed by the stakeholders

- (1) Opinion from the Requesters
- (2) Opinion from the Project Proponents
- (3) Opinion from the JICA's Operational Departments

3. Status of the execution of the instructions issued by JICA's President

- (1) Report from the Operational Departments on their execution of President's instructions
- (2) The Examiners' comment on the Operational Departments' execution of President's instructions

4. Management structure

[END]