

[Translation]

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

Fiscal Year 2017

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 (hereinafter referred to as “JICA”), JICA has appointed external examiners for the Guidelines (hereinafter referred to as the “Examiners”), who are to report their findings directly to the President of JICA (hereinafter referred to as the “President”) and are independent from the departments of JICA responsible for individual projects and environmental analysis (hereinafter referred to as the “Operational Departments”).

The objectives of the Objection System are (1) to investigate whether facts behind alleged JICA’s non-compliance exist or not and report the results to the President, aiming to ensure JICA’s compliance with the Guidelines; and (2) to encourage dialogues among the parties concerned, such as those who submitted objections (hereinafter referred to as the “Requesters”), the borrower countries or those who carry out the project (hereinafter referred to as the “Project Proponents”), by their mutual consent, to promptly solve specific environmental and social disputes arising from JICA’s non-compliance with the Guidelines in the context of JICA-supported projects.

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:

http://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 2017, 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 whether JICA has complied with the Guidelines or not and to encourage dialogues among the parties concerned, to promptly solve specific environmental and social disputes of JICA-supported projects, thereby ultimately encouraging JICA's compliance with the Guidelines. In Fiscal Year 2017, the Examiners conducted investigation on one (1) Request in accordance with the Objection Procedures.

The Examiners would like to take this opportunity to thank you all who cooperated in the objection procedures based on the Guidelines for Environment and Social Considerations.

August 2018

Examiners for the Guidelines

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(listed in the order of the Japanese syllabary)

I. OUTLINE OF THE ACTIVITIES FOR THIS FISCAL YEAR

1. Number of the Requests received

The Examiners received one (1) Request for Fiscal Year 2017.

On April 27, 2017, the Request (dated April 10, 2017) arrived at JICA concerning the “Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique” (a technical cooperation project funded with a Japanese ODA loan), and a Notice of Acceptance was issued on May 17, 2017.

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

The number of cases with respect to which the procedures were determined to be commenced for Fiscal Year 2017 was one (1), i.e., the Request concerning the “Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique”. There were no cases being suspended or rejected.

As a result of the preliminary investigation on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" conducted from May 17 to July 3, 2017, it was decided to commence the procedures on July 3. The review results of the preliminary investigation were published on the JICA website and the Notice to Commence the Objection Procedures was issued to the Requesters.

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

There were no Requests for which decisions to suspend or not to commence the procedures were made for Fiscal Year 2017.

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

(1) Number of the investigation reports Prepared by the Examiners

The number of the investigation reports prepared by the Examiners for Fiscal Year 2017 was one (1), i.e., the Request concerning the “Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique”.

(2) Preparation of the investigation report on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique"

Since July 4, 2017, following the issuance of the Notice to Commence the Objection Procedures (dated July 3, 2017), the Examiners conducted hearings with relevant parties, a field visit inspection, and checks and reviews of collected materials. The investigation period was originally scheduled for two (2) months, however, it was extended to November 1, 2017 because it was found that the items to be investigated were diverse and it would take longer than usual to confirm the facts.

The Examiners conducted the following interviews and hearings with the Requesters and their representatives, Japanese and local NGOs, JICA's Operational Departments, the governmental organizations of the Mozambique in charge of the project and the related organizations, and consultants for the project, etc., in order to investigate the facts related to the Request.

[In Japan]

July 14:

JICA's Operational Departments (Rural Development Department, Africa Department, and Credit Risk Analysis and Environmental Review Department)

July 26:

Japanese NGOs

July 27:

JICA's Operational Departments (Rural Development Department and Africa Department)

[In Mozambique]

July 29:

Consultants for the Project for Establishment of Development Model at Communities' Level under Nacala Corridor Agricultural Development (PEM)

July 30:

Requesters/representatives

July 31:

Requesters/representatives, Provincial Union of Peasants (União Nacional de Camponeses (UPC) in Nampula province, and parties involved in the "No! to ProSAVANA" campaign (3 organizations)

August 1:

Provincial Directorate of Agriculture and Food Security in Nampula province, Provincial Directorate of Agriculture and Food Security in Niassa province, Radio Encontro Arquidiocese de Nampula (recommended by the representatives); parties involved in the Civil Society Coordination Mechanism for Development of Nacala Corridor (Mecanismo de Coordenação da Sociedade Civil para o Desenvolvimento do Corredor de Nacala (MCSC)) in Nampula province, and parties involved in MCSC in Niassa province

August 2:

Visit to the PEM Project site

August 3:

Ministry of Agriculture and Food Security (Ministério da Agricultura e Segurança

Alimentar e Nutricional (MASA)), National Directorate of Rural Extension, ProSAVANA-HQ in MASA, parties involved in the “No! to ProSAVANA” campaign, and the representatives

August 4:

parties involved in MCSC officials in Zambézia province, Ministry of Land, Environment and Rural Development (Ministério de Terra, Ambiente e Desenvolvimento Rural (MITADER)), World Bank Mozambique Office, consultants (MAJOL), JICA Mozambique Office

[In Japan]

August 17:

Interview with Japanese NGOs (second interview)

August 25:

Hearing from the consultants for the project

In addition to the above interviews and hearings, the Examiners received, confirmed, and reviewed responses and related materials from JICA’s Operational Departments. The Examiners also received, confirmed, and reviewed reference materials submitted in connection with interviews with Japanese NGOs. Based on the results of these investigations, the Examiners submitted the investigation report to the President of JICA on November 1, 2017. The main points of the investigation report are as shown in item 5. below.

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

The Examiners’ investigation report on the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" concluded that no evidence of non-compliance with the Guidelines was confirmed for the project.

On the other hand, the Examiners believe that the current most important issue for the project is that, although the parties concerned, including the Requesters, have shared the view that peasants should take the lead in reviewing the Master Plan, they have yet to reach a consensus on approaches to that end. Based on the differences in perceptions among the parties concerned, and their backgrounds, the Examiners made the following proposals to JICA in light of the principles of the Guidelines.

(i) Promoting efforts to fill the lack of information and transparency

- The Examiners understand that, at the end of the interview, the Requesters strongly asserted the points that “the peasants should be involved in decision making” and “consultation with the stakeholders should be conducted in the communities.” Taking full account of these points, JICA should, under the initiative of the local organizations that represent local peasants, such as UPC (União Provincial de Camponeses), continue to encourage conducting interviews properly to the peasants who are members of the communities and understanding the peasants’ needs for the development plan that aims to stabilize and improve the livelihood infrastructure of the small- scale peasants in the future.

- JICA should, in cooperation with the Mozambican government, actively disclose information obtained in the course of the project as well as the results of the analysis. Especially, with respect to the issue on land grabbing which the Requesters particularly have strong concerns, JICA should make an effort to provide more information on the mechanism to avoid land grabbing in a way that meets the needs of the local community and promote understanding at the community level.
- (ii) Promoting discussions on the project under the rules of participatory decision-making procedures
- With deep consideration of the Requesters' voice requesting a bottom-up system based on the opinions of the small-scale peasants, JICA should observe the process in which the Mozambican government deepens discussions on the project in accordance with the rules of the participatory decision-making procedures that are agreeable among the stakeholders. For such purpose, it is important to show an appeasement attitude such that the stakeholders meet directly and have a face-to-face discussion.
 - In addition, upon the request of the Mozambican government, JICA should continue to assist in promoting the discussions of the Master Plan, if necessary.
- (iii) Appropriate approach by the Mozambican government
- JICA should continue to request the Mozambican government to give careful consideration to ensure that the government's treatment is not perceived by the Requesters as being "authoritative" or "abusive of human rights".
 - Further, JICA should cooperate with the Mozambican government so that the government can proactively and properly implement the proposals shown in items (i) and (ii) above.

6. Sending the investigation report prepared by the Examiners to the parties concerned

(1) Sending English version of the investigation report

The investigation report on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" was translated into English language and sent to the Requesters by e-mail through the representatives on November 1, 2017. A hard copy thereof was sent to the representatives by international courier. The investigation report was sent to the parties related to the Mozambican government through the JICA Mozambique Office.

(2) Sending Portuguese version of the investigation report

With regard to the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique", in order to facilitate communications with local parties concerned, including the Requesters, the investigation report was translated into Portuguese

language and sent to the Requesters by e-mail through the representatives on November 30, 2017. A hard copy thereof was sent to the representatives by international courier.

7. Publication of the investigation report prepared by the Examiners

"Investigation Report on the Request concerning the Guidelines for Environmental and Social Considerations concerning the Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" was published on the JICA website (URLs below).

(1) Original Japanese text

https://www.jica.go.jp/environment/present_condition_moz01.html

(2) English translation

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_06.pdf

(3) Portuguese translation

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_06_pt.pdf

8. Opinion from the Requesters

The Examiners received a letter from the representatives of the Requesters in relation to the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" to the President of JICA dated March 22, 2018 stating that the opinion would be submitted at or after the end of April, 2018.

9. Opinion submitted by the Operational Departments

On December 1, 2017, in response to the investigation report prepared by the Examiners, the Operational Departments responsible for the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" submitted an opinion to the President of JICA, stating mainly as follows:

The Operational Departments take the Examiners' proposals seriously and intend to make an earnest effort to steadily implement proposed actions as follows:

(1) Promote efforts to fill the lack of information and transparency (stated in I.5 (1) (i) above)

With the objective to contribute to improve the livelihoods of the local residents, especially small-scale farmers, through sustainable agricultural development, we will request and encourage the Mozambican government to conduct interview properly to the farmers and understand their needs to improve their livelihoods, under the initiative of the organizations that represent the local farmers, such as UPC.

In cooperation with the Mozambican government, we will make greater efforts to deepen local farmers' understanding of what the Project is all about, through disclosing the

information and analytical findings obtained so far, including visible results stabilizing and improving the livelihood of the small-scale farmers. In particular, with respect to the countermeasures against land grabbing, we will make efforts to provide appropriate information and to gain understanding of local farmers.

(2) Promote discussions on the project under the rules of participatory decision-making procedures (stated in I.5 (1)(ii) above)

Considering the need for the opportunity to hear out where small-scale farmers are able to participate and express their needs and opinions, which is pointed out by the Examiners, we will observe the process that the Mozambican government proactively deepens discussions in accordance with the rules of the participatory decision-making procedures that are agreeable among the stakeholders. Upon the request of the Mozambican government, we will continue to assist in promoting such discussions of the Master Plan as needed.

(3) Support appropriate approach by the Mozambican government (stated in I.5 (1)(iii) above)

As the Examiners point out, it is expected to create a relationship of trust by organizing a hearing where small-scale farmers can take initiatives and freely express their opinions, we will continue to request and encourage the Mozambican government to give careful consideration to ensure that the government's treatment is not perceived as being authoritative or abusive of the human rights. We will also cooperate with the Mozambican government so that the government can proactively and properly realize what are proposed in items (1) and (2) above.

10. Instructions from JICA President

In response to the aforementioned investigation report by the Examiners on the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" as well as opinions submitted by the operational departments, the President instructed the operational departments to 'take the proposals, made by the Examiners in their investigation report, in earnest and with due considerations for the comments and situations of the stakeholders, steadily implement the actions articulated in opinion submitted in 1 December 2017'.

II. PARTICIPATION IN INTERNATIONAL CONFERENCE

Participation in the annual general meeting of the Independent Accountability Mechanisms Network

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 part of internal controls and audits at international financial institutions and development assistance agencies. Since 2016, JICA has

been participating in the annual general meeting of IAMnet as an observer.

In Fiscal Year 2017, the annual general meeting of IAMnet was held in Thessaloniki, Greece, from August 28 to 30 under the auspices of the Black Sea Trade and Development Bank, in which the Examiner, Kazuo Matsushita, participated. At the meeting, the parties concerned for objection procedures for international financial institutions and development assistance agencies, etc., shared information and discussed issues. In addition, public sessions were held with NGOs and CSOs.

III. 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.

2. Secretariat for the Examiners

In order to process works in relation to the Examiners, a Secretariat was organized in accordance with the Objection Procedures. For Fiscal Year 2017, eight (8) personnel worked for the Secretariat for the Examiners.

End of Document

【Reference】

1. Request

(1) Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Original Portuguese text)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/objection_original_170517.pdf

(2) Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (English translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_01.pdf

(3) Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (List of Errata of the English translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_04.pdf

(4) Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Japanese translation)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/objection_170517.pdf

(5) Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (List of Errata of the Japanese translation)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/eratta_171101.pdf

2. Notice to Commence the Procedures

(1) Review results for Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique": Notice to Commence the Objection Procedures (Original Japanese text)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/result_170517.pdf

(2) Review results for Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique": Notice to Commence the Objection Procedures (English translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_02.pdf

3. Report

(1) Investigation Report on the Request based on the Guidelines for Environmental and Social Considerations concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Original Japanese text)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/report_171101.pdf

(2) Investigation Report on the Request based on the Guidelines for Environmental and Social Considerations concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Portuguese translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_06_pt.pdf

(3) Investigation Report on the Request based on the Guidelines for Environmental and Social Considerations concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (English translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_06.pdf

4. Opinion

(1) Opinion from the Operational Departments in response to the Report by the Examiners on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Original Japanese text)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/report_171101.pdf

(2) Opinion from the Operational Departments in response to the Report by the Examiners on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (Portuguese translation)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/opinion_171201_01_po.pdf

(3) Opinion from the Operational Departments in response to the Report by the Examiners on the Request concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" (English translation)

https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_07.pdf

5. Instructions from the President of JICA to the Operational Departments

Instructions based on the "Investigation Report on the Request based on the Guidelines for Environmental and Social Considerations concerning the "Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique"(Original Japanese text)

https://www.jica.go.jp/environment/ku57pq0000205x3b-att/direction_180302.pdf