

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

Fiscal Year 2020

The Examiners for the JICA Guidelines  
for Environmental and Social Considerations

Japan International Cooperation Agency  
(JICA)

## Objection System

To ensure compliance with the “Guidelines for Environmental and Social Considerations” published in April 2010 (hereinafter referred to as the “Guidelines”) of Japan International Cooperation Agency (JICA), JICA has appointed external examiners for the Guidelines (hereinafter referred to as the “Examiners”), who are 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 and social considerations 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 facilitate consensual dialogues between the parties concerned for the prompt resolution of disputes on specific environmental and/or social issues that arose from JICA’s non-compliance with the Guidelines. The parties concerned refer to the parties that have submitted objections (hereinafter referred to as the “Requesters”) and “Project Proponents etc.” which include host country governments (including local governments) involved with the project, borrowers, and project proponents.

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

For the details of the procedures for submitting a request to raise objections (hereinafter referred to as the “Request”), please refer to the “Objection Procedures Based on the Guidelines for Environmental and Social Considerations” (proclaimed in April 2010) (hereinafter referred to as the “Objection Procedures”), posted on the following website :  
[https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/c8h0vm0000013oi1-att/objection.pdf](https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000013oi1-att/objection.pdf)

## Annual Report of the Examiners

This annual report has been prepared to publicize the activities provided by the Examiners for Fiscal Year 2020, 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 2020, no Requests have been made.

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

June, 2021

### Examiners for the Guidelines

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(Listed in the order of the Japanese syllabary)

## I. OUTLINE OF ACTIVITIES DURING THIS FISCAL YEAR

### 1. Number of the Requests received

For Fiscal Year 2020, no Requests have been received by the Examiners.

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

There were no cases with respect to which the procedures were determined to be commenced, being suspended or rejected for Fiscal Year 2020.

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

N/A

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

There were no investigation reports prepared by the Examiners for Fiscal Year 2020.

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

N/A

### 6. Opinion from the Requesters

N/A

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

In accordance with the first sentence of Paragraph 2 of Article 13 of the Objection Procedures, the status of implementation of the instructions made by the President based on the proposals in the investigation reports prepared by the Examiners are reported to the President in the Annual Report. In Fiscal Year 2020, the relevant operational departments informed to the Examiners early in March 2021, and the Examiners confirmed the status of implementation of the instructions made by the President for the following two projects.

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

With regard to this project, we made proposals in the Investigation Report prepared in Fiscal Year 2014<sup>1</sup>, and subsequently reported to the JICA President in the Examiners' annual reports

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

in the succeeding years on the status of the implementation of the instructions made by the JICA President based on these proposals <sup>2</sup>. In Fiscal Year 2020, we were informed by the operational department of the actions taken by the project in Zone A (initially called as the Class A Area) that was the subject of the investigation and review under the Objection Procedures based upon information before the coup took place on February 1, 2021, as summarized in ① and ② below. We were also informed about the status after we confirmed in the Annual Report prepared by the Examiners for Fiscal Year 2019 of the incident that occurred in Zone B, which was the subject area of the next phase of the project as summarized in ③ below.

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① Dialogues with Project Affected Persons (hereinafter referred to as the “PAPs”) and the Myanmar Government, etc.

The Thilawa Community Coordination Meeting, which is a forum for dialogues between resident representatives and the Thilawa SEZ Management Committee (TSMC) and its developers, has not been held after January, 2020 due to spread of COVID-19 infections. The developers are making efforts to promote employment of the relocated persons, which was the resident representatives' request at the meeting held in January, 2020, and 79 relocated persons in total had been employed in the SEZ until January 2021, of which 19 were relocated persons in Zone A and 60 were those in Zone B. The Thilawa Complaint Management Mechanism continues to be utilized. In 2020 (January to December), 7 complaints were received, of which 5 complaints were resolved and the remaining 2 complaints were under investigation or mediation.

② Delay in Use of Common Land by PAPs

The PAPs in Zone A are not able to use three acres of common land<sup>3</sup> maintained for the persons who relocated along with the development of Zone A, because there were other people claiming ownership thereof. JICA made requests to the Myanmar government to resolve this issue, to provide information of the current status of such common land, and to explain achievements of measures taken by the Myanmar government such as information sessions, etc. held by the Myanmar government. However, the coup by the Myanmar national military took place on February 1, 2021, and movements in Myanmar become unclear.

③ Use of Lessons Learnt in the Next Phase

In the process of acquiring lands in Zone B (2-2 West), the Myanmar government continued to make efforts for more than one year after September 2019; (i) to hold official negotiations for relocation compensation several times with households that did not consent to the

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

<sup>3</sup>Report by the Operational Department with respect to the status of the implementation of the instructions issued by the President (1) 1" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2016)" ([https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/c8h0vm0000013oi1-att/report2016.pdf](https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000013oi1-att/report2016.pdf))

relocation, where third party witnesses were present; (ii) to have dialogues through workshops for restoring the livelihoods of the PAPs by appointing Tamil moderators, because such non-consent households are Tamil by origin; and (iii) to make explanations, etc. to such non-consent households, with having local NGOs involved therein. In January 2021, the Myanmar government issued notice that requested 4 non-consent households to evacuate from lands in Zone B, but after issuance of such notice, the Myanmar government continued to have dialogues with 4 non-consent households, and to make efforts to enter into mutual agreement with respect to the relocation before taking enforcement measures for evacuation.

. . . . .

Based upon the foregoing reports, before the coup took place, we acknowledged certain achievements of restoration and improvement of livelihoods of the relocated residents by employment promotion, etc., and the Thilawa Complaint Management Mechanism tended to be utilized. In the process of acquiring lands in Zone B, whereby the Myanmar government has not been able to obtain consent to the relocation from some residents located therein as summarized in ③ above, we also acknowledged that the Myanmar government continued to make efforts for dialogues, by using the lessons learnt from the investigation and review under the Objection Procedures for Zone A. However, the business environments surrounding the project has drastically changed due to the coup by the Myanmar national military on February 1, and it is desirable to consider carefully how to deal with these issues in the future.

(2) Status of the Implementation of Instructions made by the JICA President in respect to the “Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique”

With regard to the proposals made by the Examiners in the Investigation Report<sup>4</sup> in Fiscal Year 2017, based on the instructions made by the JICA President taking these proposals into consideration, the operational departments have been required to facilitate ① the promotion of the efforts to make up for the lack of information and transparency, ② facilitation of discussions based on participatory decision-making rules, and ③ appropriate efforts by the Mozambican Government, with due consideration not to infringe human rights. The Examiners have subsequently reported to the JICA President in the Examiners’ annual reports in the succeeding years on the status of the implementation of the instructions made by the JICA President based on these proposals<sup>5</sup>. In Fiscal Year 2020, the following matters were reported by the operational departments:

. . . . .

<sup>4</sup> "CHAPTER 4: CURRENT STATUS PERTAINING TO THE ENCOURAGEMENT OF DIALOGUES AND PROPOSALS BY THE EXAMINERS " of "Investigation Report: The Support for Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique"  
[https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/c8h0vm0000b81di4-att/mozambique\\_01\\_06.pdf](https://www.jica.go.jp/english/our_work/social_environmental/objection/c8h0vm0000b81di4-att/mozambique_01_06.pdf)

<sup>5</sup> "7. Confirmation of Status of the Implementation of Instructions made by the President" of "I. OUTLINE OF THE ACTIVITIES FOR THE FISCAL YEAR 2018" of "Annual Report of the Examiners for the JICA Guidelines for Environmental and Social Considerations (FY 2018)  
[https://www.jica.go.jp/english/our\\_work/social\\_environmental/objection/index.html](https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html)

(Major Developments in Fiscal Year 2020: Completion of Project)

The "Support for the Agricultural Development Master Plan for Nacala Corridor in the Republic of Mozambique" was completed following upon the end of "The Project for establishment of development model at communities' level under Nacala corridor agricultural development" in May 2020, which was conducted as a part of the ProSAVANA Project. The meeting between Mr. KIMURA, Hajime, the Japanese Ambassador in Mozambique, and Mr. Filepe Jacinto Nyusi, the President of Mozambique, was held on July 16, 2020, and both of the countries confirmed and announced the completion of the project.

① Promotion of Efforts to Make up for Lack of Information and Transparency

With respect to Maputo City Administrative Court's order<sup>6</sup> to the Ministry of Agriculture and Rural Development for the disclosure of information, reported in September 2018, during the continued approaches, the Ministry of Agriculture and Rural Development held a meeting with the Administrative Court and the Mozambique Bar Association as the plaintiff in May 2020, for explanation of status of reaction to the aforementioned order and provision of materials, etc. The Ministry of Agriculture and Rural Development has not received further requests from the Administrative Court and the Mozambique Bar Association.

② Facilitation of Discussions Based on Participatory Decision-making Rules

After discussions were made on how to proceed with public hearings regarding the Master Plan at the meeting held in April 2019, due to the presidential election held in October 2019, and continuation of difficult situations such as spread of COVID-19 infections from March 2020, the project has been completed in May 2020 without realizing dialogues with farmers.

③ Appropriate Dealings by the Mozambican Government

In the aforementioned meeting held in July 2020 between the Japanese Ambassador in Mozambique and the President of Mozambique, the President stated that the Mozambican government continued to implement sustainable agricultural development by considering human rights of small-sized farmers and confirmed the stance of Mozambican government to conduct appropriate agricultural development in the future.

(Prospects in the Future)

In accordance with JICA's rules and the Record of Discussions exchanged with the Mozambican government, JICA plans to conduct the project evaluations within 3 years after the completion of the project, in principle.

. . . . .

Based upon the foregoing reports, we acknowledged that JICA has made continuous approaches to encourage the Mozambican government to make efforts to improve information transparency (①), and to facilitate discussions based on the rules of participatory decision-

<sup>6</sup> Maputo City Administrative Court ordered the Ministry of Agriculture and Rural Development to make public information regarding lands, safe and security of food, and nutrition, etc., of communities affected by the ProSAVANA Project within 10 days from the order.

making procedures (②). We acknowledged that, even though public hearings were not held as planned due to various circumstances, certain achievements were made, such as improvement of information disclosure by the Mozambican government and statement of consideration for human rights related to this project mentioned by the President of Mozambique.

## II. COLLABORATION AND COOPERATION WITH OTHER INSTITUTIONS: IAM NET

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, the Examiners and the Secretariat of the Examiners of JICA participated in the annual general meetings of IAMnet as observers, and from June 2019, became an official member of IAMnet.

In Fiscal Year 2020, the annual general meeting of IAMnet was organized via online system from September 23 through 25, 2021 by the Independent Consultation and Investigation Mechanism (MICI<sup>7</sup>) of the Inter-American Development Bank, and Mr. MATSUSHITA, Kazuo and Ms. KANEKO, Yuka, Examiners of JICA, participated therein. On September 23 and 24, discussions were made with respect to information sharing among IAMs of the member institutions and influence of, and countermeasures for, the spread of COVID-19 infections. On September 25, round-table conference between IAMnet and civil society was held.

## 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 of the Examiner

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

End of Document

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<sup>7</sup> MICI: Mecanismo Independiente de Consulta e Investigación