

Petition
Objection based on the Guidelines for
Environmental and Social Considerations

Mozambique, April 10, 2017

To:

**Examiners of the Guidelines of the Japan International Cooperation Agency
(JICA)**

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Petitioner names:



The above-listed persons present this objection as representatives of the peasant communities affected by the ProSAVANA program.

Before delving into details, we would like to clarify who we are and what type of relationship we have had with JICA's project (ProSAVANA-PD) since October 2012 until the present:

We, the peasants of Mozambique, fought for liberation and gained independence in 1975. We have enjoyed sovereignty under our hard-won constitution¹. Based on the rights set forth in the

¹ [http://confinder.richmond.edu/admin/docs/Constitution_\(in_force_21_01_05\)\(English\)-Mozlegal.pdf](http://confinder.richmond.edu/admin/docs/Constitution_(in_force_21_01_05)(English)-Mozlegal.pdf)

Constitution and our historical tradition of "associativism," we established our union and are committed to supporting each other; collectively protecting rights; making proposals for policies that are beneficial to our people, thus contributing to the promotion of national and food sovereignty; building a just, peaceful and better society for all; and building national unity as a non-partisan organization.

- Since we have seen that other petitioners have used this procedure, ensured by the Guidelines for the support of national/local and Japanese civil society organizations, with the aim of preparing for and organizing themselves to present objections², we have done the same.
 - We have sought the assistance of Mozambican and Japanese partners to organize important information for our petition.
 - In order for the independent examiners to understand our voices expressed in the statements, we asked the Japanese partners to organize footnotes with references and links written in Japanese.
 - Finally, we would like to inform you that JICA has received all of the statements and documents related to ProSAVANA listed in the text and in the footnotes.
- A. In April 2012, we, the peasants of the affected region, heard about ProSAVANA: "the success of Brazil-Cerrado (PRODECER) to be repeated in the African Savannah in the North of Mozambique," "Japanese and Brazilian agribusiness in Northern Mozambique,"³ "large-scale production of soybeans for export", "large area of uncultivated land (African savannah) available along the Nacala Corridor "and "Nacala Fund"⁴. We sought additional information, but were unable to obtain it. Even our governmental officials did not know much about the program and had no information.
- B. In August and October 2012, we, the peasants of the affected region, gathered in Nampula for several days in order to analyze and discuss the information collected by our national colleagues regarding the project (ProSAVANA-PD). Before the gathering, our colleagues in Maputo carried out a review of the literature on the *Internet* and through interviews with the representatives of three countries, including JICA (August 2012).

² <https://www.jica.go.jp/environment/objection.html>

³ https://www.jica.go.jp/topics/news/2012/20120514_02.html

<https://www.jica.go.jp/brazil/office/information/news/2012/120515.html>

⁴ The rest of the information and original references are listed in the following paper.

Based on the information collected in these efforts, we produced our first protest against ProSAVANA, "**Pronouncement**," on October 11, 2012⁵.

- In the Pronouncement, we stated the following points: (i) lack of transparency, accountability and compliance with FPIC principles; (ii) our objection to the concept of bringing "the success of Cerrado-Brazil to the North of Mozambique"; (iii) and our immense concern regarding the consequences of the program, that is, land grabbing and chemical contamination, among others.
- C. **In February 2013**, we, the peasants of the affected region, sent our representatives to Japan to directly raise our concerns regarding the program, and delivered the "Pronouncement" to JICA representatives at the MOFA (Japanese Ministry of Foreign Affairs)⁶. The JICA and MOFA's explanation was that there could be large-scale cultivation, and that the possibility of relocating the local peasants within the context of the program is "zero."
- D. **In April 2013**, the "model version of the Master Plan (Report of Master Plan No. 2 [later modified to No. 3]" was presented, and we learned that ProSAVANA was planning the "involuntary displacement of local residents" and establishing "land banks" through Rapid Impact Projects and Pilot Projects (planned under ProSAVANA-PD). National and international NGOs issued **an urgent statement, "The Leak confirms the worst"** for us⁷.
- E. **In May 2013**, we, the peasants of the affected region, gathered again in Nampula and produced an "**Open Letter to urgently halt and reflect on the ProSAVANA program**" addressed to heads of state from three countries (Japan, Brazil and Mozambique)⁸. Our representative met with JICA and repeated the request of the Open Letter.
- F. **In April 2014**, we, the peasants of the affected region, met with rural people from other regions of the country and produced the "**Declaration of Nampula**," expressing all of the abuses and violations of human rights that occurred under ProSAVANA, and which our Objection to the program manifests⁹.
- G. **In June 2014**, we, the peasants of the affected region, set up the "**Não ao ProSAVANA**" [No to ProSAVANA] Campaign, together with other civil society organizations. Once again, we manifested our concerns and raised our voice in the form of a

⁵ Our Japanese colleagues translated the document into Japanese: [REDACTED]

⁶ This was broadcast on the following television program. [REDACTED]

⁸ In Japanese. [REDACTED]

"declaration"¹⁰.

- H. In April-May 2015, we were told, suddenly, that there would be a "public hearing" regarding a Master Plan of 204 pages in all of the affected districts. Although sudden, we managed to organize ourselves to cover all of the meetings together with other partner organizations.
- I. In June 2015, we, the peasants of the affected region, participated in the national public consultation in Maputo, protested and filed a "**Request for Invalidation of Public Consultation**" together with those who participated in the public consultation meetings¹¹.
- J. In July 2015, representatives of ours, peasants of the affected region, visited Japan to express our indignation and delivered our declaration requesting the "**Invalidation of Public Consultation**" directly to JICA and MOFA¹².
- K. In January and February 2016, we, the peasants of the affected region, together with our sisters and brothers from other civil society organizations, issued a **series of declarations opposing the involvement of civil society organizations in the legitimation of the ProSAVANA program** and the process of establishing the "single mechanism of civil society dialogue " (later known as MCSC) created under JICA's contract with MAJOL¹³.
- L. From August and November 2016, we learned of the existence of primary documents clearly indicating JICA interventions in Mozambican civil society, under the subprojects of ProSAVANA-PD. Thus, together with the civil society organizations of Mozambique, Brazil, Japan and the world, we have published the "**Joint Protest against ProSAVANA**"¹⁴.
- M. From October to November 2016, we discovered another JICA intervention in our society, and in response, we presented an "**Urgent Statement of the Review Process of the Master Plan**"¹⁵.

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statements by Japanese NGOs:

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The written details regarding the following two

- N. In November 2016, our representatives visited Japan to share our voice with the Japanese public. We presented our declarations previously stated in August and November to JICA and MOFA representatives during the public meeting organized by Japanese NGOs.
- O. We found that JICA has purposely invited the Permanent Secretary and the former Vice-Minister of Agriculture of Mozambique (MASA) to Japan in order to participate in the meeting and to counter-argue the positions of our representatives. Japanese NGOs issued two statements of "Protest and Urgent Request on JICA's suppression attempt"¹⁶.

We wish for our names to be kept confidential to all Project Proponents, including from other Mozambican civic organizations. Violation of this confidentiality (including the dissemination of rumors) will be considered another violation of human rights by JICA.

The petitioners intend to make use of the following agents:

Agent name:

Agent contact information:

Address:

TEL:

E-mail:

Agent name:

Agent contact information:

Address:

TEL:

FAX:

E-mail:

¹⁶ [REDACTED]

I. Project for which the objections are presented

Country name: Mozambique

Project name: ProSAVANA-PD (Master Plan Support Project) and its sub-projects that hire Mozambican consulting firms and NGOs: "Definition of the ProSAVANA Communication Strategy"; "Implementation of the ProSAVANA Communication Strategy"; "Stakeholder Engagement"; and "Review of Master Plan" projects.

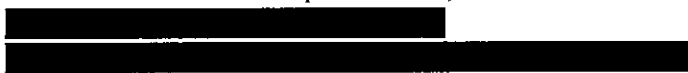
Project location: The region along the Nacala Corridor (Provinces of Nampula, Niassa and Zambézia)

Project outline: **ProSAVANA-PD: Support Project for the Formulation of the Master Plan for Agricultural Development in the Nacala Corridor under ProSAVANA-JBM**

- 1) **"Public hearing"**: for the zero draft of the Master Plan for Agricultural Development in the Nacala Corridor at district and national level (April - June 2015);
- 2) **4 Sub-projects under ProSAVANA-PD:**
 - a) **"Communication Strategy Definition for ProSAVANA "** Project: is the second contract between JICA and a Mozambican consulting firm, CV&A, as of August 1, 2013, for 3 months (value of Contract: approx. 2,800,000 yen).
 - b) **"Implementation of Communication Strategy for ProSAVANA"** Project : is the third contract between JICA and CV&A as of June 20, 2014, for 3 months (approx. 2,647,000 yen).
 - c) **"Stakeholder Engagement"** Project: The contract was delivered to a Mozambican consulting firm, MAJOL, as of November 3, 2015, for 4.5 months (approx. 5,300,000 yen).
 - d) **"Revision of Master Plan"** : contract awarded to a Mozambican NGO based in Nampula, SOLIDARIEDADE MOÇAMBIQUE, as of October 14, for 6 months (approx. 22,000,000 yen).

*The information regarding the contracts of these sub-projects was shared to us by Japanese civil society¹⁷.

¹⁷ In accordance with the Japanese NGOs, all documents related to this account are at the following sites-



II. Substantial damages actually incurred or likely to be incurred due to the Guidelines:

The following damages were actually caused by the noncompliance of JICA Guidelines. We believe that these damages violate not only the Guidelines but also our Constitution, the United Nations Charter, the World Declaration of Human Rights and the International Covenant on Civil and Political Rights.

1) Abuse of human rights that occurred under ProSAVANA-PD:

- a) **Direct damages:** physical and emotional damages caused by persecution, intimidation, blackmail, threat and repression by local government authorities¹⁸ and for intervening in the civil society to which we belong, being labeled "radicals," pursuing obscure and agendas, isolated from other partners.
- b) **Violation of the right to freedom of expression (including right to information):** violation of constitutional rights, Article 19 of the International Covenant on Civil and Political Rights, World Declaration of Human Rights, among others.

Article 19 of the International Covenant of Civil and Political Rights

- i. *Everyone has the right to opinions without interference.*
- ii. *Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and transmit information and ideas of whatever nature, regardless of frontiers, either orally or in writing, in the form of art or by any other medium of their choice.*

2) Individual, organizational and social damages caused by the direct and indirect intervention of JICA in our organizations and local civil society, using its funds and consultants in the sub-projects (while Mozambique is in a situation of conflict). That is, the following four constitutional values and principles are affected by the JICA projects:

- a) Threat and damage to individual, organizational and social harmony;
- b) Damage to a pluralist and tolerant society with a culture of peace;
- c) Damage to the Mozambican identity (national unity, associativism, solidarity, collective wisdom), to its traditions and other social and cultural values;
- d) Damage caused to democratic governance and decision-making

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(see pages 3,4,6-10)

Constitution of the Republic of Mozambique

[Preamble]

- *Knowing the old desires of our people, the armed struggle for national liberation, whose goal was to liberate land and man, brought together all the patriotic sectors of Mozambican society in the same ideals of freedom, unity, justice and progress.*
- *When national independence was won on the 25th of June 1975, the Mozambican people were given back their fundamental rights and freedoms.*
- *The Constitution of 1990 introduced the democratic rule of law, based on the separation and interdependence of powers and on pluralism.*
- *It laid down the structural parameters for modernization, making a decisive contribution to the beginning of a democratic climate that led the country to its first multiparty elections.*

[Article 2 (Sovereignty and Legality)]

- *Sovereignty is vested in the people.*
- *The Mozambican people shall exercise their sovereignty in the manner provided for in the Constitution.*
- *The State is subordinate to the Constitution and is founded on legality.*

[Article 3 (Democratic Rule of Law)]

- *The Republic of Mozambique is a State governed by the rule of law,*
- *based on pluralism of expression and democratic political organization and on the respect for and guarantee of fundamental human rights and freedoms.*

[Article 11 (Fundamental Objectives)]

The fundamental objectives of the Republic of Mozambique shall be:

- *The strengthening of democracy, freedom, social stability and social and individual harmony;*
- *The promotion of a society of pluralism, tolerance and a culture of peace;*
- *The affirmation of the Mozambican identity, of its traditions and other social and cultural values;*
- *the establishment and development of relations of friendship and cooperation with other peoples and States.*

The consequences of repeated intervention in society through the three previous sub-projects and the continuing impact caused by JICA's contract with a local NGO based in Nampula in the context of the "Review of the Master Plan,"¹⁹ the individual, organizational and social damages above are likely to be further deepened.

¹⁹ [REDACTED]

3) Petitioners as a result of JICA's noncompliance with the relevant provisions of the Guidelines violated by JICA, and acts that constitute JICA's noncompliance, as alleged by the Petitioners:

The damages caused by the above, in the Introduction, points 1 and 2 are, in our opinion, contrary to the principles, objectives and instructions of the Guidelines. Based on our research of the Guidelines and consultations with our partners, the abovementioned aspects in point 2 do not comply with the following points of the Guidelines:

*Numbering was obtained from the Guidelines.

[JICA Guidelines]

- 1.1. Principles
- 1.2. Objective
- 1.4. Basic Principles and Environmental and Social Considerations
- 1.5 JICA's Responsibility 1.9 Disclosure
- 2. Process of Environmental and Social Considerations
 - 2.1. Disclosure of Information
 - 2.4 Consultation with Local Stakeholders
 - 2.5 Concern with Social Environment and Human Rights
 - 2.6 Laws, Regulations and Reference Standards
 - 2.8 JICA Decision-making
 - 2.9 Guarantee the Implementation and Compliance of the Guidelines

Annex 1. Environmental and Social Considerations Necessary for Intended Projects

1. Lack of accountability, concealment of information (also human rights violations—rights to information) and obstruction of meaningful participation of stakeholders, especially the residents of the region: 1.1; 1.4; 2.1; 2.5; 2.6.

Although the details are presented in our introduction and in Section 4, we would like to highlight here some of the facts that constitute JICA's noncompliance:

- a) Denial, dissimulation and distortion of facts and information related to the ProSAVANA program, especially with ProSAVANA-PD (master plan)²⁰;
- b) The lack of an explanation of what happened to the original plans and actors that were the main focus of the program²¹ and why they changed (instead, they accused civil society of being "liars"²²);
- c) The total concealment of the plan, establishment, contracts, payments and implementation of three JICA sub-projects (in particular, two of the "Communication Strategy" projects and the "Stakeholder Engagement" projects), despite their strong impact on residents, communities and civil society of the region affected by the program;
- d) The unequal dissemination of information to those who are in favor of the program under the "Stakeholder Engagement" project, which is being further promoted by contracting the civil society wing in favor of the program under JICA's "Review of the Master Plan" project;
- e) The denial and abandonment of translation, availability or explanation of the Guidelines, including this objection procedure and the availability of "Option Zero".

2. Violation of Human Rights: 1.1; 1.4; 2.1; 2.5; 2.6.

a) Direct Damages:

Although the details are presented in our introduction and in point 4, we would like to highlight some causes of these damages here:

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²¹ http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shirvou_6.pdf
http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shirvou_7.pdf

²²

- i. Intimidation before "public consultation"²³;
- ii. Suppression during the "public consultation"²⁴;
- iii. Persecution, intimidation, blackmail, threats, oppression against those who have expressed their objection or raised questions about the ProSAVANA program²⁵;
- iv. Division, insult and marginalization after the direct meddling promoted by the "Communication Strategy," "Stakeholder Engagement"²⁶ and "Review of the Master Plan" projects.

b) Violation of the right to freedom of expression:

Although the details are set out in our introduction and in Section 4, we would like to highlight here some of the facts that constitute JICA's failure to comply:

- i. *See above (i)*, what occurred before/during/after the "public consultation" (including direction of the process marked by its oppressive, impartial [sic] and intimidating manner; presence of armed police; obstructing participation in public consultations; and post-event harassment);
- ii. Planning, establishing, implementing and instructing the "Communication Strategy" projects, whose objectives and suggestions are "to intervene in each stakeholder (associations, peasant organizations, NGOs, communities)," "undervalue demands" and "undermine" local organizations expressing their voices and demands²⁷;
- iii. "Disconnect" our relations with the Mozambican press through the "Communication Strategy" (see above);
- iv. To secretly investigate internal and external differences, the "positions" towards ProSAVANA, the "interests" in ProSAVANA, the "influential power" over other organizations and the communities among civil society organizations, including us, labeled as "radicals" and isolated from the preparatory process for the establishment of a dialogue mechanism as part of the "Stakeholders' Intervention" subproject²⁸;
- v. Planning and inviting the Permanent Secretary and the former Deputy Minister

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of MASA (Agriculture Ministry) and the Mozambican Ambassador to Japan to the public meeting held in Tokyo and organized by Japanese partners to intimidate us²⁹.

3. Social damages, through direct meddling into local civil society: 1.1; 1.4; 2.4; 2.5; 2.6; 2.8.

The following actions taken, promoted, collusive and not prevented under ProSAVANA-PD, especially during the implementation of the subprojects, threatened and damaged the referred constitutional value and the principles we have observed and committed to. As the details will be described chronologically in Section 4, some important actions undertaken by JICA that caused the damages mentioned above, will be defined here, namely:

- a) Planning, establishing, paying, implementing and instructing the "Communication Strategy" and its three consultants (CV&A) to drive us away from the communities and other peasants (see (1) (b));
- b) Actively promoting the division of our unions using ProSAVANA-PEM and arranging to include one of our colleagues from the government delegation to Japan shortly after our visit to Japan in July 2015 (see 4.);
- c) Supporting and financing, without any oversight, that enabled the politicized public consultation at the district level, where armed and uniformed police were involved and government officials and leading members of the ruling party (FRELIMO) were dominant³⁰;
- d) Planning, establishing, paying, implementing and instructing the "Stakeholders' Engagement" project and MAJOL to meddle and promote conflicts amid civil society that we make up, peasants and other civil society organizations who have worked in close collaboration, laying out the following methodology for the project:
 - *"Identification of potential conflicts or conflicts of interest ... particular groups or between the groups themselves";*
 - *"Identify and characterize relationships among stakeholders that may promote or prevent the development of alliances and consensus, or alternative conflict" (Inception Report, p.18)³¹.*

²⁹ [REDACTED]

³⁰ [REDACTED]

³¹ The Initial Report was not voluntarily disclosed by JICA, but by a request grounded on the Information Act of Japan. [REDACTED]

- e) Giving the following instructions and agreeing with the methodology of "identifying key groups and individuals who need to be the subject of targeted commitments" (ibid.):
- *(Invite organizations) "that demonstrate a readiness to conduct a dialogue about ProSAVANA" (ToR, p. 2)³²;*
 - *The "Potential stakeholders" were "defined through an initial consultation with JICA and government authorities ..." (Mapping Report, p. 14)³³;*
- [e.x.]
- *"As a funder and opinion leader, XX (international NGO) is extremely influential. XX funds other NGOs (*our union was included). It has been involved in the campaign against ProSAVANA since 2009 ... high interest, strong influence. One of the most strategic partners. It needs to be cultivated ..." (Mapping Report, p.20)³⁴.*
 - *"Solidarity Nampula (Mr. [REDACTED] [REDACTED] [REDACTED]: it is not against ProSAVANA ... strong influence because of the great adherence (of the platform) with moderate interest, but only with changes" (Inception Report, Draft, 23)³⁵;*
- f) Promoting through its consultants the classification and division of Mozambican peasant organizations and civil society, despite our complaints about the MAJOL inquiry and about the process itself not having been transparent, as well as not wanting to be co-opted:
- Red: No to ProSAVANA, unwilling to start a dialogue
 - Purple: Will start a dialogue if certain conditions are met
 - Yellow: no clear institutional position taken on ProSAVANA
 - Green: Supportive of ProSAVANA (Mapping Report, p. 32).
- g) Classification as one of the "red organizations" implies exclusion from the process, and isolation from other organizations and peers, as per the following observation made by MAJOL, and as it in fact happened:
- *"(Red organizations) may be considered as a minority, small enough to be essentially disregarded in terms of negotiations" (Mapping Report, p. 33);*

³² [REDACTED]

³³ [REDACTED]

³⁴ The result of the survey conducted by MAJOL on the basis of the Inception Report agreed by JICA was denied disclosure even by the Information Act but was made available through revelations at the following website:

³⁵ [REDACTED]

- h) Meddling in the Nampula Provincial Platform and [REDACTED] as the "target" (see above) despite JICA and its MAJOL consultants knowing that the Provincial Peasants' Unions belong to the platform;
- i) Instructing and funding MAJOL for it to continue meddling in civil society toward the establishment of "one (single) platform for dialogue mechanism"³⁶, and to promote the isolation and marginalization of organizations that continue to question the program and process³⁷;
- j) Allowing MAJOL to engage in the following insults, intimidation and lies during the "individual consultations" and the "Nampula Workshop" in order to "gain civil society's adherence" (Inception Report, p. 5³⁸):
- *"JICA said it would stop ProSAVANA and go elsewhere if it was impossible to work with civil society ..."* (November 2015 individual consultation)³⁹;
 - *"Saying 'No to ProSAVANA' means losing 9,325,000,000 meticaís (130,414,228 U.S. dollars). The Japanese parliament is discussing this matter, and if you do not agree with moving ProSAVANA forward now, all that funding will disappear. Are you all right with that?"*;
 - *"Civil society must take advantage of this money and opportunity. If it loses this opportunity now, it will be lost forever. JICA has money. So, let us advance ProSAVANA."* (Nampula workshop, January 11, 2016⁴⁰)
- k) Allowing and promoting MAJOL's meddling and reporting on our union to JICA in order to bend our will, which is clearly described in its final report:
- *"The fact that the president and provincial representative of the UNAC did not participate in the final meeting should not be seen as a setback ..."*
 - *"The fact that there was no UNAC attendance, but also no public reaction to the meeting, shows that the UNAC position is in flux, and this creates an opportunity, with proper engagement, to bring them fully in to the negotiation process";*
 - *"UNAC was subject to intensive lobbying from a visiting Japanese delegation during the time of this meeting"* (Final Report, p.20)⁴¹.

³⁶ ToR and Agreement. [REDACTED]

³⁷ [REDACTED]

³⁸ [REDACTED]

³⁹ The details of this account are on page 91 of the following analysis document. [REDACTED]

⁴⁰ See pp. 99-100. [REDACTED]

⁴¹ [REDACTED]

- l) Planning and following up on the consultants' suggestion to de-empower us, by bringing politicians to represent peasants and residents as members of civil society and for "dialogue":
- *"The tactic of the Nampula civil society organizations to invite Provincial and National Parliamentarians to the February seminar goes some way towards responding to this argument (UNAC's legitimacy);*
 - *"After all, who is better positioned to represent farmers than their own elected representatives?" (Final Report, p. 20).*
- m) Promoting hostility and division amid civil society in our region, supporting the aforementioned "tactics" and materializing this proposal.
- n) Legitimizing and further promoting hostility against us by individuals and organizations divided to align with ProSAVANA and JICA through "Involvement." These would form the "Mechanism of Civil Society for the Development of the Nacala Corridor (MCSC-CN)". Such circumstance is recorded in the minutes of the undisclosed meeting between these individuals, JICA and MASA at JICA Mozambique:
- *"We have already carried out 'sensitization missions' toward other NGOs and the supporters of the 'No to ProSAVANA Campaign' to (promote) align with the vision of the 'mechanism' in Maputo and at the provincial level"⁴²;*
- o) Financially supporting further attempts at division, more "sensitization missions" at the local level where the peasants live, following the request of [REDACTED]:
- *In order to visualize the participation in the mechanism at the local level, [REDACTED] requested authorization for the network (from the Nampula Platform) to proceed with the "mapping" (in Nampula districts)" (ibid.).*
- p) The granting of a consulting contract to an NGO based in Nampula, to SOLIDARIEDADE MOÇAMBIQUE, whose executive director is the MCSC-NC coordinator who has actively participated in the aforementioned unilateral divisive activities, for the revision of the Master Plan in relation to the consultants' needing to have a higher degree of impartiality and transparency (as emphasized by JICA's compliance policy)⁴³;
- q) Organizing and financing the Mozambican press' reporting that promotes the divisive discourse on "Three Liberated Provinces of Maputo," knowing that we, the peasants of the North, are also opposing the program and the process⁴⁴.

⁴² April 12, 2016. [REDACTED]

⁴³ [REDACTED]

⁴⁴ [REDACTED]

4. Failure to take responsibility for making the Guidelines effective: 1.1; 1.2; 1.4; 1.5; 1.9; 2.1; 2.8; 2.9.

The facts that demonstrate non-compliance with the Guidelines are as follows:

- a) Failure to understand the Guidelines by the JICA team that dealt with ProSAVANA, which insisted that the Guidelines be implemented as soon as the Master Plan was finalized and the projects for implementation were determined⁴⁵;
- b) No explanation and no effort made to the counterparts of JICA, Mozambican government officials of the Ministry of Agriculture including the Coordinator of ProSAVANA ([REDACTED]), to learn of the existence of these guidelines and to understand them;
 - *The ProSAVANA Coordinator denied knowing of the existence of the Guidelines and instead insisted, in the meeting with the Japanese NGOs, that the Mozambican government has its own law on September 1, 2015;*
 - *Faced with this situation, JICA's staff excused the situation by saying "let's explain the Guidelines later"⁴⁶.*
- c) No translation or explanation of the available Guidelines meets repeated requests⁴⁷;
- d) The establishment of the "Communication Strategy" and other subprojects are not in accordance with the Guidelines;
- e) The obvious lack of knowledge and understanding of the Guidelines by JICA's consultants, evident in their results reports and public discussions and interviews, when contracting JICA's subprojects (see above)⁴⁸

5. Direct link between JICA's non-compliance with the Guidelines and substantial damages caused:

The following explanation is based on our own experiences supported by the disclosed and leaked ProSAVANA documents, especially from JICA. Most of the documents were published in the following *websites*:

⁴⁵ [REDACTED] see page 4. The 14th meeting between the NGO and JICA/MOFA on ProSAVANA held on December 8, 2015 at MOFA.

⁴⁶ [REDACTED] see page 4.

⁴⁷ 3rd meeting between the NGO and JICA/MOFA on ProSAVANA (April 19, 2013). 13th meeting (October 27, 2015).

⁴⁸ [REDACTED]

[REDACTED]

While all sorts of abuses and damages were taking place, we, the peasants living in the affected region, suspected JICA's actions and interventionist attempts, but without having concrete evidence. Now, with all these documents in our possession, we see a clear causal link between the damage done to our rights by the events of the last 4 years and the failure of JICA to comply with the guidelines since ProSAVANA-PD was brought to our region, in the north of Mozambique.

The following is the causal explanation of the damages caused by repeated non-compliance and violation of the Guidelines, the constitution and international law perpetrated by JICA and other project proponents, in chronological order.

[Our demonstration and communication with JICA: October 2012 - June 2013]

- We, the peasants of the affected region, through our representatives, presented (A) and (C) not only to three governments but also presented these demonstrations directly to JICA representatives in February and May 2013 during the official visit to JICA and MOFA in Tokyo.
- During the official visit, JICA representatives promised our representatives that they would seriously consider the statements, try to improve the transparency of the program and its projects, and continue the dialogue.

[JICA's moving forward with the subproject to establish the "action and intervention plan" related to local peasants and their organizations: June-October 2013]

- However, rather than complying with those promises, without informing the civil society members of the three countries, including the Japanese civil society that met with them every two months in the MOFA, JICA established the project [(a) Definition of Communication Strategy] under ProSAVANA-PD.
- This was unknown to the public since JICA did not launch any public tender but merely sent "requests for proposals" to various consulting agencies in July 2013.

- It is now known that before that, JICA prepared the document entitled "**Communication Strategy in the Framework of ProSAVANA**"⁴⁹ and its instructions to consultants⁵⁰, the content of which is filled with interventionist items.
- Here are some of JICA's instructions:
 - "4.2. Work methodology in the area of Social Communication" (p. 3):
 - 4.2.2. Establish a communication strategy for each target group in order to know (clarify): ... (4) Target audience of the program: farmers in the provinces of Nampula, Zambézia and Niassa as the first priority; extension workers of provincial and district Agriculture bureaus; producers associations; cooperatives; NGOs; producers organizations; National and international CSOs.
 - "4.2. ToR's Expected Result" (p. 4):
 - Proposal of intervention and action plan for each identified target group. (the target group indicated in 4.2.2.)
- The contract was awarded to CV&A, which entered into another contract with JICA under another subproject, ProSAVANA-PD, as from December 2012, for two months⁵¹.
- Based on the above instructions given by JICA, CV&A started its consulting services with ProSAVANA proponents and submitted its final proposal titled "**ProSAVANA: Communication Strategy**". JICA accepted, and the final version was defined in September 2013.
- In the "**Strategy**" we found surprising, offensive, abusive and devastating comments.
- Only a few of the descriptions are shared here. The remainder should be viewed in the original document. (*We hope that the examiners and the Japanese people who support JICA read this "Strategy" to understand the shock and pain we have endured). On pages 34 and 35 the following recommendations are made:
 - "The direct contact with communities, if it's proved, *lessens*⁵² these associations as spokespersons of communities or farmers";
 - If one withdraws importance to civil society organizations in Mozambique, one significantly weakens foreign NGOs operating in Mozambique ...
 -
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⁴⁹ These documents, including the ToR, were disclosed at the request of a Japanese citizen. The existence of this contract was suspected because of the description that appeared on the leaked minute of the third ProSAVANA Coordination Meeting held in Nampula in December 2012.

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⁵² In the (original) Portuguese version, the verb ("devalorizar") is used. In the English translation, "lessen" is used.

Creation of district collaborators.

- In particular, at the community level, it was recommended that a "**network of district collaborators**" be established, and the "collaborators" of each of the 19 districts were identified by Mozambican government agencies. One of its objectives was "to devalue us" as well as our claims in the eyes of the rest of these communities and their members.

[Note on the causal link with the above events]

- All the official documents related to the "Final Communication Strategy", i.e., the contract, the ToR and the result of the consultancy ("Strategy"), point to the same directive: how to devalue, undermine importance, weaken and isolate the Mozambican peasants, peasant associations, social organizations and civil society organizations that question or oppose ProSAVANA⁵³.
- Of course, this violates not only the promises made by JICA but also the principles of "international cooperation" established by its Guidelines, the Charter of the United Nations and our Constitution⁵⁴:
- JICA denied having had such "intentions", but the following process shows the recognition, involvement and promotion of such plans by JICA:
 - In August 2016, this content was analyzed and the civil society organizations from three countries, including us, expressed our objection (see introduction);
 - In October 2016, JICA argued that it was a problem of "translation/interpretation" of the "Strategy"⁵⁵ text in Portuguese;
 - Finally, in December 2016, MOFA shared the **English translation of the "Strategy"**⁵⁶ prepared by CV&A for JICA, and was kept hidden from the civil society⁵⁷.
 - As it became clear that the translation present in the declaration was identical to the translation in English offered by MOFA, JICA changed its argument. JICA declared that only "some plans" were implemented, and

⁵³ [redacted] See the English translation of "Strategy" or the above reference.

⁵⁴ The Constitution of the Republic of Mozambique, Article 11: i) "the establishment and development of friendship and cooperation relations with other peoples and States" and Article 14: "The Republic of Mozambique will honor the heroic fight and Resistance of the Mozambican people against the foreign domination".

⁵⁵ These discussions happened during the 18th, 19th and 20th meetings between the Japanese NGO and JICA/MOFA about the ProSAVANA, in October and December 2016 and January 2017.

⁵⁶ [redacted]

⁵⁷ [redacted] see page 60.

once again emphasized that JICA never had such intentions, (thus, the CV&A is responsible).

- This argument is not relevant, since the following facts have now been revealed:
 - a) JICA accepted this “Strategy” as a final report for its sub-project. According to the TdR from JICA, it allocated the procedures and time for the supervision of the “draft/preliminary report” before its finalization⁵⁸. If they had not agreed with the content or if they judged it was contrary to the Guidelines, they should have instructed their consultants to proceed in agreement with them;
 - b) JICA admitted the implementation of “some of the plans” present in the “Strategy”, but did not give details about the “plans” that were implemented and the ones that were not, neither classified the reasons for the implementation of some and not all;
 - c) It is now known that JICA established a “**Negotiated Extraordinary Agreement**” for the implementation of the “Strategy” with the same agency (CV&A) that “defined” this strategy as harmful and interventionist, showing the ratification of JICA to the project result and its accountability.
 - d) Finally, in December 2016, JICA admitted its exclusive accountability on these sub-projects, especially both projects on “Communication Strategy”, without informing its partners on the triangular cooperation (the Mozambican and Brazilian governments).

[Our approach for the three governments and JICA: August 2013]

- While JICA and its consultants were ready to prepare and activate its “strategy” to intervene and to “depreciate us” in the sub-projects, we, the peasants, were trying to reach the three governments to keep an open and democratic dialogue on the ProSAVANA, particularly its Directive Plan. These efforts were materialized with the 1st Triangular Conference of Peoples about the ProSAVANA, held on August 7, 2013, in Maputo⁵⁹.
- Us and the Japanese NGOs requested the participation of JICA representatives and members from the Japanese embassy in Maputo, but they refused the invitation due to “different commitments that had been previously booked” and did not send any substitute.

⁵⁸ [REDACTED]

⁵⁹ The details on the conference and the interactions between the Mozambican civil society and government are in the following report, [REDACTED]

- The Minister of Agriculture (MINAG/MASA), along with his employees and province directors, took part in the conference that represented the three countries.
- Over 250 peasants were present, as well as representatives from civil society organizations from the three countries.

[Minister threat at the 1st Triangular Popular Conference: August 2013]

- Nonetheless, the abuse of human rights happened before the conference. The organizers prepared a coffee room for the important guests, like the Minister of Agriculture and his officials. Before everybody went onstage, the Minister suddenly went before our president and told him the following:
 - . *"You did not want to say what is stated in the declaration because the foreigners wrote it for you. You are all puppets. And remember, anyone who steps in my way will receive intense pain".*
 - . *All in the room were speechless and felt threatened.*
- When the Minister left the conference after the first part, a group of national newspapers and TV programs suddenly appeared, and started their interviews. Then, he declared that all our protests are "conspiracies" by outsiders. This was broadly covered by national and international newspapers⁶⁰.
- 2 weeks later, a similar comment was repeated in Nampula by the Agriculture Province Director (DPA) during a meeting where all the district administrators and [REDACTED] were present. This was also covered by a national newspaper⁶¹. One of the directors from SDAE declared:
 - . *"The type of obstacles do not matter, we will implement ProSAVANA"⁶².*

[Note on Causality]

- We consider this a direct abuse on the freedom of speech and human rights. We have been threatened, intimidated, blackmailed, oppressed and insulted. It is serious, since this was done by someone who has the supreme power in the ministry, above his senior officials. It goes without saying that the institutional influence of such a fact and speech is tremendous.

⁶⁰ Folha de Sao Paulo (30 November 2013), "Mozambican Minister see the critiques as conspiracy. [REDACTED]

⁶¹ The details can be found in the document organized by our Japanese supporters, and submitted to JICA and the MOFA. [REDACTED]

⁶² [REDACTED] See pages 8 and 9.

- Now we know that this sudden flowering of a “conspiracy theory” and a meeting of local media was the result of planning by CV&A in the “Strategy”⁶³.
- The action proposed in the “Strategy” was as follows:
 - “None of these measures work, Questioning or criticizing (fomentation of criticism by some Mozambican authorities) the role the foreign organizations have in Mozambique (see pages 34-35).

[Denial of connection with Brasil-Cerrado in August 2013]

- During the conference in August 2013, a heated argument was the total disappearance of the story related with Cerrado and the Brazilian development, for the explanation of Mozambican authorities.
- Before our first “Speech”, there were several activities and speeches promoted by JICA and the three governments, connecting directly the Brazilian Cerrado and the agribusiness to the ProSAVANA⁶⁴. Still in January 2013, more than half of the explanation from JICA about ProSAVANA was about JICA’s previous cooperation program to the Brazilian Cerrado, the PRODECER⁶⁵.
- Also before the conference, the report Directive Plan Preliminary version, to which we had informal access, Report N° 2 [N° 3], revealed its interests in promoting the international investment in the production of soy beans on a large scale for exports, like the Brazilian Cerrado⁶⁶.
- Based on the information described above, the peasant and civil society organizations criticized the model brought or founded of the Savanna.
- Even so, though not admitting the leaked report as authentic or revealing its reports voluntarily, the government officials present at the conference were insulting, saying the civil society was providing baseless lies.⁶⁷.

[Note on the Causality]

Later on, it was also revealed that this was one of the strategies CV&A recommended at the “Communication Strategy”

⁶³ [REDACTED]
⁶⁴ http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_6.pdf
http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_7.pdf

⁶⁵ http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/01_shiryou_1.pdf

⁶⁷ This account is analyzed in detail in the following report. [REDACTED]

- *"In addition, following a communication strategy that eliminates the relation/link of the Nacala Corridor for the Brazilian Cerrado we depreciated some of the main arguments that these international NGOs used last year."*
(see pages 34-35).
- These explanations, insults and denial (i) on the disclosure of reports from the Directive Plan and (ii) the recognition of the leaked report indicate the abandonment of responsibility by the Project's Proponents.
- Nonetheless, this was made possible and promoted by the series of contracts from JICA to the "Communication Strategy" and negligence of its responsibility in promoting the understanding and fulfillment of the Guidelines by the Project Proponents.

[Massive oppression at district level and the Peasant Voice "Nampula Declaration" and "No to the ProSAVANA"]

- After September 2013, the massive oppression started to happen, mainly at district and province levels.
- In the case of the Zambézia province, the district administrators and province governor said this to the peasant leaders:
 - *"Tell us if there is anyone against ProSAVANA, we will put them in jail"⁶⁸.*
- Due to this systematic oppression at local level, during our annual national meeting, we discussed how to go beyond the circumstances. And, collectively, we created a declaration, the "Nampula Declaration"⁶⁹:
 - *"We, the peasants, condemn the intimidation, the blackmailing, the co-optation, and the manipulation made by the ProSAVANA coordination team, by the district administrators and their assistants, under the guidance of national government leaders and proponents of ProSAVANA and their leaders"⁷⁰.*
- These accounts were communicated to JICA, but nothing changed.
- Thus, in order to protect each other in a more organized way, we established the "No to the ProSAVANA Campaign" on June 2, 2014. Our representatives read the declaration, stating what happened to us in mid-2013 to 2014, our distress and decisions⁷¹:
 - *"There are many intimidation and extortion campaigns against the leaders of peasant organizations, social movements and civil society organizations by the*

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planners and proponents of ProSAVANA".

- "We refuse all the manipulation, co-optation, intimidation and criminal actions against the leaders, organizations and activists against the program ."*

[Note on the Causality]

- One of the most important objectives of the "Strategy" was the creation of a functional and efficient network of governmental officers and organs in the central government (Prime Minister, ministers and MASA) with local communities, in order to promote the program while "it depreciated the powers of associations within the communities"⁷²;
- This network was called "**Network of District Collaborators**" to be established in each district, and each of the district administration offices, counterparts of ProSAVANA, **SDAE, selected "collaborators" to the ProSAVANA** ("Strategy", page 23)⁷³;
- Meetings and training for these "collaborators" with SDAE and the Agriculture Province Departments (DPA) should be organized (ibidem, p.23);
- And such a meeting was held in Nampula soon after the 1st Triangular Conference of Peoples, in August 2013, where the "conspiracy theory" was shared (see *above*);
- Such strategy and activities established and performed in the JICA sub-project scope, resulted in the creation of a hostile and oppressive environment at local administrative levels where we reside. And now, finally, we understand that this was the backdrop of systematic abuses, experienced in all districts affected by the program.
- Once created, this network and hostility promoted in the ProSAVANA-PD scope, remains in the society and was mobilized during the Public District Consultation, organized by MASA, DPA and SDAE in April 2015.

[The hidden sub-project from JICA "Implementing the Communication Strategy" and its third Agreement with CV&A under the "Negotiated Extraordinary Agreement"]

- While we were trying to protect ourselves with the legal and available measures, provided by law and guidelines, we just learned of it now, but JICA created another sub-project to implement the "Strategy" on June 20, 2014, 18 days after our campaign was launched.
- But, once again, it did not go public with this.
- Instead, JICA gave the "Negotiated Extraordinary Agreement" to CV&A in June 2014.
- This fact provides more proof that JICA welcomed the consulting services and their results by CV&A, including what is in the "Strategy".

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see page 4.

[Our approach for the three governments and for JICA: July 2014]

- Without knowing that the “implementation” project was established and activated, our national union and other civil society organizations held the “2nd Triangular Conference of Peoples about the ProSAVANA” on July 25, 2014 in Maputo.
- Once again, we invited the three governments and JICA, and with the help of Japanese partners, JICA’s representative in Mozambique and a representative from the Japanese Embassy took part in the conference.
- However, none of the Project Proponents explained the new JICA initiative under the ProSAVANA-PD, that is, the “Implementing the Communication Strategy” project, hired a month prior to the event.
- Once again, the three governments insisted in the lack of relation between ProSAVANA and the Brazilian Cerrado, and there was no reply to the “Open Letter”.
- However, as the “Strategy” suggested (now we know), not directly but indirectly, they announced the declaration, stating that “no investment regarding the land works will be brought under ProSAVANA”.
- During the conference, the peasant leaders from three provinces shared the human rights abuse cases before the representatives from the three countries⁷⁴. However, they did not apologize nor promise to investigate and repair the damages.
- Thus, Japanese partners took these questions to their regular meetings with JICA and MOFA in Tokyo. However, as JICA and MOFA stated that the report they received from their representatives in this conference does not mention these questions at any time, they will not deal with these allegations⁷⁵.

[The reply to the Open Letter, supposedly signed on May 27, 2014]

- 2 weeks after the conference was held, on August 27, 2014, a formal “reply” was issued by the Minister of Agriculture towards the organizations signing the Open Letter, issued in May 2013.
- The content was not a “direct reply” to the claims and requests made in the Open Letter, as the “Strategy” suggested.
- Curiously, according to the hand-written date, the “reply” was signed by the Minister on May 27, 2014, but the existence of this reply was not mentioned by anyone in any occasion before the day the letter was delivered. This includes the 2nd Triangular Conference of Peoples.

[The forced acceptance of the ProSAVANA implementation project (PEM)]

⁷⁴ [REDACTED]

⁷⁵ The 10th and 11th meetings between the NGO and JICA/MOFA in Tokyo (February 6, 2015 and April 28, 2015).

- After this conference, the field trips from ProSAVANA teams, made up of JICA's Japanese consultants and local officials from SDAE, became active and there was pressure towards the acceptance of pilot-projects (ProSAVANA-PEM) in districts.
- Regarding Nampula, the District Union of the Peasants from Monapo was one of these organizations targeted by JICA and SDAE. The ProSAVANA team insisted in receiving a factory of ProSAVANA-PEM⁷⁶.
- There were national elections in October 2014 and in January 2015 and the new government was created. Thus, the activities related to ProSAVANA suddenly became quite silent.
- But when February 2015 arrived, the repeated approach restarted. The team visited the storage of the district union in Monapo and insisted on opening it for measurement and to present a list of members belonging to the union. The president refused due to not having a deal and the groups against ProSAVANA in the Nampula Province.
- Thus, the team suddenly appeared in the office of the Peasant Province Union and requested the presence of the peasant province leader, who was working in his plot. This happened in the middle of the rainy season.
- The leader gathered with the team stating that, though the directive plan had not been disclosed and the peasants and civil society organizations opposed the program, they should not start its implementation and should not go to districts to exert direct pressure over the members.
- In turn, the team insisted with him to share the list or member organizations in the province union, and when he refused, the Mozambican government officer, followed by JICA's consultants, threatened him as follows:
 - *"If you are against the program, you know what will happen to you."*

This case was taken to JICA by the Japanese partners soon after the story, but JICA refused to admit it, still insisting that it would check with its consultants and the local government.

So, when the peasant leader arrived in Japan in July 2015, he repeated the story (threat), but none of JICA's representatives showed interest or apologized, simply saying the following:

 - *"We will check with the local government"*⁷⁷.

[The sudden Public Consultation of the Directive Plan in the Zero Draft Project]

⁷⁶ This consideration was documented in the following presentation.

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- According to MASA, on March 31, 2015, the Directive Plan, *draft* version, along with the schedule about the “District Public Consultation”, started on April 20, 2015, was suddenly published on ProSAVANA’s website. No organization was informed of this.
- On April 7, 2015, one of the peasant district unions saw an ad in the newspaper and was shocked. It was intended to be the Draft, and it was discovered that it had only been published on the website and the document had 200 pages.
- The peasant community had 2 weeks to have access, read and understand the document, a feat which was impossible. MASA's announcement also indicated that those who wanted to participate had to register at SDAE [District Services of Economic Activities] offices or those of the District.
- We asked our Japanese partners to elevate this issue in Japan, and they did so⁷⁸, but the JICA President emphasized that JICA and MASA consulted with “large organizations” regarding how to carry out the public consultation during the discussions in the Japanese parliament⁷⁹. Which was untrue. None of the Mozambican organizations were consulted.
- Later, the JICA’s rural department insisted that the “prior consultation” that the JICA President mentioned was, in fact, regarding the “People's Triangular Conference” held 8 months prior, where civil society organizations, including us, asked for the disclosure of the draft master plan and a transparent and democratic hearing process.
- We felt betrayed and we were sure that it was not a democratic, transparent and representative consultation guaranteed by FPIC principles, but to have our voice heard in this process and in ProSAVANA, we participated in almost every public hearing together with other national and international partners.

[Public Consultation financed by JICA violating the 7 principles of the ministerial decree]

- The public consultation must follow the principles and procedures established by **MASA pursuant to the terms of ministerial decree 130/2006. The seven principles of public consultation** are:
 - a) availability and access to adequate information and the possibility of learning during the process, including technical support; b) broad participation; c) representation; d) independence; e) functionality; f) negotiation; and g) responsibility⁸⁰.
- **The public consultation violated all of the abovementioned principles, namely (the details must be consulted in the declarations⁸¹):**

78

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The complete list must be consulted in the following declarations issued by almost all of the main civil society organizations in Mozambique:

- a) Technical document with more than 200 pages, unavailable for prior analysis;
 - b) Sudden announcement of the event and its program; with incorrect information about the place and time, obstructing our participation; most of the participants were government officials and members of the ruling party; the government register shows that less than 40% of the participants were peasants (those most affected by the program); they limited the participation of certain members of peasant unions;
 - c) Public consultation moderated by political figures; presence of armed police; intimidating and threatening freedom of expression, accusing the participants who shared critical views on the "anti-development" master plan; ordering not to criticize, only questions were allowed; not allowed to clap hands for the opinion of the participants;
 - d) Time for explanations too limited, interpreters not prepared for the subject, did not understand the content that appears in the document and were not able to convey to others;
 - e) No disclosure and information/explanation on negative aspects of the plan and efforts to build trust with stakeholders who will be affected by the projects, despite the principles of the decree.
- According to the principles embodied in the decree (under G; responsibility), "The public consultation process and the meeting must respond to the concerns of all stakeholders in a responsible and sincere manner," but as the above cases show, the organizers of the public consultation process had no intention of following the principles of the decree. Instead, none of them appeared to understand the decree. These were observed, filmed and recorded, and included in the statements in the public consultation conducted by us and other organizations⁸².
 - However, JICA did not pay attention to these aspects (it was not aware of the decree or the seven principles); instead, it insisted that all problems were derived from the "lack of experience of the Mozambican government" and was a good occasion for the practice⁸³. In addition, the MOFA emphasized that "most of the opinions collected were favorable" for the program.
 - In fact, the way the public consultations were organized at the district level were party-oriented, and most of the participants were government officials (such as officers and secretaries of district administrations, police officers, nurses and teachers), local entrepreneurs, members of the ruling party (especially women's and youth's organizations, linked to the party), and traditional local chiefs who receive government

⁸² [REDACTED]

⁸³ During the 12th meeting between the NGO and JICA/MOFA (July 24, 2015).

salaries. In some places, even the ruling party's anthem was chanted before the start of the consultation (*see statements above*)⁸⁴.

- In many of the places there were preparation meetings for the public consultation in which individuals belonging to the above categories participated, and at these meetings their questions, answers and comments were duly prepared⁸⁵. In some cases, the same unknown "peasants" of the communities attended the public consultation meetings and read "opinions" previously prepared and favorable to the program.
- We went to Maputo to participate in the public consultation at the National level. When the DPA and other district and provincial counterparts (SDAE) of JICA saw us at the airport, they insulted us by calling us "non-patriots."
- The public consultation in Maputo was presided over and moderated by the Minister of Agriculture and before opening the floor, he stated the following:
 - *"Only patriotic comments are allowed";*
 - *"If you do not want to participate, you may leave"*⁸⁶.
- The Minister ended the hearing when there were still 5 people who wanted to share their opinions (*ibid.*).
- We know that "public consultation" cost 8,700,000 yen, a cost covered completely by JICA in spite of the program being announced at all times as a triangular cooperation, so JICA's responsibility is decisive. However, none of the JICA's Japanese officials or consultants who made the preliminary draft Zero of the Master Plan participated in any of the district consultations to follow and monitor them, insisting that these events are "under the responsibility of the Mozambican Government".

[Persecution, intimidation, repression after the Public Consultation]

- We felt that through this public consultation held under ProSAVANA-PD, some sort of top-down (community-level) oppressive system was installed, and we began to feel greater pressure.
- In fact, soon after the district consultations, those who questioned the program began to be persecuted by government officials. Some peasant leaders were called into administrators' offices and intimidated and coerced into collaborating with ProSAVANA:
 - *"Say you accept ProSAVANA";*

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• *Visit all the homes in your community to tell everyone that you are now accepting ProSAVANA⁸⁷.*"

- One of the leaders of the Provincial Peasants Union opposing ProSAVANA was also persecuted, summoned to the district government offices from 8:00 am to 2:00 pm, and was subjected to intimidation and questioning. During this time, the district government official threatened to detain him and bring him to court⁸⁸.
- These testimonies were communicated to JICA, but again, they were not taken into account; on the contrary, JICA stated that the local government official who was absent from the public consultation only wanted to know what was happening⁸⁹.
- So, all of these cases and many others were presented again in front of the JICA representatives during our official visit to JICA in Tokyo in July 2015, but once again JICA did not take it seriously and just replied that it would check.⁹⁰ Nothing happened after that.

[Protest by grassroots civil society organizations]

- Peasant organizations, national and international civil society organizations from various sectors with activities in Mozambique, as well as some research institutions and academics have issued statements of protest to the public consultations and their process⁹¹.
- The Peasants' National Union and the civil society organizations of the three countries have launched a request to "invalidate the public consultation". This document was delivered to representatives of MOFA and JICA during our representatives' visit to Japan at the end of July 2015⁹².

[JICA's attempt to divide the Peasants' Union]

- In order to counter the widespread and unified protests and complaints, JICA initiated efforts to bring to Japan a government delegation to promote ProSAVANA, paid by JICA itself. In this governmental delegation, JICA and MASA intended to include a peasant leader belonging to UNAC to show that there are UNAC peasant leaders who are not against ProSAVANA, but rather pro-ProSAVANA. JICA and MASA selected [REDACTED] where they reportedly produced a milling machine that was supposed to be the fruit of ProSAVANA-PEM⁹³.

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[REDACTED]
[REDACTED]
During the meeting between the NGO and JICA/MOFA in Tokyo.
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED] and [REDACTED] visited this leader's district and learned that the leader's personal documents were in possession of MASA to obtain a Mozambican passport in order to travel to Japan.
- In addition, it was revealed that JICA indicated to establish a new cooperative for ProSAVANA whose members were selected from the district union by this leader.
- The warehouse of the District Union of Peasants was being used to store the mills offered by ProSAVANA without the Union's knowledge and consent⁹⁴.
- In the middle of delivering this case, our [REDACTED], who visited the district union, lost his life strangely⁹⁵. JICA gave up on taking the district leader to Japan, and, on the contrary, returned to the district to film members of the cooperative, who thanked the Japanese government for the offer of the milling machine in the context of ProSAVANA.

[JICA's Hidden Establishment of the "Stakeholder Engagement" Project, October 2015]

- With the protest of almost all sectors of Mozambican civil society, without response to the requests expressed in the declarations, JICA established the "Stakeholder Engagement" project under ProSAVANA-PD in order to intervene and break the solid ground of civil society in ProSAVANA and to obtain the involvement of some civil society and rural organizations.
- Again, JICA sent a request for proposals to some consulting agencies on October 7, 2015 without launching a public tender or even announcing the establishment of the project, despite the obvious need to ensure transparency and accountability in the ProSAVANA-PD process.
- JICA did not simply omit the facts described above, it also provided false statements during official meetings between NGOs and JICA/MOFA from October to December 2015. Although JICA is the leader and contractor in the "Stakeholder Engagement" project, it continued to give Japanese civil society organizations the following false explanation when pursuing the project:
 - *"As far as we (JICA) know, MASA is currently discussing how to proceed (a dialogue with civil society) ... we are not in a position to explain" (October 27, 2015);*
 - *"The situation has not changed much (since October) ... we can not say now" (December 8, 2015)*

⁹⁴ [REDACTED]

⁹⁵ [REDACTED]

- *Denied first when asked if this was done with Japanese assistance*⁹⁶.
- While JICA gave these false explanations to the Japanese partners, it sent a request to Mozambican consulting agencies, received proposals from them, entered into a contract with one of them, and agreed to an initial report, making the first payment and advancing the project.
- JICA's condition in the TOR shows how it attempted to capture Mozambican civil society using contracted consultants (TOR, p.3); it managed to obtain [REDACTED] of WWF Mozambique and ActionAid Mozambique who are funders and partners of many of the organizations of civil society in Mozambique through a consulting agency, MAJOL⁹⁷.
- In November, they began to visit all of the organizations that signed the previous statements, one by one, and realized that JICA was trying to intervene in civil society. However, they had no proof. We did not even know there was a subproject under ProSAVANA-PD to be implemented.
- None of the information related to this sub-project was available until mid-February, one month after the crucial meeting in Nampula to establish a "dialogue platform" (later called a "mechanism" [MCSC-CN]), held on January 11, 2016 and one month before the contract expired. Finally, we received the information on the contract between JICA and MAJOL not by these entities, but thanks to the assistance of the Japanese parliamentarians.

[Our protest against JICA's contract with MAJOL and the process of formulating the "dialogue mechanism"]

- The TORs annexed to the contract clearly indicated JICA's instruction for its consultants to intervene in civil society, and the process of establishing the "mechanism" was carried out in a secret, anti-democratic, unjust and exclusive manner.
- JICA consultants (MAJOL) ministered and manipulated information to obtain the participation of civil society organizations in the "mechanism" they were formulating for JICA. The details have already been presented in the previous section.
- It was shocking that everything was done while excluding us, the peasants of the affected province and the organizations that have presented numerous concerns and protests to ProSAVANA, calling for a fairer, more democratic, transparent and inclusive process.

⁹⁶ [REDACTED]

⁹⁷ [REDACTED]

- In February 2016, we launched a protest denouncing the process and the "dialogue mechanism" created by the JICA contract⁹⁸. Our Japanese partners also launched an independent protest based on the Japanese documents⁹⁹.
- However, JICA did not assume responsibility, but stated that once the "dialogue mechanism" (MCSC-CN) was established, we could also participate, ignoring how this "mechanism" was established in the contract, funds, education, guidance and supervision of JICA.

[JICA Contract and TORs and leaked documents have confirmed our claims]

- After almost everything was done, we finally got the written evidence of the real objective, the agreed-upon methodology, the actions and the results obtained in the JICA "Stakeholder Engagement" sub-project.
- In May 2016, the Initial Report, the Mapping Report (midterm) and the Final Report were disclosed by the informants¹⁰⁰. (* We have already shared the contents of these reports in the previous section.) What we would like to emphasize here is: (a) what we said in our statement was well founded; and (b) it was not JICA who disclosed this important information (reports), despite repeated requests.
- The objective of the sub-project was to intervene in Mozambican civil society to obtain the "involvement" of some Mozambican civil society organizations in ProSAVANA, in particular, for the establishment of "a (single) platform for dialogue" between civil society and the governments/JICA.
- Deliberately provoking division, conflict and exclusion in Mozambican civil society (see Initiation Report)—and this is what actually happened.
- The final report reveals that JICA's subcontractor, MAJOL, has worked hard to strengthen the division that has been created among us, the peasants of Nampula Province, using the Civil Society Platform of Nampula Province to which we belong. Although a part of this citation has already been shared in the previous section, it is important that the Examiners read what they wrote:
 - *"-even if all failed (UNAC did not participate in the "Mechanism"), JICA and ProSAVANA-HQ could challenge the legitimacy of UNAC as "the largest organization of farmers, and therefore representative of Mozambican farmers in the Nacala Corridor"...." The tactic of civil society organizations in Nampula to invite Provincial and National Parliamentarians to the February seminar is somehow to respond to this argument. After all, there are those who are better positioned to represent farmers than their own elected representatives" (Final Report, pp. 19-20).*

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¹⁰⁰ All files are published on the following site:

- This description clearly shows that MAJOL was trying to get the Peasants' Unions absorbed into the "mechanism" created by the JICA sub-project, failed in its attempt to co-opt our national organization, and alternatively invited parliamentarians as the "real representatives of the rural people in the region" in order to "devalue" our representation as a collective platform for the articulation of the Peasants' Unions in the affected region.
- This confirms the continuity of the "Community Strategy" and, in fact, JICA provided MAJOL with the English translation of the "Strategy" as an important reference before beginning its activities. Based on the document, MAJOL completed its Initiation Report, whose tone and approach are similar and are even more aggressive towards those who oppose the Strategy's program"¹⁰¹.
- JICA's contract with MAJOL ended at the end of March 2016. MAJOL left the ProSAVANA program by irresponsibly revealing the consequences of its activities, the division they created:
 - . *"There are tensions within civil society ..."* (Final Report, p. 19)

[Note on the causal link]

- Once we understood the Guidelines, we understood the true purpose behind the establishment of this subproject. JICA tried to avoid the "non-project scenario" set out in the Guidelines. It says:
 - . *JICA Decision-making 2. Cases in which JICA deems that appropriate environmental and social considerations are not ensured are, for example, those where it is obvious that the justification of projects is not recognized by an analysis of alternatives, including the "non-project" scenario; ... cases in which the residents or social organizations concerned have played little part in the project planning process and are not expected to do so in the future even if serious impacts are foreseen ...*
- As the title of the subproject shows, there was no "review of the Master Plan" or "improvement of the dialogue process," but there was "**Stakeholder Engagement.**" The ultimate goal was to engage stakeholders, while the majority of stakeholders listed in the Guidelines (the residents and social organizations involved) turned their backs due to the consequences of the public consultation.

¹⁰¹ Compare the two initial reports. The first one was leaked and the last one was officially released by JICA. The first shows the English version of the "Communication Strategy" as its reference, while this reference has been deleted from the second. [REDACTED]

See page 60 of the following analysis. [REDACTED]

- However, the stakeholders had the right not to get involved, not to agree, and to oppose projects on the basis of the Constitution, international human rights and the Guidelines, but JICA did not respect these and failed to observe our rights and invested enough money to meddle in Nampula and other provinces affected by the program.
- MAJOL's reports clearly demonstrate that: (i) JICA and its consultants have sought to "engage" some influential figures and organizations, from international, national and local civil society organizations, to promote and establish an "alliance" with them; (ii) attempted to have UNAC participate in the "mechanism" so that they could legitimize the process and subdue and ridicule protesting voices.

[JICA's secret meeting with MASA and NGOs to finance the mechanism indirectly]

- JICA originally planned to extend its contract with MAJOL if they successfully followed JICA's instructions and achieved what JICA had expected from the contract, that is, to involve some civil society organizations and demonstrate it by establishing a "dialogue platform (mechanism)" at ProSAVANA. The agreement clearly mentions that if MAJOL fulfills JICA's objectives, it would extend the partnership into a "major contract"¹⁰².
- However, facing all kinds of protests not only from us¹⁰³ but also from Japan¹⁰⁴, JICA did not renew the contract with MAJOL.
- Instead, what JICA did was drain funds directly to some of the Mozambican civil society organizations in order to maintain control over them using the JICA budget for the "Master Plan Review" under ProSAVANA-PD.
- A document that we had informal access to indicates that there was a meeting held on April 12, 2016, at JICA Mozambique between Mr. [REDACTED] (the representative of JICA Mozambique), Mr. [REDACTED] ([REDACTED] and currently coordinator of ProSAVANA), Mr. [REDACTED] (coordinator of MCSC) and Mr. [REDACTED] (WWF). According to the notes of this meeting, they convened at a gathering called "**Meeting between MCSC, JICA and MASA to discuss the financing of the ProSAVANA Master Plan's review and finalization activities**"¹⁰⁵

102

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- The minutes of this meeting presents the details of the discussion on how to finance the MCSC in an "indirect way." Although it should be JICA providing the translation of this draft, we share our translation of some important parts related to this objection:
 - *"Mr. █████ explained that ... highlighting some of the difficulties that have been experienced in allocating funds to the "Mechanism," things have become very complicated. Thus, he presented the following proposal:*
 - i. *The Japanese Counterpart Fund will be transferred to the WWF, involved in the procedure, with authorization from MASA, MEF (Ministry of Finance), MINEC (Ministry of Foreign Affairs and Cooperation), which will take more than 2 months. JICA will make further efforts to accelerate this process;*
 - ii. *The importance of Prof. █████ involvement was understood; thus, JICA proposed to make a contract between JICA and OMR for the initial work to be carried out;*
 - iii. *If the MCSC is not able to wait until the release of the Counterpart funds, JICA may directly hire a consulting firm to carry out the work of reviewing the Master Plan;*
 - iv. *Initial support to MCSC will be provided through the Master Plan Study Team (ProSAVANA-PD). (Minutes, Page 1)*
- According to the minutes, the parties agreed on all the suggestions.

["Public Offering" for the "Review of the ProSAVANA Master Plan"]

- However, the first of JICA's four proposals, (i) to fund WWF through the Japan Counterpart Fund, did not work since the international NGO rejected the proposal because of strong national and international criticism of its non-transparent involvement with the process of creating the MCSC with MAJOL and JICA and the leak of these minutes. WWF International saw this as a problem.
- In addition, the second proposal (ii) did not work either, since Prof. █████ and the OMR (Rural Observatory) withdrew their involvement from MCSC after they realized how JICA worked, as they read the documents that had been released and leaked.
- Thus, JICA decided to go with the third proposal (iii) to hire a consulting firm directly. They set up a **project under ProSAVANA-PD with almost the same title as the meeting, "ProSAVANA Master Plan Review,"** and launched a public tender in early August 2016.

- Before the call for tenders was announced, those who attended the above-mentioned meeting in April, Mr. [REDACTED] from JICA and Mr. [REDACTED] from MASA visited Prof. [REDACTED] at the OMR to persuade the OMR to apply for this consultancy. The OMR refused.
- At the end of October 2016, it was announced that the NGO in Nampula, SOLIDARIEDADE MOÇAMBIQUE, whose executive director is the MCSC coordinator and a participant in the April meeting, had won the contract.
- The other problem of this meeting that promoted the "sensitization activities" against us, including the "No to ProSAVANA Campaign" in Maputo and at the provincial level, has already been presented in the previous section.

[JICA's contract with the Nampula-based NGO, and with the coordinator of the "mechanism" (MCSC) created by JICA]

- JICA awarded this contract to the NGO whose executive director is the coordinator of the "mechanism".
- JICA insists that the NGO SOLIDARIEDADE MOÇAMBIQUE was selected among three candidates through a competitive "public tender." According to the announcement made by JICA in the main Mozambican newspapers, the subproject centered around a "review of the Master Plan's Draft, while ensuring the full participation of stakeholders by gathering their views and working with MASA and its partners"¹⁰⁶.
- However, as revealed in the minutes of the aforementioned meeting, the JICA Mozambique representative promised to work on MCSC's financing with maximum effort and speed by trying four different means, where the hiring of a consulting agency was option (iii).
- This contradictory explanation of "competitive offer" and "MCSC funding" has caused even more suspicion and anger among those who have sought a responsible, transparent, democratic and fair process for ProSAVANA-PD.
- Another shocking truth was revealed at the end of December, two months after the signing of the contract, when it was learned that the contract was signed by Mr. [REDACTED], the executive director of SOLIDARIEDADE MOÇAMBIQUE and the coordinator of the MCSC, whose role is to "sensitize the supporters of the No to ProSAVANA Campaign," along with JICA and MASA¹⁰⁷.

[Note on the causal link]

¹⁰⁶ See page 5. [REDACTED]

¹⁰⁷ [REDACTED]

- The Guidelines emphasize the importance of "transparency of information," "accountability" and "broad stakeholder participation" (see 1.1). These aspects are indispensable for "environmental and social considerations" in order to ensure "democratic decision-making" and respect for human rights. We, the peasants of the affected region, fully agree with and would like to celebrate such Guidelines.
- However, what JICA has undertaken to implement in relation to the "master plan review," from the setting up of the subproject to the selection of its subcontractor, is obviously against the principles of the above mentioned Guidelines.
- Naturally, JICA's enthusiasm for "funding" the local NGO and its leader, who has provided pro-JICA activities in the affected region, where there are stakeholders, peasants, who are challenging the program and the process, is viewed as a direct meddling by JICA in our society and an attempt to deepen divisions, coopt the process and yield profits for a specific group of people and organizations.
- Through this process and its final results, JICA has violated not only its own Guidelines, but also Article 19 ensuring the rights of opposing policies, the Constitution and the Charter of the United Nations, which prohibits foreign interference and domination and promotes solidarity between countries and peoples.
- We believe that JICA did not ensure **justice, accountability and impartiality** in the process of the "Master Plan Review," thus violating our rights of democratic participation as one of the most important actors of the project, the residents and peasants of the affected region.
- We now know that this type of procedure and agreement is not only against the stipulations of the Guidelines, but also against the following policies, provisions and code of conduct of JICA¹⁰⁸:
- JICA's Compliance Policy¹⁰⁹; The order issued to JICA by the Ministry of Internal Affairs and Communications: "Promotion of the rationalization of contracting by independent administrative bodies" (May 2015)¹¹⁰; JICA's intermediate objective related to the "Report on the Results of Operations" (Transparency and Governance Agreement)(June 2016)¹¹¹; JICA's "Anti-Fraud and Anti-Corruption Guidelines" (October 2014)¹¹²;

¹⁰⁸ The relevant parts of these policies and guidelines are extracted in the following document.

¹⁰⁹ <https://www.jica.go.jp/about/compliance/index.html>

¹¹⁰ http://www.caa.go.jp/region/pdf/150724_shiryu4-1.pdf

¹¹¹ https://www.jica.go.jp/disc/jisseki/ku57pq00000fveqt-att/chuki_jigyo03.pdf

¹¹² <https://www2.jica.go.jp/ja/odainfo/pdf/guidance.pdf>

- "Ethics Code and Guidelines of all JICA Stakeholders"¹¹³; "JICA's Conformity and Risk Assessment and Response Regulations"¹¹⁴; and JICA's Ethics Regulations for Executives and Officials¹¹⁵.
 - All these policies and guidelines are intended to ensure that JICA acts correctly and establishes "fair, competitive, accountable and transparent" public procurement contracts as well as establish good internal governance and independent monitoring systems;
 - The order of the Minister of Internal Affairs and Communications is particularly clear in this regard:
 - *"In order for an independent administrative agency to be able to maximize its policy implementation function, it is necessary to establish a system of internal control on public procurement, through which appropriate, quick and effective procurement is carried out through fair and transparent contract awarding procedures... while at the same time ensuring transparency and external conditions through the PDCA (Check and Action Plan) cycle."* (General, p. 1)

[JICA's attempt to suppress our voices in Japan, November 2016]

- Still shocked by this direct and obvious meddling by JICA to harm our society, especially in Nampula Province, some of us had the opportunity to visit Japan. We were afraid of the possibility of even more oppression by the local government after our return to Mozambique. However, we concluded that our last and only hope was to denounce what was happening in our society and what JICA has done on behalf of the people of Japan. We believe in people's good judgment, compassion and solidarity.
- However, we received terrible news that JICA executives were trying to invite senior MASA officials (the former deputy minister and permanent secretary) and the Mozambican Ambassador in Japan to a public meeting in Tokyo, where we were supposed to share our stories and expressions on November 28, 2016.
- The event was organized by 6 Japanese NGOs, and the fact that JICA considered inviting Mozambican functionaries and asking them to participate in the event was unacceptable. Having learned that this action was not welcome, JICA should have reconsidered its intent to intimidate peasant leaders.
- Instead of reconsidering, JICA invited these officials and led them to the event at Hiroshima University, where we were making academic presentations on November 26. The details of this report are in the "Urgent Protest" submitted to JICA's president by

¹¹³ https://www.jica.go.jp/about/compliance/ku57pq00001mu1n-att/j_guide.pdf

¹¹⁴ <http://association.joureikun.jp/jica/act/frame/frame110000939.htm>

¹¹⁵ <http://association.joureikun.jp/jica/act/frame/frame110000037.htm>

Japanese NGOs in December¹¹⁶.

- In fact, one of JICA's board members, Mr. [REDACTED], admitted that the reason they were inviting these officials to Japan was to let them "**directly counter**" the claims put forward by us, the peasant leaders of the affected region. Now it was not only Mozambican government officials or JICA consultants who tried to harm us and violate our rights but also JICA executives.
- We felt threatened and afraid of the repercussions and possible reprisals from Mozambican government officials who traveled from Mozambique to Japan to participate in the event with the sole aim of counter-arguing with us, but who had to return home without being able to do so.

[Note on the causal link]

- The Guidelines emphasize JICA's responsibility to ensure environmental and social considerations in relation to the project and to promote participatory governance and to comply with these considerations (see 1.1 and 1.2). In addition, the Guidelines repeatedly emphasize the importance of respecting human rights. Where No. 2.5 (2), reads as follows:
 - *"JICA respects the principles of internationally established human rights standards, such as the International Convention on Human Rights, and pays particular attention to the human rights of vulnerable social groups ..."*
- What the JICA executives planned and carried out is totally contrary to these guidelines, **rather they promote a breach of the Guidelines by the recipient government.**
- JICA further violated the "Code of Ethics and the Guidelines of all JICA-involved Parties" and its own "Ethics Regulations for Executives and Employees":
 - *JICA's Official and Ethical Code (Guidelines) is established according to the application of the National Public Service Ethics Law.*
 - *All JICA executives and staff involved in development cooperation will work under high professional ethics and self-discipline, exercising awareness and pride as members of those committed to international cooperation. This will be applicable to a number of people, including volunteers and experts who carry out JICA's activities.*

- *JICA executives and employees and their sub-contractors "observe the highest ethical standards" to "ensure public trust in the projects."*

[JICA and MOFA funded the local newspaper @Verdade to spread the ProSAVANA program and the divisions they created]

- On December 23, 2016, the Nampula-based independent newspaper @Verdade, which had been critical of ProSAVANA, published the article entitled "Civil Society Organizations from Niassa, Nampula and Zambezia were 'liberated' from Maputo thanks to the dollars offered by ProSAVANA¹¹⁷."
- The first picture of the article showed three Japanese people in the interview room. Later, we learned that they were people attached to JICA who participated in the interview. The article reproduced the views and explanations of the "MCSC coordinator," Mr. [REDACTED], seven times, where he insisted that the amount received through JICA, US\$206,000 went to the MCSC. In addition, he insisted that those who oppose ProSAVANA are civil society organizations of Maputo, the capital of the South, and ignored the voices of the peasants and organizations of the Nampula Province, which he supposedly represents through the MCSC.
- Mr. [REDACTED] also promoted the "divisive discourse" and insulted the other organizations, implying that their voices are irrelevant.
- In fact, in the article, there is no explanation or additional information clarifying that Mr. [REDACTED] was the one who signed the contract with JICA for "consulting services" and is the JICA consultant, or that the USD 206,000 were not for the MCSC but for the "remuneration" of his NGO, SOLIDARIEDADE MOÇAMBIQUE, and its staff, from which he himself will benefit through a "salary" and "company dividends" by providing the expected service to JICA.
- Although the MOFA insisted that they could not control what journalists or the newspaper write¹¹⁸, the editor-in-chief of the newspaper (@Verdade) told an International NGO, GRAIN, that the article's information is based on interviews with Mr. [REDACTED] and other people linked to JICA, and there was no correction by the newspaper.
- This article and the explanation from information sources show that JICA's Japanese consultants and JICA's Mozambican consultant (Mr. [REDACTED]) released fake information about the contract between SOLIDARIEDADE MOÇAMBIQUE and JICA to the Mozambican people.

¹¹⁷ [REDACTED]

¹¹⁸ The 20th meeting between NGOs and JICA/MOFA (January 24, 2017).

- We got very worried at seeing this kind of propaganda, harmful to our society, with fake information released by JICA's consultants. However, our indignation did not end there. In January, the online version of this very newspaper published a footnote with the article explaining that **"this article was written regarding the trip organized by the Japanese Embassy"**.
- Indeed, the second half of the article was about "the peasants in Nampula Province" who received some benefits from pilot-projects in ProSAVANA-PEM and are supposedly in favor of ProSAVANA.

[Note on the Causality]

- The Guidelines emphasize the importance of "information transparency" and "responsibility" of JICA projects (see 1.1. and 1.2), but also the "prevention and/or minimization of negative impacts over the local society" by the beneficiary government regarding JICA projects (1.4). The Guidelines also urge that JICA projects guarantee a "broad and significant participation from stakeholders" in order to fulfill the Guidelines and "reach an adequate consensus construction" (1.4 (4)).
- However, the above-mentioned article and its preparation (including the interview for the newspaper with the participation of JICA and the involvement of the Japanese Embassy) show the negligence and violation of these principles by JICA, MOFA and Japanese and Mozambican consultants from JICA.
- The fake information regarding the contract, supplied by JICA's consultant, Mr. [REDACTED] and supported by the Japanese consultants, for not correcting it, not only were "nontransparent" but also validated the fake information (Mr. [REDACTED] was actually one of JICA's consultants). Reinforcing equally the dividing speech by Mr. [REDACTED]
- His past actions and this report show that Mr. [REDACTED] does not present conditions to perform the duty of JICA consultant for the "Directive Plan Revision" project, where he was supposed to coordinate the highly public event of "community consultations"¹¹⁹, and the other JICA consultants (Japanese ones) endorsed it. The disloyal treatment received by us, peasants within the affected region, and the biased activities from these players obstructed the "broad and significant participation" instructed in Guidelines 1.1., 1.2. and 2.4.
- At proceeding in the above-mentioned ways, they violated the "Code of Ethics and Guidelines for all parts involved with JICA", especially the following code:

119 [REDACTED]

- *“In order to maintain ethic behaviors related to their functions, all the involved parties within the agency must fulfill the following subjects during their involvement with JICA’s activities”.*
- *“The involved parties in the agency and the members of the staff must honor their roles and be aware of the public mission of the organization and must not unfairly discriminate the citizens, with a kind of manipulation that brings advantages to only a few people about the information he/she may know while on duty”¹²⁰.*
- Besides, thanks to @Verdade admitting that the article was produced with the support of the Japanese Embassy, we now know that what was exactly written on the "Press Tip" was made even after our statements pointing out the contradictory nature of the "Communication Strategy" with the Guidelines, even in the event that MOFA officially announced that the "Strategy" does not represent the position of the Japanese government ¹²¹.
- We finally noticed that the statements that show the violation of the Guidelines transmitted in the meetings with JICA and MOFA did not make the situation any better. Instead, they advanced with more aggressive and offensive activities, aggravating the social conditions, which are peaceful, harmonious and respectful relations, based in the solidarity among the Mozambican civil society, which is the Constitution’s goal.
- This is the reason why we are finally sending our objection request to the examiners.

[Our desire and decision of presenting our objections to JICA, June 2014 -]

- As it may be seen in the “Nampula Declaration” and in the “Campaign” press release, we decided to present our objection to JICA.
- But when the above-mentioned documents were elaborated, we did not have enough written evidence to show the causality of the non-compliance of JICA with the Guidelines.
- The evidences appear only in January 2016, after our partners in Japan find out the existence of sub-projects in the ProSAVANA-PD, and we were able to obtain primary documents like the “ProSAVANA: Communication Strategy” and the contractual documents between JICA (including the TdR) and CV&A and MAJOL.
- Later on, in May 2016, several documents related to the ProSAVANA, especially the ones showing the involvement of JICA and its consultants with the interventions in the

¹²⁰ https://www.ica.go.jp/announce/manual/guideline/consultant/ku57pq00000kzwiratt/i_guide.pdf

¹²¹ During the discussion of the ODA Council Meeting between the NGO and MOFA in December 2016 in Tokyo.

Mozambican civil society, were released, so we were able to gather the necessary evidence.

- We, along with civil society organizations from the three countries, published a declaration condemning the actions and attempts from JICA and ProSAVANA Proponents, based on documents from August 2016, hoping that JICA would take the necessary actions.
- Instead, JICA was committed into another maneuver to hire the NGO in Nampula as its consulting agent and intervened directly into our society.
- Losing our last hope, we decided to collect all the information and documents and receive support from our partners to develop this objection form.
- Though we tried to gather information and the Portuguese version related to the Guidelines and the objection procedure to JICA, this request was never fulfilled.

[Summary]

- 1) **Human Rights Abuse:** (a) oppression before the “public consultation”; (b) oppression during the “public consultation”, (c) persecution, intimidation, blackmailing, threat, oppression on people who manifested their objection or questioned the ProSAVANA program. Invitation to senior officials in the Mozambican government, by JICA, to silence our voices, letting them counter-argue with us. This also led to an increase in danger for our lives and our subsistence means.
- 2) **Social damage at interfering directly in the local civil society:** the creation of JICA, the payment and the implementation of the “Communication Strategy”, the “Involvement of Stakeholders” project (MAJOL), and the hiring of a local NGO, SOLIDARIEDADE, the politicization of public consultations, all under a conflict situation; the organization and manipulation of information towards a group to promote the division of the Mozambican civil society and the eradication of our voices as peasants in Nampula.
- 3) **Absence of responsibility, concealment of information and obstruction of a significant participation of stakeholders, mainly the people from the region:** no information provided by the 4 sub-projects above and the “ProSAVANA: Communication Strategy”, no explanation on the changes in important components of the program (like the Savanna, PROCEDER, soybean, exports), no explanation on the “Zero option” or “alternative options”, obstructing the participation of public consultations

- 4) **Noncompliance of responsibility for making the Guidelines effective:** there is no explanation of the Guidelines to the Mozambican government officers, no available translation or explanation of the Guidelines, despite the repeated requests, establishment of the “Communication Strategy” and other sub-projects due to the misunderstanding of the Guidelines by JICA personnel.

6. Resolution requested by Plaintiffs:

Given the facts exposed and described along this document, we request:

- The immediate stoppage of all actions and projects in course at the tropical savannas within the Nacala Development Belt at ProSAVANA scope;

We want all JICA’s executives, employees and consultants to read the following guidelines that were determined by the agency itself.

[Compliance Policy]

- “As an independent administrative institution, we will increase the transparency and equity of the operation and will assure the public confidence, both on the operational base and financial terms”.
- We must ensure the confidence on the international community, contributing for the healthy development of the international economic society by helping the development¹²².

[anti-scam and anti-corruption guidance]

Purpose and common principle “2 common principles”, page 3)

- Just like JICA, we will make efforts in strengthening the compliance so that the ODA is properly implemented and fulfilling the responsibility with the Japanese citizens and with the international community.
- **In doing this, we believe the strengthening of the compliance is not only passive but also active in order to avoid problems. Considering the purpose of the ODA project and its high public benefit, it is essential that the ODA is implemented based on the trust of Japanese citizens and the international community.**

¹²² <https://www.iica.go.jp/about/compliance/index.html>

7. Facts related to the consultations from Plaintiffs with the Project Proponents:

- Our efforts of consultation with the Project Proponents from ProSAVANA-PD, to our governmental organizations, like MASA, DPA, ProSAVANA-HQ, were explained in detail in previous sections (especially in introduction, 1. 2. 3. 4.).
- The consequences brought by the noncompliance with JICA Guidelines are so harmful and profound, and it is impossible to think in performing further “consultations” with the Project Proponents about this program’s questions.
- The plaintiffs and other stakeholders organized meetings and seminars and invited the Project Proponents in August 2013 and in July 2014 through the “Triangular Conference of Peoples about the ProSAVANA”, held in Maputo.
- During the first conference, the president of the Peasant National Union read the “Open Letter to stop and reflect in an urgent matter the ProSAVANA Program”, manifesting the genuine voices of peasants in the affected region and all Mozambicans interested.
- The guest Minister of Agriculture (MINAG/MASA) labeled the peasant leaders as “puppets” and said that “the ones stepping in my way will pay the price in a hard way” to the then president of our national union.

8. Facts related to the consultations from Plaintiffs with JICA’s Operational Departments:

Our efforts of consultation with JICA’s Operational Departments, i.e., JICA’s African Division, JICA’s Rural Division and JICA Mozambique, were explained in detail in previous sections (especially, in introduction, 1. 2. 3. 4.).

We have made, unsuccessfully, all the possible efforts to gather information about the ProSAVANA, in the form of declarations, meetings and public events, in order to debate and clarify our worries about JICA. However, none of them had any effect and we only had access to information through partners, informally, and the relentless efforts from our partner Japanese organizations, who called upon the Japanese Information Law.

The documents now available are evidence that show JICA's intervention in our society and organizations, and, giving the circumstances, it is difficult to meet with the ones responsible for ProSAVANA at JICA.

JICA's actions in the ProSAVANA process violated not only our rights, as exposed before, but also attacked our dignity, existence and sovereignty. The simple act of saying the words "JICA" and "ProSAVANA" harms us deeply, makes us filled with rage and triggers in us a deep feeling of injustice and manipulation. Knowing that JICA's personnel are so close makes us uncomfortable, intimidated, threatened, anxious and revolted.

We, the peasants from the region affected by ProSAVANA and other organizations who respect us and defend us, do not trust the word "dialogue" anymore, when used by JICA.

Through our partners, the Japanese NGOs, we have repeatedly requested the translated version of JICA Guidelines, but they have refused to share its contents with the Mozambican society and with the people from the region affected by ProSAVANA.

JICA's actions under ProSAVANA, for the people living in the Nacala Belt region, where the program is to be developed, and for all the Mozambican civil society, have been carried out with the clear objective of "dividing in order to govern"; creating a huge and complex document (Directive Plan) that makes it impossible to read and understand the main stakeholders (labeled by JICA as the main beneficiaries); not allowing them timely access to ensure that they can contribute or question; organizing "district, rural and community consultations" without complying with national law and regulations for that purpose and with a strong presence of government structures, loaded with intimidation and threats to enforce the "Directive Plan".

Despite all the efforts from the last 4 years, JICA has not provided a simple Portuguese translation of the Guidelines so that our government and civil society may comprehend the principles of the Help provided by JICA.

Our partners in Japan confirmed that the ProSAVANA coordinator, former Minister of Agriculture, and the delegates from the Ministry of Japan (September 2015), did not know about the Guidelines and their contents. When this became a question during the meeting between the Japanese NGOs and this delegation of the Mozambican government, JICA's representative explained that the guidelines would be adopted when the projects started, thus, the government officials would not understand them.

If the Guidelines were shared in our language, comprehended, respected and followed by everyone, not only us and our government, but also all JICA's staff and consultants involved in the ProSAVANA-PD would have noticed the personal, social and organizational damages and, probably, would have tried to prevent them.

Thus, we would humbly request the independent examiners committee, who also happen to be university professors, to examine not only our request forms, but also all documents from JICA and ProSAVANA as well, listed on the footnotes, in order to judge our requests with a vigorous attitude, based on independent, unbiased and academic facts. Even if those dealing with ProSAVANA PROJECT (especially ProSAVANA-PD) have not respected and followed these wonderful Guidelines, based on knowledge and experience from the past, we would still like to believe in the spirit of JICA's Guidelines, in effect from April 2010.

Thus, we, peasants from Mozambique, and Mozambican non-governmental organizations involved in the process, with the examiners, would like to improve the practice and efficiency of the Guidelines through this painful experience and damages caused by JICA and its projects. For JICA to give a last chance to be in the way of what the Declarations state.

9. If a Requirement is sent by an agent, the plaintiffs must explain the need for submitting it through an agent:

As described above in number 7., there is no Portuguese version of the Guidelines and the OBJECTION PROCEDURES BASED ON GUIDELINES FOR SOCIAL AND ENVIRONMENTAL CONSIDERATION". This violates the rights from people in the affected region, where most of them are humble peasants.

Besides, it is written that if we send the information in our national language, Portuguese, it will take a long time to examine the case. Thus, we gathered and discussed among us and decided to seek help from our brothers and sisters from the Mozambican society who know English, laws, guidelines, and assistance from other donors, who have direct communication with JICA.

As we have written in number 7., we cannot deal directly with JICA anymore. It is too painful and harmful for us. Thus, in order to not get hurt anymore, we need an agent who understands our situation, our feelings and the procedure who we can fully trust.

Annex

This is an example of the description present in "ProSAVANA: Communication Strategy". We pasted the original and its translation in English, provided by JICA.

Considera-se ainda que o contacto directo com as comunidades, fazendo prova de sua importância, desvalorizará essas associações enquanto porta-vozes das comunidades ou líderes agrícolas,

The direct contact with communities, if it's proved, lessens those associations as spokespersons of communities or farmers.

If one withdraws importance to civil society organizations in Mozambique, one significantly weakens foreign NGOs operating in Mozambique, as these reduce their contacts with the media and, consequently, their influence.

Retirando importância às organizações da sociedade civil moçambicana, retira-se força às ONG estrangeiras a actuar em Moçambique, pois estas reduzem o seu contacto com os media e, consequentemente, a sua influência.

Regarding the influence that civil society organizations exert over the media in Mozambique, it is considered that if ProSAVANA maintains a constant communication with them it will decrease¹ the force employed by these organizations, especially the Mozambican ones, which are the ones that come forward.

Relativamente à influência que as organizações da Sociedade Civil exercem sobre os media em Moçambique, considera-se que a manutenção de uma comunicação contínua pelo ProSAVANA faz com que diminua a força exercida por essas organizações, principalmente as moçambicanas, que são as que dão a cara.

