

**JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)**

**OBJECTION PROCEDURES  
BASED ON THE GUIDELINES FOR ENVIRONMENTAL AND SOCIAL  
CONSIDERATIONS**

**(Translation of Japanese Version)**

**April 2010**

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## **1. Policy**

To ensure compliance with the Japan International Cooperation Agency (hereinafter referred to as “JICA”) Guidelines for Environmental and Social Considerations (hereinafter referred to as the “Guidelines”), JICA hereby establishes an Examiner for the Guidelines (hereinafter referred to as the “Examiner”) who is under the direct control of the President and is independent of the department responsible for individual projects and environmental analysis (hereinafter referred to as the “Operational Department”). JICA sets forth the following Objection Procedures based on the Guidelines for Environmental and Social Considerations (hereinafter referred to as the “Objection Procedures”).

## **2. Objectives of the Procedures to Submit Objections**

- (1) To investigate whether JICA has complied with the Guidelines and report the results to the President; this will ensure JICA’s compliance with the Guidelines.
- (2) To encourage dialogues between the parties concerned, with their consent. Specifically, these are dialogues between the party that submitted objections (hereinafter referred to as the “Requester”) and the entity that carries out the project (hereinafter referred to as the “Project Proponent”), which are held in order to assist in the early resolution of disputes concerning specific environmental and/or social problems caused by the project for which JICA provides assistance, which have arisen due to JICA’s non-compliance with the Guidelines.

## **3. Basic Principles**

- (1) Independence  
The Examiner will be appointed as an organ working under the direct control of the President and will be independent of the Operational Department.
- (2) Neutrality  
The Examiner must hear the opinions of all parties impartially and from a neutral standpoint, without taking the part of the Operational Department, the Project Proponent, or the Requester.
- (3) Efficiency  
The Examiner must efficiently process the objections submitted.
- (4) Promptness  
The Examiner must promptly complete the Procedures to Submit Objections (hereinafter referred to as “Procedures”) and must complete his/her activities by submitting a report, in principle, within two (2) months after the commencement of

the Procedures.

(5) Transparency

While considering the purpose of encouraging dialogue between the parties concerned and the confidentiality of business secrets and other secrets held by the host countries and other parties, the activities of the Examiner must, in principle, be open to the public and must contribute to the furtherance of JICA's accountability.

#### **4. Tasks of the Examiner**

- (1) JICA assigns two or three Examiners who are independent of the Operational Department.
- (2) The President appoints Examiners who meet the following requirements based on the opinions of a selection committee:
  - 1) Those who have no interest in relations with JICA's environmental and social considerations business; and
  - 2) Those fluent in Japanese and English.It is desirable that Examiners have knowledge of environmental and social considerations, international cooperation, and law.
- (3) The aforementioned selection committee consists of members that JICA selects through a fair and appropriate process from the realms of academia, the business community, the government of Japan, the governments of developing countries, and NGOs.
- (4) The Examiners' term of duty is three years, and they are permitted to be selected for a second term. JICA will not employ Examiners during the three years directly following the end of their assignment. If one of the Examiners resigns, the term of replacement is the remainder of the former Examiner's term.
- (5) Each request submitted is taken charge of by one of the Examiners, and he/she will prepare a report of investigation after taking into account the other Examiners' views.

#### **5. Powers and Duties of the Examiner**

- (1) In order to attain the above-mentioned purposes, the Examiner shall have the following powers:
  - 1) Free access to the information necessary for his/her activities, including, but not limited to, documents and records possessed by JICA;
  - 2) The ability to interview JICA's personnel and to ask that they submit relevant documents;

- 3) The ability to ask relevant departments of JICA to make arrangements to interview third parties, including persons other than JICA's personnel, and to request the submission of relevant documents.
- (2) In order to faithfully perform his/her duties, the Examiner shall have the following obligations:
- 1) To faithfully perform his/her tasks with regard to the requests submitted;
  - 2) To take due care of the human rights and business interests of the Requester and other parties concerned and of the information control of host countries, and not to behave in such a manner as to unduly injure the Requester and/or other parties concerned;
  - 3) Not to use information to which the Examiner has had access in performing his/her task for any purposes other than that task; and
  - 4) To comply with the Objection Procedures.

## **6. Projects Covered by the Procedures**

A request to raise objections (hereinafter referred to as the "Request") may be submitted with respect to the projects of 1) Loan aid, 2) Grant aid (excluding projects executed through international organizations), 3) Preliminary studies of grant aid undertaken by the Ministry of Foreign Affairs (hereinafter referred to as "MOFA"), 4) Technical cooperation for development planning, and 5) Technical cooperation projects, covered by the Guidelines, in which substantial damage has actually been incurred or is likely to be incurred in the future due to JICA's non-compliance with the Guidelines.

## **7. Qualifications of a Requester**

- (1) A Request must be submitted by two or more residents of a country who have suffered actual damage or who are likely to suffer damage in the future as a result of JICA's non-compliance with the Guidelines regarding the project for which JICA provides cooperation.
- (2) If it is unavoidable in view of the particular circumstances of the region in question etc., a Request may be submitted by an agent, provided that in such cases the names of the principal (Requester) must be identified and that the agent has been duly authorized by the Requester.

## **8. Period within which to Submit Requests**

A Request may be submitted during the period prescribed below.

- (1) Loan aid, Grant aid (excluding projects executed through international

organizations) and Technical cooperation projects

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses the results of the project's categorization and the time at which the project is completed. After the completion of the project, a Request pointing out JICA's non-compliance with the monitoring provisions of the Guidelines may be submitted during the time when JICA is monitoring the matter, pursuant to the Guidelines.

(2) Preliminary studies of Grant aid undertaken by MOFA

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses the results of the project's categorization and one month after the final report is disclosed on the website.

(3) Technical cooperation for development planning

A Request pointing out any instance of JICA's non-compliance with the Guidelines may be submitted between the time at which JICA discloses the project's agreement document and one month after the final report is disclosed on the website.

## **9. Contents of Requests**

A Request must state the following information in Japanese, English, or the official language of the relevant country. If the Request is written in the official language of the relevant country, it is necessary for the Examiner to translate the Request into Japanese or English before commencing the Procedures; therefore, it may take some time before the acceptance of the Request is announced.

(1) Name of the Requester

(2) Address or place of contact of the Requester

A Request must be submitted in the Requester's real name and a contact address must be specified, provided the Requester's information shall not be disclosed to outside persons, unless otherwise required by law. If the Requester desires not to disclose his/her name to the Project Proponent, he/she may express this desire in the Request.

(3) Project with respect to which the Request is submitted

\* Country name

\* Project name

\* Project site

\* Project outline

The name of the project does not have to be stated precisely; however, a Requester

is required to provide related information so that the project can be identified. In cases in which the name of the project cannot be stated precisely, the time needed to confirm information from a Requester may delay the acceptance of a request.

- (4) Description of actual damage incurred or likely to be incurred by the Requester as a result of JICA's non-compliance with the Guidelines
- (5) Relevant provisions of the Guidelines considered by the Requester to have been violated by JICA and the facts constituting such non-compliance as alleged by the Requester
- (6) Causal nexus between JICA's non-compliance with the Guidelines and the damage
- (7) Resolution desired by the Requester
- (8) Facts concerning the Requester's consultation with the Project Proponent.

In order to encourage dispute resolution through the parties' own efforts, the Requester is asked to endeavor to have dialogues with the Project Proponent prior to the submission of a Request. For this reason, it is necessary to state in the Request the date and time of such dialogues, the names of persons with whom the Requester had dialogues, the contents of the other party's response, and other detailed facts concerning the Requester's endeavors to have dialogues with the Project Proponent. If, however, there were unavoidable reasons for which the Requester could not endeavor to have dialogues with the Project Proponent, such reasons should be stated.

- (9) Facts concerning the Requester's consultation with the Operational Department  
The Requester is asked to communicate with the Operational Department prior to the submission of a Request. For this reason, it is necessary to state in the Request the date and time of such communication, the names of the persons with whom the Requester communicated, the contents of the Operational Department's response, and other detailed facts concerning the Requester's communication with the Operational Department. The Requester may also state the reasons for which the Operational Department's response was considered to be insufficient.  
If JICA's public relations department receives an inquiry from an outside person, it must promptly introduce to that person the relevant Operational Department that is handling the project in question, so that dialogues with the Operational Department can be conducted expeditiously and adequately. The Operational Department must conduct a screening and an environmental review pursuant to the provisions of the Guidelines, recognizing the importance of information furnished by stakeholders.
- (10) If a Request is to be submitted by an agent, the Requester must explain the necessity to submit the Request through an agent and attach evidence that the agent

has been duly authorized by the Requester.

## **10. Process of Submitting Requests**

### **(1) Submission of a Request**

A Requester submits a written Request (refer to attachment) to the Examiners by post, e-mail or hand-delivery.

### **(2) Acceptance of a Request and Notifications to the Requester and the Project Proponent**

The Examiner shall, so long as the names and the place of contact are stated in the Request, notify the Requester, the Project Proponent, and the Operational Department of the acceptance of the Request using the sample form attached hereto, within five (5) business days after the receipt of the Request. If the Requester desires not to disclose his/her name to the Project Proponent, no information about the Requester shall be disclosed to the Project Proponent.

### **(3) Preliminary Investigation**

1) The Examiner shall check the Request to confirm whether or not all of the required matters are fully set forth within it. If the descriptions are insufficient or otherwise inadequate, the Examiner may ask that the Requester rectify the deficiencies.

2) As necessary, the Examiner may interview the persons concerned with respect to whether or not the Requester is qualified to submit a Request.

3) The Examiner shall, with the intention of preventing abuse, check the Request to confirm that it was submitted in good faith and adequately in conformity with the purpose of the Procedures.

4) Unless there is a special circumstance that prevents the Examiner from doing so, a preliminary investigation will, in principle, be completed approximately one (1) month after the acceptance of a Request, and a decision will be made as to whether or not to commence the Procedures.

### **(4) Decision to Commence the Procedures**

1) If the Examiner deems, in accordance with the examination form attached hereto, that the Request satisfies the requirements to commence the Procedures and that the descriptions in the Request are fairly reasonable, he/she shall make the decision to commence the Procedures, and shall inform the President, the Requester, the Project Proponent, and the Operational Department of the decision in writing.

2) If a decision not to commence the Procedures is made, the Examiner shall inform

the President, the Requester, the Project Proponent, and the Operational Department of the decision and the reasons thereof in writing. Even if a decision is made not to commence the Procedures, the Examiner may, if he/she deems it useful for the examination and monitoring of the project, transfer the Request to the Operational Department. The President and the Requester shall both be notified of this transfer.

- 3) The Examiner may suspend the decision to commence the Procedures if a dispute concerning the project is pending in other resolution proceedings and the Examiner deems that the issues involved in these dispute resolution proceedings and those involved in the Procedures are substantially similar and that it is not necessary to commence the Procedures in accordance with the objectives of the Objection Procedures. If it is decided to suspend commencement of the Procedures, the President, Requester, host countries etc., and Operation Department shall be notified in writing. If, after the grounds for suspension have ceased to exist, the intention of the Requester to continue the Procedures is confirmed, the Examiner may decide to commence the Procedures.
  - 4) In view of the legal principle of *non bis in idem*, if a Request was submitted in the past concerning the same damage, a decision not to commence the Procedures may be made, provided that this shall not apply to a new Request based on a new fact not known at the time of the prior Request.
  - 5) The Requester may submit his/her opinion in writing to the Examiner if a decision not to commence the Procedures is made. The Examiner must faithfully consider the opinion submitted by the Requester and shall convey that opinion to the Operational Department, as necessary.
- (5) Investigation of the Facts of Compliance with the Guidelines
- 1) In order to investigate the facts of JICA's compliance with the Guidelines, the Examiner may meet with the Requester and hear what the Requester has to say about the matters with respect to which the Request has been submitted.
  - 2) The Examiner shall interview relevant persons in the Operational Department and ascertain the facts concerning (i) environmental and social considerations conducted during or before decision-making and (ii) monitoring. The Examiner may inspect any and all materials used by the Operational Department when conducting this confirmation of environmental and social considerations and monitoring.
  - 3) When necessary, the Examiner may interview residents who have the same view as that of the Requester, residents who have different views from that of the

Requester, Project Proponents, specialists, and other persons concerned, provided that if the Examiner intends to interview the host country and related parties, the Examiner will make initial arrangements to conduct interviews through the Operational Department.

(6) Encouragement of Dialogues in an Attempt to Resolve Disputes

1) In order to resolve disputes, the Examiner may not only mediate for the purpose of encouraging dialogues among the Requester, other residents who have been adversely affected, and the host country and related parties, but may also conduct individual interviews.

2) The Examiner must listen to the opinions of the persons concerned in a well-balanced manner, and must be careful, when conducting individual interviews, not to diminish people's trust in the Examiner's "neutrality."

(7) Matters Handled Cautiously in Implementing Investigation and Activities to Encourage Dialogues

The Examiner may temporarily suspend his/her investigation and activities to encourage dialogues if a dispute concerning the project becomes pending in other dispute resolution proceedings, and if the issue in those proceedings and the issue in these Procedures are substantially similar and it is not necessary to commence the Procedures in accordance with the objectives of the Objection Procedures. The President, Requester, Project Proponent, and Operation Department will be notified if such a suspension occurs. If, once the grounds for suspension cease to exist, the intention of the Requester to resume the Procedures is confirmed, the Procedures shall be resumed.

## **11. Report to the President**

- (1) Within two (2) months after the commencement of the Procedure, the Examiner shall prepare a report, using the sample form attached hereto, which sets forth the results of the investigation of the facts of compliance with the Guidelines, the progress of dialogues, and the agreement between the parties concerned if a settlement is reached. The examiner must submit this report to the President.
- (2) If the Examiner determines that JICA has not complied with the Guidelines, the Examiner may recommend to the President possible measures to correct such non-compliance, as necessary.
- (3) If the Examiner is unable to ascertain the facts as to whether or not JICA has complied with the Guidelines, or if the parties have agreed to dispense with the investigation by the Examiner of the facts of JICA's compliance or non-compliance,

the Examiner shall report to the President the progress of the dialogues and of said agreement between the parties concerned.

- (4) If the Examiner believes that more time is required for investigation or for the encouragement of dialogues, the Examiner may report to the President the particulars of further required activities and the reasons why such activities are indispensable. Upon receipt of such a report, if the President decides that there is a fair amount of unavoidable reasons to extend the period, the President may extend the period for up to two (2) months.
- (5) The Examiner's report shall immediately be sent to the parties concerned. The parties concerned may then submit to the Examiner their opinions on the contents of the report. The Examiner shall pay due respect to such opinions, and if he/she deems that the opinions contain matters useful for the monitoring of the project in question, he/she may transfer the opinions to the Operational Department.

## **12. Opinion of the Operational Department**

Within one (1) month after the submission of the Examiner's report to the President, the Operational Department shall submit its opinion in writing to the President. The Department shall therein set forth its opinions on the Examiner's report, and, if the Examiner concluded in the report that JICA has not complied with the Guidelines, the Department shall set forth measures to be taken to ensure JICA's compliance with the Guidelines, as necessary.

## **13. Responses to Examiners' Reports and Recommendations**

- (1) Any instructions issued by the President in consideration of the Examiner's report, the opinion of the Operational Department, and the opinion of the parties concerned shall be implemented by the Operational Department.
- (2) The Examiner shall be informed of the Operational Department's implementation status of the instructions issued by the President. When necessary, the Examiner will interview the Requester and other relevant persons in order to gather and report related information to the President in the annual report of activities. If the Examiner deems it necessary, he/she may report to the President, at any time, the Operational Department's implementation status of the instructions issued by the President. In addition, on the basis of the investigation results of individual cases in which it was concluded that JICA did not comply with the Guidelines, the Examiner may state, in the annual report, his/her opinion of the measures to be taken to ensure JICA's future compliance with the Guidelines and other matters.

#### **14. Disclosure of Information**

- (1) Information on the Procedures shall be disclosed in accordance with the following:
  - 1) The Examiner, after the acceptance of Request, shall publicize the summary (Country name, Project site, Project name, Outline of the damage and JICA's non-compliance with Guidelines) on JICA's website.
  - 2) The Examiner, after the commencement of Procedure, shall publicize whole or part of Request on the website, with confirmation that they do not contain any information whose disclosure is not required by the Objection Procedures and/or statute.
  - 3) The Examiner's report, opinions of the parties concerned, and the opinions of the Operational Department shall be sent to the parties concerned and promptly publicized on the website, with confirmation that they do not contain any information whose disclosure is not required by the Objection Procedures and/or statute.
- (2) Since the Examiner's report and the opinion of the Operational Department must, in principle, be publicized, they must not contain any information whose disclosure is not required by statute. If, in order to make the report meaningful, it is indispensable to state in the report any information whose disclosure is not required by statute, the prior consent of the parties concerned must be obtained.
- (3) Other documents that the Examiner has prepared in the performing of his/her duties shall be publicized pursuant to the provisions of applicable laws.
- (4) The Examiner shall prepare an annual report of activities using the sample form attached hereto and shall publicize it on JICA's website. Since the annual report of activities is a document prepared to be publicized, it must not contain any information whose disclosure is not required by statute.
- (5) The Examiner shall publicize his/her contact address on JICA's website, and endeavor to have his/her presence and activities widely known to the public by preparing and publishing pamphlets and posting information on JICA's website, etc., in collaboration with JICA's Public Relations Department.
- (6) The working language used in the disclosure documents on JICA's website shall be English, while Japanese and/or the official languages of the Requester shall be used as necessary.

#### **15. Secretariat**

A secretariat shall be organized to process works in relation to the Examiners. The

secretariat consists of several JICA personnel. The Examiners can utilize external specialists as needed.

#### **16. Review of Objection Procedures and Interim Provisions**

- (1) The Objection Procedures shall be reviewed, in principle, concurrently with the review of the Guidelines. This review shall be conducted in consideration of the opinions given and the evaluations made by the users and the Examiner that have accumulated up to the time of the review.
- (2) The Objection Procedures shall become effective on DD/MM/YY and shall apply in the case of projects to which the Guidelines apply.

N.B. If there is any ambiguity in the English version and/or any inconsistencies with the Japanese version, the Japanese version will prevail.

## Sample Request

Date: \_\_\_\_\_

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

Name of the Requester:

Contact information of the Requester:

Address:

TEL:

FAX:

E-mail:

**【If the Requester uses an agent】**

Name of the agent:

Contact information of the agent

Address:

TEL:

FAX:

E-mail:

We desire that our names not be disclosed to the Project Proponent.

Yes ▪ No (Circle one)

1. Project with respect to which the objections are submitted

\* Country name:

\* Project name:

\* Project site:

\* Project outline:

2. Substantial damage actually incurred or likely to

be incurred by the Requester as a result of JICA's non-compliance with the

Guidelines:

3. Relevant provisions of the Guidelines considered violated by JICA and facts constituting JICA's non-compliance, as alleged by the Requester:
  
4. Causal nexus between JICA's non-compliance with the Guidelines and the substantial damage:
  
5. Resolution desired by the Requester:
  
6. Facts concerning the Requesters' consultation with the Project Proponent:
  
7. Facts concerning the Requesters' consultation with JICA's Operational Department:
  
8. If a Request is to be submitted by an agent, the Requester must explain the necessity to submit the Request through an agent and attach evidence that the agent has been duly authorized by the Requester.

The Requester hereby covenants that all the matters described herein are true and correct.

[END]

## Sample Notice of Acceptance

Date: \_\_\_\_\_

To: (Name of Requester)

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

We hereby inform you that your request to raise objections dated DD/MM/YY was accepted on DD/MM/YY.

After completing the preliminary investigations, we will decide, within one month, whether to commence the Procedures or suspend the commencement, and we will notify you in due course of our decision.

We may wish to interview you during the preliminary investigations. We will contact you and make the necessary arrangements.

If, after the preliminary investigations, it is decided that the Procedures shall be commenced, we will investigate the facts of JICA's compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the "Objection Procedures based on the Guidelines for Environmental and Social Considerations." For these purposes, we may wish to interview you, in which case we will contact you and make the necessary arrangements.

An outline of your request (country name, project site, project name, claimed damage, and relevant provisions of the Guidelines that have been violated) and the progress of the Procedures will be publicized on the website.

For details of the Procedures, please visit <http://www.jica.go.jp/environment/guideline> or send us an inquiry.

[END]

## Sample Notice to Commence the Procedures

Date: \_\_\_\_\_

To: (Name of the Requester)

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

We hereby inform you of our decision to commence the Procedures with respect to your request to submit objections dated DD/MM/YY (accepted on DD/MM/YY) as described below. For details, please refer to the enclosed Results of Examination.

For approximately the next two months, we will investigate the details of JICA's compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the "Objection Procedures based on the Guidelines for Environmental and Social Considerations." For these purposes, we may wish to interview you, in which case we will contact you and make the necessary arrangements.

Your request will be publicized on the website. After completion of the relevant procedures, the reports prepared by the Examiner for the Guidelines, opinions prepared by JICA's Operational Department, and opinions prepared by parties concerned will also be publicized on the website. The information that is not required to be publicized by the Objection Procedures and/or statute will remain undisclosed.

For details of the Procedures, please visit <http://www.jica.go.jp/environment/gudeline> or send us an inquiry.

[END]

**Sample Notice of Decision to not Commence the Procedures**

Date: \_\_\_\_\_

To: (Name of the Requester)

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

We hereby inform you of our decision to not commence the Procedures with respect to your request to submit objections dated DD/MM/YY (accepted on DD/MM/YY). For details, please refer to the enclosed Results of Examination.

[Reasons for decision to not commence the Procedures will be stated. Further, the examination and monitoring procedures undertaken by JICA's Operational Department will be described.]

Thank you very much for your attention.

[END]

**Sample Notice of Decision  
to Suspend the Commencement of the Procedures**

Date: \_\_\_\_\_

To: (Name of the Requester)

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

We hereby inform you of our decision to suspend the commencement of the Procedures with respect to your request to submit objections dated DD/MM/YY (accepted on DD/MM/YY). For details, please refer to the enclosed Results of Examination.

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

Once the grounds for suspension cease to exist, the intention of the Requester to continue the Procedures will be confirmed and we may decide to recommence the Procedures.

Thank you very much for your attention.

[END]

## Sample Results of Examination

(This document is only a sample; in the case of an actual examination, more suitable descriptions will be made based on the nature of each Request.)

### 1. Formality requirements of the Request

All items are written in Japanese, English, or the official language of the country in which the Requester resides.	
There are items whose descriptions are insufficient.	
(Items whose descriptions are insufficient: _____)	

### 2. Requirements to commence the Procedures

#### (1) Requirements regarding the Requester

The Request has been submitted by two or more residents of the country in which the project is implemented.	
The Request does not satisfy the above requirement.	
It cannot be confirmed that the Request has been submitted by the Requester.	

#### (2) Project with respect to which the objections are submitted

After identifying the project from the Request, it has been confirmed JICA provides funding for this project.	
After identifying the project from the Request, it has been confirmed that JICA does not provide assistance for this project.	
The project cannot be identified from the Request.	

#### (3) Period

##### 1) Loan aid, Grant aid (excluding projects executed through international organizations), and Technical cooperation projects

The Request was submitted between the time at which JICA indicated its categorization of the project and the time at which the project is completed.	
The Request was submitted after the completion of the project, and JICA's non-compliance with the Guidelines concerning JICA's monitoring was pointed out.	
The Request was submitted after the completion of the project, but JICA's non-compliance with the Guidelines concerning the JICA's monitoring was not	

pointed out.	
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2) Preliminary studies of grant aid undertaken by MOFA

The Request was submitted between the time at which JICA indicated its categorization of the project and one month after the final report was disclosed on the website.	
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3) Technical cooperation for development planning

The Request was submitted between the time at which JICA disclosed the agreement document of the project and one month after the final report was disclosed on the website.	
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(4) Actual damage incurred or likely to be incurred by the Requester as a result of JICA's non-compliance with the Guidelines

Actual damage incurred or likely to be incurred is described.	
Actual damage incurred or likely to be incurred is not described.	

(5) Relevant provisions of the Guidelines considered to have been violated by JICA and the facts constituting JICA's non-compliance alleged by the Requester

Provisions not complied with and facts of non-compliance are reasonably described.	
Provisions not complied with and facts of non-compliance are not reasonably described.	

(6) Causal nexus between the JICA's non-compliance with the Guidelines and the substantial damage

Description of causal nexus is considered reasonable.	
Description of causal nexus is not considered reasonable.	

(7) Facts concerning the Requester's consultation with the Project Proponent

The Requester has endeavored to have dialogues with the Project Proponent.	
There is an unavoidable reason preventing the Requester from having dialogues with the Project Proponent.	
As the Requester has not fully endeavored to have dialogues with the Project Proponent, the Requester should first propose to have such dialogues.	

(8) Facts concerning the Requester's consultation with JICA

The Requester has communicated with JICA's Operational Department.	
As the Requester has not fully endeavored to communicate with JICA's Operational Department, the Requester should first attempt such communication.	

(9) Prevention of abuse

There is no concern that the Request was submitted for abusive purposes.	
There is a concern that the Request was submitted for abusive purposes; therefore, it is inappropriate to commence the procedures. (example) 1) The Request was submitted for the purpose of unduly obtaining compensation. 2) The Request was submitted solely for the purpose of delaying the implementation of the project. 3) The Procedures were utilized for the purpose of damaging the credit or reputation of the host countries etc. 4) The Request was submitted for political purposes unrelated to the project.	
There is a serious false description in the Request.	

(Describe the reasons for which the Request is considered to have been submitted for abusive purposes and/or the matters considered false.)

[END]

## Sample Notice to Requester of Examiner's Report

Date: \_\_\_\_\_

To: (Name of the Requester)

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

We hereby inform you that we have submitted a report to the President of JICA with respect to your request to raise objections dated DD/MM/YY (accepted on DD/MM/YY).

Opinions on the said report may be submitted pursuant to the "Objection Procedures based on the Guidelines for Environmental and Social Considerations."

The Examiner's report is presented below. The report itself, opinions of the parties concerned, and opinions of the Operational Department will be publicized in due course. The information that is not required to be publicized by the Objection Procedures and/or statute will remain undisclosed.

[END]

## Sample Form of Examiner's Report

1. Summary of request accepted
  - (1) Name of country
  - (2) Name of city in which the project is located
  - (3) Name of project
  - (4) Alleged damage
  - (5) Alleged non-compliance with the Guidelines
  
2. Results of preliminary investigations (results of examination are attached.)
  
3. Results of investigations of relevant facts and encouragement of dialogues
  - (1) Record of interviews with the JICA's Operational Department personnel for the purpose of investigating JICA's compliance/non-compliance with the Guidelines
    - \* Date and time of interviews
    - \* Content of interviews
  - (2) Results of investigations of the facts concerning JICA's compliance/non-compliance with the Guidelines
    - \* Damage actually incurred
    - \* Facts concerning compliance/non-compliance with the Guidelines
    - \* Causal nexus between the damage actually incurred and the facts concerning compliance/non-compliance with the Guidelines
    - \* Final results
    - \* Possible measures to correct the non-compliance in that particular case (If the Guidelines are not complied with)
  - (3) Agreement between the parties on the encouragement of dialogues and the record of dialogues held between the parties
    - \* Date and time of dialogues
    - \* Content of dialogues
  - (4) Content of agreement reached between the parties, if any
  - (5) Necessity for further mediation
  
4. List of materials on which the Examiner's judgment was based

[END]

## **Sample Form of Examiner's Annual Report of Activities**

1. Summary of activities conducted during the current business year
  - (1) Number of Requests accepted
  - (2) Number of decisions to commence the Procedures, suspend the commencement of the Procedures, and not commence the Procedures
  - (3) Analysis of the reasons for decisions to suspend and/or not commence the Procedures (including the reasons appearing frequently)
  - (4) Number of reports prepared by the Examiner for Environmental Guidelines
  - (5) Analysis of the items with respect to non-compliance with the Guidelines that have been pointed out (including provisions of non-compliance that were frequently pointed out)
  
2. Opinions of users
  - (1) Opinions of the Requester
  - (2) Opinions of the Project Proponent
  - (3) Opinions of the JICA's Operational Department
  
3. Status of implementation of instructions issued by the President
  - (1) Report from the Operational Department on the status of the implementation of instructions issued by the President
  - (2) Examiner's opinions on the report made by the Operational Department
  
4. Administration and implementation systems

[END]

**Procedures Flowchart**

