

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

Attention to:

Prof. Kazuo Matsushita,
Prof. Yuka Kaneko,
Prof. Takashi Hayase

C.C. The Secretariat Office for the Examiner for the Guidelines
Japan International Cooperation Agency (JICA)

Maputo, 21 May 2018

Subject: Response of the requesters to the Objection's Conclusion Report

Dear Sir,

As previously explained, the requesters needed sufficient time to analyze the Investigation Report on The Support for Agricultural Development Master Plan for Nacala Corridor in The Republic of Mozambique, and to produce their letter of opinion of the all Objection process and also regarding the findings on the Final and Complete Investigation report.

I. Independence of JICA's Objection Procedures

According to JICA and its Objection Procedures, the entire inspection process including the Examiners themselves, is independent from the departments and actors responsible for the implementation of the agency's projects and programs. However, the Examiners are selected by JICA's President, taking into account the recommendations of the Selection Committee and of the Head of the Secretariat of Examiners, which contradicts the process' principle of independence. It should also be noted that the Examiners are obliged to submit their final report to JICA's President for recommendations and not to the applicants.

In our opinion, this procedure is not independent. We felt that the Examiners came over on a mission with a previously set outcome and they were, at all times, more worried about proving their hypothesis right than about making a deeper analysis, thus clearing JICA from any responsibility regarding the way Prosavana has been imposed to Mozambique's civil society from the very beginning.

II. Conduct and Identity of the Examiners and the Secretariat

The chosen Examiners did not have any work experience in Africa, nor knowledge of the political, social and linguistic context of Mozambique or Africa, and we believe that this lack of prior knowledge conditioned them. In our opinion, an understanding of the political and social

context would have been fundamental to help understand the allegations in the objection, and our perception is that the Examiners are specialists in development and governance but in a context completely different to Mozambique's.

It also came to our knowledge that Professor Matsushita was an employee of the Japanese government before working as an academic teacher and that the Examiner Professor Kaneko, was an employee of JBIC (Japan Bank for International Cooperation) – an institution with strong ties to JICA which was eventually integrated into JICA – before working as a university professor.

The role of the Secretariat was not clear, nor did the Objection Procedures or any other document available to the public define it. It was unclear how many people make up the Secretariat, how they work, and who they are.

Communication with the Examiners was done through the Secretariat and many important decisions such as meeting appointments, including the prioritization of certain meetings and the time made available for each of these meetings seemed to be a decision of the Secretariat rather than of the Examiners. The attitude of the Secretariat of Examiners was neither cordial nor considerate, the way it dealt with the applicants and afterwards with the agents and the members of the No to Prosavana Campaign was tense and sometimes even rude. For example, they asked that everyone who was part of the Campaign signed an attendance list, but refused to do the same, leading the Campaign people to refuse to sign it as well. At the meeting with the Campaign, they told the translator they paid for not to translate the discussion to the Campaign staff who did not speak English because, as one of the members of the Secretariat justified afterwards, they were the ones who paid the translator.

During the inspection process, the Examiners clearly stated that they and the Secretariat are independent from JICA, however, besides having been chosen by JICA's President, before playing the role of Examiners they were in some way linked to JICA, meaning that the information they provided regarding their independence from JICA is clearly false.

Examiner Kaneko repeatedly countered facts in the complaint which were duly explained by the applicants, stating that the information did not correspond to that provided by the various departments of JICA. Both the applicants and the agents addressed this impartiality at the meetings and even asked the Examiner to be more careful in her defence of JICA and to bring forward evidence of what she was saying, which she never did.

Furthermore, the Examiners were not able to clarify contradictory information such as, on the one hand, the allegations of human rights violations by the applicants, and on the other, the result of JICA's permanent effort to distance itself from all the irregularities that – despite all the numerous warnings made by civil society – were committed throughout this program's "imposition" process. JICA's stance regarding this whole process is that it always acted according to national legislation and that its role is only to support the government of Mozambique.

The Examiners did not ask for additional information nor did they attempt to crosscheck the information passed on by the personnel associated with the Program or to JICA. The applicants and agents perception is that the main purpose of the Examiners was to demonstrate that JICA was exempt from any liability in the numerous allegations made in the objection.

From the very first meeting between the applicants and the Examiners, we felt that the Examiners were not independent. The Examiners had no socio-cultural and political knowledge

of our country or any work experience in Mozambique or any other African country and this made it difficult to understand the allegations in the objection and in all the meetings.

III. Poor preparation and a very short visit period for a proper inspection in Mozambique

The Objection Procedures require that the objection be submitted by those affected themselves, which in Mozambique's context, by itself, represents a huge challenge. In this program's case, for example, many of those affected live in remote rural areas with very limited access to telephone network. The procedures for submitting the objection are very complex, written in English, available on the internet only – which the vast majority do not have access to – and the form is extensive and difficult to understand.

More so, despite the agents' warnings regarding all communication and logistic constrains and the fact that applicants live in different districts of the gigantic area covered by this Program, this was not properly taken into account by the Secretariat when organising the inspection since the dates that were established left no room to negotiate possible postponements to allow better preparation.

The applicants' agents were also often unable to reach consensus and to respond in a timely manner to the issues raised by the Secretariat while preparing inspection due to the difficulties mentioned above.

The Secretariat asked the agents for a list of people and institutions that should be interviewed in the process, but did not contact a large number of those people nor shared the list of all those interviewed, as requested by the agents and applicants. Furthermore, we learned that the meeting agenda favoured institutions either in favour of the Program or directly involved in it, further substantiating the idea of an impartial inspection aimed at corroborating JICA's version of things.

IV. Predefined Conclusions of the Objection

The Examiners did not allow applicants to argue or rebuff the information obtained from JICA and most of the meetings held by them were organized by none other than JICA itself – the main object of this process. Once again, this shows how blatantly biased towards JICA this inspection was.

The main focus of the objection was the violation of Human Rights through the imposition of a highly contested program. The document makes it clear that applicants adamantly refuse to accept this program. Yet, Examiners tried to promote a discussion about how to define strategies to move forward with the program, improve communication and ensure a future dialogue, totally contradicting the applicants' demands. This insistence in ensuring a positive outcome and in constructing a dialogue process to allow the program to move forward was very problematic and totally unacceptable from a body that claims to be independent.

The Examiners accepted the allegations and explanations of the different departments of JICA in order to justify their conclusions: "JICA cannot be found to have committed violations". However, the Examiners never requested neither additional information nor additional evidence before accepting all of JICA's unfounded justifications, but rather consulted with members of the government and the Prosavana Program.

Examiners can not conclude that JICA has no responsibility for acts carried out throughout the entire process of imposing this program solely because they have been carried out by representatives of the Ministry of Agriculture and Food Security or of Prosavana's coordination and not by any of JICA's personnel. The program is JICA's and all activities are funded by JICA, therefore JICA has to take responsibility for its impacts. And let us not forget the fact that JICA has chosen to ignore the numerous letters and warnings regarding this matter that were disseminated by the No to Prosavana Campaign over the last five years. Refusing to accept the many serious problems of the program they co-designed does not clear them of the responsibility for the impacts that this is having on Mozambique's civil society.

We are still waiting for the list of interviews and meetings held by the examiners within the scope of their mission in Mozambique.

It should be noted that, even before the publication of the report on the objection process, the agents, in close cooperation with the applicants, submitted a letter denouncing some of the negative aspects of the process, including the conduct of the Examiner who insisted in the information provided by JICA as if it were absolute truth.

The Examiners based their conclusions on the inability to verify some of the allegations made in the objection, however, they never asked the applicants for further clarification to verify all conflicting information, so we do not accept the conclusion that there was no violations, since there is also no evidence that there were in fact no violations.

Given the difficulty of the Examiners in verifying some of the situations referred to in the objection, Japanese civil society organizations, in close collaboration with the applicants and agents, requested that the submission of additional documentation be allowed, which the Examiners accepted. Regrettably, the more than 200 documents submitted (most of which JICA's primary documents, including the translation of its entire meetings with the Complainants and with the Campaign) to the Examiners' Secretariat, were not considered nor analysed. If any of the documents submitted had been duly analysed, several of the points raised and the information provided by the various departments of JICA, which appear in Chapters 1 and 2, would have been disregarded, since its irrelevance, its manipulation of information and its false information would have been demonstrated. But the effort to select and submit these documents was ignored and the Examiner took only the documents officially provided by JICA into account.

Finally, we regretfully believed that by submitting an objection we would have an independent, fair and transparent analysis that would verify the numerous conflicts and cases of violation of rights that the Prosavana Program has been causing in spite of not being yet fully implemented, however, that did not happen. In our opinion, the Examiners and its Secretariat are only fulfilling their duty to uphold JICA's image and secure its interests in this program that will benefit a very small number of Mozambicans, but will certainly bring enough profit and business to countless companies and entrepreneurs, while the Mozambican people are once again sacrificed.

We reiterate that we do not want the Prosavana Program!

Best Regards

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'A. Lemos', written in a cursive style.

Anabela Lemos

Justiça Ambiental – Friends of the Earth Mozambique

On behalf of the requesters