

[TRANSLATION]

**Investigation Report**

**The Support for Agricultural Development Master Plan for Nacala Corridor**

**In**

**The Republic of Mozambique**

**November 2017**

**The Examiner for the JICA Guidelines  
for Environmental and Social Considerations**

## About the Objection Procedures and the Examiners for the Guidelines

To ensure compliance with the “Guidelines for Environmental and Social Considerations” published in April 2010 (hereinafter referred to as the “Guidelines”) of Japan International Cooperation Agency (hereinafter referred to as “JICA”), the President of JICA has appointed external examiners for the Guidelines (hereinafter referred to as the “Examiners”), who are independent from the departments of JICA responsible for individual projects and environmental review (hereinafter referred to as the “Operational Departments”) and are to report their findings directly to the President of JICA (hereinafter referred to as the “President”).

The two (2) primary objectives for the appointment of Examiners are as follows:

1. To investigate the alleged non-compliance by JICA to establish the facts of the case and report the results to the President, aiming to ensure JICA’s compliance with the Guidelines.
2. To encourage dialogue between the parties concerned, such as the parties that submitted objections (hereinafter referred to as the “Requesters”) and the entities that carry out the project (hereinafter referred to as the “Project Proponents”), with their consent, to promptly resolve disputes concerning specific environmental and/or social problems caused by the projects for which JICA provides assistance, which have arisen due to JICA’s non-compliance with the Guidelines.

The Examiners are required to perform their duties to achieve the objectives in compliance with basic principles set forth in the Guidelines - independence, neutrality, efficiency, promptness and transparency.

### Procedures regarding Requests

JICA’s objection procedures are explained in “Objection Procedures Based on the Guidelines for Environmental and Social Considerations” published in April 2010 (hereinafter referred to as the “Objection Procedures”). Upon the receipt of a request (hereinafter referred to as the “Request”),

the Examiners shall engage in the following procedures:

1.       Acceptance of a Request and Notifications to the Requesters and the Project Proponents  
The Examiners shall, so long as the names and the contact information are stated in the Request, notify the Requesters, the Project Proponents, and the Operational Departments of the acceptance of the Request within five (5) business days after the receipt of the Request.
  
2.       Preliminary Investigation  
The Examiners shall check the Request, by means of writing, as to whether it includes the contents required in the Objection Procedures. Unless there are any special circumstances that prevent the Examiners from doing so, a preliminary investigation will, in principle, be completed approximately one (1) month after the acceptance of the Request, and a decision whether to commence the Objection Procedures will be made.
  
3.       Decision to Commence the Procedures  
Upon the confirmation that the Request satisfies the requirements set out in the Objection Procedures and the descriptions in the Request allege facts that give reasonable cause to commence the Objection Procedures, the Examiners shall decide to commence the Objection Procedures, and send a written notice of said decision to the President, the Requester, the Project Proponents and the Operational Departments. When the Examiners have decided to reject the Request, a written notice that includes the decision and the reasons for the said decision shall be given to the President, the Requester, the Project Proponents and the Operational Departments.
  
4.       Investigation of Facts of Alleged Non-compliance with the Guidelines  
In order to establish the facts behind JICA's alleged non-compliance with the Guidelines, the Examiners may meet with the Requesters and interview them on the issues concerning the Request. The Examiners shall interview the relevant persons in the Operational Departments and establish the facts regarding the environmental and social considerations taken as well as the facts regarding the subsequent monitoring performed prior to the relevant decisions. The Examiners are entitled to access any and all

materials used by the Operational Departments in confirming environmental and social considerations and the monitoring. In addition, in order to resolve the disputes, the Examiners may mediate conflicts and encourage dialogue among residents who have been adversely affected by the project, including the Requesters, and the Project Proponents.

5. Report to the President

Within two (2) months after the commencement of the Procedures, the Examiners shall prepare a report on the results of the investigation of the facts behind JICA's alleged non-compliance with the Guidelines, the progress of dialogue, and the agreement reached between the parties concerned, if any, and shall submit the report to the President. If the Examiners believe that more time is required for the investigation or for encouraging dialogue, the Examiners may report to the President the reasons why an extension is indispensable. When the President judges that there is a suitable degree of unavoidable reasons to extend the period, the President may extend the period up to two (2) months.

Immediately after the submission of the Examiners' report to the President, the report shall be sent to the parties concerned. The parties concerned may then submit to the Examiners their opinions on the contents of the Examiners' report.

6. Opinions from the Operational Departments

Within one (1) month after the receipt of the report, the Operational Departments may, if deemed necessary, present their opinions on the Examiners' report in writing to the President, and if a non-compliance decision has been made in the report, the measures to achieve compliance with the Guidelines should be set forth in their opinions.

## Acknowledgments

This Report was prepared in response to the Objection Request (hereinafter referred to as the “**Objection Request**”) regarding the Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique (hereinafter referred to as the “**Project**” or “**PD Project**”).

As stipulated in the Objection Procedures, the objectives of an investigation by the Examiners are (i) to find the facts as to whether or not JICA has complied with the Guidelines and (ii) to encourage dialogue between the parties concerned, to promptly solve specific environmental and social disputes of the projects for which JICA provides assistance, thereby ultimately encouraging JICA’s compliance with the Guidelines. Therefore, the object of investigation is JICA, while the persons, parties and/or organizations concerned with the project, regardless of whether they are for or against the project are not subject to the investigation. The Objection Procedures require the Examiners to report the investigation findings to the President of JICA within two (2) months (or four (4) months at the longest, if extended), after the commencement of the procedures. Thus, within the limited timeframe and based on the information made available to them, the Examiners prepared an investigation report, which includes the results of fact-finding as to whether there was JICA’s alleged non-compliance, the status of dialogue, and suggestions for encouragement of dialogues between the parties concerned.

The notable characteristics of the Objection Request included, among others, that: (i) the subject Project was a support project for the development of a master plan, and the Objection Request was submitted at an early stage before any impact arose from the performance of specific operational activities; (ii) for this reason, the subject matter of the Objection Request related primarily to the question of whether or not the Guidelines’ doctrines and principals were violated by JICA’s activities in general; (iii) in addition, the Objection Request also addressed, as a part of the “ProSAVANA” Program in a broad sense, those related projects and individual contracts which were not included in the scope of the Project, i.e., “Support for Agricultural Development Master Plan for Nacala Corridor”; (iv) as a result of the foregoing, the range of information that needed to be collected/analyzed was wide, and it was difficult to specifically identify actual damages; (v) the Mozambican government’s interpretation of laws/regulations of Mozambique is

at issue in the Objection Request, but it was difficult for the Examiners to step in any judgement that may intrude the government's official interpretation; and (vi) it was difficult to obtain consent of the Requesters for possible dialogues among the parties concerned in order to promptly resolve the disputes, as they contend presumably the only way of such resolution is to have an immediate suspension of the project.

Because, in addition to the above-described characteristics of the Objection Request, the Requesters and their agents requested strict confidentiality, utmost care was taken when conducting interviews of relevant individuals and handling information which was obtained. On the other hand, in order to understand the sequence of various past events, opinions were exchanged with the stakeholders (including Japan's civil society) as well. Through the investigation process, the Requesters' intentions were respected to the maximum extent possible and efforts were made to broaden the range of information collected/facts confirmed in light of the purpose of the system and the role of the Examiners, which are to examine violations of the Guidelines and to encourage dialogue.

The Examiners would like to take this opportunity to thank all who cooperated in preparing this Report. In particular, we express our appreciation to the Requesters (including their agents and supporting groups), the Mozambican government, individuals in Mozambique affiliated with the Project, and JICA's Operational Departments and staff members for providing information, respectively.

November 2017

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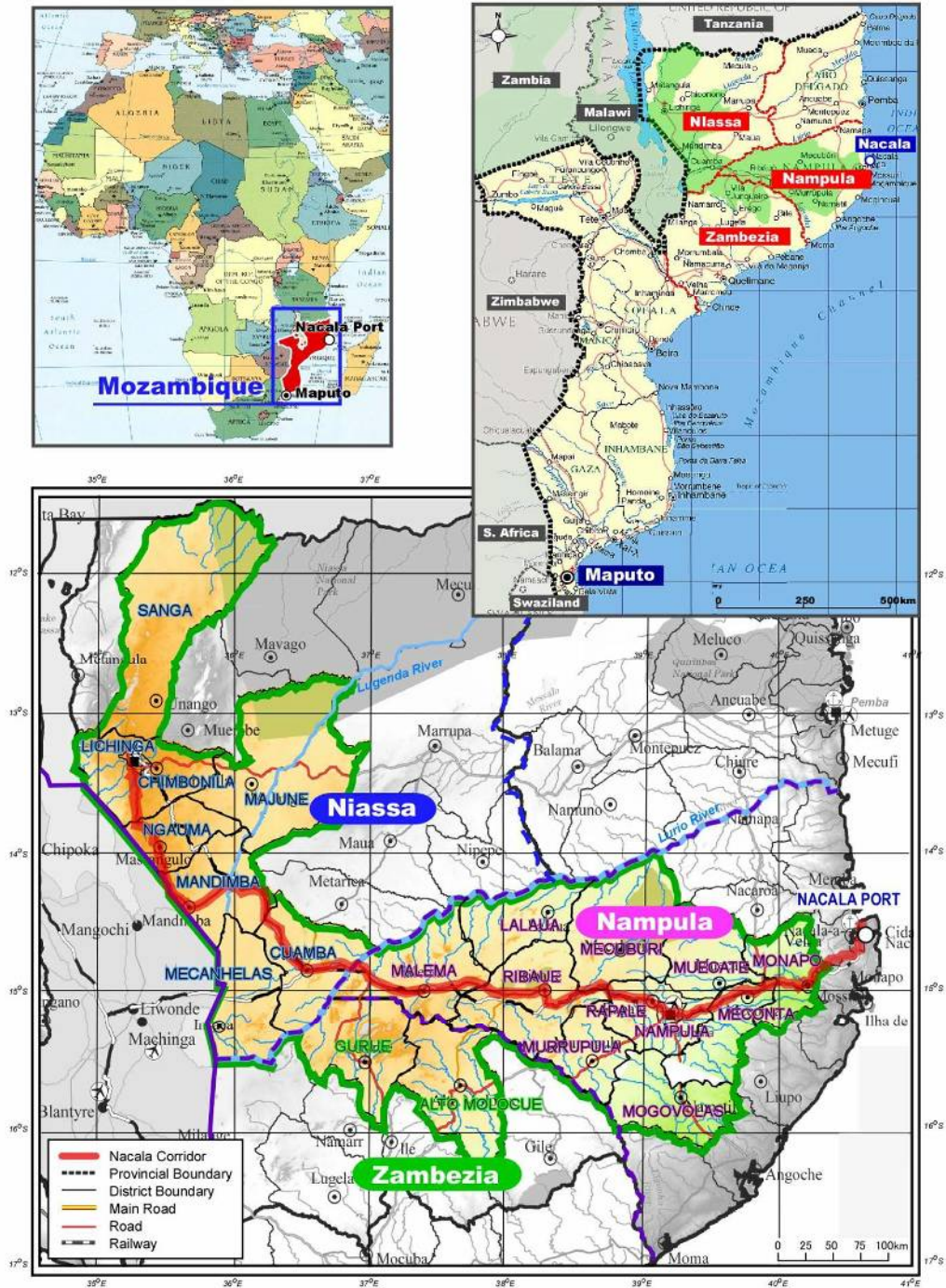


- Annex 4 Summary of Alleged Damages and Allegation by the Requesters regarding the non-Compliance with the Guidelines
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## ABBREVIATIONS AND ACRONYMS

ABC	Brazilian Cooperation Agency
DPA	Provincial Directorate of Agriculture
JICA	Japan International Cooperation Agency
MASA	Ministry of Agriculture and Food Security
MCSC	Civil Society Coordination Mechanism for Development of Nacala Corridor
PD Project	Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique
PEM Project	Project for Establishment of Development Model at Communities' Level under Nacala Corridor Agricultural Development (ProSAVANA)
SDAE	District Service for Economic Activities
TOR	Terms of Reference
UDCM	District Union of the Peasants from Monapo
UNAC	National Union of Peasants
UPC	Provincial Union(s) of Peasants

# MAPS



Location Map

## CHAPTER 1: OUTLINE OF THE OBJECTION REQUEST WHICH WAS ACCEPTED

An outline of the Objection Request (Annexes 1a through c<sup>1</sup>) is set forth below.

(1) NAME OF COUNTRY:

The Republic of Mozambique

(2) AREAS AFFECTED BY THE PROJECT:

19 districts in the provinces of Nampula, Niassa and Zambézia

(3) NAME OF PROJECT:

The Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique

(4) OUTLINE OF REQUEST

The remedial measure requested by the Requesters is “immediate discontinuation of all activities/projects relating to the ProSAVANA development in the tropical savanna area within Nacala Corridor” (Section 6 of Chapter II of the Objection Request). As the basis of their request for such measure, the Requesters allege, in Chapter II of the Objection Request, that JICA’s non-compliance with the Guidelines has caused the below-described damages to be incurred:

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<sup>1</sup> It must be mentioned that the Objection Request was drafted in the Portuguese language and some of the terms used, and statements quoted, therein contained potentially misleading parts/expressions, and that, for this reason, problems remained to ensure the appropriateness of translation and terms when this Investigation Report was prepared by the Examiners.

“1) Violation of Human Rights that occurred under the ProSAVANA Program<sup>2</sup>:

a) Direct damages: physical and emotional damages caused by persecution, intimidation, blackmail, threat and repression by local government authorities 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.

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 state of conflict).”

The Requesters allege that the above-described damages were caused by JICA’s violations of the Guidelines. JICA’s violations of the Guidelines alleged in the Objection Request are summarized as follows:

1) JICA’s violations of the Guidelines relating to the violation of human rights that occurred in connection with the ProSAVANA Program

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<sup>2</sup> The PD Project, which is the project subject to the Objection Request, constitutes a part of the agricultural development program (which is commonly referred to as the “ProSAVANA Program”) implemented by JICA in Nacala Corridor in the Republic of Mozambique. Because the Objection Request refers also to the other projects included in the “ProSAVANA Program,” the Examiners also kept in view the entire scope of the “ProSAVANA Program” when investigating the factual relationships (refer to Attachment 5 concerning the relationship between the PD Project and the ProSAVANA Program).

a) Violation of Human Rights (physical and emotional damages caused by government authorities)

As the primary violation of human rights, the Requesters allege that the policies of stakeholders' participation and accountability, etc. (Section 1.1), supports for and explanations of appropriate environmental and social considerations by project proponent countries (Section 1.4), consultation with local stakeholders (Section 2.4), concern about human rights (Section 2.5), laws, regulations and standards of reference (Section 2.6), etc., which are set forth in the Guidelines, were violated by the fact that:

on one hand, since the commencement of the Project in 2012, government authorities of Mozambique (Ministry of Agriculture and Food Security (hereinafter referred to as “MASA”), and provincial and district government authorities) have threatened, repressed and intimidated the individuals (including the Requesters) who expressed opinions against, and objections to, the Project; on the other hand, such acts of the violation of the human rights were based on the “Communication Strategy” formulated by JICA; and

in addition, in spite of its knowledge that such violation of the human rights were being committed and in spite of its responsibility arising from its provision of monetary assistance to such governmental activities, JICA did not take any action whatsoever in response to such violation of human rights.

(Sections 5 and 6 1 of Chapter II of the Objection Request)

b) Violation of Human Rights (violation of the freedom of expression and the right to information)

As another case of violation of human rights, the Requesters allege that the policies of stakeholders' participation and accountability, etc. (Section 1.1), supports for and explanations of appropriate environmental and social considerations by project proponent countries (Section 1.4), consultation with local stakeholders (Section 2.4), concern about human rights (Section 2.5), laws, regulations and standards of reference (Section 2.6), etc., which are set forth in the Guidelines, were violated by the fact that the Requesters' rights relating to freedom of expression (including the right to information) were violated by the concealment of information concerning the substance of the Master Plan and the related consultancy service contracts by JICA and Mozambique's government authorities (Sections 1 and 5 of Chapter II of the Objection Request).

2) JICA's violations of the Guidelines relating to social damages (damages caused by JICA's direct and indirect "intervention" in civil organizations and local civil society)

Further, the Requesters allege that the policies of stakeholders' participation and accountability, etc. (Section 1.1), supports for and explanations of appropriate environmental and social considerations by project proponent countries (Section 1.4), consultation with local stakeholders (Section 2.4), concern about human rights (Section 2.5), laws, regulations and standards of reference (Section 2.6), and analysis of the "zero option" to not undertake a project if it is determined that environmental and social considerations will not be ensured (Section 2.8), which are set forth in the Guidelines, were violated by the fact that JICA engaged consultants in order to proceed with the Project, thereby directly and indirectly "intervened" in the Requesters' organizations and Mozambique's civil society, and caused "division" in civil society and caused social damages to the Requesters as a result thereof (Sections 3 and 5 of Chapter II of the Objection Request).

## CHAPTER 2: FINDINGS OF THE PRELIMINARY INVESTIGATION

The Examiners conducted a preliminary investigation concerning the Objection Request as described below:

- (i) April 27, 2017: Receipt of the Objection Request
- (ii) May 10, 2017: Acceptance of the Objection Request
- (iii) May 17, 2017: Issuance of the Notice of Acceptance of the Objection Request; commencement of the preliminary investigation
- (iv) July 3, 2017: Publication of the findings of the preliminary investigation (decision to commence the Objection Procedures) (Annex 2)



## CHAPTER 3: FINDINGS OF THE INVESTIGATION OF THE ALLEGED FACTS

### (1) INTERVIEWS CONDUCTED FOR THE PURPOSE OF INVESTIGATING THE ALLEGED FACTS

After the decision was made to commence the Objection Procedures with respect to the Objection Request, the Examiners conducted the below-described interviews for the purpose of investigating the alleged facts (refer to Annex 3 concerning an outline of results of the interviews):

#### (i) INVESTIGATIONS IN JAPAN

- July 14, 2017: Interviews with the Operational Departments
- July 26, 2017: Face-to-face meeting with the Japanese NGO
- July 27, 2017: (Second-round) interviews with the Operational Departments
- August 17, 2017: (Second-round) face-to-face meeting with the Japanese NGO
- August 25, 2017: Interviews with the consultants for the Project

#### (ii) FIELD VISIT INVESTIGATION

From July 28, 2017, until August 6, 2017

Two of the Examiners, Prof. Emeritus Matsushita and Prof. Kaneko conducted a field visit investigation.

(Interviews with a total of approximately ninety (90) or more individuals, including eleven (11) individuals who are the Requesters).

## (2) FINDINGS OF THE INVESTIGATIONS OF THE ALLEGED FACTS

Because the Objection Request covers a wide range of different matters, the allegations stated in the Objection Request are reorganized based on the issues described in respect of the violation of the Guidelines by JICA in Section (4) of Chapter 1 above, and, with respect to each issue, the “Requesters’ Key Allegations,” “Summary of Operational Departments’ Explanation” and “Factual Relationships Confirmed Through Investigation” are set forth below in this Section.

More specifically, as described in Section (4) of Chapter 1 above, the damages alleged by the Requesters are generally divided into two (2) categories, i.e., (1) violation of human rights and (2) social damages. The former thereof relates to JICA’s violations of the Guidelines described in Sections (4) 1)a) and b) of Chapter 1 above, and includes physical and emotional damages caused by the government authorities’ repression, intimidation, threats, etc., of the individuals with opinions against the Project (Section (4) 1)a) of Chapter 1), and violations relating to the right to information and freedom of expression resulting from the lack of disclosure of information relating to the ProSAVANA Program in a broad sense (including the Master Plan Study) (Section (4) 1)b) of Chapter 1). Further, the latter thereof relates to JICA’s violations of the Guidelines described in Section (4) 2) of Chapter 1 above, and involves the allegation that:

the four (4) “sub-projects (related consultancy service contracts),” which were implemented by JICA as measures to deal with the local civil society’s opposition movement in the process of developing the Master Plan of the PD Project, obstructed the Requesters’ right to information and participation in the plan formulation; and

in addition, such actions to “intervene” in civil society gave rise to social damages, i.e., violation of the basic constitutional doctrines with respect to peasant organizations/civil society organizations (to which the Requesters belong).

Please also refer to Annex 4, in which numerous issues raised in the “Summary of the Requesters’ Allegations” and the “Summary of Operational Departments’ Explanation” relating thereto are organized chronologically.

1) VIOLATION OF HUMAN RIGHTS OCCURRED IN CONNECTION WITH THE PROSAVANA PROGRAM

a) VIOLATION OF HUMAN RIGHTS (PHYSICAL AND EMOTIONAL DAMAGES CAUSED BY GOVERNMENT AUTHORITIES)

REQUESTERS' KEY ALLEGATIONS
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(i) VIOLATION OF HUMAN RIGHTS AT THE 1st TRIANGULAR CONFERENCE OF PEOPLES HELD IN AUGUST 2013 (refer to Annex 4: Section (2)(i))

The Requesters allege essentially that the below-described violation of the human rights were committed during the 1st Triangular Conference of Peoples held in August 2013:

\* During the conference relating to the ProSAVANA Program which was held in August 2013 in Maputo after the civil society organization in Mozambique reached out to the individuals affiliated with the governments of the three (3) countries concerned, the Minister of Agriculture made statements to the president of the National Union of Peasants (UNAC) to which some of the Requesters belong, such as “you are all puppets of foreigners,” “anyone who steps in my way will receive intense pain,” etc.; in addition, during a press interview after the conference, the Minister of Agriculture made an insulting remark concerning “conspiracies by foreigners.” Further, two (2) weeks after that, a similar statement was made in Nampula by the Director of Provincial Directorate of Agriculture and Food Security in Nampula.

\* Such repression of basic human rights (including freedom of expression, etc.) by senior government officials occurred as a result of JICA’s involvement in the background which established contracts and devised the “Communication Strategy.”

(ii) VIOLATION OF HUMAN RIGHTS WHICH WERE COMMITTED BY

INDIVIDUALS AFFILIATED WITH LOCAL GOVERNMENTS IN AND AFTER  
SEPTEMBER 2013 (refer to Annex 4: Sections (4)(i) and (8)(i))

The Requesters then allege that, after the 1st Triangular Conference of Peoples held in August 2013, the below-described violation of human rights were committed in and after September 2013 by individuals affiliated with local governments:

- \* After the above-referenced conference, “massive oppression” started, such as the district administrators and a provincial governor making statements like “individuals who oppose ProSAVANA will be put in jail,” etc. The Requesters made the “Nampula Declaration” in May 2014 and commenced the “NO! to ProSAVANA” campaign in June 2014, and communicated the status thereof to JICA; however, JICA did not thereafter take any action in response thereto.
  - \* In addition, an incident occurred in Monapo, Nampula, where, in connection with the ProSAVANA-PEM, which is another JICA’s project and a part of the ProSAVANA Program in a broad sense, a threat was made by a district governmental official insisting that UDCM rent the machinery from ProSAVANA-PEM.
  - \* As a result of the formation of the “Network of District Collaborators” proposed in the “Communication Strategy” referenced in (i) above, a hostile/oppressive environment was created and it became the background for systematic abuse.
- (iii) VIOLATION OF HUMAN RIGHTS WHICH OCCURRED DURING THE PUBLIC CONSULTATION OF THE MASTER PLAN IN 2015, AND DURING THE TIME PERIODS PRIOR AND SUBSEQUENT THERETO (refer to Annex 4: Sections (10)(i) and (11)(i))

The Requesters allege that the below-described violation of human rights was committed during the Public Consultations for Master Plan in 2015, and during the time periods prior and subsequent thereto:

- \* Between April and June of 2015, District Public Consultations spearheaded by MASA's ProSAVANA Headquarters were held concerning the draft of the Master Plan (hereinafter referred to as the "**Draft Zero**") which was being prepared in connection with the PD Project. Thereafter, a top-down style of "systemic oppression" was firmly established and the following incidents occurred (refer to Annex 4: Section (11)(i)):

several leaders of the peasants who had expressed doubts about the substance of the Draft Zero were summoned to a district government office and some were subjected to such coercion as "say you accept ProSAVANA," "visit all the homes in your community to tell everyone that you are now accepting ProSAVANA," etc.; and

a leader of UPC was summoned to the district government office and was subjected to interrogation from 8:00 a.m. until 2:00 p.m., during which time he was told that he would be "put in jail," "brought to court," etc.

- \* Further, the Public Consultation held in the capital (Maputo) in June 2015 was presided over and moderated by the Minister of Agriculture who made such statements as "only patriotic comments are allowed," "if you do not want to participate, you do not have to participate," etc., and declared the conclusion of the meeting in spite of the fact that there were still five (5) individuals left who wanted to ask questions, etc.

- \* In light of the fact that JICA covered the entire cost (equivalent to eight million seven hundred thousand (8,700,000) Japanese Yen) incurred in connection with such Public Consultations, it is therefore obvious that JICA is also partly responsible for the actions taken by the government-affiliated individuals; however, JICA asserted that the Mozambican government was responsible, and did not perform any follow-up or monitoring.

SUMMARY OF OPERATIONAL DEPARTMENTS' EXPLANATIONS
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(i) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (i) ABOVE (refer to Annex 4: Section (2)(ii))

\* Since JICA received the invitation on the day before the conference, it could not participate in the conference. For this reason, JICA is not in a position to have direct knowledge of the fact relating to the statements made by the Minister of Agriculture. It can be understood from the context that the "conspiracies of the foreigners" stated in the interview after the conference actually do not refer to the protests by peasants but rather to the statement pointing out the fact that it would keep Mozambique dependent on the import of food.

\* The "Communication Strategy" is nothing more than the consultant's proposal to JICA, and is not an official document agreed by JICA or the governments of the three (3) countries. JICA did not implement the suggestions included in the "Communication Strategy" without change; it only implemented, after choosing which to adopt and which to reject, the preparation of public relations materials such as posters, pamphlets, etc., relating to ProSAVANA. Thus, it never took actions (such as urging the Mozambican government to make statements of some sort, etc.) which led to the "planned results of the 'Strategy'" alleged in the Objection Request.

(ii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (ii) ABOVE (refer to Annex 4: Sections (4)(ii) and (8)(ii))

\* There is some confusion regarding the sequence of events and it is not clear which behavior of JICA is being criticized and when it was conducted. The statements made by the provincial governor of Zambézia, which are alleged to have been problematic, were reported during the 2nd Triangular Conference of Peoples held in July 2014, i.e., chronologically, it is after the Nampula Declaration was announced in September 2013 and the "NO! to ProSAVANA" campaign in June 2014. For this reason, the Requesters

cannot be deemed to have given notice to JICA through such declaration or campaign.

- \* Since September 2013, JICA has consistently sought a careful dialogue, including the fourteen (14) meetings regarding the Concept Note with district and provincial administrators, provincial civil society platforms, and UPC in three (3) target provinces, etc., and therefore, the claim that “these accounts were communicated to JICA, but nothing changed” is not true.
  
  - \* Concerning lending of the machinery, the PEM Japanese consultants and local extension officers consulted and reached an agreement with the peasants and groups concerned through several steps. It was unable to confirm any threats made by Mozambican government officers.
  
  - \* Regarding the claim by the Requesters that as a result of the formation of the “Network of District Collaborators” proposed in the “Communication Strategy” referenced under (i) above, a hostile/oppressive environment was created and it became the background for systematic abuse, it is true that the suggestion for “construction of the Network of District Collaborators” was included in the proposal of the consultant contracted with JICA; however, no such activity was actually implemented and no such networks were established in the district administration offices. Therefore, the basis of the claim is unclear.
- (iii) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (iii) ABOVE (refer to Annex 4: Sections (10)(ii) and (11)(ii))
- \* Upon inquiring with the Mozambican government, it has confirmed the fact that there were individuals who attended Public Consultations held in some of the districts and who left after stating their opinions in opposition, and that the opposing attendees were summoned to government offices at a later date in order to enable the government officials of the relevant districts (who could not attend the meetings on the days thereof) to question such attendees in order to obtain information. However, the alleged facts

that such individuals were actually coerced to express their approval, that they were intimidated or threatened during the face-to-face meetings, or that it was stated that they “would be put in jail unless they accepted ProSAVANA” could not be confirmed.

- \* In connection with the series of meetings of Public Consultation based on the Draft Zero held between April and June of 2015, which were spearheaded by MASA of Mozambique, it is true that at one of the meetings held in the capital (Maputo), the Minister of Agriculture made such statements which were pointed out. However, it is understood that the decision to conclude the meeting was made due to the fact that the duration of the Minister’s stay was limited, that some individual attendees, among those who are said to have ultimately been unable to make statements, had in fact already made statements during the meeting, and, therefore, that certain consideration was given to opportunities of the attendees to make statements.
  
- \* JICA’s financial involvement in the Public Consultations was limited to a part (approximately nine million (9,000,000) Japanese Yen) of their cost in total (approximately ten million (10,000,000) Japanese Yen). There are regions where JICA staff and/or Japanese consultants refrained from attending Public Consultations held therein, as consideration given for the purpose of not preventing attendees, who are from the local communities (such as peasants, etc.), from making statements freely; JICA is aware of the situation of at least some of the Public Consultation meetings where JICA Mozambican staff members were present, etc. In addition to confirming the fact, JICA conveyed the claims made by the peasants to the Mozambican government, and has requested that the government take steps to prevent reoccurrence, and therefore, the claim that JICA “did not perform any follow-up or monitoring” is factually inaccurate.

FACTUAL RELATIONSHIPS CONFIRMED THROUGH INVESTIGATION
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- (i) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (i) ABOVE



\* With respect to the below-described matters:

prior to the “1st Triangular Conference of Peoples” held in the capital (Maputo) by the Requesters in August 2013 as an opportunity for consultation by the government and the people about the ProSAVANA Program, the Minister of Agriculture made statements to the president of UNAC to which some of the Requesters belong, such as “you are all puppets of foreigners,” “anyone who steps in my way will receive intense pain,” etc.; in addition, during a press interview after the conference, the Minister of Agriculture stated that “(oppositions to the Project) are conspiracies by foreigners”; and

two (2) weeks thereafter, a similar statement was made in Nampula by the DPA in Nampula.

JICA did not attend the meetings in question, and therefore direct physical records (such as minutes etc.) do not exist. Further, no additional information which objectively supports the substance of the above-referenced statements could be obtained from the interviews of the Requesters conducted by the Examiners during the field visit. It is surmised from press reports as well that statements of some sort were made, and it may conceivably be possible that they gave rise to an effect of diminishing the Requesters’ speech; however, the Examiners did not find evidence to confirm the alleged fact, based on positive proof by either party, or whether or not the Requesters’ side did not misunderstand the true intention or context of the statements made by the above-referenced individuals. For this reason, such conclusion was not reached that repression of basic human rights was effected.

\* On the other hand, the testimonies of the relevant individuals that the meeting in question was organized by the Mozambican civil society’s side, and was not organized by JICA, and that JICA had not been aware of the meeting until it received the invitation just one day before the meeting was held, can be considered to be credible;

therefore, it is hardly conceivable that JICA was in a position to exert influence over the substance of statements made by the Minister of Agriculture on the applicable day. Further, it is obvious from the provisions of TOR (Articles 3 and 4.2.1) of the service contract between JICA and CV&A as of August 1, 2013 (No.13 of Chapter 5 (Informational Material)) that, in connection with the Contract for Communication Strategy Definition for ProSAVANA in and after August 2013, JICA intended to engage only in the public relations activities, such as distribution of pamphlets, mass media, etc., and the Examiners could not find evidence that supported the Requesters' suspicion that JICA worked on the Mozambican government to effect specific policy-related interventions. Therefore, even if the Minister of Agriculture had made coercive statements at the meeting in question and even if the Requesters had suffered damages (threats) as a result thereof, no clear cause-and-effect relationship could be found between such damages and JICA's implementation of the Contract for Communication Strategy Definition for ProSAVANA which was then being effected.

(ii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (ii) ABOVE

\* The Examiners conducted interviews of government officials of the Provincial Directorate of Agriculture of Nampula and Niassa, and interviews of individuals affiliated with the MCSC Zambézia Province Forum and the UPC in Zambézia, but could not obtain evidence relating to the oppressive statements made by district administrators and the provincial governor referenced in the Requesters' allegation described under (ii) above. The Examiners understand that it is possible that, after the Nampula Declaration was made in 2013, the government side and the peasants/civil society organizations came to have opposite opinions and that both sides at times made radical statements. However, whether or not the alleged imprisonment of members of the "opposition faction" actually occurred, could not be confirmed through the interviews of the Requesters or through the interviews of other relevant individuals; for this reason, the Examiners could not confirm that the status of repression of human rights had become such that the expression used in the Objection Request, "massive

oppression,” appropriately described it.

- \* With respect to the Requesters’ allegation described under (ii) above that, as a result of the formation of the government-leaning Network of District Collaborators by JICA pursuant to the consultants’ suggestion of the “Communication Strategy,” a hostile/oppressive environment was created, the Examiners have found that the “Communication Strategy” definitely contained a suggestion relating to the “Network of District Collaborators (Chapter 5 (Informational Material) No. 15).” However, the Examiners confirm that the construction of such “Network of District Collaborators” is not included as a consultancy service in the TOR (Chapter 5 (Informational Material) No. 14) of the Contract related to Implementation of the Communication Strategy between JICA and CV&A as of June 20, 2014. The Examiners could not find any objective evidence to support the claim that such “Network of District Collaborators” was actually established.
  
- \* Based on the fact that JICA Mozambique office then promptly conducted fact-finding investigations about each case in Public Consultations and provided advice a number of times during meetings with the DPA of each province in order to improve the government side’s interactions with civil society, the Examiners think that JICA cannot be deemed to have neglected to address the problem.
  
- \* The Requesters allege that an incident occurred where coercion was committed in Monapo, Nampula Province, by governmental officials in connection with the ProSAVANA-PEM which is one (1) of the projects included in the ProSAVANA Program; the Examiners recognized through the interviews of individuals involved in the PEM Project, that a sounding out to participate in the PEM Project was in fact made to a union in Monapo affiliated with UPC , however, having met with the union’s resistance at that time, the approach to the union was immediately halted but to be shifted to another union. Therefore, given the credibility of this testimony, it cannot be found that JICA/the government committed coercion. Through the interviews of ordinary peasants conducted by the Examiners in Monapo as well, actual coercion in

connection with the PEM Project could not be confirmed, and the Examiners could instead come in contact with the successful results of the PEM Project which is said to have safeguarded the rights of small farmers and caused their lives to improve.

(iii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iii) ABOVE

\* With respect to the Requesters' allegation of multiple instances of violation of human rights, which were committed during the Public Consultation of the Master Plan in 2015 and during the time periods prior and subsequent thereto, as well as their allegation that a top-down style of "systemic oppression" was firmly established, it can be surmised based on the interviews of MASA's ProSAVANA Headquarters' staff members, interviews of the individuals in charge of the applicable matter who belonged to the PDA of Nanpula and Niassa, and interviews of the staff members of the Operational Departments in charge of the applicable matter and its local office that the situation had become such that substantial tension existed between the government side and the Requesters before and after the Public Consultations. In particular, it was explained in the statements made by government officials of the DPA which organized the Public Consultations in districts that:

individual participants not only from local civil societies, but also from the capital (Maputo) and Japan, who held opinions in opposition, attended multiple District Public Consultations and took actions (such as taking large amounts of time in order to read aloud lengthy statements, etc.) which could possibly be viewed as disruptive behavior; and

for this reason, there were instances where, in some of the regions, the chairman of a Public Consultation restricted statements made by non-local attendees, with the intention of giving preference to the statements of local attendees.

In addition, references were also made to the fact that the district administrators in some of the regions summoned the “opposition faction” members for the purpose of interviewing them after the Public Consultation, and questioned them since the provincial governor could not attend the Consultation on that day. The Examiners cannot completely deny the possibility that, during the process involving a series of such incidents, the government side’s statements and actions at times had aspects of oppressive/coercive characteristics. It is thought to be highly likely that some of the Requesters were in fact summoned by the district offices subsequent to the Public Consultations. However, only one (1) of the Requesters asserted that he/she was actually summoned and then detained for six (6) hours, the Requesters did not indicate any other actual example of intimidation, and confirmation based on objective evidence could not be made. As a result of the foregoing, no basis could be found which was sufficient for a definitive determination that, as alleged by the Requesters, a type of “oppressive system” was firmly established through the Public Consultations.

- \* With respect to the statements made by the Minister of Agriculture in Maputo, it is thought to be highly likely, based also on the explanations made by an individual affiliated with JICA who was with the Minister of Agriculture at the applicable time, that statements were in fact made which would cause problems of some type. However, according to the above-referenced individual affiliated with JICA who was with the Minister of Agriculture at the applicable time, it is explained that the situation was such that the Minister had no choice but to declare the conclusion of the meeting when the scheduled closing time had passed because of the following event related to government work which the Minister had been scheduled to attend after the meeting; in addition, it was explained that, when concluding the meeting, the Minister requested that those attendees who wished to ask questions submit opinions in writing. In light of the foregoing, it is difficult to conceive that clear repression of speech and violation of rights were committed as alleged by the Requesters.
  
- \* The Examiners think that the JICA side cannot be deemed to have neglected to take actions (such as providing advice to the government side, etc.) in response to the

statements made, and actions taken, by the individuals affiliated with the Mozambican government. JICA, immediately after it was informed of the occurrence of a problem relating to a district-level Public Consultation which its staff members did not personally attend, collected information from the government side, and provided advice during the consultation with MASA and the Japanese NGOs which took place at JICA's headquarters in September 2015 as well as on other occasions. In addition, the Examiners confirmed the fact that information was shared during the Dialogue meetings on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA held in July, October and December of such year (Chapter 5 (Informational Material) No.36), and that efforts were made to listen to opinions through consultation with the headquarters of UNAC, etc.. Further, it is understood that JICA, which accepted a suggestion made by UNAC Secretariat at the meeting held in June of such year that the dialogue be spearheaded by the third-party, rather than by the government, gave advice to the local government side for the implementation of the below-described "stakeholders' engagement," thus took utmost care to also give consideration to those individuals who opposed the project in its dealings.

As described above, it can be surmised that it is possible that some of the statements (which are alleged by the Requesters to have been made) were made and that the relationship between the government side and the Requesters had become substantially tense; however, JICA is thought to have not actually violated the Guidelines by neglecting to address problems.

b) VIOLATION OF HUMAN RIGHTS (VIOLATION OF THE FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION)

REQUESTERS' KEY ALLEGATIONS
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(i) INADEQUATE DISCLOSURE OF INFORMATION CONCERNING THE ENTIRE PROSAVANA PROGRAM (refer to Annex 4: Sections (3)(i), (6)(i) and (7)(i))

The Requesters allege that the Mozambican government and JICA did not disclose sufficient information concerning the ProSAVANA Program (which includes the PD Project) at the 1st Triangular Conference of Peoples held in August 2013 and the 2nd Triangular Conference of Peoples held in July 2014, both of which were initiated by the local civil society, and issues included in their allegation can be summarized in general as the following three (3) points:

- \* First, during the 1st Triangular Conference of Peoples held in August 2013, a government official who attended the Conference falsely explained that there was “no connection whatsoever” between the ProSAVANA Program and the Brazil-Cerrado program, in spite of the fact that it had been revealed by a document leaked to civil society prior to the Conference that the ProSAVANA Program was modeled after the Brazil-Cerrado program. Further, this explanation constituted an action that was in conformance with the substance of the suggestion set forth in the “Communication Strategy” referenced in a) above.
- \* Second, also during the 2nd Triangular Conference of Peoples held in July 2014 which was attended by JICA as well, government representatives of the three (3) countries concerned emphasized the lack of any relationship between ProSAVANA and Brazil-Cerrado and declared that “no investment relating to land whatsoever will be made under ProSAVANA.”
- \* Third, the response to the open letter of questions, which had been sent by the civil society organization to the leaders of the three (3) countries concerned in May 2013, was not received until August 2014; in addition, in spite of the fact that such response had actually been signed in May 2014, no explanation whatsoever was provided by individuals affiliated with the governments of the three (3) countries concerned during the above-referenced 2nd Conference held in July. Further, the substance of the official response sent by the Minister of Agriculture of Mozambique in August also did not directly address the claims and requests set forth in the open letter of questions.

(ii) VIOLATION OF HUMAN RIGHTS DURING THE PUBLIC CONSULTATION RELATING TO “DRAFT ZERO” HELD IN 2015 (refer to Annex 4: Sections (9)(i) and (10)(i))

The Requesters also allege that JICA’s involvement relating to the Public Consultation, which were spearheaded by the Mozambican government and held between April and June of 2015 in response to the publication of the “Draft Zero,” was in violation of the Guidelines, and issues included in their allegation can be summarized as the following two (2) points:

\* Due to the fact that the publication of the “Draft Zero,” opinions concerning which were solicited during the Public Consultation, had been made only two (2) weeks before the Public Consultation was held and that the method of publication thereof made it impossible for peasants to access it, the period of time which was available to analyze the lengthy document consisting of two hundred (200) pages was not sufficient, and the process was thus improper.

\* The Public Consultation violated seven (7) procedural rules prescribed by ministerial decree of MASA No. 130 of 2006. As specific bases for the violation, it was claimed that the peasants of the communities were not able express their opinions due to the fact that:

the peasants’ participation was obstructed not only by the abrupt public announcements thereof, but also by the inaccurate locations and times indicated in the public announcements;

participation of specific union members of UPC was restricted;

armed police were present; and

the participants with negative opinions on the Master Plan received criticism, etc.



As a result, these actions threatened and violated the peasants' freedom of expression.

- (iii) INADEQUATE DISCLOSURE OF INFORMATION CONCERNING THREE (3) "SUB-PROJECTS" (CONTRACTS CONSIGNED TO LOCAL CONSULTANTS) (refer to Annex 4: Sections (1)(i), (2)(i), (6)(i) and (15)(i))

Next, the Requesters allege that the obligation to disclose information prescribed by the Guidelines was breached due to the fact that, in the contracting process relating to the Contract for Communication Strategy Definition for ProSAVANA, the Contract related to Implementation of the Communication Strategy, and the Contract for Stakeholder Engagement, all of which were implemented by JICA, in connection with the PD Project that is at issue in the present case, by way of hiring local consultants, etc., information concerning the plans relating thereto was not provided in advance to the individuals (including the Requesters) relevant to the Project or a process that intentionally omitted public disclosure of information was selected. More specifically, issues can be summarized as following three (3) points:

- \* First, with respect to the execution process for the Contract for Communication Strategy Definition for ProSAVANA, the obligation to publicly disclose information prescribed by the Guidelines was breached, due to the fact that the counter-party was selected and the order was issued without the provision of information at such occasions as the Dialogue meetings on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA held at the applicable time, and the "1st Triangular Conference of Peoples" (August 2013) organized by the Requesters' side, etc.
  
- \* Second, with respect also to the subsequent contract of the Contract for Communication Strategy Definition for ProSAVANA, information was not disclosed on such occasions as the "2nd Triangular Conference of Peoples" (July 2014), etc., and the contract was signed (June through September 2014) by way of direct contracting with the same consultant who had proposed the Communication Strategy; the foregoing clearly indicates the JICA side's support of the Communication Strategy, i.e., its intention to

“intervene” in the Mozambican civil society, which induced the Mozambican government to make the oppressive statements and take the oppressive actions described above.

\* Third, with respect to the Contract for Stakeholder Engagement implemented by JICA (from November 2015 until March 2016), the information disclosure obligation under the Guidelines was breached because of the fact that plans for the contracting process had been made and the implementation had commenced and the fact that those were not shared during the Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA held during such time period. In addition, JICA concealed facts relating to such contract and provided false explanations to a Japanese civil society.

(iv) INSUFFICIENT EXPLANATIONS CONCERNING THE GUIDELINES BY JICA AND FAILURE TO OTHERWISE CAUSE THE GUIDELINES TO BECOME WIDELY KNOWN (refer to Annex 4: Sections (14)(i) and (23)(i))

Finally, as described below, the Requesters allege that JICA’s explanations concerning the Guidelines were insufficient, and that JICA otherwise neglected to cause the Guidelines to become widely known.

\* The statement made by MASA’s ProSAVANA coordinator who participated in a meeting with the Japanese NGOs in September 2015 that he/she was not aware of the existence of the Guidelines and the fact that, in spite of the Requesters’ numerous requests, JICA did not present a Portuguese version of the Guidelines evidence the fact that JICA neither made efforts, nor provided explanations, for the purpose of causing the relevant individuals to understand the substance of the Guidelines.

SUMMARY OF OPERATIONAL DEPARTMENTS’ EXPLANATIONS
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(i) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (i)

ABOVE (refer to Annex 4: Sections (3)(ii), (6)(ii) and (7)(ii))

- \* Since JICA did not attend the 1st Triangular Conference of Peoples held in August 2013, JICA does not know whether or not an individual affiliated with the government who attended the Conference denied the connection with Cerrado. Further, as stated in a) above, the “Communication Strategy” was nothing more than a report drafted by a consultant, and was not a binding official document relating to the ProSAVANA Program; JICA never in fact intervened in the Mozambican government based thereon.
- \* Before the ProSAVANA Program was conceived, the governments of Japan and Brazil had hammered out a policy for cooperating in providing assistance for agricultural development in Africa based on utilizing Brazil’s experience in the Cerrado development, however, as the Master Plan Study progressed, since it became obvious that the development model for Cerrado in Brazil differed from the development model that needs to be adopted in the ProSAVANA Program, it was no longer necessary to mention the Cerrado development.
- \* At the 2nd Conference, the representatives of the three (3) countries stated that positive aspects of the experiences and technology gained from Brazil-Cerrado would be utilized, and the allegation that government officials emphasized no connection is factually inaccurate.
- \* The written response of the Minister of Agriculture referred to the matters requested in the open letter of questions, such as the concerns about the ProSAVANA Program, building of a dialogue mechanism, the proposal and request for support for family farmers and peasant farmers, and the Minister’s reply expressed the importance of such concerns and mentioned capacity building of small- and medium-scale producers in rural areas and meeting the needs of rural communities; hence many points in the reply corresponded to the open letter of questions. Therefore, Requesters’ allegation that “the content was not a direct reply” is factually inaccurate.

(ii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (ii) ABOVE (refer to Annex 4: Sections (9)(ii) and (10)(ii))

\* With respect to the disclosure of information concerning the PD Project at the Public Consultation, the Requesters' allegation that it was impossible to access the draft in question is inaccurate, considering the fact that such draft was publicly disclosed on a website on March 31, i.e., approximately three (3) weeks before the first Public Consultation, that documents for review were distributed to the district government offices and such draft were also sent (with invitations to the Public Consultation) to major civil societies and peasants' organizations, and that the period of time allocated to wide dissemination of the information was longer than the period of time for wide dissemination of information prescribed by a ministerial decree (fifteen (15) days), in spite of the fact that the ministerial decree of MASA on the environmental impact assessment for the specific project did not apply to the PD Project because it was for a project for the development of a master plan, etc. Moreover, while attendees were encouraged to register, unregistered individuals were also permitted to attend.

(iii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iii) ABOVE (refer to Annex 4: Sections (1)(ii) and (15)(ii))

The process prescribed by JICA's internal rules was followed with respect to any of the Contract for Communication Strategy Definition for ProSAVANA, Contract related to Implementation of the Communication Strategy and Contract for Stakeholder Engagement, all of which are therefore proper, and the information disclosure obligation under the Guidelines was not breached.

(iv) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iv) ABOVE (refer to Annex 4: Sections (14)(ii) and (23)(ii))

No Portuguese version of the Guidelines currently exists; however, the Master Plan Study team created an outline of the Guidelines in Portuguese and then provided explanations for the

officials of the Mozambican central government and local governments; therefore, the Requesters' claim that JICA did not make any efforts to provide explanations concerning the Guidelines is factually inaccurate. In addition, the Requesters' allegation that the ProSAVANA coordinator stated during a meeting which was held when he visited Japan in September 2015 that he had not been aware of the existence of the Guidelines was not found in JICA's records.

FACTUAL RELATIONSHIPS CONFIRMED THROUGH INVESTIGATION
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(i) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (i) ABOVE

\* With respect to the disclosure of information concerning the entire ProSAVANA Program, in connection with the first issue relating to the statement made by government officials during the 1st Triangular Conference of Peoples concerning the connection with the Cerrado program, the report of JICA's Preparatory Survey conducted in 2009 (before the "Communication Strategy Definition for ProSAVANA" and prior to the PD Project) (Chapter 5 (Informational Material) No. 37) and the Detailed Planning Survey conducted in July 2011 (before the "Communication Strategy Definition for ProSAVANA" and prior to the PD Project) (Chapter 5 (Informational Material) No. 38) were verified; ; the written reports were found to contain references to the importance of providing assistance to small farmers in light of the social environment in Mozambique, and absence of farm land similar to Cerrado where large-scale farming can be developed. Thus, it is determined to be true that JICA and the Mozambican government understood the differences between ProSAVANA and Brazil from the outset, i.e., the beginning of the PD Project, and it cannot be found that a false explanation was provided during the 1st Triangular Conference of Peoples held in August 2013. It should be noted that, as explained under a) above, no objective evidence can be found which supports the Requesters' allegation that JICA worked on the local government pursuant to the "Communication Strategy."

\* In light of the above-referenced fact that reports clearly described the view of

emphasizing the importance of small farmers from the outset, i.e., the beginning of the PD Project, the statement made by the government-affiliated individual at the 2nd Triangular Conference of Peoples can be understood to express a position of being cautious about agricultural investments involving land grabbing, and the Requesters' allegation that it constituted a false explanation is inaccurate.

\* With respect to the comment that the written response of the Minister of Agriculture which had been signed in May 2014 was substantively insufficient, because such written response (Chapter 5 (Informational Material) No. 26) referred to the matters demanded in the open letter of questions, such as democratic and inclusive mechanisms for dialogue with a wide range of individuals, allocation of resources to the creation and implementation of the National Agricultural Support Plan for the Family Sector, etc., this written response cannot be thought to have caused an infringement of such extent that it resulted in the violation of the right to information.

(ii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (ii) ABOVE

\* With respect to the 2015 Public Consultation, explanations were received during the interviews of the staff members of MASA's ProSAVANA Headquarters and the staff members of JICA's Operational Departments and its local office conducted by the Examiners that the "Draft Zero" was posted on the website of the ProSAVANA Program on March 31, i.e., at least twenty (20) days before the first Public Consultation was held, thereby causing the period of time for wide dissemination of the information to be longer than the period of time prescribed by ministerial decree of MASA (fifteen (15) days), and that such document was also placed at each district-level government office and made available for review by the general public. It was also stated that announcement of the Public Consultation and the draft in Portuguese were also sent to major organizations of the three (3) provinces concerned as well as major groups of civil societies, including Maputo, and information that would cast doubt on this fact was not provided from the Requesters.

\* On the other hand, during the interviews of individuals on the Requesters' side conducted by the Examiners, it was pointed out that the local attendees of the Public Consultation consisted primarily of non-peasants (such as teachers, business owners, etc.), and only the supporters who had been invited by the government side in advance were permitted to attend. Concerning the foregoing matters, the following detailed explanations relating to the then-existing situation were received during the interviews of individuals who belonged to the Nampula DPA, the Niassa DPA, the ProSAVANA Headquarters, etc., conducted by the Examiners (Chapter 5 (Informational Material) No. 32), i.e.:

the Public Consultation had been widely publicized in advance on radio, etc., and was held in an open format;

it is common in the local society that knowledgeable individuals (such as teachers, nurses, etc.) are highly aware of public issues and attend the Public Consultation, while ordinary peasants tend not to attend the Public Consultation themselves but to listen to reports provided by knowledgeable individuals, and, as a result of the foregoing, there were some regions where the peasant attendance percentages were low;

at some of the Public Consultation, disorder arose because attendees from urban areas read statements aloud, but they had not been excluded from the meetings, etc.

In spite of the several facts to be taken into consideration, such as encouragement of prior registration, meeting locations for some consultation which were remote from the communities, and location changes in some regions which might not be properly announced, it cannot be concluded that the method used for wide dissemination of information was clearly deficient.

\* The application of ministerial decree of MASA No. 130 of 2016 constitutes an issue relating to the interpretation of a local law in terms of its application. During the interviews of the staff members of MASA's ProSAVANA Headquarters conducted by the Examiners, explanations were received that the above-referenced ministerial decree of MASA No. 130 prescribes detailed rules applicable when environmental impact assessments are conducted with respect to individual businesses in the agricultural field pursuant to the "Environmental Law" (Law No. 20 of 1997) and the "Environmental Impact Assessment (EIA) Regulations" (Decree No. 45/2004) (which currently have been amended/abolished by Decree No. 54/2015), and the above-referenced ministerial decree of MASA No. 130 does not apply to the PD Project with respect to which strategic environmental impact assessments are performed. The foregoing is due to the facts that:

according to the "Environmental Impact Assessment (EIA) Regulations" (Decree No. 45/2004) (Articles 3 and 10; Annex 1), nature reserve areas, resident relocations and large-scale farming activities fall under "Category A" as defined by such regulations, and are subject to environmental impact assessments; however,

because the PD Project does not involve any specific farming (investment) activity, it does not fall under "Category A"; and

therefore, ministerial decree of MASA No. 130 of 2006, which sets forth detailed rules concerning environmental impact assessments in the agricultural field does not apply thereto.

It is thought that JICA is not in a position to state objections to the authoritative interpretation of the scope of application of a Mozambican law or regulation provided by the ministry which promulgated such law or regulation, and had no choice but to respect its determination. It should be noted that, according to JICA's consultant, MASA conducted the process of the Public Consultation by reference to the process of



creating the Mozambican Strategic Plan for Agricultural Sector Development (PEDSA, 2010 – 2019).

Based on the foregoing, it can be confirmed that certain lawful efforts were made for the wide dissemination of information concerning the Public Consultation to be held and for the provision of access to information relating to the draft document in connection therewith.

(iii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iii) ABOVE

The series of contracts executed by JICA are all determined, based solely on their purposes and substance of services to be performed thereunder, to constitute contracts to entrust ancillary work which is different, in terms of characteristics, from the work relating to the PD Project itself. The process of executing/implementing contracts involving such ancillary work is ordinarily completed without public disclosure in accordance with JICA's procurement rules, and there are no deficiencies in formalities due to the mere fact that information was not publicly disclosed. For this reason, the Examiners verify the issue below limited to the fact of whether or not such contracting process was properly implemented entirely in accordance with JICA's procurement rules in a practical sense.

\* CONTRACT FOR COMMUNICATION STRATEGY DEFINITION FOR PROSAVANA

It is determined that, in July 2013, proposal submission requests were sent to several local consulting firms in compliance with JICA's internal rules, evaluations of the substance thereof were performed based on previously-prescribed standards, and the selection was made thereafter; therefore, any problems are not recognized in the contract process. Further, as described above, advance disclosure of information to outside parties was not required in connection with such process.

\* CONTRACT RELATED TO IMPLEMENTATION OF THE COMMUNICATION STRATEGY

In June 2014, JICA signed a direct contract relating to the “Implementation of the Communication Strategy” with the same consultant that had contracted the above-referenced “Communication Strategy Definition for ProSAVANA.” It can be confirmed, based on the internal document prepared at the time of contract execution, that the firm was selected in compliance with JICA’s internal rules after evaluating its superiority in terms of its experiences relating to the task, its network/connections with the government, civil society, mass media, etc., and its public relations techniques, etc. The contract was to implement limited public relations activities, and the process may not be improper as JICA signed a direct contract in accordance with the internal regulations upon confirming the consultant’s capability required for executing the contract. Further, as described above, the procurement process of such contracts on supporting work is normally undisclosed to outside parties. Based on the foregoing, it can be confirmed that the contract was entered through proper processes; therefore, it is difficult to consider as the bases of the Requesters’ allegations that the execution of this contract shows JICA’s full agreement to the “Communication Strategy,” i.e., deliverables of the previous contract, or that JICA intended to hide the execution of the contract.

\* CONTRACT FOR STAKEHOLDER ENGAGEMENT

In connection with the execution of the Contract for Stakeholder Engagement consigned to local consultants in October 2015, JICA made a selection not through public solicitation, but through selection by evaluation of the technical proposals method based on a short list of local consulting firms which met certain standards. The selection by evaluation of the technical proposals method was selected because, in view of the highly difficult nature of the work of mediating (as a third party) different opinions and understandings in the local civil societies, this method ensures qualitative standards by establishing clear criteria and, at the same time, preserves certain competitive principles,

while selecting a consultant through general competitive bidding tends to disregard qualitative standards. Accordingly, JICA's judgement regarding consultant selection method does not violate JICA's procurement rules and no problems are found (Article 23, Section 11 of Accounting Rules of JICA (Chapter 5 (Informational Material) No. 35)).

Further, it has also been found that JICA itself actually shared certain information relating to the contracts at the Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA held in October 2015 (Chapter 5 (Informational Material) No. 36). Therefore, certain information was disclosed, and the non-disclosure of the details thereof did not constitute the provision of a false explanation.

As explained above, with respect to the three (3) contracts referenced above, it could be confirmed that the selection of consultants was properly made through the process prescribed by JICA's headquarters; therefore, it could not be found that information relating thereto was in fact improperly concealed.

(iv) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iv) ABOVE

With respect to JICA's efforts to provide explanations concerning the Guidelines referenced in the Requesters' allegation described under (iv) above, the Examiners confirmed that a Portuguese version of an outline of the Guidelines was prepared by the PD Project Team, so, the allegation that JICA explained it to the relevant local government officials. Therefore, it could not be found that the JICA's processes and efforts relating to the wide dissemination of information concerning the Guidelines were such that they were clearly deficient.

2) SOCIAL DAMAGES (DAMAGES CAUSED BY JICA'S DIRECT AND INDIRECT "INTERVENTIONS" IN CIVIL ORGANIZATIONS AND LOCAL CIVIL SOCIETY)

REQUESTERS' KEY ALLEGATIONS
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- (i) JICA'S CONTRACT FOR COMMUNICATION STRATEGY DEFINITION FOR PROSAVANA AND CONTRACT RELATED TO IMPLEMENTATION OF THE COMMUNICATION STRATEGY (refer to Annex 4: Sections (1)(i), (3)(i), (4)(i) and (5)(i))

The Requesters allege that JICA's Contract for Communication Strategy Definition for ProSAVANA and Contract related to Implementation of the Communication Strategy constituted JICA's improper "intervention" in the Mozambican civil society as described below:

- \* Improper "interventions" in the Mozambican civil society were committed in violation of the Guidelines, due to the fact that:

when JICA was planning the (former) contracts, it requested in the TOR suggestions relating to interventions in, and actions to be taken with respect to, specific target organizations; and

in response thereto, the local consulting firm made suggestions in the "Communication Strategy," such as "the direct contact with communities lessens these associations as spokespersons of communities or farmers," "[if one] withdraws importance to civil society organizations in Mozambique, [one] significantly weakens foreign NGOs," a "network of district collaborators be established," "eliminates the link to Brazil-Cerrado," etc.

- \* In connection with the Contract related to Implementation of the Communication Strategy whose purpose was to "intervene" in the civil society as described above, the JICA side issued an order to the same consulting firm who was in charge of "Communication Strategy Definition for ProSAVANA" with the use of a method involving direct contracting (from June until September 2014); the foregoing actually evidences JICA's intention to effect social "interventions" and also induced the

occurrence of the incidents described under Section (2) 1) a) above where individuals affiliated with the Mozambican government violated human rights.

- (ii) JICA'S ATTEMPT TO CREATE DIVISION IN PEASANT UNIONS (refer to Annex 4: Section (13)(i))

The Requesters allege that JICA attempted to create divisions in peasant unions as described below:

- \* In response to the opposition and complaints to the Project whose scope had been broadly expanded, JICA attempted to create division in peasant unions by including those leaders of peasants who were participating in the PEM Project in the invitees to Japan in July 2015.

- (iii) CONTRACT FOR STAKEHOLDER ENGAGEMENT (refer to Annex 4: Sections (15)(i), (16)(i) and (17)(1))

The Requesters allege that JICA “intervened” in the Mozambican civil society through the Contract for “Stakeholder Engagement” executed by JICA as described below:

- \* The substance of activities described in the TOR of the Contract for Stakeholder Engagement constitutes nothing other than an “intervention” in the Mozambican civil society through the formation of MCSC.”

- \* The foregoing is evidenced and clearly indicated by:

the TOR of the contract presented by JICA which provided that, under the contract, the consultant performs “mapping activities” through which the Mozambican civil societies’ positions toward the ProSAVANA Program be color-coded and that, in the final report relating thereto, a “‘sole’ dialogue mechanism” be established; and

doubts expressed in the final report about the legitimacy of the UNAC by such statements as “peasants can be better represented by the congress elected through an election,” etc.

- (iv) CONTRACT FOR REVISION OF AGRICULTURAL DEVELOPMENT MASTER PLAN (refer to Annex 4: Sections (19)(i) and (20)(i))

The Requesters allege that JICA “intervened” in the Mozambican civil society by way of the Contract for Revision of Agricultural Development Master Plan executed by JICA as described below:

- \* First, with respect to the Contract for Revision of Agricultural Development Master Plan (from October 2016 until May 2017) which is to coordinate stakeholders’ opinions concerning the Master Plan through a civil society participation mechanism primarily based on MCSC, non-transparent collusion is perceived from the fact that the such task was assigned to an NGO whose representative was the individual who had held a leadership role as the coordinator of MCSC.
- \* Second, the substantive aspects of the contract with Solidariedade described in the TOR aim to change the minds of those individuals who oppose the continuation of such Project through MCSC and intend to effect “interventions in” and “division of” civil society.

SUMMARY OF OPERATIONAL DEPARTMENTS’ EXPLANATIONS
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- (i) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (i) ABOVE (refer to Annex 4: Sections (1)(i), (2)(ii) and (4)(ii))

- \* The primary objective of the Contract for Communication Strategy Definition for ProSAVANA, as described in the TOR therefor, is to create plans for public relations

activities for the entire ProSAVANA Program, and it was determined to be necessary in order to eliminate “misunderstandings concerning the ProSAVANA Program resulting from insufficient/inaccurate information.” Further, the final report, i.e., the “Communication Strategy,” which was the deliverable under which such contract was submitted as a document setting forth suggestions to JICA proposed by the consultant, neither has actually been agreed upon by and among the governments of the three (3) countries concerned, nor has become an official document which should be shared.

\* The claimed part of the descriptions of the final report, not only with the applicable sentences, but together with the preceding and succeeding sentences, may be understood to promote the communities’ understanding of the ProSAVANA Program. Further, the allegation that one of the purposes is “to devalue us” is factually inaccurate.

\* In relation to the Contract related to Implementation of the Communication Strategy, direct contracting was selected, after confirming that the consultant possesses the required capability to execute the contract, in accordance with Article 23 Section 1 of the “Accounting Rules” of JICA and Article 16 Section 2 of the “Detailed Rules of Contracts on Consultants”; therefore, there is no procedural defect by JICA.

(ii) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (ii) ABOVE (refer to Annex 4: Section (13)(ii))

\* It is true that JICA and the Mozambican government considered inviting the farmers in support of the PEM Project to Japan; however, the objectives thereof were exchanges of opinions with members of the Japanese National Diet and civil societies concerning the ProSAVANA Program and site visits of cases in the Japanese agricultural sector, and it was not to create division in the peasant union. In addition, the consideration of this matter was not thought to have promoted division in the unions. Further, the reason why the idea of inviting the farmers was ultimately abandoned was because the selection of the applicable farmers and arrangement of their passports could not be accomplished in a timely manner, and the Requesters’ claims are factually inaccurate.

(iii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iii) ABOVE (refer to Annex 4: Sections (15)(ii), (16)(ii) and (17)(ii))

\* With respect to the Contract for Stakeholder Engagement, a method was devised to invite dialogue through a third party mediator in order to create an impetus for dialogue with the stakeholders of the Project with various different opinions, and it is a method commonly used in Mozambique in order to eliminate antagonism. Moreover, this method was suggested by the UNAC side in June 2015; the implementation of the contract never in fact constituted an "intervention" in the Mozambican civil society, and the TOR of the contract also does not contain such description.

(iv) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iv) ABOVE (refer to Annex 4: Section (20)(ii))

\* The implementation of the Contract for Revision of Agricultural Development Master Plan was not anticipated at the time of the meeting among the relevant individuals held in April, which is the basis of the Requesters' claim regarding non-transparent collusion. Further, such contract was executed through proper processes after conducting public solicitation pursuant to JICA's internal rules. In addition, MCSC, as an alternative to the Public Consultations, contributed to the gathering of opinions from stakeholders; therefore, the claims that JICA intended to deepen "divisions" of and "co-opt" participants are unfounded, and there is no fact that JICA yielded profits for a specific group of people and organizations, as claimed by the Requesters.

FACTUAL RELATIONSHIPS CONFIRMED THROUGH INVESTIGATION
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(i) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (i) ABOVE

\* With respect to the Contract for Communication Strategy Definition for ProSAVANA,



the Examiners read the TOR of the contract in question (dated August 1, 2013) (Chapter 5 (Informational Material) No. 13) from a neutral position and understood that:

the contract in question was devised due to the need to communicate to society in general timely and accurate information concerning the entire ProSAVANA Program that includes the PD Project subject to the Objection Request;

it purports to exchange information with the relevant organizations and civil societies of Japan, Brazil and Mozambique by operating websites and using other communication methods (Paragraph 3); and

the goal of the activities thereunder is to provide information not only to government-level organizations, but also to academic societies, general society and various types of agriculture-related organizations (such as producers' associations, cooperatives, etc.) (Paragraph 4).

The Examiners think that there is no problem in the contract itself, since the Examiners did not find that the substance of such TOR intended to effect social intervention/manipulation of opinions.

- \* Specifically, the Requesters' claim that the substance of JICA's work instructions included "issues perceived as intervention" may be affected by a misunderstanding of the word "intervention," which is commonly used to mean the assistance to the recipient countries itself in the context of the development cooperation field. It cannot be concluded, based primarily on such word, that the JICA side purported to isolate the Requesters through intervention.
  
- \* On the other hand, it is true that some of the suggestions contained in the above-referenced final report (such as the suggestion to weaken the existing organizations that belong to the "opposition faction," to promote the formation of a new network of district collaborators, etc.) can also be construed to relate to social intervention (Chapter

5 (Informational Material) No. 15). However, there is logic to JICA's assertion that, with respect to JICA's ordinary consultancy service contracts, the client's receipt of the final deliverable submitted by the consultant and its payment of consideration under the contract does not mean JICA's agreement with all contents set forth in the final deliverable, and that the final deliverable is treated fundamentally as a document that sets forth suggestions/proposals made by the consultant. Therefore, in spite of the possibility that JICA missed opportunities to correct some statements contained in the final report which are alleged by the Requesters to be potentially misleading, the suggestions contained in the final report do not constitute a basis for JICA's intent to intervene as alleged by the Requesters.

(ii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (ii) ABOVE

\* With respect to the Requesters' allegation that JICA attempted to create division in the peasant unions by inviting farmers who participated in the PEM Project to Japan, no objective basis that supported the factual accuracy of such allegation could be confirmed. The fact that the plan to invite the farmers to Japan was cancelled may suggest the possibility that some type of discord existed among peasants locally, but it does not constitute a basis that indicates JICA's intent to create division in the peasant unions.

(iii) CONCERNING THE REQUESTERS' ALLEGATION DESCRIBED UNDER (iii) ABOVE

\* With respect to the Contract for Stakeholder Engagement, the Examiners confirmed that the TOR of such contract (Chapter 5 (Informational Material) No. 16) is as described below, and that no social intervention objective (such as building a "sole" platform, color-coding/mapping and "dividing" the Mozambican civil societies, etc.) can be gleaned therefrom:

the objectives of the project are stated to be “[a] platform of stakeholder engagement for ProSAVANA [to be] established with the involvement of key stakeholders related to the agricultural sector” (Paragraph 2.1) and “[recommendations] for the ProSAVANA-PD consultation process, including the second round of public hearings, [to be] made by the stakeholders in the platform]” (Paragraph 2.2); and

the activities therefore are described to be the preparation of a unique TOR by the members themselves at the first platform meeting (Paragraph 3.1, 3) ), facilitation of subsequent activities of the platform (Paragraph 3.1, 4) ), collection of information concerning the overall situation of opinions concerning the ProSAVANA Program held by various types of stakeholders (Paragraph 3.2, 1) ), etc.

\* During the interviews of the consultant that had accepted an order for the contract in question conducted by the Examiners, explanations were received that:

a wide variety of individuals concerned (including representatives of UNAC) attended the preparatory meeting held in January 2016, where the objective of proceeding with the revision of the Master Plan spearheaded by civil society on equal footing with the government was mutually confirmed, the TOR was jointly decided upon, the decision to name itself “MCSC” as an organization was made, etc., and the meeting thus began smoothly; however,

“division” occurred in a way that two (2) individuals, at the meeting venue after a break, forcibly took several individuals with them and left the meeting venue.

Similar eyewitness accounts were obtained also from several other individuals affiliated with peasants’ organizations who attended such preparatory meeting.

\* In light of the results of interviews of the Requesters and interviews of individuals affiliated with MCSC conducted by the Examiners, it can be found that different opinions and understandings concerning the current situation exist within civil society; however, they did not provide positive proof that deliberate “interventions” by JICA or JICA’s consultant intentionally caused such conflicting opinions to arise. This is because it can be confirmed from the statement made by the Requesters themselves (i.e., “people gathered at the meeting venue as comrades”) that:

at least at the beginning of the preparatory meeting held in January 2016, a wide variety of individuals concerned (including representatives of UNAC) participated, and several of the Requesters were also in attendance thereat;

the objective of proceeding with the revision of the Master Plan spearheaded by the peasants/civil societies on equal footing with the government was mutually confirmed; and

an opportunity to proceed jointly in the same direction existed.

Based on several eyewitness accounts that disagreement arose among the attendees during a break of such preparatory meeting, and several individuals dropped out thereafter, it is natural to understand that “division” arose among the attendees of such meeting, and it is difficult to make a determination that the “division” arose as a result of an “intervention” effected by JICA which did not attend the preparatory meeting. The Examiners were unable to obtain objective evidence of that day’s incident from JICA which did not attend such preparatory meeting or from the Requesters; therefore, positive proof concerning what caused the division to arise that day among the peasants / individuals affiliated with civil society could not be obtained.

(iv) CONCERNING THE REQUESTERS’ ALLEGATION DESCRIBED UNDER (iv) ABOVE

\* With respect to the Requesters' allegation relating to the Contract for Revision of Agricultural Development Master Plan (from October 2016 until May 2017), which purports to effect the revision of the Master Plan through civil society participation that the procurement process and the substance of the contract violated the Guidelines, the Examiners first confirmed JICA's internal informational materials of the time of selection concerning the procurement process. As a result of such investigation, it was ascertained that:

in connection with such contract, public solicitation was conducted and the selection was based on the evaluation of the technical proposals in August 2016;

during the initial bidding stage, four (4) companies were invited based on the standard relating to coordination skills in the civil society sector, and two (2) of the four (4) companies were selected, which ranked equally based on objective evaluations relating to technical aspects; and

during the second bidding stage, after a pricing competition between the two (2) companies, the applicable contracting party was ultimately selected.

The foregoing is in accordance with the procurement process prescribed by JICA's headquarters, and it was thus confirmed that the contracting party was properly selected.

Second, with respect to the substance of the contract, the Examiners clearly confirmed that the objective of such contract's TOR (Chapter 5 (Informational Material) No. 22) was to perform the work of revising the Master Plan (preparing the final draft) by listening to the needs and opinions of a broad range of people. In addition, through an interview of the party that won the bid for such contract and interviews of the employees of JICA's local office as well as the internal records at the time of conclusion of the project, it was confirmed that no treatment that was unclear and in violation of the

TOR occurred during the contract's implementation stage as well. It was also confirmed with respect to such contract that, based on the decision made by the Japanese government / JICA side, MCSC's activities were shelved and, as a result thereof, the TOR was not completed as planned, and that the settlement between JICA and the contracting party was effected properly (the final amount of approximately eight million (8,000,000) Japanese Yen was paid) by deducting the payments for the activities which were not performed for that reason.

(3) DETERMINATION OF THE PRESENCE/ABSENCE OF JICA'S VIOLATION OF THE GUIDELINES BASED ON RESULTS OF INVESTIGATION OF FACTS RELATING TO JICA'S NON-COMPLIANCE WITH THE GUIDELINES ALLEGED BY THE REQUESTERS

The Requesters' allegations concerning JICA's violation of the Guidelines are described in Section (4) of Chapter 1 and Section (2) of this Chapter. In connection with the Examiners' determination of whether or not JICA violated the Guidelines as alleged by the Requesters, the Examiners think that it is useful to perform analyses by organizing such allegations of the Requesters under two (2) categories described below from the viewpoint of JICA's actions and omissions:

First, from the viewpoint of JICA's omissions that constituted violations of the Guidelines, the Requesters' allegations are summarized as follows:

through the Public Consultation meetings (between April and June of 2015) concerning the Draft Zero and other measures implemented by the Mozambican government (MASA and provincial and district administrators), the Mozambican government violated the citizen participation procedures prescribed by the constitution and other laws/regulations and the freedom of expression prescribed by the International Conventions on Human Rights, etc., committed a violation of human rights to repress opposing opinions, caused the Requesters to suffer physical and emotional damages, etc.; and

in connection with the foregoing, JICA's actions which either left alone, or assisted, such violation of human rights committed by the project proponent country's government violated the rules concerning the doctrine of respecting basic human rights, etc. (Section 1.1), obligation to provide support project proponent countries, and to perform examination, in connection with environmental and social considerations (Section 1.4), obligation to publicly disclose information (Section 2.1), obligation to concern about

human rights (Section 2.5), obligation to refer to laws/regulations and international standards (Section 2.6), etc., which are prescribed by the Guidelines

(Sections 2 and 5 of Chapter II of the Objection Request).

Second, from the viewpoint of JICA's actions that constituted violations of the Guidelines, the Requesters' allegations are described as follows:

JICA's dealings with the Requesters in the Master Plan formulation process and the four (4) contracts consigned to local consultants implemented by JICA in response to civil society's movement to oppose the project in question, through concealment and distortion of information concerning the Master Plan, obstructed the Requesters' right to information and the stakeholders' participation, violated the freedom of expression, and also effected "intervention" in the Requesters' organization and the local civil society; and

as a result of the foregoing, violations of the basic principles under the Mozambican constitution (social harmony, peaceful culture, identity of solidarity/unionism/alliance, etc., traditional/cultural values, democratic decision-making) were committed and social damages were incurred.

The Requesters' allegations can be summarized as an allegation that JICA's actions described above violated the doctrines of stakeholders' participation, for information transparency and accountability. (Section 1.1), obligation to provide support to project proponent countries, and to perform examination, in connection with environmental and social considerations (Section 1.4), obligation to consult with local stakeholders (Section 2.4), obligation to concern about human rights (Section 2.5), obligation to refer to laws/regulations and international standards (Section 2.6), obligation relating to the "zero option" to not undertake a project if it is determined that environmental and social considerations will not be ensured (Section 2.8), etc., which are set forth in the Guidelines (Sections 1, 2, 3 and 5 of Chapter II of the Objection Request).



The issue of whether or not JICA can be found to have committed violations of the Guidelines is analyzed below sequentially based on the facts set forth in “Factual Relationships Confirmed Through Investigation” in Section (2) of this Chapter.

a)        ACTIONS TAKEN BY THE JICA SIDE TO NEGLECT, OR ASSIST, VIOLATION OF HUMAN RIGHTS (INCLUDING VIOLATION OF THE FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION) COMMITTED BY THE PROJECT PROPONENT COUNTRY’S GOVERNMENT

Fundamentally, as described under Section (2)1)b) in this Chapter, with respect to the facts based on which the Requesters allege that the Mozambican government committed violation of the human rights (including violation of the freedom of expression and the right to information), the facts alleged by the Requesters except for two (2) matters, i.e., (i) the explanations concerning the entire ProSAVANA Program provided by government-affiliated individuals during an early stage, and (ii) statements made, and actions taken, by government-affiliated individuals at a series of Public Consultation meetings relating to the Draft Zero held in 2015, and during the time periods prior and subsequent thereto, could not be confirmed.

With respect to such confirmed facts, as stated under Section (2)1) b) in this Chapter, in light of the fact that JICA and the local government had understood the differences between ProSAVANA and Brazil from the outset, i.e., the beginning of the PD Project, the Examiners cannot consider that the explanations provided by individuals affiliated with the Mozambican government in connection with (i) above constituted false statements as alleged by the Requesters. Further, with respect to the violation of the constitutional provisions alleged by the Requesters resulting from the inadequacy of the written response provided by the Minister of Agriculture, since JICA was not in a position to influence the statements made by the Minister of Agriculture of a country; therefore, no violation of the obligation to provide support to project proponent countries, and to perform examination, in connection with environmental and social considerations (Section 1.4) prescribed by, or any other provision of, the Guidelines can be found to have been committed.

Further, with respect to (ii) above, as stated under Section (2) above, the Examiners think that it can be surmised that the situation was such that substantial tension had arisen between the government side and the Requesters before and after the Public Consultation meetings, and that the statements made, and actions taken, by the government side during a series of events could possibly be taken as having oppressive characteristics. However, it has been confirmed that JICA made a series of efforts to listen to opinions such as that, in response to the government side's statements and actions at such Public Consultation meetings, the JICA side quickly collected information also concerning the district-level Public Consultation meetings which its staff members had not personally attended, conducted opinion exchange meetings between the Ministry of Foreign Affairs and the NGO, consulted with the headquarters of UNAC which opposed the continuation of the Project, etc., and JICA can be found to have explored ways to deal prudently with the local government's problems, rather than neglecting to deal with them. Further, with respect to the method of administering the series of Public Consultation meetings, it can be found that, in fact, prior registration was encouraged, there were cases where the locations where the Public Consultation meetings were held were far away from the communities, and it was found that some of the participants did not get the message regarding location changes; however, it cannot be found that the process used for the wide dissemination of information was clearly deficient. In addition, it has also been confirmed that, in anticipation of local peasants' participation, the government/JICA made efforts, such as to create the requested informational materials in Portuguese, in some instances in order to aid their understanding of key issues. Thus, it is thought that JICA had made certain degree of efforts to provide support/examination before and after the Public Consultation meetings in a situation in which the above-described substantial tension existed; therefore, JICA cannot be found to have committed a violation of the obligation to provide support to project proponent countries, and to perform examination (Section 1.4) as alleged by the Requesters.

b) VIOLATION OF HUMAN RIGHTS (INCLUDING VIOLATION OF THE FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION) AND "INTERVENTION" IN CIVIL SOCIETY COMMITTED BY JICA

First, among violation of the human rights (including violation of the freedom of expression and

the right to information) alleged by the Requesters to have resulted from JICA's actions, the violation of the freedom of expression and the right to information alleged by the Requesters can be generally divided into three (3) categories as follows:

- (i) Deficient disclosure of information relating to the entire ProSAVANA Program (denial, concealment and distortion of facts);
- (ii) Deficient disclosure of information relating to the three (3) "sub-projects (contracts consigned to local consultants)"; and
- (iii) JICA's provision of insufficient explanations concerning the Guidelines and its failure to otherwise widely disseminate information relating thereto.

First, among the foregoing, with respect to the allegation relating to (i) deficient disclosure of information relating to the entire ProSAVANA Program (denial, concealment and distortion of facts), regarding the explanations provided during the 2nd Triangular Conference of Peoples, as stated in Section (2) above, the Examiners cannot consider that they were false; therefore, in this regard, no violation of the stakeholders' participation, responsibility for information transparency and accountability, etc. (Section 1.1), obligation to publicly disclose information (Section 2.1), obligation to consult with local stakeholders (Section 2.4), obligation to refer to laws/regulations and international standards (Section 2.6), etc., set forth in the Guidelines can be found to have been committed.

With respect to the three (3) contracts consigned to local consultants referenced in (ii), as stated in Section (2)1)b) above, the Examiners confirmed that the consultant selection process relating to all of such contracts was not unlawful, and that proper procedures were actually followed pursuant to the rules prescribed by JICA's headquarters. In addition, from the viewpoint of effectively using ODA funds, the selection of a procurement method (which is neither general competitive bidding, nor public solicitation) for the purpose of ensuring qualitative standards by establishing clear criteria while preserving certain competitive principles itself cannot be deemed to be problematic, so long as it is permitted under the rules, and is instead thought to be a

desirable selection particularly in connection with contracts whose characteristics are such that quality of the outcome is at issue as in the present case. In this type of the consultant selection process, it is common that a consultant is selected without disclosing information, and is not illegal procedurally; therefore, violation of the stakeholders' participation, responsibility for information transparency and accountability, etc. (Section 1.1), obligation to publicly disclose information (Section 2.1), obligation to consult with local stakeholders (Section 2.4), obligation to refer to laws/regulations and international standards (Section 2.6) or any other provisions set forth in the Guidelines cannot be found to have been committed with respect to the three (3) contracts.

In addition, with respect to insufficient explanations concerning the Guidelines and its failure to otherwise widely disseminate information relating to (iii), as stated in Section (2)1)b) above, JICA caused the PD Project Team to create informational materials in Portuguese and provide explanations to relevant individuals, and JICA cannot be found to have failed to make efforts or provide explanations in order to cause the relevant individuals to understand the substance of the Guidelines; therefore, no violation of the obligation to provide support to project proponent countries, and to perform examination, in connection with environmental and social considerations (Section 1.4), etc. and other provisions can be found to have been committed.

Next, the other type of violations of the Guidelines which are alleged by the Requesters to have been committed by JICA relate to acts of "intervention" in civil society through the planning/implementation of the four (4) contracts consigned to local consultants referenced below:

- (i) Contract for Communication Strategy Definition for ProSAVANA and Contract related to Implementation of the Communication Strategy
- (ii) Contract for Stakeholder Engagement
- (iii) Contract for Revision of Agricultural Development Master Plan

First, with respect to (i) among the foregoing, as stated in Section (2)2) in this Chapter:

the contracts consigned to local consultants relating to the Contract for Communication Strategy Definition for ProSAVANA and the Contract related to Implementation of the Communication Strategy were devised due to the need to communicate to society in general accurate information concerning the entire ProSAVANA Program that includes the PD Project subject to the Objection Request; and

as obviously shown in the TORs of these contracts, they were not purported to effect any social intervention/manipulation of opinions.

With respect to the final report drafted by the consultant contracted with JICA, it is true that such report contained suggestions resembling social intervention, such as the suggestion to weaken the existing organizations that oppose the project in question, to promote the formation of a new network of district collaborators, etc.; however, JICA's act of receiving such report was not in itself unlawful. Therefore, with respect to the execution of such contract and receipt of the final report, no violation of the doctrines of stakeholders' participation, responsibility for information transparency and accountability, etc. (Section 1.1), obligation to consult with local stakeholders (Section 2.4), obligation to give concern about human rights (Section 2.5), obligation to refer to laws/regulations and international standards (Section 2.6) and other provisions which are set forth in the Guidelines can be found to have been committed.

Similarly, with respect to the Contract related to Implementation of the Communication Strategy, based solely on the confirmation of said TOR, its objective can be thought as the transmission of accurate information concerning the ProSAVANA Program through alliance with the government side (such as MASA's ProSAVANA Headquarters, etc.) and through mass media in particular. Therefore, fundamentally, such contract cannot be deemed to have purported to effect such social intervention; therefore, with respect to the Contract related to Implementation of the Communication Strategy, no violation of the doctrines of stakeholders' participation, responsibility for information transparency and accountability, etc. (Section 1.1), obligation to consult with local stakeholders (Section 2.4), obligation to give concern about human rights

(Section 2.5), obligation to refer to laws/regulations and international standards (Section 2.6) or any other provisions of the Guidelines can be found to have been committed by JICA.

With respect to the Contract for Stakeholder Engagement referenced under (ii), such objective as color-coding/mapping and “dividing” the Mozambican civil society cannot be gleaned from the TOR thereof; although, on one hand, the possibility that consideration was lacking to major stakeholders in connection with the actions taken by the contracted consultant cannot be denied, but, on the other hand, in light of the fact that a wide range of stakeholders who opposed to the Project of JICA participated in the preparatory meeting, the fact that JICA excluded specific stakeholders cannot be found. Therefore, it cannot be found that JICA took actions to “intervene” in or “divide” civil society in violation of the doctrines of stakeholders’ participation, responsibility for information transparency and accountability, etc. (Section 1.1), obligation to consult with local stakeholders (Section 2.4), obligation to refer to laws/regulations and international standards (Section 2.6), or any other provisions which are set forth in the Guidelines.

With respect to the Contract for Revision of Agricultural Development Master Plan referenced under (iii), as stated in Section (2)2) in this Chapter, it can be confirmed that no unofficial prior decision concerning the selection of contractor (consultant) had in fact been made through collusion with the consultant, that the procurement process prescribed by JICA’s headquarters was followed, and that the contractor (consultant) was properly selected. Therefore, with respect to the selection of such consultant, no violation of the stakeholders' participation / responsibility for information transparency and accountability, etc. (Section 1.1), obligation to publicly disclose information (Section 2.1) or any other related provisions set forth in the JICA Guidelines, which are alleged by the Requesters, can be found to have been committed.

Further, with respect to the substance of the contract as well, it can be understood from the facts confirmed by the Examiners and described in Section (2)2) above that the purpose of the contract, which was proposed from the government and JICA side, was to have the Master Plan to be reviewed by the civil society side under the initiative of peasants, with an eye towards convening a forum to which a broad range of the civil societies were to be invited. In light of such

sequence of events, it cannot be viewed that Japanese ODA funds have been injected as a means of causing “division” in civil society; therefore, it cannot be found that such contract effected such social intervention that harmed the spirit of “cooperation/alliance” referenced in the Mozambican constitution and violated the obligation to refer to laws/regulations and international standards (Section 2.6) or any other provisions under the Guidelines.

As explained above, the Examiners have determined that, with respect to both a) and b) above, JICA cannot be found to have committed violations of the Guidelines as alleged by the Requesters.

## CHAPTER 4: CURRENT STATUS PERTAINING TO THE ENCOURAGEMENT OF DIALOGUES AND PROPOSALS BY THE EXAMINERS

### (1) Perception Gaps between the Parties Concerned and the Background Thereof

As described above, the Objection Request especially addresses the “Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique”, the project which started from March 2012, and is still on-going, which is one of the three (3) projects composing the “ProSAVANA Program” for the agricultural development of the three (3) provinces in the northern part of Mozambique, started under the agreement on the basic framework for triangular cooperation among Japan (JICA), the Minister of Agriculture in Mozambique, and the Director-General of Brazilian Agency of Cooperation (ABC) in September 2009. It is alleged in the Objection Request that there was a violation of human rights such as the freedom of speech and the procedural justice in information disclosure, the participation of stakeholders, etc., for the approach of promoting the PD Project through four (4) sub-projects (related consultancy service contracts) by JICA was one-sided and threatening.

In the above, the Examiners investigated various points presented by the Requesters one by one. As a result, the Examiners found out no fact which could be certified to be a violation of the Guidelines, including the policies of stakeholders’ participation and accountability etc. (Section 1.1), supports for and examination of appropriate environmental and social considerations for project proponent countries (Section 1.4), consultation with local stakeholders (Section 2.4), concern about human rights (Section 2.5), and laws, regulation, and international standards of reference (Paragraph 6, Article 2). Provided, however, it does not mean that the measures taken by the Mozambican government and JICA on pursuing the Project did not have any issues at all.

The current largest issue regarding the Project is, although the parties concerned share the same direction that the Master Plan is to be revised under the initiative of the peasants, they have not reached an agreement on the approach for it. Further, it is not only a problem between the Mozambican government or JICA and peasants’ organizations, but also the difficulty to have a discussion to reach an agreement among the peasants’ organizations and the concerned civil



societies.

As indicated in the findings of the investigation in Chapter 3, concerning MCSC, the dialogue mechanism among the government, civil societies, and peasants' organizations, which was established with JICA's proposal last year, the Requesters did not participate in such mechanism, as they considered the process of its establishment undemocratic and non-inclusive. In addition, the Requesters also regarded other civil society organizations, which used to cooperate with them in the beginning but changed their principles through this mechanism to voluntarily engage in the revision of Master Plan, as the parties who pursue the current Project on the same side with the Mozambican government and JICA.

However, during the interviews conducted by the Examiners, almost all of the parties related to the Project, including the Requesters, shared the same understanding/perception that the Project should aim to stabilize the livelihood of peasants, and the Examiners found no substantial differences among the parties' assertions. Therefore, in order to understand why the parties are currently in such controversial situation, and to suggest improvement measures for resolving the issue, the Examiners feel that the Examiners should return to and once again consider the Requesters' allegations, which would comply to the principles of the Guidelines.

The following four (4) issues are the main allegations repeatedly made by the Requesters to the Examiners during the Field Visit:

- (1) The Requesters were not provided with the information on the "ProSAVANA Program" (which suddenly appeared), and it has been difficult to access such information.
- (2) Land grabbing and persecution of local peasants who questioned the Project occurred under the name of the "ProSAVANA Program," and apprehensions increased among the local peasants.
- (3) The current Master Plan is made by a top-down system, in which the local peasants have not been involved, and thus its content is not based on the opinions of the small peasants.
- (4) Procedural flaws and oppressive speech/behavior were occurring due to the Mozambican government's oppressive and authoritative manner; therefore, the

Requesters feel anxious about the present government-led implementation of the Project.

With respect to the first two (2) points, the Examiners consider that the reason for the Requesters' apprehension about the "ProSAVANA Program" owes largely to the fact that the image that was spread by the media and others when the Project was initially proposed in 2009 that "ProSAVANA Program" was a "Brazilian Cerrado-type large-scale development program for a total of fourteen million five hundred thousand (14,500,000) hectares<sup>3</sup> of land." In addition, while interviewing the Requesters, they described that, from about this time, cases occurred where investors identifying themselves as "ProSAVANA" went around farms and enclosed land, cases of land grabbing/eviction occurred with respect to land left uncultivated after shifting cultivation and community common land. It seems that this large number of cases of land grabbing that occurred before the ProSAVANA Program actually started, may have quickly created apprehensions among the Requesters that this program was bound to result in land grabbing by capitalist farmers, and that landed peasants were going to turn into landless.

However, as described above, the JICA side already had a clear policy with an emphasis on the peasants, grounded in the characteristic features and the inherent nature of Mozambique, as a result of the JICA Preparatory Survey conducted in 2009 and the Detailed Planning Survey conducted in July 2011, prior to the start of the PD Project. Subsequently, the PD Project aiming to consider the direction of the ProSAVANA Program as a whole was started in March 2012. After the initial phase of information gathering and activities aimed at understanding the needs of the people were completed, the concept of the overall Master Plan was put together, and in August 2013, the consultants for the PD Project started the explanation to the stakeholders of the region. Accordingly, it could be understood that the policy, grounded in the characteristic features and the inherent nature of Mozambique, with an emphasis on prioritizing the peasants, had already been formulated at this stage.

However, the Examiners understand that it was not an easy task to dispel the strong image of a "large-scale development project" held by the local society, which had strengthened its distrust

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<sup>3</sup> 1 hectare = approximately 10,000 m<sup>2</sup>

towards the Project. Unfortunately, JICA and the related parties from Japan were unable to attend the 1st Triangular Conference of Peoples, which was organized by the local civil society and held in August 2013, because the invitation from the organizers were received only a day prior to the event. Consequently, JICA and the related parties from Japan were unable to make use of the opportunity to explain about the revisions to the content of the Project giving priority to the peasants. To make matters worse, it is likely that the Requesters and others had further intensified their apprehension and distrust, due to a series of speech and behavior made by some government officials. Thereafter, both the public relations activities under the Contract related to Implementation of the Communication Strategy, planned and implemented with an aim to promote an accurate understanding of the Project, and the Public Consultations related to the Draft Zero of the Master Plan that the Mozambican government and JICA had attempted, resulted in merely intensifying the distrust of the Requesters and others, and the Examiners observe that an understanding of the contents of the Project have made little headway thereafter.

As described the above, circumstances are difficult to promote an accurate understanding; however, it is apparent that further efforts by the Mozambican government and JICA are desired to share information relating to the contents and approach of the Master Plan with the Requesters and others, in order to respond to their strong demands. The Mozambican government and JICA have achieved visible results stabilizing and improving the livelihood of the peasants under the ProSAVANA-PEM, one (1) of the three (3) projects within the ProSAVANA Program, and the Examiners believe that it would be worthwhile for the Mozambican government and JICA to consider making steady efforts, such as sharing each concrete case of achievements with communities, in order to respond to demands for accurate information made by the Requesters and others.

With respect to the third point, the absence of bottom-up approach that enables peasants to express their opinions independently, the Examiners understand that, receiving criticism from peasants' organizations, the Mozambican government and JICA's side assisted to create MCSC expecting civil societies to take the initiative in the fundamental revision of the Master Plan. However, some of the main stakeholders are currently not participating in this dialogue mechanism through MCSC, and the framework is not well-functioning at this point. In light of

such situation, the Examiners believe that, apart from the discussion on how the framework of the overall Master Plan Project should be created, it is immediately necessary to have an opportunity to hear out where peasants are able to participate and express their needs and opinions, as the Requesters strongly desire.

Moreover, upon conducting a participatory hearing, it would be useful to draw on other countries' experiences of seeking rules on democratic procedure for promoting participations. For example, in Japan, a citizen participation program is prescribed by ordinance in advanced municipalities. A participatory decision-making procedure is legislated; specifically, each district has a resident organization where the residents voluntarily participate and discuss with each other and reach an agreement by majority vote. The government respects the resolution and it is finally adopted after the deliberation of the assembly or administrative council.

Accordingly, in order not to give an impression that hearing procedure is unilateral, it is imperative to share a common understanding of rules of the democratic procedures for the preparation of the Master Plan among stakeholders, including representatives of the peasants, and to provide suitable environment where peasants can express their opinions freely. It is also essential to conduct hearing fully in line with the intention of existing peasants' organizations.

The fourth point suggests the fact that distrust toward the Mozambican government remains high and this is probably the biggest factor that makes current communication through MCSC difficult. In regard to this point, various consultations have been held with Japanese NGOs and the Ministry of Foreign Affairs (MOFA); however, the sense of trust that would make it possible to have a dialogue between the parties for permanent problem-solving has not been created. As described above, by organizing a participatory hearing where the peasants can take the initiative and express their opinions freely, it is expected to create a relationship of trust step by step.

## (2) Proposals to JICA

Based on the above-stated perception gaps among the parties and background thereof regarding

the Objection Request, the Examiners will make the following proposals to JICA in light of the principles of the Guidelines:

- (i) Promoting efforts to fill the lack of information and transparency
  - \* We understand that, at the end of the interview, the Requesters strongly asserted the points that “the peasants should be involved in decision making” and “consultation with the stakeholders should be conducted in the communities.” Taking full account of these points, JICA should, under the initiative of the organizations that represent the local peasants, such as UPC, continue to encourage conducting interviews properly to the peasants who are members of the communities and understanding the peasants’ needs for the development plan, which aims to stabilize and improve the livelihood of the peasants in the future.
  - \* JICA should, in cooperation with the Mozambican government, actively disclose information that it obtained so far through the entire Project and the results of the analysis. Especially, with respect to the issue on land grabbing which the Requesters particularly have strong concerns, JICA should make an effort to provide more appropriate information with respect to the countermeasures against land grabbing and to gain the peasants’ understanding, at the community-level.
- (ii) Promoting discussions on the Project under the rules of participatory decision-making procedures
  - \* With deep consideration of the Requesters’ voice requesting a bottom-up system based on the opinions of the peasants, JICA should observe the process that the Mozambican government deepens discussions on the Project in accordance with the rules of the participatory decision-making procedures that are agreeable among the stakeholders. For such purpose, it is important to show an appeasement attitude such that the stakeholders meet directly and have a face-to-face discussion.
  - \* In addition, upon the request of the Mozambican government, JICA should continue to assist in promoting the discussions of the Master Plan, if necessary.
- (iii) Appropriate approach by the Mozambican government

- \* JICA should continue to request the Mozambican government to give careful consideration to the Requestors to ensure that the government's treatment is not received as being authoritative or abusive of the Requesters' human rights.
- \* Further, JICA should cooperate with the Mozambican government so that the government can proactively and properly implement the proposals shown in items (i) and (ii) above.

CHAPTER 5: LIST OF MAIN DOCUMENTS PRESENTING THE RATIONALE FOR THE DECISIONS OF THE EXAMINERS

No.	Title of the Documents
1	Guidelines for Environmental and Social Considerations, April 2010
2	Answers to Frequently Asked Questions about Japan International Cooperation Agency (JICA)'s Guidelines for Environmental and Social Considerations, July 20, 2017
3	Objection Procedures based on the Guidelines for Environmental and Social Considerations, JICA, April 2010
4	Objection Request Regarding the Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique (ProSAVANA-PD) , April 20, 2017, English Translation
5	Response from the Operational Departments "Concerning the Objection," July 28, 2017
6	ProSAVANA-HQ Website ( <a href="http://www.prosavana.gov.mz">http://www.prosavana.gov.mz</a> )
7	ProSAVANA-PD/Report No.2 (Quick Impact Projects), March 2013, English Translation
8	ProSAVANA-PD the Draft Zero of the Master Plan
9	ProSAVANA-PD/Agricultural Development Master Plan for Nacala Corridor, Draft Version, December 2015; English Translation
10	ProSAVANA-PD/ Environmental and Social Consideration, excerpt from the Detailed Planning Survey Report, September 2013
11	ProSAVANA-PD/ Records of Discussion (supporting information for ANNEX, August 2015
12	Publicidade ("Noticias," 1 de Abril de 2015)
13	Contract of Services; Communication Strategy Definition for ProSAVANA, August 1, 2013; English Translation
14	Contract of Services/ Implementation of the Communication Strategy of ProSAVANA and Support Services in the Communication and Public Relations Advisory, June 20, 2014, English Translation
15	ProSAVANA Communication Strategy, Version II English, September 2013
16	Contract for Consultant's Services/ Consultant for Stakeholder Engagement, November 2, 2015

17	Inception Report/ Development of Stakeholder Engagement Plan and Toolkit for the ProSAVANA Programme, December 8, 2015
18	ProSAVANA Master Plan, Stakeholder Mapping, January 2016
19	Final Report/ Stakeholder Engagement for the ProSAVANA Programme, March 2016
20	Minutes of the Meeting on the Formulation of Civil Society Coordination Mechanism (MCSC) for Development of Nacala Corridor , February 19, 2016, English Translation
21	Minutes of the Meeting among MCSC, JICA and MASA, April 12, 2016
22	Contract for Consultant's Services/Revision of Agricultural Development Master Plan, October 14, 2016
23	Inception Report/Revision of ProSAVANA Master Plan, October 28, 2016
24	Joint Statement on Private Investment within ProSAVANA, July 23, 2014
25	Announcement E-mails on the Meeting in the Members' Office Building of the House of Councilors (held in November 28, 2016)
26	Open Letter to the representatives of the three governments (May 2013) and Reply thereto (August 2014)
27	Law nr.20/97 of October 01, English Translation
28	Decree nr. 54/2015 of 31st December; English Translation
29	Ministerial Diploma Law nr. 130/2006 of 19th June, English Translation
30	Information Material from the Operational Departments (July 14, 2017)
31	Information Material from the Operational Departments (July 27, 2017)
32	Minutes of the field visit conducted by Examiner Matsushita, Examiner Kaneko, number 1-23, from July 29 to August 5, 2017
33	Minutes of the meeting with the Requesters, July 30 and 31, 2017, for external information material
34	Minutes of the meeting with the consultants of the PD Project, August 25, 2017
35	Accounting Rules of JICA
36	Minutes of the Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA (for the meetings held from January 2013 to October 2015) <a href="http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/index.html">http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/index.html</a>



	(as of November 1, 2017)
37	Preparatory Survey Report (March 2010)
38	Detailed Planning Survey Report (September 2013)

Annexes

- Annex 1
  - a. Objection Request (the Original Prepared in Portuguese)
  - b. Objection Request (Japanese Translation)
  - c. Objection Request (English Translation)
- Annex 2 Findings of the Preliminary Investigation
- Annex 3 Outline of the Interviews Conducted to Establish the Facts concerning the Alleged Non-compliance
- Annex 4 Summary of Alleged Damages and Allegation by the Requesters regarding the Non-Compliance with the Guidelines
- Annex 5 Outline of the ProSAVANA Agricultural Development Program

**Requerimento**  
**Objecção baseada nas Directrizes para as Considerações**  
**Ambientais e Sociais**

Moçambique, 10 de Abril de 2017

**Para:**

**Os Examinadores para as Directrizes da Agência de Cooperação Internacional do Japão (JICA)**

Fax: +81-3-5226-6973

E-mail: [jicama-jigi@jica.go.jp](mailto:jicama-jigi@jica.go.jp)

**Nomes dos Requerentes:**

[REDACTED]

As pessoas listadas acima apresentam esta objecção como representantes das comunidades camponesas afectadas pelo programa ProSAVANA.

Antes de entrarmos em detalhes, gostaríamos de esclarecer quem somos e que tipo de relações tivemos com o projecto da JICA (ProSAVANA-PD) desde Outubro de 2012 até o presente:

Nós, camponeses e camponesas de Moçambique, lutámos pela libertação e alcançamos a independência em 1975. Temos gozado da nossa soberania sob a nossa constituição

duramente conquistada<sup>1</sup>. Baseados nos direitos determinados na Constituição e na nossa tradição histórica de “associativismo”, estabelecemos a nossa união e temo-nos comprometido a apoiar-nos uns aos outros; proteger os direitos colectivamente; fazer propostas para as políticas benéficas ao nosso povo, contribuindo assim para a promoção da soberania nacional e alimentar; construir uma sociedade justa, pacífica e melhor para todos; e construir a unidade nacional como uma organização não-partidária.

- Como percebemos que outros requerentes usaram este procedimento assegurado pelas Directrizes procuradas para o apoio das organizações nacionais/locais e Japonesas da sociedade civil com o intuito de se prepararem e de se organizarem para a apresentação de objecções<sup>2</sup>, fizémos o mesmo.
- Procurámos a assistência dos parceiros Moçambicanos e Japoneses para organizar a informação importante para o nosso requerimento.
- Para que os examinadores independentes compreendam as nossas vozes manifestadas nas declarações, pedimos aos parceiros Japoneses para organizarem notas de rodapé com as referências e *links* escritos em Japonês.
- Por fim, gostaríamos de informar aqui que a JICA recebeu todas as declarações e documentos relacionados com o ProSAVANA listados no texto e nas notas de rodapé.

- A. Em Abril de 2012, nós, os camponeses da região afectada, ouvimos falar do ProSAVANA: “sucesso do Brasil-Cerrado (PRODECER) a ser repetido na Savana Africana, no Norte de Moçambique”, “agronegócio Japonês e Brasileiro que está no Norte de Moçambique”<sup>3</sup>, “grande produção de soja para exportar”, “grande área de terra não cultivada (savana Africana) disponível ao longo do Corredor de Nacala” e “Fundo de Nacala”<sup>4</sup>. Procurámos por mais informações, mas não nos foi possível obter. Mesmo os nossos funcionários governamentais não sabiam muito sobre o programa e não tinham informações.
- B. Em Agosto e Outubro de 2012, nós, os camponeses da região afectada, reunimo-nos em Nampula por vários dias para analisar e discutir as informações colectadas pelos nossos colegas nacionais sobre o projecto (ProSAVANA-PD). Antés da reunião, os nossos colegas em Maputo conduziram uma revisão da literatura através da *internet* e entrevistas com os representantes de três países, incluindo a JICA (Agosto de 2012).

<sup>1</sup> [http://confindex.richmond.edu/admin/docs/Constitution \(in force 21 01 05\)\(English\)-Mozlegal.pdf](http://confindex.richmond.edu/admin/docs/Constitution%20(in%20force%2021%2001%2005)(English)-Mozlegal.pdf)

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

<sup>3</sup> [https://www.jica.go.jp/topics/news/2012/20120514\\_02.html](https://www.jica.go.jp/topics/news/2012/20120514_02.html)

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

<sup>4</sup> A restante informação e referências originais são indicadas no seguinte papel.

Com base na informação recolhida por estes esforços, produzimos o nosso primeiro protesto do ProSAVANA, "Pronunciamento" a 11 de Outubro de 2012<sup>5</sup>.

- Manifestámos os seguintes pontos no "Pronunciamento": (i) falta de transparência, responsabilidade e cumprimento dos princípios do FPIC; (ii) a nossa objecção ao conceito de trazer "o sucesso do Cerrado-Brasil ao Norte de Moçambique"; (iii) e a nossa imensa preocupação com as consequências do programa, isto é, a usurpação de terras, a contaminação química, entre outras.
- C. Em Fevereiro de 2013, nós, camponeses e camponesas da região afectada, enviámos os nossos representantes ao Japão para apresentar directamente as nossas preocupações sobre o programa e entregámos o "Pronunciamento" aos representantes da JICA no MOFA (Ministério dos Negócios Estrangeiros do Japão)<sup>6</sup>. A explicação da JICA e do MOFA foi que pode haver cultivo em larga escala e que a possibilidade de relocação de camponeses locais no âmbito do programa é "zero".
- D. Em Abril de 2013, foi divulgada a "versão modelo do Plano Director (Relatório do Plano Director No. 2 [posteriormente modificado para No. 3]", e ficamos a saber que o ProSAVANA estava a planear o "deslocamento involuntário de moradores locais" e a estabelecer "bancos de terra" através de Projectos de Impacto Rápido e Projectos Piloto (planeados sob o ProSAVANA-PD). As ONGs nacionais e internacionais publicaram uma declaração urgente "O Vazamento confirma o pior" para nós<sup>7</sup>.
- E. Em Maio de 2013, nós, os camponeses e camponesas da região afectada, reunimo-nos novamente em Nampula e produzimos uma "Carta Aberta para deter e reflectir de forma urgente o programa ProSAVANA" dirigida aos chefes de estado de três países (Japão, Brasil e Moçambique)<sup>8</sup>. O nosso representante reuniu-se com a JICA e repetiu o pedido da Carta Aberta.
- F. Em Abril de 2014, nós, camponeses e camponesas da região afectada, reunimo-nos com os camponeses de outras regiões do país e produzimos a "Declaração de Nampula" que expressa todos os abusos, violações de direitos humanos ocorridos sob o ProSAVANA e que manifesta a nossa objecção ao programa<sup>9</sup>.
- G. Em Junho de 2014, nós, os camponeses e camponesas da região afectada, estabelecemos a Campanha "Não ao ProSAVANA" junto de outras organizações da

<sup>5</sup> Os colegas Japoneses traduziram o documento para Japonês: [REDACTED]

<sup>6</sup> Isto foi transmitido no seguinte programa de TV: [REDACTED]

<sup>7</sup> [REDACTED]

<sup>8</sup> Em Japonês. [REDACTED]

<sup>9</sup> [REDACTED]

sociedade civil. Manifestámos, uma vez mais, as nossas preocupações e levantamos a nossa voz na forma de uma “declaração”<sup>10</sup>.

- H. Em Abril-Maio de 2015, foi-nos anunciado, de forma repentina, que haveria uma “consulta pública” de um Plano Director de 204 páginas em todos os distritos afectados. Embora repentino, conseguimos organizar-nos para cobrir todas as reuniões juntamente com outras organizações parceiras.
- I. Em Junho de 2015, nós, os camponeses e camponesas da região afectada, participámos na consulta pública nacional em Maputo, protestamos e solicitamos “**Pedido de Invalidação da Consulta Pública/Auscultação**” junto daqueles que participaram nas reuniões de consulta pública<sup>11</sup>.
- J. Em Julho de 2015, representantes nossos, camponeses e camponesas da região afectada, visitaram o Japão para expressar a nossa indignação e entregaram a nossa declaração solicitando a “**Invalidação de Consulta Pública/Auscultação**” directamente à JICA e ao MOFA<sup>12</sup>.
- K. Em Janeiro e Fevereiro de 2016, nós, camponeses e camponesas da região afectada, juntamente com nossas irmãs e irmãos de outras organizações da sociedade civil, publicámos uma série de declarações opondo-nos ao envolvimento de organizações da sociedade civil na legitimação do programa **ProSAVANA** e ao processo de estabelecimento do “único mecanismo de diálogo da sociedade civil” (mais tarde, denominado MCSC) criado no âmbito do contrato da JICA com a MAJOL<sup>13</sup>.
- L. De Agosto e Novembro de 2016, soubemos da existência de documentos primários indicando claramente as intervenções da JICA sobre a sociedade civil Moçambicana, sob os subprojectos do ProSAVANA-PD. Assim, juntamente com as organizações da sociedade civil de Moçambique, do Brasil, do Japão e do Mundo, publicámos o “**Protesto Conjunto contra o ProSAVANA**”<sup>14</sup>.
- M. De Outubro a Novembro de 2016, descobrimos mais uma intervenção da JICA sobre a nossa sociedade, e em reacção, apresentámos uma “**Declaração Urgente do Processo de Revisão do Plano Director**”<sup>15</sup>.

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Os detalhes escritos relacionados nas seguintes duas declarações de ONGs Japonesas:

- N. Em Novembro de 2016, representantes nossos visitaram o Japão para partilhar a nossa voz com o público Japonês. Apresentámos as declarações anteriormente divulgadas em Agosto e Novembro aos representantes da JICA e do MOFA durante a reunião pública organizada por ONGs Japonesas.
- O. Descobrimos que a JICA convidou propositadamente o Secretário Permanente e o antigo-Vice Ministro da Agricultura de Moçambique (MASA) para o Japão, a fim de participarem na reunião e contra-argumentarem os posicionamentos dos nossos representantes. As ONGs Japonesas lançaram duas declarações de "Protesto e Pedido Urgente sobre a tentativa de supressão da JICA"<sup>16</sup>.

Desejamos que os nossos nomes sejam mantidos confidenciais a todos os Proponentes do Projecto, incluindo de outras organizações cívicas Moçambicanas. A violação desta confidencialidade (incluindo a divulgação de rumores) será considerada como outra violação dos direitos humanos por parte da JICA.

**Os Requerentes pretendem fazer uso dos seguintes agentes:**

Nome do agente: [REDACTED]

Informações de Contacto do agente:

Endereço: [REDACTED]

TEL: [REDACTED]

E-mail: [REDACTED]

Nome do agente: [REDACTED]

Informações de Contacto do agente:

Endereço: [REDACTED]

TEL: [REDACTED]

FAX: [REDACTED]

E-mail: [REDACTED]

<sup>16</sup> [REDACTED]

## I. Projecto sob o qual as objecções são apresentadas

Nome do País: Moçambique

Nome do Projecto: ProSAVANA-PD (Projecto de Apoio ao Plano Director) e os seus sub-projectos que contratam empresas de consultoria Moçambicanas e ONG: "Definição da Estratégia de Comunicação do ProSAVANA"; "Implementação da Estratégia de Comunicação para o ProSAVANA"; "Envolvimento das Partes Interessadas"; e projectos de "Revisão do Plano Director".

Local do Projecto: A região ao longo do Corredor de Nacala (Províncias de Nampula, Niassa e Zambézia)

Esboço do Projecto: ProSAVANA-PD: Projecto de Apoio à Formulação do Plano Director de Desenvolvimento de Agricultura no Corredor de Nacala sob o ProSAVANA-JBM

1) "Consulta pública": para o *draft* zero do Plano Director para o Desenvolvimento da Agricultura do Corredor de Nacala a nível distrital e nacional (Abril – Junho de 2015);

2) 4 Sub-projectos no âmbito do ProSAVANA-PD:

- a) Projecto "Definição da Estratégia de Comunicação para o ProSAVANA": é o Segundo contrato entre a JICA e a uma empresa de consultoria Moçambicana, a CV&A, a partir de 1 de Agosto de 2013 por 3 meses (valor do contrato: cerca de 2,800,000 ienes).
- b) Projecto "Implementação da Estratégia de Comunicação para o ProSAVANA": é o terceiro contrato firmado entre a JICA e a CV&A a partir de 20 de Junho de 2014 por 3 meses (cerca de 2,647,000 ienes).
- c) Projecto "Envolvimento das Partes Interessadas": o contrato foi entregue a uma empresa de consultoria Moçambicana, a MAJOL, a partir de 3 de Novembro de 2015 por 4.5 meses (cerca de 5,300,000 ienes).
- d) "Revisão do Plano Director": contrato outorgado a uma ONG Moçambicana baseada em Nampula, a SOLIDARIEDADE MOÇAMBIQUE, a partir de 14 de Outubro por 6 meses (cerca de 22,000,000 ienes).

\*A informação relativa aos contratos destes sub-projectos foi-nos partilhada pela sociedade civil Japonesa<sup>17</sup>.

<sup>17</sup> De acordo com as ONGs Japonesas, todos os documentos relacionados com esta conta estão nos seguintes sites:



## II. Danos substanciais efectivamente incorridos ou susceptíveis de serem suportados pelas Directrizes:

Os seguintes danos foram realmente causados pelo não cumprimento das Directrizes da JICA. Consideramos que estes danos violam não só as Directrizes, mas também violam a nossa Constituição, a Carta das Nações Unidas, a Declaração Mundial dos Direitos Humanos e a Convenção Internacional dos Direitos Cívicos e Políticos.

### 1) Abuso dos direitos humanos que ocorreram sob o ProSAVANA-PD:

- a) **Danos directos:** danos físicos e emocionais causados por perseguição, intimidação, chantagem, ameaça e opressão por autoridades governamentais locais<sup>18</sup> e por intervir na sociedade civil a que pertencemos, sendo rotulados de “radicais”, perseguindo agendas obscuras e isolados de outros parceiros.
- b) **Abuso do direito à liberdade de expressão (incluindo o direito à informação):** violação dos direitos constitucionais, Artigo 19 da Convenção Internacional dos Direitos Cívicos e Políticos, Declaração Mundial dos Direitos Humanos, entre outros.

#### Artigo 19 do Pacto Internacional de Direitos Cívicos e Políticos

- i. *Toda a pessoa tem direito a ter opiniões sem interferência.*
- ii. *Toda a pessoa tem direito à liberdade de expressão; este direito inclui a liberdade de procurar, receber e transmitir informações e ideias de qualquer natureza, independentemente das fronteiras, quer oralmente ou por escrito, sob a forma de arte ou através de qualquer outro meio da sua escolha.*

### 2) Danos individuais, organizacionais e sociais causados pela intervenção directa e indirecta da JICA nas nossas organizações e na sociedade civil local, utilizando os seus fundos e consultores nos subprojectos (enquanto Moçambique sofre uma situação de conflito). Ou seja, os seguintes quatro valores e princípios constitucionais são afectados pelos projectos da JICA:

- a) Ameaça e danos na harmonia individual, organizacional e social;
- b) Danos causados a uma sociedade pluralista e tolerante com uma cultura de paz;
- c) Danos à identidade Moçambicana (unidade nacional, associativismo, solidariedade, sabedoria colectiva), às suas tradições e outros valores sociais e culturais;
- d) Danos causados à governação Democrática e à tomada de decisões.

<sup>18</sup> [REDACTED] (ver páginas 3,4,6-10)

## **Constituição da República de Moçambique**

### **[Preâmbulo]**

- *Conhecendo os antigos desejos do nosso povo, a luta armada pela libertação nacional, cujo objectivo era libertar a terra e o Homem, reuniu todos os sectores patrióticos da sociedade Moçambicana nos mesmos ideais de liberdade, unidade, justiça e progresso.*
- *Quando a independência nacional foi conquistada a 25 de Junho de 1975, o povo Moçambicano foi devolvido aos seus direitos e liberdades fundamentais.*
- *A Constituição de 1990 introduziu o estado democrático de direito, baseado na separação e interdependência de poderes e no pluralismo.*
- *A ampla participação dos cidadãos na elaboração desta lei básica transmite o consenso para fortalecer a democracia e a unidade nacional, que brota da sabedoria colectiva do povo.*

### **[Artigo 2 (Soberania e Legalidade)]**

- *A soberania é investida no povo.*
- *O povo Moçambicano exercerá a sua soberania na forma prevista da Constituição.*
- *O Estado é subordinado à Constituição e fundado na legalidade.*

### **[Artigo 3 (Estado Democrático de Direito)]**

- *A República de Moçambique é um Estado de direito,*
- *Baseado no pluralismo de expressão e na organização política democrática e no respeito e garantia dos direitos humanos e das liberdades fundamentais.*

### **[Artigo 11 (Objectivos Fundamentais)]**

*Os objectivos fundamentais da República de Moçambique serão:*

- *O reforço da democracia, da liberdade, da estabilidade social e da harmonia social e individual;*
- *A promoção de uma sociedade de pluralismo, tolerância e cultura de paz;*
- *A afirmação da identidade Moçambicana, das suas tradições e outros valores sociais e culturais;*
- *O estabelecimento e desenvolvimento de relações de amizade e de cooperação com outros povos e Estados*

As consequências da intervenção repetida na sociedade através dos três subprojectos anteriores e do impacto contínuo causado pelo contrato da JICA com uma ONG local baseada em Nampulã no âmbito do projecto "Revisão do Plano Director"<sup>19</sup>, os danos individuais, organizacionais e sociais acima mencionados são susceptíveis de serem aprofundados.

<sup>19</sup> [REDACTED]

**3) Requerentes em decorrência do não cumprimento por parte da JICA das disposições relevantes das Directrizes violadas pela JICA e factos que constituem o não cumprimento da JICA, como alegado pelos Requerentes:**

Os danos causados pelo acima exposto na introdução, 1. e 2. são, no nosso entender contrários aos princípios, objectivos e instruções das Directrizes. Com base nos nossos estudos das Directrizes e nas nossas consultas com os nossos parceiros, os aspectos acima mencionados no 2. não cumpriram com os seguintes pontos das Directrizes:

\*As numerações são obtidas a partir das Directrizes.

**[Directrizes da JICA]**

1.1. Princípios

1.2. Objectivo

1.4. Princípios Básicos de Considerações Ambientais e Sociais

1.5 Responsabilidade da JICA

1.9 Disseminação

2. Processo de Considerações Ambientais e Sociais

2.1 Divulgação da Informação

2.4 Consulta com as Partes Interessadas Locais

2.5 Preocupação com o Ambiente Social e os Direitos Humanos

2.6 Leis, Regulamentos e Padrões de Referência

2.8 Tomada de Decisão da JICA

2.9 Garantir a Implementação e o Cumprimento das Directrizes

**Anexo 1. Considerações Ambientais e Sociais Necessárias para Projectos Pretendidos**

**1. Ausência de responsabilização, ocultação de informação (também violação dos direitos humanos <direitos à informação>) e obstrução da participação significativa dos interessados especialmente os moradores da região: 1.1; 1.4; 2.1; 2.5; 2.6.**

Embora os detalhes estejam apresentados na nossa introdução e no ponto 4., gostaríamos de destacar aqui alguns factos que constituem o não cumprimento da JICA.

- a) A negação, dissimulação e distorção dos factos e informações relacionadas com o programa ProSAVANA, especialmente com o ProSAVANA-PD (plano director)<sup>20</sup>;
- b) A inexistência de explicação sobre o que aconteceu com os planos e actores originais que foram o foco principal do programa<sup>21</sup> e a razão pela qual eles mudaram (em vez disso, acusaram a sociedade civil de “mentirosos”<sup>22</sup>);
- c) A total ocultação do plano, estabelecimento, contratos, pagamentos e implementação de três subprojectos da JICA (nomeadamente, dois dos projectos de “Estratégia de Comunicação” e o projecto “Envolvimento das Partes Interessadas”) apesar do seu forte impacto nos residentes, nas comunidades e na sociedade civil da região afectada pelo programa;
- d) A divulgação desigual das informações aos que estão a favor do programa no âmbito do projecto “Envolvimento das Partes Interessadas” sendo este promovido ainda mais ao contratar a ala da sociedade civil a favor do programa no âmbito do projecto “Revisão do Plano Director” da JICA;
- e) A negação e abandono da tradução, disponibilização ou explicação das Directrizes, incluindo este procedimento de objecção e a disponibilidade de “Opção Zero”.

**2. Violação dos Direitos Humanos: 1.1; 1.4; 2.1; 2.5; 2.6.**

**a) Danos Directos:**

Embora os detalhes estejam apresentados na nossa introdução e no 4., gostaríamos de destacar algumas causas destes danos aqui:

<sup>20</sup>

<sup>21</sup> [http://www.mofa.go.jp/mofai/eaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_6.pdf](http://www.mofa.go.jp/mofai/eaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_6.pdf)  
[http://www.mofa.go.jp/mofai/eaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_7.pdf](http://www.mofa.go.jp/mofai/eaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_7.pdf)

<sup>22</sup>

- i. Intimidação antes da “consulta pública”<sup>23</sup>;
- ii. Opressão durante a “consulta pública”<sup>24</sup>;
- iii. Perseguição, intimidação, chantagem, ameaça, opressão a aqueles que expressaram a sua objecção ou colocaram questões acerca do programa ProSAVANA<sup>25</sup>;
- iv. Divisão, insulto e marginalização após intervenção directa promovida pelos projectos “Estratégia de Comunicação”, “Envolvimento das Partes Interessadas”<sup>26</sup> e “Revisão do Plano Director”.

**b) Violação do direito à liberdade de expressão:**

Embora os detalhes constem da nossa introdução e no 4., gostaríamos de destacar aqui alguns factos que constituem o não cumprimento da JICA:

- i. *Ver acima (i)* que ocorreu antes/durante/depois da “consulta pública” (incluindo a moderação opressiva, imparcial e intimidatória, a presença de policiais armados, a obstrução da participação das consultas públicas e a perseguição após os eventos);
- ii. Planear, estabelecer, implementar e instruir os projectos da “Estratégia de Comunicação” cujos objectivos e sugestões fossem “intervir cada parte interessada (associações, organizações camponesas, ONGs, as comunidades)”, “desvalorizar reivindicações” e “retirar a força” das organizações locais expressando as suas vozes e reivindicações<sup>27</sup>;
- iii. “Desconectar” as nossas relações com a imprensa Moçambicana através da “Estratégia de Comunicação” (*ver acima*);
- iv. Investigar ocultamente as diferenças internas e externas, as “posições” rumo ao ProSAVANA, os “interesses” no ProSAVANA, o “poder influente” sobre outras organizações e as comunidades entre as organizações da sociedade civil, incluindo-nos a nós, rotulados como “radicais” e isolados do processo preparatório de criação de um mecanismo de diálogo no âmbito do subprojecto “Intervenção das Partes Interessadas”<sup>28</sup>;
- v. Planear e levar o Secretário Permanente e o antigo-Vice-Ministro do MASA (Ministro da Agricultura) e o Embaixador de Moçambique no Japão para a

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reunião pública em Tóquio organizada por parceiros Japoneses com o objectivo de intimidar-nos<sup>29</sup>.

### **3. Danos sociais, intervindo directamente na sociedade civil local: 1.1; 1.4; 2.4; 2.5; 2.6; 2.8.**

As seguintes acções tomadas, promovidas, coniventes e não prevenidas no âmbito do ProSAVANA-PD, especialmente durante a implementação dos subprojectos, ameaçaram e danificaram o valor constitucional acima e os princípios que temos venerado e nos comprometido. Como a causalidade será descrita cronologicamente no ponto 4., algumas acções importantes da JICA que causaram os danos acima mencionados, serão aqui determinadas, a saber:

- a) Planear, estabelecer, pagar, implementar e instruir a “Estratégia de Comunicação” e os seus três consultores (CV&A) que visavam separar-nos das comunidades e de outros camponeses (*ver (1) (b)*);
- b) Promover activamente a divisão dos nossos sindicatos utilizando o ProSAVANA-PEM e organizar para incluir um dos nossos colegas da delegação governamental ao Japão logo após a nossa visita ao Japão em Julho de 2015 (*ver 4.*);
- c) Apoiar e financiar sem qualquer monitoria, permitindo assim a politizada consulta pública a nível distrital onde a polícia armada e uniformizada participava e os funcionários governamentais e os principais membros do partido no poder (FRELIMO) eram dominantes<sup>30</sup>;
- d) planear, estabelecer, pagar, implementar e instruir o projecto “Envolvimento das Partes Interessadas” e a MAJOL para intervir e promover os conflitos na sociedade civil que nós, camponeses e camponesas e outras organizações da sociedade civil temos trabalhado em estreita colaboração, concordando com a seguinte metodologia para o projecto:
  - “Identificação de potenciais conflitos ou conflitos de interesse...grupos particulares ou entre os próprios grupos”;
  - “Identificar e caracterizar as relações entre as partes interessadas que podem promover ou impedir o desenvolvimento de alianças e consensos, ou conflito alternativo” (Relatório de Iniciação, p.18)<sup>31</sup>.

<sup>29</sup>

<sup>30</sup>

<sup>31</sup> O Relatório Inicial não foi divulgado espontaneamente pela JICA, mas por um pedido baseado na Lei de Informação do Japão.

e) Dando as seguintes instruções e concordando com a metodologia da “identificação de grupos-chave e indivíduos que precisam de ser objecto de compromissos direccionados” (ibid.):

- (convidar organizações) “que demonstrem disponibilidade para dialogar sobre o ProSAVANA” (TdR, p. 2)<sup>32</sup>;
- As “potenciais partes interessadas” foram “concluídas através de uma consulta inicial com a JICA e as autoridades governamentais ...” (Relatório de Mapeamento, p.14)<sup>33</sup>;

[e.x.]

- “Como financiador e líder de opinião, XX (ONG internacional) tem uma influência extremamente alta. XX financia outras ONGs (\*a nossa união foi incluída). Tem estado envolvido na campanha contra o ProSAVANA desde 2009... alto interesse, alta influência. Um dos parceiros mais estratégicos. Precisa de ser cultivado...” (Relatório de Mapeamento, p.20)<sup>34</sup>.
- “Solidariedade Nampula [redacted] [redacted] [redacted]: não é contra o ProSAVANA...alta influência por causa da grande adesão (da plataforma) com interesse moderado, mas apenas com mudanças (Relatório de Iniciação Draft, 23)<sup>35</sup>;

f) Promover através dos seus consultores a categorização e divisão das organizações Moçambicanas de camponeses e da sociedade civil, apesar das nossas reclamações sobre o inquérito da MAJOL e sobre o próprio processo não ter sido transparente, assim não querendo ser cooptado:

- Vermelho: Não ao ProSAVANA, não querendo dialogar;
- Roxo: dialogará se certas condições forem satisfeitas;
- Amarelo: nenhuma posição institucional clara tomada sobre o ProSAVANA;
- Verde: apoio ao ProSAVANA (Relatório de Mapeamento, p.32).

g) A classificação como uma das “organizações Vermelhas”, implica exclusão do processo, e isolamento de outras organizações e colegas, pela seguinte observação feita pela MAJOL e foi o que aconteceu:

- “(as organizações vermelhas) podem ser consideradas uma minoria que é suficientemente pequena para ser essencialmente desconsiderada em termos de negociações” (Relatório de Mapeamento, p.33);

<sup>32</sup> [redacted]

<sup>33</sup> [redacted]

<sup>34</sup> O resultado do levantamento realizado pela MAJOL com base no Relatório de Iniciação acordado pela JICA foi negado de ser divulgado mesmo pela Lei de Informação, mas ficou disponível através de revelações no seguinte site: [redacted]

<sup>35</sup> [redacted]

- h) Intervir sobre a Plataforma Provincial de Nampula e o [REDACTED] como o “alvo” (ver acima) apesar da JICA e dos seus consultores MAJOL saberem que as Uniões Provinciais de Camponeses pertencem à plataforma;
- i) Instruir e financiar a MAJOL para continuar a intervir na sociedade civil até o estabelecimento de “uma (única) plataforma de diálogo (mecanismo)”<sup>36</sup>, e promover o isolamento e a marginalização das organizações que continuam a questionar o programa e o processo<sup>37</sup>;
- j) Permitir que a MAJOL faça os seguintes insultos, intimidação e mentiras durante as “consultas individuais” e o “Workshop de Nampula” para “conseguir a adesão da sociedade civil” (Relatório de Iniciação, p.5<sup>38</sup>):
- “A JICA disse que pararia o ProSAVANA e partiria para outro lugar se fosse impossível trabalhar com a sociedade civil ...” (consulta individual em Novembro de 2015)<sup>39</sup>;
  - “Dizer ‘Não ao ProSAVANA’, significa desperdiçar 9,325,000,000 Meticais (130,414,228 US dólares). O parlamento Japonês discute este assunto, e se você não concordar agora com a mudança ProSAVANA, todo esse financiamento (quantidade) vai desaparecer. Está bem com isso?”;
  - “A sociedade civil deve aproveitar esse dinheiro e a oportunidade. Se perder essa oportunidade agora, será perdida para sempre. A JICA tem dinheiro. Então, vamos avançar com o ProSAVANA.” (11 de Janeiro de 2016 durante o Workshop de Nampula<sup>40</sup>)
- k) Permitir e promover a intervenção do MAJOL e reportar sobre o nosso sindicato à JICA visando dobrar a nossa vontade que é descrita claramente no seu relatório final:
- “O facto do presidente e representante provincial da UNAC não ter participado na reunião final não deve ser visto como um contratempo...”
  - “O facto da UNAC não ter marcado presença, nem nenhuma reacção pública à reunião, mostra que a sua posição está em fluxo, e isso cria uma oportunidade, com envolvimento adequado, de trazê-la na totalidade para o processo de negociação”;
  - “A UNAC foi alvo de intensas actividades de lobbying por parte de uma delegação Japonesa que visitou a reunião” (Relatório Final, p.20)<sup>41</sup>.

<sup>36</sup> TdR e Contrato. [REDACTED]

<sup>37</sup> [REDACTED]

<sup>38</sup> [REDACTED]

<sup>39</sup> Os detalhes desta conta estão na página 91 do seguinte document de análise.

<sup>40</sup> Ver págs. 99-100. [REDACTED]

<sup>41</sup> [REDACTED]



- l) Planear e acompanhar de facto a sugestão dos consultores para não nos autorizar, trazendo políticos para representar os camponeses e moradores como membros da sociedade civil e para o “diálogo”:
- *“A tática das organizações da sociedade civil de Nampula de convidar Parlamentares Provinciais e Nacionais para o seminário de Fevereiro vai de algum modo responder a este argumento (a legitimidade da UNAC);*
  - *“Afiml, quem está melhor posicionado para representar os seus próprios representantes eleitos?” (Relatório Final, p.20).*
- m) Promover a hostilidade e a divisão entre a sociedade civil na nossa região, apoiando as “táticas” acima e materializando esta proposta.
- n) Legitimizar e promover ainda mais hostilidade contra nós pelos indivíduos e organizações divididos para alinhar com o ProSAVANA e a JICA através do “Envolvimento”. Estes formaram o “Mecanismo da Sociedade Civil para o Desenvolvimento do Corredor de Nacala (MCSC-CN)”. Tal ocasião é registada na minuta do encontro não divulgado que houve entre estes indivíduos, a JICA-e a MASA na JICA Mozambique:
- *“Já realizámos ‘missões de sensibilização’ para outras ONGs e os apoiantes da ‘Campanha Não ao ProSAVANA’ para (promover para) alinhar com a visão do ‘mecanismo’ em Maputo e a nível provincial”<sup>42</sup>;*
- o) Apoiar financeiramente mais tentativas de divisão, mais “missões de sensibilização” a nível local onde residem os camponeses, seguindo o pedido do [REDACTED]
- *“Para visualizar a participação no mecanismo a nível local, [REDACTED] pediu autorização para que a rede (da Plataforma de Nampula) avançasse para fazer ‘mapeamento’ (em distritos de Nampula)” (ibid.).*
- p) A concessão de um contrato de consultoria a uma ONG baseada em Nampula, à SOLIDARIEDADE MOÇAMBIQUE, cujo director executivo é o coordenador do MCSC-NC que participou activamente nas actividades unilaterais e de divisão acima mencionadas para a revisão do Plano Director que os consultores necessitam do grau mais elevado de imparcialidade e transparência (como enfatiza a política de conformidade da JICA)<sup>43</sup>;
- q) Organizar e financiar a reportagem da imprensa moçambicana que promove o discurso divisório sobre “Três províncias liberadas de Maputo” sabendo que nós, camponeses e camponesas do Norte, também estamos a opor-nos ao programa e ao processo<sup>44</sup>.

<sup>42</sup> 12 de Abril de 2016. [REDACTED]

<sup>43</sup> [REDACTED]

<sup>44</sup> [REDACTED]

**4. Incumprimento de responsabilidade para tornar as Directrizes efectivas:  
1.1; 1.2; 1.4; 1.5; 1.9; 2.1; 2.8; 2.9.**

Os factos que demonstram o incumprimento das Directrizes são os seguintes:

- a) Falha na compreensão das Directrizes pela equipa da JICA que lidou com o ProSAVANA, que insistiu para que as Directrizes fossem aplicadas assim que o Plano Director estivesse finalizado e os projectos para a implementação fossem determinados<sup>45</sup>;
- b) Nenhuma explicação e nenhum esforço feito para as contrapartes da JICA, funcionários governamentais Moçambicanos do Ministério da Agricultura incluindo o Coordenador do ProSAVANA [REDACTED], para conhecer a existência destas directrizes e compreendê-las;
  - *O Coordenador do ProSAVANA negou saber da existência das Directrizes e, em vez disso, insistiu na reunião com as ONGs Japonesas que o governo de Moçambique tem a sua própria lei a 1 de Setembro de 2015;*
  - *Perante esta situação, o pessoal da JICA deu a desculpa de “vamos explicar as Directrizes depois”*<sup>46</sup>.
- c) Nenhuma tradução ou explicação das Directrizes disponíveis atende aos pedidos repetidos<sup>47</sup>;
- d) O estabelecimento da “Estratégia de Comunicação” e de outros subprojectos não estão em conformidade com as Directrizes;
- e) A óbvia falta de conhecimento e compreensão das Directrizes por parte dos consultores da JICA, evidente nos seus relatórios de resultados e discussões públicas e entrevistas, ao contratar os subprojectos da JICA (ver acima)<sup>48</sup>.

**5. Nexo de causalidade entre a não conformidade da JICA com as Directrizes e os danos substanciais:**

A explicação a seguir é baseada nas nossas próprias experiências apoiadas pelos documentos divulgados e vazados do ProSAVANA, especialmente da JICA. A maioria dos documentos foram publicados nos seguintes sites:

<sup>45</sup> [REDACTED] ver página 4. A 14ª reunião entre a ONG e a JICA/MOFA sobre o ProSAVANA realizada a 8 de Dezembro de 2015 no MOFA.

<sup>46</sup> [REDACTED] ver página 4.

<sup>47</sup> A 3ª reunião entre a ONG e a JICA/MOFA sobre o ProSAVANA (19 de Abril de 2013). 13.ª reunião (27 de Outubro de 2015).

<sup>48</sup> [REDACTED]

[REDACTED]

Enquanto todo o tipo de abusos e danos estava a ocorrer, nós, camponeses e camponesas da região afectada, suspeitávamos das acções e tentativas intervencionistas da JICA, mas sem provas concretas. Agora, com todos estes documentos em nossa posse, vemos um claro nexó causal entre o dano causado aos nossos direitos, pelos acontecimentos dos últimos 4 anos e o não cumprimento da JICA com as directrizes desde que o ProSAVANA-PD foi trazido para a nossa região, no Norte de Moçambique.

A seguir encontra-se a explicação causal dos danos causados pelo não cumprimento repetido e violação das Directrizes, constituição, Direito Internacional pela JICA e proponentes do projecto por ordem cronológica.

**[A nossa manifestação e comunicação com a JICA: Outubro de 2012 – Junho de 2013]**

- Nós, os camponeses e camponesas da região afectada, através dos nossos representantes, apresentámos A) e C) não apenas a três governos mas também apresentámos essas manifestações directamente aos representantes da JICA em Fevereiro e Maio de 2013 durante a visita oficial à JICA e ao MOFA em Tóquio.
- Durante a visita oficial, os representantes da JICA prometeram aos nossos representantes que iriam considerar seriamente as declarações, tentar melhorar a transparência do programa e os seus projectos e continuar um diálogo.

**[Avanço da JICA do sub-projecto para o estabelecimento do “plano de intervenção e acção” para os camponeses locais e as suas organizações: Junho-Outubro de 2013]**

- No entanto, em vez de cumprir com essas promessas, sem informar os membros da sociedade civil dos três países, incluindo a sociedade civil Japonesa que se reunia com eles a cada dois meses no MOFA, a JICA estabeleceu o projecto [(uma) Definição da Estratégia de Comunicação] sob o ProSAVANA-PD.
- Este facto era desconhecido para o público uma vez que a JICA não lançou qualquer concurso público, limitando-se a enviar “pedidos de propostas” para várias agências de consultoria em Julho de 2013.

- Sabe-se agora que, antes disso, a JICA preparou o documento intitulado “Estratégia de Comunicação no âmbito do ProSAVANA”<sup>49</sup> e as suas instruções aos consultores<sup>50</sup>, cujo conteúdo se revela repleto de itens intervencionistas.
- Seguem-se algumas partes da instrução da JICA:
  - “4.2. Metodologia de trabalho na área de Comunicação Social” (p.3):
    - 4.2.2. Estabelecer uma estratégia de comunicação para cada grupo-alvo do programa, a fim de conhecer (clarificar): ...(4) Público-alvo do programa: os agricultores vivem nas províncias de Nampula, Zambézia e Niassa como primeira prioridade; extensionistas de directórios provinciais e distritais de Agricultura; Associações de Produtores; Cooperativas; ONGs; Organizações de Produtores; OSCs nacionais e internacionais.
  - “4.2. Resultado Esperado das TdR” (p.4):
    - Proposta de intervenção e plano de acção para cada grupo-alvo identificado. (O grupo-alvo indicado em 4.2.2.)
- O contrato foi entregue à CV&A que realizou outro contrato com a JICA sob outro sub-projecto, o ProSAVANA-PD, a partir de Dezembro de 2012 por dois meses<sup>51</sup>.
- Com base nas instruções acima apresentadas pela JICA, a CV&A iniciou os seus serviços de consultoria aos proponentes do ProSAVANA e submeteu a sua proposta final intitulada “ProSAVANA: Estratégia de Comunicação”. A JICA aceitou, e a versão final foi determinada em Setembro de 2013.
- Na “Estratégia” encontrámos comentários surpreendentes, ofensivos, abusivos, e devastadores.
- Apenas algumas das descrições são partilhadas aqui. As restantes devem ser consultadas no documento original. (\*Esperamos que os examinadores e os Japoneses que apoiam a JICA leiam esta “Estratégia” para entender o choque e a dor que recebemos). Nas páginas 34 e 35 são dadas as seguintes recomendações:
  - “O contacto directo com as comunidades, se for provado, desvaloriza<sup>52</sup> essas associações como porta-vozes das comunidades ou agricultores”;
  - Se alguém retira a importância da sociedade civil em Moçambique, enfraquece significativamente as ONGs estrangeiras que operam em Moçambique...

<sup>49</sup> Estes documentos, incluindo os TdR, foram divulgados a pedido de um cidadão Japonês. A existência deste contrato foi suspeitada devido à descrição que apareceu no minuto vazado da reunião da Terceira Reunião de Coordenação do ProSAVANA realizada em Nampula em Dezembro de 2012.

<sup>50</sup>

<sup>51</sup>

<sup>52</sup> Na versão em Português (original), este verbo (“devaloriza”) é usado. Na tradução em Inglês, “lessen” é usado.

Criação de colaboradores distritais.

- Em especial, para o nível da comunidade, foi recomendado o estabelecimento de uma “rede de colaboradores distritais”, e os “colaboradores” de cada um dos 19 distritos foram identificados pelos órgãos governamentais Moçambicanos. Um dos seus objectivos era “desvalorizar-nos” bem como as nossas reivindicações do resto dessas comunidades e dos seus membros.

[Observação sobre Causalidade até os eventos acima]

- Todos os documentos oficiais relacionados à “Estratégia de Comunicação Definitiva”, ou seja, o contrato, os TdR e o resultado da consultoria (“Estratégia”), indicam a mesma direcção: como desvalorizar, retirar importância, retirar a força de, isolar os camponeses Moçambicanos, associações camponesas, organizações sociais e organizações da sociedade civil que questionam ou opõem-se ao programa ProSAVANA<sup>53</sup>.
- Evidentemente, isso viola não apenas as promessas feitas pela JICA, mas também os princípios de “cooperação internacional” determinados pelas suas Directrizes, a Carta das Nações Unidas e a nossa constituição<sup>54</sup>:
- A JICA negou ter tido tais “intenções”, mas o seguinte processo mostra o reconhecimento, envolvimento e promoção de tais planos pela JICA:
  - Em Agosto de 2016, esses conteúdos foram analisados e as organizações da sociedade civil de três países, inclusive nós, manifestámos o nosso protesto (ver a introdução);
  - Em Outubro de 2016, a JICA argumentou que se tratava de um problema de “tradução/interpretação” do texto em Português da “Estratégia”<sup>55</sup>;
  - Finalmente, em Dezembro de 2016, o MOFA partilhou a tradução em Inglês da “Estratégia”<sup>56</sup> preparada pela CV&A para a JICA e mantida oculta à sociedade civil<sup>57</sup>.
  - Como ficou claro que a tradução que apareceu na declaração era idêntica à tradução em Inglês oferecida pelo MOFA, a JICA mudou o seu argumento. A JICA declarou que apenas “alguns planos” foram implementados, e

<sup>53</sup> [REDACTED] Ver a tradução em Inglês da “Estratégia” ou a referência acima.

<sup>54</sup> A Constituição da República de Moçambique, Artigo 11: j) “o estabelecimento e desenvolvimento de relações de amizade e de cooperação com outros povos e Estados” e Artigo 14: “A República de Moçambique estimará a luta heróica e Resistência do povo Moçambicano contra a dominação estrangeira”.

<sup>55</sup> Estas discussões tiveram lugar durante as 18ª, 19ª e 20ª reuniões entre a ONG Japonesa e a JICA/MOFA sobre o ProSAVANA, em Outubro e Dezembro de 2016 e Janeiro de 2017.

<sup>56</sup> [REDACTED]

<sup>57</sup> [REDACTED] ver página 60.

novamente enfatizou que a JICA nunca teve tal intenção, (assim, a CV&A é responsável).

- Este argumento não é relevante, uma vez que os seguintes factos foram revelados agora:
  - a) A JICA aceitou esta “Estratégia” como um relatório final do seu subprojecto. De acordo com os TdR da JICA, esta alocou o procedimento e o tempo para a supervisão do “relatório *draft*/preliminar” antes da finalização<sup>58</sup>. Se não tivessem concordado com o conteúdo ou se julgassem que o mesmo é contrário às Directrizes, deveriam ter instruído os seus consultores a proceder em concordância com as mesmas;
  - b) A JICA admitiu a implementação de “alguns dos planos” que aparecem na “Estratégia”, mas não forneceu detalhes sobre “os planos” que foram implementados e os que não foram implementados, nem clarificou as razões que levaram à implementação de alguns e não todos;
  - c) Revela-se agora que a JICA estabeleceu um “Contrato Extraordinário Negociado” para a implementação da “Estratégia” à mesma agência (CV&A) que “definiu” essa estratégia prejudicial e intervencionista, demonstrando a ratificação da JICA do resultado do projecto e a sua responsabilidade.
  - d) Finalmente, em Dezembro de 2016, a JICA admitiu a sua responsabilidade exclusiva sobre esses subprojectos, especialmente os dois projectos de “Estratégia de Comunicação”, sem informar os parceiros de cooperação triangular (os governos Moçambicano e Brasileiro).

**[O nosso alcance para três governos e a JICA: Agosto de 2013]**

- Enquanto a JICA e os seus consultores estavam a preparar e a activar a sua “estratégia” para intervir e “desvalorizar-nos” nos subprojectos, nós, os camponeses e camponesas, tentávamos chegar aos três governos para manter um diálogo aberto e democrático sobre o ProSAVANA, em particular sobre o seu Plano Director. Estes esforços foram materializados com a 1ª Conferência Triangular dos Povos sobre o ProSAVANA, realizada a 7 de Agosto de 2013 em Maputo<sup>59</sup>.
- Nós e as ONGs Japonesas solicitamos a participação dos representantes da JICA e da Embaixada do Japão em Maputo, mas eles recusaram o convite devido a “diferentes compromissos a que estavam previamente comprometidos”, e não enviaram nenhum substituto.

<sup>58</sup> [REDACTED]

<sup>59</sup> Os detalhes da conferência e as interações entre a sociedade civil Moçambicana e o governo estão no relatório a seguir: [REDACTED]

- O Ministro da Agricultura (MINAG/MASA) juntamente com os seus funcionários e directores provinciais, participaram na conferência que representou os três países.
- Reuniram-se mais de 250 camponeses e camponesas, assim como representantes de organizações da sociedade civil dos três países.

**[Ameaça do Ministro na 1.ª Conferência Popular Triangular: Agosto de 2013]**

- Contudo, o abuso de direitos humanos ocorreu antes da conferência. Os organizadores prepararam uma sala de café para os convidados importantes, como o Ministro da Agricultura e os seus oficiais. Antes que todos entrassem no palco, o Ministro de repente colocou-se à frente do nosso presidente nacional, e disse-lhe o seguinte:
  - *“Você não quis dizer o que aparece na declaração porque os estrangeiros escreveram para você. Vocês são marionetas. E lembre-se, qualquer um que pisar no meu caminho, receberá imensa dor”.*
  - *Todos na sala ficaram atónitos e sentiram-se ameaçados.*
- Quando o Ministro saiu da conferência após a primeira parte, de repente um grupo de jornais nacionais e programas de TV apareceram, e começaram as entrevistas. Então, ele declarou que todos os nossos protestos são “conspiração” conduzidos por pessoas de fora. Isso foi amplamente coberto por jornais nacionais e internacionais<sup>60</sup>.
- 2 semanas mais tarde, um comentário similar foi repetido em Nampula pelo Director Provincial de Agricultura (DPA) durante a reunião onde todos os administradores distritais e [REDACTED] estavam reunidos. Isso também foi coberto por um jornal nacional<sup>61</sup>. Um dos directores do SDAE declarou:
  - *“Não importa o tipo de obstáculos que aparecem, vamos impor o ProSAVANA”<sup>62</sup>.*

**[Observação sobre Causalidade]**

- Consideramos isso um abuso directo da liberdade de expressão e dos direitos humanos. Fomos ameaçados, intimidados, chantageados, oprimidos e insultados. É grave, uma vez que isso foi feito por quem detém o poder supremo dentro do ministério à frente dos seus altos funcionários. Escusado será dizer que a influência institucional de tal facto e discurso é tremenda.

<sup>60</sup> Folha de Sao Paulo (30 November 2013), “Mozambican Minister see the critiques as conspiracy.”

<sup>61</sup> Os detalhes podem ser encontrados no document organizado pelos nossos apoiantes Japoneses, e submetidos à JICA e ao MOFA.

<sup>62</sup> [REDACTED] Ver páginas 8 e 9.

- Agora sabemos que esse florescimento súbito de uma “teoria da conspiração” e a reunião dos *media* locais foi o que foi planeado pela CV&A na “Estratégia”<sup>63</sup>.
- A acção proposta na “Estratégia” foi a seguinte:
  - “Nenhuma destas medidas funciona, Questionando ou criticando (fomento de críticas por parte de algumas autoridades Moçambicanas) o papel que as organizações estrangeiras estão a desempenhar em Moçambique (ver páginas 34-35).

#### [Negação da conexão com o Brasil-Cerrado em Agosto de 2013]

- Durante a conferência em Agosto de 2013, um argumento acalorado foi o desaparecimento total da história relacionada com o Cerrado e desenvolvimento do Brasil a partir da explicação das autoridades Moçambicanas.
- Antes do nosso primeiro “Pronunciamento”, houve muitas actividades e discursos promovidos pela JICA e três governos a conectar directamente o Cerrado Brasileiro e o Agronegócio ao ProSAVANA<sup>64</sup>. Ainda em Janeiro de 2013, mais de metade da explicação da JICA sobre o ProSAVANA foi sobre o programa anterior de cooperação da JICA para o Cerrado Brasileiro, PRODECER<sup>65</sup>.
- Também antes da conferência, o relatório Plano Director Versão preliminar a que tivemos acesso informalmente, Relatório No.2 [No.3], revelou os seus interesses em promover o investimento internacional na produção de soja em grande escala para a exportação como o caso do Cerrado Brasileiro<sup>66</sup>.
- Com base nas informações escritas acima, as organizações camponesas e da sociedade civil criticaram o modelo trazido ou fundado do Cerrado.
- Ainda assim, embora ainda não admitindo o relatório vazado como autêntico ou revelando voluntariamente os seus relatórios, os funcionários governamentais presentes na conferência, insultaram dizendo que a sociedade civil estava a trazer mentiras sem fundamento.<sup>67</sup>

#### [Observação sobre a Causalidade]

- Mais tarde, isso também foi revelado que era uma das estratégias que a CV&A recomendou na “Estratégia de Comunicação”:

<sup>63</sup> [Redacted]  
<sup>64</sup> [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_6.pdf)  
[http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_7.pdf](http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_7.pdf)

<sup>65</sup> [http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/01\\_shiryou\\_1.pdf](http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/01_shiryou_1.pdf)

<sup>66</sup> [Redacted]  
<sup>67</sup> Esta conta é analisada em detalhe no seguinte relatório. [Redacted]



*“Além disso, sequindo uma estratégia de comunicação que elimina a relação/liacão do Corredor de Nacala para o Cerrado Brasileiro, desvalorizamos alguns dos principais argumentos que essas ONGs internacionais usaram no ano passado.” (ver páginas 34-35).*

- Estas explicações, insultos e negação (i) da divulgação dos relatórios do Plano Director e (ii) do reconhecimento do relatório vazado indicam o abandono da responsabilidade dos Proponentes do Projecto.
- No entanto, isso foi possibilitado e promovido pela série de contratos da JICA para a “Estratégia de Comunicação” e negligência da sua responsabilidade de promover o entendimento e cumprimento das Directrizes pelos Proponentes do Projecto.

**[Opressão maciça a nível distrital e Voz Camponesa “Declaração de Nampula” e “Não ao ProSAVANA”]**

- Depois de Setembro de 2013, a opressão maciça começou a ocorrer principalmente nos níveis distrital e provincial.
- No caso da província da Zambézia, os administradores distritais e o governador provincial disseram aos líderes camponeses o seguinte:
  - *“Digam-nos se há alguém contra o ProSAVANA, vamos colocá-los na prisão”<sup>68</sup>.*
- Devido a esta opressão sistemática a nível local, durante o nosso encontro nacional anual, discutimos como ir além das circunstâncias. E, colectivamente, formulámos uma declaração, a “Declaração de Nampula”<sup>69</sup>:
  - *“Nós, os camponeses mulheres e homens, condenamos a intimidação, a chantagem, cooptação e a manipulação levadas a cabo pela equipa de coordenação do ProSAVANA, pelos administradores distritais e pelos seus assistentes, sob a orientação dos líderes governamentais nacionais e dos proponentes do ProSAVANA e os seus líderes”<sup>70</sup>.*
- Esses relatos foram comunicados à JICA, mas nada mudou.
- Assim, a fim de nos protegermos uns aos outros de forma mais organizada, estabelecemos a “Campanha Não ao ProSAVANA” a 2 de Junho de 2014. Os nossos representantes lêem a declaração manifestando o que nos aconteceu de meados de 2013 a 2014, as nossas dores e decisões<sup>71</sup>:
  - *“Há muitas acções de intimidação e extorsão contra os líderes de organizações camponesas, movimentos sociais e organizações da sociedade civil pelos planeadores e proponentes do ProSAVANA”.*

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- *“Recusamos toda a manipulação, cooptação, intimidação e acções criminosas contra os líderes, organizações e activistas contra o programa.”*

**[Observação sobre a Causalidade]**

- Um dos objectivos mais importantes da “Estratégia” foi a formulação de uma rede funcional e eficaz dos funcionários governamentais e órgãos do governo central (Primeiro Ministro, ministros e MASA) às comunidades locais, a fim de promover o programa enquanto “desvalorizava as forças das associações dentro das comunidades”<sup>72</sup>;
- Esta rede foi denominada “Rede de Colaboradores Distritais” a ser estabelecida em cada distrito, e cada um dos escritórios distritais de administração, contrapartes do ProSAVANA, SDAE, foi seleccionar “colaboradores” para o ProSAVANA (“Estratégia”, p.23)<sup>73</sup>;
- Reuniões e formações desses “colaboradores” com o SDAE e os Departamentos Provinciais de Agricultura (DPA) deveriam ser organizados (ibid., p.23);
- E a tal reunião foi realizada em Nampula logo após a 1.ª Conferência Triangular dos Povos, em Agosto de 2013, onde foi partilhada a “teoria da conspiração” (ver acima);
- Tal estratégia e actividades determinadas e realizadas no âmbito do subprojecto da JICA resultaram na criação de um ambiente hostil e opressivo nos níveis administrativos locais onde residimos. E agora, finalmente, entendemos que este foi o pano de fundo dos abusos sistemáticos experimentados em todos os distritos afectados pelo programa.
- Uma vez criada, esta rede e hostilidade promovidas no âmbito do ProSAVANA-PD permanece na sociedade e foi mobilizada durante a Consulta Pública do Distrito organizada pelo MASA, DPA e SDAE em Abril de 2015.

**[O subprojecto ocultado da JICA “Implementação da Estratégia de Comunicação” e o seu terceiro Contrato com a CV&A sob o “Contrato Extraordinário Negociado”]**

- Enquanto tentávamos proteger-nos com as medidas legais e disponíveis previstas pela lei e directrizes, só soubemos agora, mas a JICA estabeleceu outro subprojecto para implementar a “Estratégia” a 20 de Junho de 2014, 18 dias após o lançamento da nossa campanha.
- Mas novamente, não anunciou isso em público.
- Em vez disso, a JICA deu o “Contrato Extraordinário Negociado” à CV&A em Junho de 2014.
- Este facto fornece mais uma prova de que a JICA deu as boas-vindas ao serviço de consultoria e aos seus resultados pela CV&A, incluindo o conteúdo da “Estratégia”.

<sup>72</sup>

<sup>73</sup>

ver página 4.

**[O nosso alcance para os três governos e para a JICA: Julho de 2014]**

- Sem saber que o projecto de “implementação” foi estabelecido e activado, o nosso sindicato nacional e outras organizações da sociedade civil realizaram “a 2ª Conferência Triangular dos Povos sobre o ProSAVANA” a 25 de Julho de 2014 em Maputo.
- Novamente, convidámos os três governos e a JICA, e com a assistência dos parceiros Japoneses, o representante da JICA de Moçambique e um representante da Embaixada do Japão participaram na conferência.
- No entanto, nenhum dos Proponentes do Projecto explicou a nova iniciativa da JICA sob o ProSAVANA-PD, ou seja, o projecto “Implementação da Estratégia de Comunicação” contratado um mês antes do evento.
- Mais uma vez, os três governos insistiram na falta de parentesco entre o ProSAVANA e o Cerrado Brasileiro, e nenhuma resposta à “Carta Aberta” foi partilhada.
- No entanto, como a “Estratégia” sugeriu (agora sabemos), não directamente mas indirectamente, eles anunciaram a declaração mencionando que “nenhum investimento a lidar com a terra será trazido sob o ProSAVANA”.
- Durante a conferência, os líderes camponeses de três províncias partilharam os casos de abusos de direitos humanos diante dos representantes dos três governos<sup>74</sup>. No entanto, eles não pediram quaisquer desculpas, ou promessa de investigar e remediar os danos.
- Assim, os parceiros Japoneses levaram estas questões para a sua reuniões regulares com a JICA e o MOFA em Tóquio. No entanto, a JICA e o MOFA afirmam que o relatório que receberam dos seus representantes nesta conferência não menciona em momento algum estas questões, portanto eles não estão a lidar com essas alegações<sup>75</sup>.

**[A resposta à Carta Aberta supostamente assinada a 27 de Maio de 2014]**

- 2 semanas após a realização da conferência, a 27 de Agosto de 2014, foi enviada a “resposta” formal assinada pelo Ministro da Agricultura às organizações signatárias da Carta Aberta submetida em Maio de 2013.
- O conteúdo foi “não resposta directa” às reivindicações e aos pedido feitos na Carta Aberta, como a “Estratégia” sugerida.
- Curiosamente, de acordo com a data manuscrita, a “resposta” foi assinada pelo Ministro a 27 de Maio de 2014, mas a existência desta resposta não foi mencionada por ninguém em qualquer ocasião antes do dia da entrega da carta. Isto inclui a 2.ª Conferência Triangular dos Povos.

**[A aceitação forçada do projecto de implementação do ProSAVANA (PEM)]**

<sup>74</sup>

<sup>75</sup> A 10ª e 11ª reuniões entre a ONG e a JICA/MOFA em Tóquio (6 de Fevereiro de 2015 e 28 de Abril de 2015).

- Após esta conferência, as visitas de campo da equipa do ProSAVANA, composta pelos consultores Japoneses da JICA e pelos oficiais locais do SDAE, tornaram-se activas e houve pressão de aceitação dos projectos-piloto (ProSAVANA-PEM) nos distritos.
- No caso de Nampula, a União Distrital de Camponeses de Monapo foi uma dessas organizações alvo da JICA e do SDAE. A equipa do ProSAVANA insistiu em receber uma fábrica do ProSAVANA-PEM<sup>76</sup>.
- Houve eleições nacionais de Outubro de 2014, e em Janeiro de 2015, o novo governo foi criado. Assim, as actividades relacionadas com o ProSAVANA de repente tornaram-se bastante silenciosas.
- Mas quando Fevereiro de 2015 chegou, a abordagem repetida recomeçou. A equipa visitou o armazenamento da união distrital em Monapo, e insistiu para abrir o armazenamento para a medição e para apresentar uma lista dos membros que pertencem à união. [REDACTED] recusou-se por não ter o acordo e os grupos que estão contra o ProSAVANA na Província de Nampula.
- Assim, a equipa de repente apareceu no escritório da União Provincial de Camponeses, e solicitou a comparência do líder camponês provincial que se encontrava a trabalhar na sua machamba. Isto foi no meio da época de chuvas.
- O líder reuniu-se com a equipa informando que, embora o plano director não tenha sido divulgado e os camponeses e organizações da sociedade civil se oponham ao programa, eles não deviam começar com a sua implementação e não deviam ir aos distritos para exercer pressão directa sobre os as associações membro.
- Por sua vez, a equipa insistiu com ele para partilhar a lista das organizações membros da união provincial, e quando ele recusou, o funcionário governamental Moçambicano acompanhado pelos consultores da JICA ameaçaram-no da seguinte forma:
  - *“Se se opõe ao programa, sabe o que vai acontecer consigo.”*
 Este caso foi levado à JICA pelos parceiros Japoneses logo após o relato, mas a JICA recusou-se a admiti-lo, continuando a insistir que iria verificar com os seus consultores e com o governo local. Assim, quando o líder camponês chegou ao Japão em Julho de 2015, voltou-se a informar do sucedido (ameaça), mas nenhum dos representantes da JICA mostrou interesse nem pediu desculpas, apenas disse o seguinte:

- *“Vamos verificar com o governo local”<sup>77</sup>.*

**[A Súbita Consulta Pública do Plano Director do Projecto Zero Draft]**

<sup>76</sup> Esta consideração está documentada na seguinte apresentação.

<sup>77</sup> [REDACTED]

- De acordo com o MASA, a 31 de Março de 2015, subitamente o Plano Director Zero versão *Draft* juntamente com o cronograma sobre a "Consulta Pública Distrital" iniciado a 20 de Abril de 2015 foi publicado no seu *site* do ProSAVANA. Nenhuma organização foi informada sobre isso.
- A 7 de Abril de 2015, uma das uniões distritais dos camponeses viu num anúncio no jornal e ficou chocada. Procurou-se ter o *Draft*, e descobriu-se que só tinha sido publicado no *site* e o documento tinha 200 páginas.
- Os camponeses tinham 2 semanas para ter acesso, ler, entender o documento, o que era impossível. O anúncio do MASA também indicou que aqueles que queriam participar tinham de se registar nas administrações do SDAE ou do Distrito.
- Pedimos aos nossos parceiros Japoneses para levantar esta questão no Japão, assim o fizeram<sup>78</sup>, mas o Presidente da JICA enfatizou que a JICA e o MASA consultaram "grandes organizações" sobre como realizar a consulta pública durante as discussões no parlamento Japonês<sup>79</sup>. O que não foi verdade. Nenhuma das organizações Moçambicanas foi consultada.
- Mais tarde, o departamento rural da JICA insistiu que a "consulta prévia" que o Presidente da JICA mencionou foi, de facto, sobre a "2ª Conferência Triangular dos Povos" realizada 8 meses antes, onde as organizações da sociedade civil, incluindo nós, pedimos a divulgação do plano director *draft* e um processo de consulta transparente e democrático.
- Sentimo-nos traídos e tínhamos a certeza de que não era uma consulta democrática, transparente e significativa assegurada pelos princípios do FPIC, mas para dar a nossa voz neste processo e no ProSAVANA, participámos em quase toda a consulta pública juntamente com outros parceiros nacionais e internacionais.

**[Consulta Pública financiada pela JICA violando os 7 princípios do decreto ministerial]**

- A consulta pública deve seguir os princípios e procedimentos estabelecidos pelo MASA nos termos do decreto ministerial 130/2006. Os sete princípios de consulta pública são: a) disponibilidade e acesso à informação adequada e a possibilidade de aprendizagem durante o processo, incluindo apoio técnico; b) participação ampla; c) representação; d) independência; e) funcionalidade; f) negociação; e g) responsabilidade<sup>80</sup>.
- A consulta pública violou todos os princípios acima referidos, nomeadamente (os detalhes devem ser consultados nas declarações<sup>81</sup>):

<sup>78</sup>

<sup>79</sup>

<sup>80</sup>

<sup>81</sup>. A lista completa deve ser consultada nas seguintes declarações emitidas por quase todas as principais organizações da sociedade civil em Moçambique:

- a) Documento técnico com mais de 200 páginas indisponível para análise prévia;
  - b) Anúncio súbito do evento e respectivo programa; com informação incorrecta sobre o local e a hora, obstruindo a nossa participação; A maioria dos participantes eram funcionários governamentais e membros do partido no poder; o registo governamental mostra que menos de 40% dos participantes eram camponeses (os mais afectados pelo programa); Limitaram a participação de certos membros da uniões de camponeses;
  - c) Consulta pública moderada por figuras políticas; presença de policiais armados; intimidando e ameaçando a liberdade de expressão, acusando os participantes que partilhavam pontos de vista críticos sobre o plano director de “anti-desenvolvimentista”; ordenando não criticar, apenas questões eram permitidas; não bater palmas para a opinião dos participantes;
  - d) Tempo para explicações demasiado limitado, intérpretes não preparados para o tema, não compreendiam o conteúdo que aparece no documento e não foram capazes de transmitir aos demais;
  - e) Inexistência de divulgação e informação/explicação sobre aspectos negativos do plano e de esforços para construir a confiança com as partes interessadas que serão afectadas por projectos apesar dos princípios do decreto.
- De acordo com os princípios plasmados no decreto (sob g) responsabilidade), “O processo de consulta pública e a reunião deve de responder às preocupações de todas as partes interessadas de forma responsável e sincera”, mas como os casos acima mostram, os organizadores do processo de consulta pública não tinham intenção de seguir os princípios do decreto. Em vez disso, nenhum deles mostrou compreender o decreto. Estes foram observados, filmados e registados, e incluídos nas declarações na consulta pública realizada por nós e por outras organizações<sup>82</sup>.
  - No entanto, a JICA não prestou atenção a estes aspectos (desconhecia o decreto ou os sete princípios), pelo contrário insistiu que todos os problemas eram derivados da “falta de experiência do governo Moçambicano”, e foi uma boa ocasião para a prática<sup>83</sup>. Além disso, o MOFA enfatizou que “a maioria das opiniões colectadas foram favoráveis” para o programa.
  - De facto, a forma como as consultas públicas foram organizadas ao nível distrital foram orientadas para o partido, e a maioria dos participantes eram funcionários governamentais (tais como oficiais e secretários das administrações distritais, policiais, enfermeiros e professores), empresários locais, membros do partido no poder (especialmente organizações de mulheres e jovens, ligados ao partido), e chefes

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83 Durante a 12ª reunião entre a ONG e a JICA/MOFA (24 de Julho de 2015).

tradicionais locais que recebem salários governamentais. Em alguns locais, até mesmo o hino do partido no poder foi entoado antes do início da consulta (*ver as declarações acima*)<sup>84</sup>.

- Em muitos dos locais houve reuniões de preparação para a consulta pública, em que indivíduos pertencentes às categorias acima participaram e nestas reuniões as suas questões, respostas e comentários foram devidamente preparadas<sup>85</sup>. Em alguns casos, os mesmos “camponeses” desconhecidos das comunidades compareceram nos encontros de consulta pública e leram “opiniões” previamente preparadas e favoráveis ao programa.
- Fomos a Maputo para participar na consulta pública a nível Nacional. Quando o DPA e outras contrapartes distritais e provinciais (SDAE) da JICA nos viram no aeroporto, insultaram-nos chamando-nos de “não-patriotas”.
- A consulta pública em Maputo foi presidida e moderada pelo Ministro da Agricultura e este antes de abrir a palavra, declarou o seguinte:
  - *“Somente comentários patrióticos são permitidos”;*
  - *“Se não quiser participar, pode sair”*<sup>86</sup>.
- O Ministro cortou a audiência quando havia ainda 5 pessoas que queriam partilhar as suas opiniões (ibid.).
- Soubemos que essa “consulta pública” custou 8,700,000 ienes, custo inteiramente coberto pela JICA apesar do programa ser a todo momento anunciado como uma cooperação triangular, assim a responsabilidade da JICA é determinante. No entanto, nenhum dos funcionários Japoneses da JICA ou consultores que fizeram a versão preliminar Zero do Plano Director participaram em nenhuma das consultas distritais para acompanhar e monitorar as mesmas, insistindo que se trata de eventos “da responsabilidade do Governo Moçambicano”.

**[Perseguição, intimidação, opressão após a Consulta Pública]**

- Nós sentimos que através desta consulta pública realizada sob o ProSAVANA-PD, algum tipo de sistema opressor de cima para baixo (a nível da comunidade) foi instalado, e começou-se a sentir uma pressão mais forte.
- De facto, logo após as consultas distritais, aqueles que questionaram o programa começaram a ser perseguidos por funcionários governamentais. Alguns líderes camponeses foram chamados aos escritórios dos administradores e foram intimidados e coagidos a colaborar com o ProSAVANA:
  - *“Diga que aceita o ProSAVANA”;*

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*“Visite todas as casas na sua comunidade para dizer a todos que agora está a aceitar o ProSAVANA<sup>87</sup>”.*

- Um dos líderes da União Provincial de Camponeses que se opõe ao ProSAVANA também foi perseguido, convocado aos escritórios do governo distrital, das 8:00 às 14:00, foi submetido a intimidação e questionamentos. Durante este tempo, o funcionário do governo distrital ameaçou-o de cadeia e de o levar ao tribunal<sup>88</sup>.
- Estes testemunhos foram comunicados à JICA, mas novamente, não foram levadas em consideração, ao contrário, a JICA declarou que o funcionário do governo local que estava ausente na consulta pública só queria saber o que estava a acontecer<sup>89</sup>.
- Assim, todos estes casos e outros tantos foram apresentados novamente em frente dos representantes da JICA durante a nossa visita oficial à JICA em Tóquio em Julho de 2015, mas uma vez mais a JICA não levou isso a sério e apenas respondeu que iria verificar.<sup>90</sup> Nada aconteceu depois disso.

#### **[Protesto por organizações de base da sociedade civil]**

- Organizações camponesas, organizações da sociedade civil nacionais e internacionais de vários sectores de actuação com actividades em Moçambique e ainda algumas instituições de pesquisa e académicos publicaram declarações de protesto às consultas públicas e ao seu processo<sup>91</sup>.
- A União Nacional de Camponeses e as organizações da sociedade civil dos três países lançaram um pedido de “invalidação da consulta pública”. Este documento foi entregue aos representantes do MOFA e da JICA durante a visita dos nossos representantes ao Japão no final de Julho de 2015<sup>92</sup>.

#### **[A tentativa da JICA de dividir a União de Camponeses]**

- De modo a contrariar os protestos e queixas generalizadas e unificadas a JICA iniciou esforços para levar ao Japão uma delegação governamental para promover o ProSAVANA, paga pela própria JICA. Nessa delegação governamental, a JICA e o MASA pretendiam incluir um líder camponês pertencente à UNAC para mostrar que existem líderes camponeses da UNAC que não são contra o ProSAVANA, mas pró-ProSAVANA. A JICA e o MASA seleccionaram [REDACTED] onde deram uma moageira supostamente fruto do ProSAVANA-PEM<sup>93</sup>.

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89 Durante o encontro entre a ONG e a JICA/MOFA em Tóqui.

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- [REDACTED] visitaram o distrito do referido líder, e souberam que os documentos pessoais do referido líder estavam na posse do MASA para a obtenção de passaporte Moçambicano para este poder viajar ao Japão.
- Além disso, revelou-se que a JICA instruiu para se estabelecer uma nova cooperativa para o ProSAVANA cujos membros foram seleccionados da união distrital por este líder.
- O armazém da União Distrital de Camponeses estava a ser utilizado para armazenar a moageira oferecida pelo ProSAVANA sem o conhecimento e consentimento da União<sup>94</sup>.
- No meio da entrega deste caso, o nosso [REDACTED] que visitara a União distrital, perdeu estranhamente a vida<sup>95</sup>. A JICA desistiu de levar o líder distrital ao Japão, pelo contrário, voltou ao distrito para filmar os membros da cooperativa, que agradeciam ao governo Japonês pela oferta da moageira no âmbito do ProSAVANA.

**[O estabelecimento oculto da JICA do projecto “Envolvimento das Partes Interessadas”, Outubro de 2015]**

- Com o protesto de quase todos os sectores da sociedade civil Moçambicana, sem resposta aos pedidos expressos nas declarações, a JICA estabeleceu o projecto “Envolvimento das Partes Interessadas” no âmbito do ProSAVANA-PD para intervir e quebrar o terreno sólido da sociedade civil no ProSAVANA e obter o envolvimento de algumas organizações da sociedade civil e organizações de camponeses.
- Novamente, a JICA enviou um pedido de proposta a algumas agências de consultoria a 7 de Outubro de 2015 sem lançar um concurso público ou sequer anunciar o estabelecimento do projecto apesar da óbvia necessidade de assegurar transparência e responsabilidade no processo do ProSAVANA-PD.
- A JICA não omitiu simplesmente os factos acima descritos, prestou declarações falsas durante as reuniões oficiais entre as ONGs e a JICA/MOFA de Outubro a Dezembro de 2015. Apesar da JICA ser o líder e o contratante no projecto “Envolvimento das Partes Interessadas”, continuou a dar às organizações da sociedade civil Japonesa a seguinte falsa explicação ao prosseguir o projecto:
  - *“Até onde nós (JICA) sabemos, actualmente o MASA está a discutir como proceder (um diálogo com a sociedade civil) ... não estamos na posição de explicar” (27 de Outubro de 2015);*
  - *“A situação não mudou muito (desde Outubro) ... não podemos dizer agora” (8 de Dezembro de 2015)*

• *Negado primeiro quando perguntado se isto foi realizado sob uma assistência Japonesa<sup>96</sup>.*

- Enquanto a JICA deu estas explicações falsas aos parceiros Japoneses, enviou um requerimento às agências de consultoria Moçambicanas, recebendo propostas destas, estabeleceu um contrato com uma delas, e já concordou com um relatório inicial, tendo feito o primeiro pagamento e fazendo avançar o projecto.
- A condição da JICA dada nos TdR mostra como a JICA tentou capturar a sociedade civil Moçambicana usando consultores contratados (TdR, p.3), e a JICA conseguiu obter [REDACTED] do WWF Mozambique e da ActionAid Moçambique que são financiadores e parceiros de muitas das organizações da sociedade civil em Moçambique através de uma agência de consultoria, a MAJOL<sup>97</sup>.
- Em Novembro, eles começaram a visitar todas as organizações que assinaram as declarações anteriores, uma por uma, e percebemos que a JICA estava a tentar intervir na sociedade civil. Mas não tínhamos evidências. Nós nem sequer sabíamos que havia um subprojecto sob o ProSAVANA-PD a ser instalado.
- Nenhuma das informações relacionadas com este subprojecto estava disponível até meados de Fevereiro, um mês após o encontro crucial realizado em Nampula para estabelecer uma “plataforma de diálogo” (mais tarde denominado de “mecanismo” [MCSC-CN]) realizada a 11 de Janeiro de 2016 e um mês antes do contrato ter expirado. Finalmente recebemos as informações sobre o contrato entre a JICA e o MAJOL não por estas entidades, mas graças à assistência dos parlamentares Japoneses.

**[O nosso protesto contra o contrato da JICA com a MAJOL e o processo de formulação do “mecanismo de diálogo”]**

- Os TdR anexados ao contrato indicavam claramente a Instrução da JICA para que os seus consultores intervissem na sociedade civil e o processo de estabelecimento do “mecanismo” fosse realizado de forma secreta, anti-democrática, injusta e exclusiva.
- Os consultores da JICA (MAJOL) ministraram e manipularam informações para obter a participação das organizações da sociedade civil no “mecanismo” que elas estavam a formular para a JICA. Os detalhes já foram apresentados na secção anterior.
- Foi chocante que tudo fosse feito excluindo-nos, os camponeses e camponesas da provincia afectada e as organizações que tem apresentado inúmeras preocupações e protestos ao ProSAVANA, clamando por um processo mais justo, democrático, transparente e inclusivo.

<sup>96</sup>  
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- Em Fevereiro de 2016, lançámos um protesto denunciando o processo e o “mecanismo de diálogo” criado pelo contrato da JICA<sup>98</sup>. Os nossos parceiros Japoneses também lançaram um protesto independente baseado nos documentos Japoneses<sup>99</sup>.
- No entanto, a JICA não assumiu a sua responsabilidade, mas afirmou que uma vez que o “mecanismo de diálogo” (MCSC-CN) está estabelecido, também poderíamos participar ignorando como este “mecanismo” foi estabelecido no contrato, fundos, instrução, orientação e supervisão da JICA.

**[O Contrato e os TdR da JICA e os documentos vazados confirmaram as nossas alegações]**

- Depois de quase tudo ter sido feito, finalmente obtivemos as evidências escritas do objectivo real, a metodologia acordada, as acções, os resultados obtidos no subprojecto da JICA “Envolvimento das Partes Interessadas”.
- Em Maio de 2016, o Relatório Inicial, o Relatório de Mapeamento (meio termo) e o Relatório Final foram divulgados pelos informadores<sup>100</sup>. (\*Já partilhamos o conteúdo desses relatórios na secção anterior.) O que gostaríamos de enfatizar aqui é: (a) o que afirmamos na nossa declaração teve fundamento; e (b) não foi a JICA que divulgou essas informações importantes (relatórios) apesar dos pedidos repetidos.
- O objectivo do sub projecto era Intervir na sociedade civil Moçambicana para obter o “envolvimento” de algumas organizações da sociedade civil Moçambicana no ProSAVANA, especialmente para o estabelecimento de “uma (única) plataforma de diálogo (mecanismo)” entre a sociedade civil e os governos/JICA.
- Provocando de forma deliberada a divisão, conflitos e exclusão na sociedade civil Moçambicana (ver Relatório de Iniciação), e foi isso que realmente aconteceu.
- O relatório final revela que o subcontratado da JICA, a MAJOL, trabalhou arduamente para reforçar a divisão que se criou entre nós, os camponeses e camponesas na Província de Nampula utilizando a Plataforma da Sociedade Civil da Província de Nampula à qual pertencemos. Embora uma parte desta citação já tenha sido partilhada na secção anterior, é importante que os Examinadores leiam, o que escreveram:
  - *“-mesmo que todos fracassassem (a UNAC não participou no “Mecanismo”), a JICA e o ProSAVANA-HQ poderiam desafiar a legitimidade da UNAC como “a maior organização de agricultores e, portanto, representativo dos agricultores Moçambicanos no Corredor de Nacala”....” A táctica das organizações da sociedade civil de Nampula para convidar Parlamentares Provinciais e Nacionais para o seminário de Fevereiro vai de alguma forma para responder a este argumento. Afinal, há quem esteja mais bem posicionado para*

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<sup>100</sup> Todos os arquivos são publicados no seguinte site:

*representar os agricultores do que os seus próprios representantes eleitos”*  
(Relatório Final, pp.19-20).

- Esta descrição mostra claramente que a MAJOL estava a tentar fazer com que as Uniões dos Camponeses fossem absorvidos no “mecanismo” que o sub-projecto da JICA criou, e fracassou na sua tentativa de cooptar a nossa organização nacional e alternativamente convidou parlamentares como “os representantes reais dos camponeses na região”, de modo a “desvalorizar” a nossa representação como uma plataforma colectiva de articulação de Uniões de Camponeses da região afectada.
- Isto confirma a continuidade da “Estratégia de Comunicação” e, de facto, a JICA forneceu à MAJOL a tradução em Inglês da “Estratégia” como uma importante referência antes de iniciar as suas actividades. Com base no documento, a MAJOL completou o seu Relatório de Iniciação cujo tom e abordagem se assemelham e ainda são mais agressivos para com aqueles que se opõem ao programa do que à Estratégia<sup>101</sup>.
- O contrato da JICA com a MAJOL terminou no final de Março de 2016. A MAJOL deixou o programa ProSAVANA ao dizer irresponsavelmente as consequências das suas actividades, a divisão que criaram:

*“Há tensões dentro da sociedade civil ...”* (Relatório Final, p.19)

#### [Observação sobre a Causalidade]

- Depois de compreendermos as Directrizes, agora entendemos o verdadeiro objectivo por trás do estabelecimento deste sub-projecto. A JICA tentou evitar o “cenário sem projecto” escrito nas Directrizes. Diz o seguinte:
  - *Tomada de Decisão da JICA 2. Os casos em que a JICA julga que não são asseguradas considerações ambientais e sociais apropriadas são, por exemplo, aqueles em que é óbvio que a justificação dos projectos não é reconhecida por uma análise de alternativas, incluindo o cenário “sem projecto”;...casos em que os residentes ou as organizações sociais interessadas tenham participado pouco no processo de planeamento do projecto e não se espera que o façam no futuro mesmo que estejam previstos impactos sérios...*
- Como o título do sub-projecto mostra, não foi feita a “revisão do Plano Director” ou a “melhoria do processo de diálogo”, mas sim “Envolvimento das Partes Interessadas”. O objectivo final era obter o envolvimento das partes interessadas, enquanto a maioria das

<sup>101</sup> Compare os dois relatórios iniciais. O primeiro foi vazado e o último é oficialmente divulgado pela JICA. O primeiro mostra a versão em Inglês da “Estratégia de Comunicação” como a sua referência enquanto esta referência foi eliminada do segundo.

Ver página 60 do seguinte papel de análise.

partes interessadas listadas nas Directrizes (os moradores ou organizações sociais envolvidas) viraram as costas devido às consequências da consulta pública.

- No entanto, as partes interessadas tinham o direito de não se envolverem; de não concordar; e se opor aos projectos baseados na constituição, nos direitos humanos internacionais e nas Directrizes, mas a JICA não respeitou os mesmos e não conseguiu cumprir com os nossos direitos e colocou bastante dinheiro para intervir em Nampula e noutras províncias afectadas pelo programa.
- Os relatórios da MAJOL mostram claramente que: (i) a JICA e os seus consultores tentaram obter o “envolvimento” de algumas figuras e organizações influentes das organizações da sociedade civil internacional, nacional e local, promover e estabelecer “aliança” com eles; (ii) tentou fazer com que a UNAC participasse no “mecanismo” para que pudessem legitimar o processo e dobrar e ridicularizar as vozes protestantes.

**[Reunião secreta da JICA com o MASA e as ONGs para financiar o mecanismo indirectamente]**

- A JICA originalmente planeava estender o seu contrato com a MAJOL se eles seguissem com êxito as instruções da JICA e atingissem o que a JICA esperava do contrato, isto é, obter o envolvimento de algumas organizações da sociedade civil e demonstra-lo sob a forma de estabelecimento da “plataforma de diálogo (mecanismo)” no ProSAVANA. O contrato menciona claramente que se a MAJOL satisfizer a JICA; esta estenderia a parceria num “contrato maior”<sup>102</sup>.
- No entanto, enfrentando todo tipo de protestos não só vindos de nós<sup>103</sup> mas também do Japão<sup>104</sup>, a JICA não renovou o contrato com a MAJOL.
- Em vez disso o que a JICA fez foi drenar fundos directamente para algumas das organizações da sociedade civil Moçambicanas, a fim de manter o controlo sobre estas usando o orçamento da JICA para a “Revisão do Plano Director” sob o ProSAVANA-PD.
- Um documento a que tivemos acesso de forma informal indica que houve uma reunião realizada no dia 12 de Abril de 2016 na JICA Moçambique entre o Sr. [REDACTED] (o representante da JICA Moçambique), o Sr. [REDACTED] ([REDACTED]) [REDACTED] é actualmente coordenador do ProSAVANA), o Sr. [REDACTED] (Coordenador do MCSC) e o Sr. [REDACTED] (WWF). De acordo com as notas desse encontro, estes reuniram-se num encontro que se intitulou “Reunião entre o MCSC, a JICA e o MASA

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sobre o financiamento das actividades de revisão e finalização do Plano Director do ProSAVANA<sup>105</sup>.

- A minuta desta reunião apresenta os detalhes da discussão sobre como financiar o MCSC de "forma indirecta". Embora deva ser a JICA a fornecer a tradução desta minuta, partilhamos a nossa tradução de algumas partes importantes relacionadas com esta objecção:
  - *"Sr. [REDACTED] explicou que...ressaltando algumas dificuldades que foram experimentadas para destinar fundos ao "Mecanismo, as coisas tornaram-se muito complicadas. Assim, apresentou a seguinte proposta:*
    - i. *O Fundo de Contraparte Japonesa será transferido para o WWF cujo procedimento envolve, com autorização do MASA, do MEF (Ministério das Finanças), do MINEC (Ministério dos Negócios Estrangeiros e da Cooperação), que demorará mais de 2 meses. A JICA pagará mais esforços para acelerar este processo;*
    - ii. *A importância do envolvimento do [REDACTED] foi compreendida, assim, a JICA propõe realizar um contrato entre a JICA e o OMR para os trabalhos iniciais a serem realizadas;*
    - iii. *Se não for possível ao MCSC esperar até à liberação dos fundos de Contrapartida, a JICA poderá contratar directamente uma empresa de consultoria para a realização do trabalho de revisão do Plano Director;*
    - iv. *o apoio inicial ao MCSC será dado através da Equipa do Estudo do Plano Director (ProSAVANA-PD). (Minuta, Página 1)*
- De acordo com a minuta, todas as sugestões foram acordadas entre as partes.

**["Oferta pública" para o projecto de "Revisão do Plano Director do ProSAVANA"]**

- No entanto, a primeira das quatro propostas da JICA, (i) financiar o WWF através do Fundo de Contrapartida do Japão, não funcionou uma vez que a ONG internacional recusou a proposta devido às fortes críticas a nível nacional e internacional ao seu envolvimento não transparente com o processo de criação do MCSC com a MAJOL e a JICA e o vazamento desta minuta. O WWF Internacional viu isto como um problema.
- Além disso, a segunda proposta (ii) também não funcionou já que o [REDACTED] é o OMR (Observatório do Meio Rural) retiraram o seu envolvimento do MCSC depois de perceber como a JICA trabalhava ao ler os documentos divulgados e vazados.
- Assim, a JICA decidiu ir com a terceira proposta (iii) contratar directamente uma empresa de consultoria. Eles estabeleceram um projecto sob o ProSAVANA-PD com quase o mesmo título da reunião "Revisão do Plano Director do ProSAVANA", e lançaram um concurso público no início de Agosto de 2016.

- Antes do concurso público ter sido anunciado, os que participaram na reunião acima referida em Abril, o Sr. [REDACTED] da JICA e o Sr. [REDACTED] do MASA visitaram o [REDACTED] no OMR para persuadir o OMR a candidatar-se a esta consultoria. O OMR recusou-se.
- No final de Outubro de 2016, foi anunciado que a ONG em Nampula, SOLIDARIEDADE MOÇAMBIQUE, cujo director executivo é o coordenador do MCSC, e um participante da reunião de Abril ganhou o contrato.
- O outro problema desta reunião que promoveu as “actividades de sensibilização” contra nós, incluindo a “Campanha Não ao ProSAVANA” em Maputo e a nível Provincial já foi apresentado na secção anterior.

**[O contrato da JICA com a ONG baseada em Nampula, e com o coordenador do “mecanismo” (MCSC) criado pela JICA]**

- A JICA atribuiu este contrato à ONG cujo director executivo é o coordenador do “mecanismo”.
- A JICA insiste que a ONG SOLIDARIEDADE MOÇAMBIQUE foi escolhida através de um “concurso público” competitivo de entre três candidatos. De acordo com o anúncio feito pela JICA nos principais jornais de Moçambique, o sub-projecto visava “a revisão do Plano Director Draft, assegurando a plena participação das partes interessadas, recolhendo as suas opiniões e trabalhando com o MASA e os seus parceiros”<sup>106</sup>.
- Contudo, tal como revelado na minuta da reunião acima mencionada, o representante da JICA Moçambique prometeu trabalhar no financiamento do MCSC com o máximo de esforço e rapidez tentando quatro meios diferentes, sendo a contratação de uma agência de consultoria a opção (iii).
- Esta explicação contraditória de “oferta competitiva” e “financiamento do MCSC” causou ainda mais suspeita e raiva entre aqueles que têm procurado um processo responsável, transparente, democrático e justo para o ProSAVANA-PD.
- Outra verdade chocante foi revelada no final de Dezembro, dois meses após a assinatura do contrato, quando se soube que o assinante do contrato foi o Sr. [REDACTED], o director executivo da SOLIDARIEDADE MOÇAMBIQUE e o coordenador do MCSC, cujo papel activo é “sensibilizar os apoiantes da Campanha Não ao ProSAVANA” juntamente com a JICA e o MASA<sup>107</sup>.

**[Observação sobre a Causalidade]**

- As Directrizes salientam a importância da “transparência da informação”, da “responsabilidade”, da “ampla participação das partes interessadas” (ver 1.1). Estes

<sup>106</sup> Ver página 5.

<sup>107</sup>

aspectos são indispensáveis para as “considerações ambientais e sociais” a fim de assegurar a “tomada de decisão democrática” e o respeito aos direitos humanos. Nós, camponeses e camponesas da região afectada, concordamos totalmente e gostaríamos de celebrar tais Directrizes.

- No entanto, o que a JICA se comprometeu a materializar a “revisão do plano director”, desde o estabelecimento do subprojecto até à selecção do seu subcontratado, é obviamente contra os princípios das Directrizes acima mencionadas.
- Naturalmente, o entusiasmo da JICA de “financiar” a ONG local e o seu líder, que tem proporcionado actividades favoráveis à JICA na região afectada, onde há interessados, camponeses e camponesas, que estão a contestar o programa e o processo, é reconhecido como a intervenção directa da JICA na nossa sociedade e tentativa de aprofundar a divisão, cooptação e a obtenção de lucros para um determinado grupo de pessoas e organizações.
- Através deste processo e dos seus resultados finais, a JICA não violou apenas as suas próprias Directrizes, mas também o Artigo 19 que assegura os direitos das políticas opostas, da Constituição e da Carta das Nações Unidas, proibindo a interferência estrangeira e dominação e promovendo a solidariedade entre os países e os povos.
- Consideramos que a JICA não assegurou justiça, responsabilidade e Imparcialidade no processo de “revisão do Plano Director”, violando assim os nossos direitos de participação democrática como um dos mais importantes actores do projecto, os residentes e os camponeses da região afectada.
- Agora sabemos que este tipo de processo e contrato não vai apenas contra o estipulado nas Directrizes, mas também contra as seguintes políticas, orientação e código de conduta da JICA<sup>108</sup>:
- A Política de Conformidade da JICA<sup>109</sup>; a ordem à JICA pelo Ministério dos Assuntos Internos e Comunicações: "Promoção da racionalização da contratação por órgãos administrativos independentes" (Maio de 2015)<sup>110</sup>; o objectivo intermediário da JICA" relativo ao "Relatório de Resultados de Operações" (Contrato de Transparência e Governação) (Junho de 2016)<sup>111</sup>; "Directrizes anti-fraudulentas e anti-corrupção" da JICA (Outubro de 2014)<sup>112</sup>; "Código Ético e Directrizes de todas as partes interessadas da

<sup>108</sup> As partes relevantes destas políticas e directrizes são extraídas no seguinte documento.

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

<sup>110</sup> [http://www.caa.go.jp/region/pdf/150724\\_shiryu4-1.pdf](http://www.caa.go.jp/region/pdf/150724_shiryu4-1.pdf)

<sup>111</sup> [https://www.jica.go.jp/disc/liszeki/ku57pg00000fveqt-at/chuki\\_jigy03.pdf](https://www.jica.go.jp/disc/liszeki/ku57pg00000fveqt-at/chuki_jigy03.pdf)

<sup>112</sup> <https://www2.jica.go.jp/ia/oda/info/pdf/guidance.pdf>



JICA<sup>113</sup>; "Regulamentos sobre a conformidade e a avaliação e resposta a riscos da JICA<sup>114</sup>"; e o Regulamentos de Ética da JICA para Executivos e Funcionários<sup>115</sup>.

- Todas estas políticas e directrizes pretendem assegurar que a JICA actua de forma correcta e estabelece contratos públicos "justos, competitivos, responsáveis e transparentes" e ainda para estabelecer boa governação interna e sistemas de monitoria independentes;
- A ordem do Ministro da Administração Interna e das Comunicações é especialmente clara neste sentido:
- *"Para que uma agência administrativa independente possa maximizar a sua função de implementação de políticas, é necessário estabelecer um sistema de controlo interno sobre os contratos públicos, através do qual sejam realizados contratos adequados, rápidos e eficazes através de procedimentos de adjudicação de contratos justos e transparentes...garantindo simultaneamente a transparência e as externalidades através do ciclo PDCA (Plan Do Check and Action)". (Geral, p. 1)*

#### [A tentativa da JICA de oprimir as nossas vozes no Japão, Novembro de 2016]

- Ainda chocados com esta intervenção directa e óbvia da JICA para prejudicar a nossa sociedade, especialmente da Província de Nampula, alguns de nós tivemos a oportunidade de visitar o Japão. Tínhamos medo da possibilidade de ainda mais opressão pelo governo local depois do nosso regresso a Moçambique. No entanto, concluímos que a nossa última e única esperança era denunciar o que está a acontecer na nossa sociedade e o que a JICA tem feito em nome do povo do Japão. Acreditamos no bom julgamento, compaixão e solidariedade das pessoas.
- No entanto, ouvimos notícias terríveis de que os executivos da JICA estavam a tentar convidar altos funcionários do MASA (antigo Vice-Ministro e secretário permanente) e o Embaixador Moçambicano no Japão para uma reunião pública em Tóquio, onde era suposto partilharmos as nossas histórias e vozes a 28 de Novembro de 2016.
- O evento foi organizado por 6 ONGs Japonesas, e facto da JICA considerar convidar funcionários de Moçambique e pedir-lhes que participem no evento é inaceitável. Tendo tomado conhecimento de que esta acção não foi bem vista a JICA deveria ter reconsiderado os seus propósitos de intimidação dos líderes camponeses.
- Em vez de reconsiderar, a JICA convidou esses funcionários e orientou os para o evento na Universidade da Hiroshima, onde estávamos a fazer apresentações académicas a 26

<sup>113</sup> [https://www.jica.go.jp/about/compliance/ku57pg00001rnu1n-at/vj\\_guide.pdf](https://www.jica.go.jp/about/compliance/ku57pg00001rnu1n-at/vj_guide.pdf)

<sup>114</sup> <http://association.jourei.kun.jp/jica/act/frame/frame110000939.htm>

<sup>115</sup> <http://association.jourei.kun.jp/jica/act/frame/frame110000037.htm>

de Novembro. Os detalhes deste relato estão no "Protesto Urgente" submetido ao presidente da JICA pelas ONGs Japonesas em Dezembro<sup>116</sup>.

- De facto, um dos membros do conselho de administração da JICA, o Sr. [REDACTED] admitiu que a razão pela qual eles estavam a convidar esses funcionários para o Japão era deixá-los "contra-argumentar directamente" as reivindicações apresentadas por nós, líderes camponeses da região afectada. Já não somente os funcionários governamentais Moçambicanos ou os consultores da JICA, mas os executivos da JICA que nos tentam prejudicar e violar os nossos direitos.
- Sentimo-nos ameaçados e com medo das repercussões e possível vingança dos funcionários governamentais Moçambicanos que viajaram de Moçambique para o Japão para participarem no evento com o único objectivo de contra-argumentar conosco, mas tiveram de voltar para casa sem poder fazê-lo.

#### [Observação sobre a Causalidade]

- As Directrizes enfatizam a responsabilidade da JICA de assegurar as considerações ambientais e sociais no projecto e de promover uma governação participativa e que cumpra com essas considerações (ver 1.1. e 1.2.). Adicionalmente, enfatizam repetidamente a importância de respeitar os Direitos Humanos. Onde no No 2.5 (2), pode-se ler o seguinte:
  - *"A JICA respeita os princípios das normas internacionalmente estabelecidas em matéria de direitos humanos, como a Convenção Internacional dos Direitos Humanos, e dá especial atenção aos direitos humanos dos grupos sociais vulneráveis ..."*
- O que os executivos da JICA planificaram e levaram a cabo é totalmente contrário a essas directrizes, ao contrário promovem a violação das Directrizes por parte do governo receptor.
- A JICA violou ainda o "Código Ético e as Directrizes de todas as partes envolvidas da JICA" e os seus Regulamentos de Ética para Executivos e Empregados":
  - *O Código Oficial e Ético da JICA (Directrizes) está estabelecido de acordo com a aplicação da Lei de Ética do Serviço Público Nacional.*
  - *Todos os executivos e funcionários da JICA envolvidos na cooperação para o desenvolvimento, trabalharão sob alta ética profissional e autodisciplina com consciência e orgulho como membros daqueles que se comprometem com a cooperação internacional. Isto será aplicado a várias pessoas, incluindo voluntários e especialistas que realizam as actividades da JICA.*

- *Os executivos e empregados da JICA e os seus sub-contratados “respeitam o mais alto padrão de ética” para “assegurar a confiança do público nos projectos”.*

**[A JICA e o MOFA financiaram o jornal local @Verdade para propagar o programa ProSAVANA e as divisões que criaram]**

- A 23 de Dezembro de 2016, um jornal independente baseado em Nampula, que vinha sendo crítico ao ProSAVANA, @Verdade, publicou o artigo intitulado “Organizações da Sociedade Civil do Niassa, Nampula e Zambézia foram “libertadas” de Maputo graças aos dólares oferecidos pelo ProSAVANA<sup>117</sup>.”
- A primeira foto do artigo mostrava três japoneses na sala de entrevistas. Mais tarde, soubemos que eram pessoas relacionadas com a JICA, que participaram na entrevista. O artigo reproduziu as opiniões e explicações do “coordenador do MCSC”, o Sr. [REDACTED] sete vezes, onde insistia que o valor recebido através da JICA, os 206,000 US dólares foram para o MCSC. Além disso, insistiu que aqueles que se opõem ao ProSAVANA são organizações da sociedade civil de Maputo, a capital do Sul, e ignorou as vozes dos camponeses e das organizações da Província de Nampula que ele supostamente representa através do MCSC.
- O sr. [REDACTED] também promoveu o “discurso divisório” e insultou as outras organizações, insinuando que suas vozes são irrelevantes.
- De facto, no artigo, não há qualquer explicação ou informação adicional onde se esclareça que o Sr. [REDACTED] foi quem assinou o contrato com a JICA para “serviços de consultoria” e o consultor da JICA ou os 206,000 US Dólares não foram para o MCSC mas para a “remuneração” da sua ONG SOLIDARIEDADE MOÇAMBIQUE, e o seu pessoal, de onde ele próprio irá beneficiar de um “salário” e “lucro da empresa” prestando o serviço esperado à JICA.
- Embora o MOFA insistisse que não poderiam controlar o que os jornalistas ou o jornal escrevem<sup>118</sup>, o editor-chefe do jornal (@Verdade) disse a uma ONG Internacional, a GRAIN, a informação do artigo baseia-se nas entrevistas ao sr. [REDACTED] e a outras pessoas relacionadas com a JICA, e que não houve correcção pelo jornal.
- O artigo referido e a explicação das fontes de informação demonstram que os consultores Japoneses da JICA e o consultor Moçambicano da JICA (o Sr. [REDACTED]): prestaram informações falsas sobre o contrato entre a Solidariedade Moçambique e a JICA ao público Moçambicano.

<sup>117</sup> [REDACTED]

<sup>118</sup> A 20ª reunião entre ONGs e a JICA/MOFA (24 de Janeiro de 2017).

- Ficamos muito perturbados ao ver este tipo de propaganda prejudicial para a nossa sociedade com informações falsas conduzidas pelos consultores da JICA. No entanto, a nossa indignação não terminou aí. Em Janeiro, a versão online deste mesmo jornal publica em nota de rodapé junto ao referido artigo um parágrafo a explicar que “este artigo foi escrito no âmbito da viagem organizada pela Embaixada do Japão”.
- De facto, a segunda metade do artigo era sobre “os camponeses da Província de Nampula” que receberam alguns benefícios dos projectos-piloto do ProSAVANA-PEM e são supostamente a favor do ProSAVANA.

#### [Observação sobre a Causalidade]

- As Directrizes enfatizam a importância da “transparência da informação” e “responsabilidade” dos projectos da JICA (ver 1.1. e 1.2), mas também da “prevenção e/ou minimização dos impactos negativos sobre a sociedade local” pelo governo beneficiário no contexto dos projectos da JICA (1.4). As Directrizes também exortam os projectos da JICA a garantir uma “ampla e significativa participação das partes interessadas” a fim de cumprir com as Directrizes e “alcançar uma construção de consenso adequada” (1.4 (4)).
- No entanto, o artigo acima mencionado e a sua preparação (incluindo a entrevista com o jornal com a participação da JICA e o envolvimento da Embaixada do Japão) indicam a negligência e a violação destes princípios pela JICA, pelo MOFA e pelos consultores Japoneses e Moçambicanos da JICA.
- As informações falsas relativamente ao contrato fornecidas pelo consultor da JICA, Sr. [REDACTED] e apoiadas pelos consultores Japoneses pelo facto de não corrigirem a mesma, não foram apenas “não-transparentes” mas validaram a informação falsa (Sr. [REDACTED] era na verdade consultor da JICA). Reforçando igualmente o discurso divisório promovido pelo Sr. [REDACTED].
- As suas acções passadas e este relato demonstram que o Sr. [REDACTED] não apresenta condições para desempenhar a tarefa de consultor da JICA para o projecto “Revisão do Plano Director” onde se pretendia que coordene o evento altamente público de “consultas comunitárias”<sup>119</sup>, e os outros consultores da JICA (Japoneses) legitimizaram isso. O tratamento desleal a nós, os camponeses e camponesas da região afectada e as actividades não imparciais desses actores obstruíram a “ampla e significativa participação” instruída nas Directrizes de 1.1., 1.2. e 2.4.
- Ao proceder nos moldes acima descritos violaram o “Código de Ética e as Directrizes de todas as partes envolvidas da JICA”, especialmente o seguinte código:

- *“A fim de manter comportamentos éticos relacionados com as suas funções, todas as partes envolvidas da agência devem cumprir com as seguintes questões durante o seu envolvimento com as actividades da JICA”.*
- *“As partes envolvidas da agência e os membros do pessoal devem honrar o desempenho das funções e estar cientes da missão pública da organização e não fazer um tratamento discriminatório injusto aos cidadãos, como manipulação vantajosa apenas para algumas pessoas sobre as informações que ele / ela conhecia em deveres”<sup>120</sup>.*
- Além disso, graças ao @Verdade admitir que o artigo foi produzido com o apoio da Embaixada Japonesa, sabemos agora que o que exactamente foi escrito sobre a “Dica da Imprensa” foi realizado mesmo depois das nossas declarações apontarem a natureza contraditória da “Estratégia de Comunicação” com as Directrizes e mesmo que o MOFA tenha anunciado oficialmente que a “Estratégia” não representa a posição do governo Japonês<sup>121</sup>.
- Finalmente percebemos que as afirmações que apontam a violação das Directrizes transmitidas nas reuniões com a JICA e o MOFA não melhoraram a situação. Em vez disso, avançaram com actividades mais agressivas e ofensivas e agravaram as condições sociais, que são relações pacíficas, harmoniosas e respeitadoras, baseadas na solidariedade entre a sociedade civil Moçambicana, que a Constituição enfatiza como o seu objectivo.
- Esta é a razão pela qual estamos finalmente a enviar o nosso pedido de objecção aos examinadores.

**[O nosso desejo e decisão de apresentar as nossas objecções à JICA, Junho de 2014 - ]**

- Como se pode ler na “Declaração de Nampula” e no comunicado de imprensa da “Campanha”, decidimos apresentar a nossa objecção à JICA.
- Mas na altura em que foram elaborados os documentos acima referidos, não tínhamos evidências escritas suficientes a mostrar a causalidade da não conformidade da JICA com as Directrizes.
- As evidências surgem somente em Janeiro de 2016, depois dos nossos parceiros no Japão terem descoberto a existência de subprojectos no âmbito do ProSAVANA-PD, e termos obtido os documentos primários como o “ProSAVANA: Estratégia de Comunicação” e os documentos contratuais da JICA (incluindo os TdR) com a CV&A e a MAJOL.
- Mais tarde, em Maio de 2016, vários documentos relacionados com o ProSAVANA, especialmente os documentos que mostram os envolvimento da JICA e dos seus

<sup>120</sup> [https://www.jica.go.jp/announce/manual/guideline/consultant/ku67po0000kzwii-att/i\\_guide.pdf](https://www.jica.go.jp/announce/manual/guideline/consultant/ku67po0000kzwii-att/i_guide.pdf)

<sup>121</sup> Durante a Discussão da Reunião do Conselho do ODA entre a ONG e o MOFA em Dezembro de 2016 em Tóquio.

consultores com as intervenções na sociedade civil Moçambicana foram divulgados e assim reunimos as evidências necessárias.

- Nós, juntamente com as organizações da sociedade civil dos três países, publicamos uma declaração a condenar fortemente as acções e tentativas reveladas da JICA e dos Proponentes do ProSAVANA com base nos documentos em Agosto de 2016, na esperança de que a JICA tomasse as devidas precauções.
- Em vez disso, a JICA comprometeu-se em mais uma manobra de contratar a ONG em Nampula como o seu agente de consultoria e interveio directamente na nossa sociedade.
- Perdendo a nossa última esperança, decidimos colectar todas as informações e documentos e receber o apoio dos nossos parceiros para desenvolver este formulário de objecção.
- Embora tenhamos tentado obter as informações e a versão em Português referentes às Directrizes e ao procedimento de objecção da JICA, este pedido nunca foi atendido.

#### [Sumário]

- 1) **Abuso dos Direitos Humanos:** (a) opressão antes da “consulta pública”; (b) opressão durante a “consulta pública”, (c) perseguição, intimidação, chantagem, ameaça, opressão sobre aqueles que manifestaram a sua objecção ou questionaram o programa ProSAVANA. Convite aos altos funcionários do governo Moçambicano por parte da JICA para oprimir as nossas vozes, deixando-os contra argumentar conosco. Isso também resultou no aumento do perigo da nossa vida e dos nossos meios de subsistência.
- 2) **Dano social ao intervir directamente na sociedade civil local:** a criação da JICA, o pagamento e a implementação da “Estratégia de Comunicação”, o projecto “Envolvimento das Partes Interessadas” (MAJOL), e a contratação de uma ONG local, SOLIDARIEDADE, a politização das consultas públicas, todas sob a situação de conflito; a organização e manipulação de informação para um artigo para promover a divisão da sociedade civil Moçambicana e a eliminação das nossas vozes como camponeses e camponesas em Nampula.
- 3) **Ausência de responsabilidade, ocultação de informação e obstrução da participação significativa das partes interessadas, especialmente os moradores da região:** nenhuma informação fornecida pelos 4 sub-projectos acima e o “ProSAVANA: Estratégia de Comunicação”, nenhuma explicação sobre as mudanças da importante componente do programa (como o Cerrado, PRODECER, a soja, a exportação), nenhuma explicação da “opção Zero” ou “opções alternativas”, obstruindo a participação das consultas públicas.

- 4) **Incumprimento de responsabilidade para tornar as Directrizes efectivas:** não há explicação das Directrizes aos funcionários governamentais Moçambicanos, nenhuma tradução ou explicação das Directrizes disponíveis apesar dos pedidos repetidos, estabelecimento da "Estratégia de Comunicação" e outros sub-projectos devido à não compreensão das Directrizes pelo pessoal da JICA.

**6. Resolução solicitada pelos Requerentes:**

Dados os factos expostos e descritos ao longo deste documento, solicitamos:

- A paragem imediata de todas as acções e projectos em curso nas savanas tropicais do Corredor do Desenvolvimento de Nacala no âmbito do ProSavana;

Queremos que todos os executivos, funcionários e consultores da JICA leiam as seguintes guias que foram determinadas pela própria agência.

**[Política de Conformidade]**

- "Como uma instituição administrativa independente, aumentaremos a transparência e a equidade da operação e asseguraremos a confiança do público, tanto em termos de base operacional como financeira."
- Devemos assegurar a confiança na comunidade internacional, contribuindo para o desenvolvimento saudável da sociedade económica internacional através da ajuda ao desenvolvimento<sup>122</sup>.

**[orientação anti-fraudulenta e anti-corrupção]**

Finalidade e princípio comum "2 princípios comuns", página 3)

- Como a JICA, esforçar-nos-emos para fortalecer o cumprimento para que a ODA seja adequadamente implementada e cumprindo a responsabilidade para com os cidadãos Japoneses e para com a comunidade internacional.
- Ao fazer isso, acreditamos que o fortalecimento da conformidade não é apenas passivo mas também activo para evitar problemas. Tendo em consideração a finalidade do projecto da ODA e o seu elevado benefício público, é essencial que a ODA seja implementada com base na confiança dos cidadãos Japoneses e da comunidade internacional.

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

## **7. Factos relativos às consultas dos Requerentes com os Proponentes do Projecto:**

- Os nossos esforços de consulta aos Proponentes do Projecto do ProSAVANA-PD, aos nossos órgãos governamentais como o MASA, a DPA, o ProSAVANA-HQ, foram explicados em detalhe nas secções anteriores (especialmente, na introdução, 1. 2. 3. 4.).
- As consequências trazidas pelo não cumprimento das Directrizes da JICA são tão prejudiciais e profundas, e não é possível pensar em realizar mais "consultas" com os Proponentes do Projecto sobre as questões deste programa.
- Os requerentes e demais interessados e afectados organizaram encontros e seminários e convidaram os Proponentes do Projecto em Agosto de 2013 e em Julho de 2014 através da "Conferência Triangular dos Povos sobre o ProSAVANA" realizada em Maputo.
- Durante a primeira conferência, o presidente da União Nacional de Camponeses leu "A Carta Aberta para a Deter e Reflectir de forma Urgente o Programa do ProSAVANA", manifestando as vozes genuínas dos camponeses e camponesas da região afectada e de todos os moçambicanos e moçambicanas interessados.
- O Ministro da Agricultura convidado (MINAG/MASA) chamou os líderes camponeses de "marionetas" e disse "deixarei que os que pisam no meu caminho paguem o preço severamente" ao então presidente da nossa união nacional.

## **8. Factos relativos às consultas dos Requerentes com os Departamentos Operacionais da JICA:**

Os nossos esforços de consultas aos Departamentos Operacionais da JICA, isto é, a Divisão de África da JICA, a Divisão Rural da JICA e a JICA Moçambique, foram explicados em detalhe nas secções anteriores (especialmente, na introdução, 1. 2. 3. 4.).

Fizemos sem sucesso todos os esforços possíveis para obter informação sobre o ProSAVANA, na forma de declarações, reuniões, e eventos públicos, para debater e esclarecer as nossas preocupações junto à JICA. No entanto, nenhum destes esforços surtiu efeito e somente tivemos acesso às informações através de parceiros por via informal e dos incansáveis esforços das organizações japonesas nossas parceiras que invocaram a Lei de Informação do Japão.



Os documentos agora disponíveis constituem evidências que demonstram a intervenção da JICA na nossa sociedade e nas nossas organizações, e perante estas torna-se difícil reunir com os responsáveis do ProSAVANA na JICA.

A actuação da JICA no processo do ProSAVANA violou não somente os nossos direitos conforme já exposto, mas atentou contra a nossa dignidade, existência e soberania. A simples menção das palavras “JICA” e “ProSAVANA” fere-nos tremendamente, revolta-nos e provoca em nós um profundo sentimento de injustiça e manipulação. Saber da proximidade de pessoal da JICA, deixa nos desconfortáveis, intimidados, ameaçados, ansiosos e revoltados.

Nós, camponeses e camponesas da região afectada do ProSAVANA e demais organizações que nos respeitam e defendem, não confiamos mais na palavra “diálogo” usada pela JICA. Através dos nossos parceiros as ONGs Japonesas solicitamos repetidamente a versão traduzida das Directrizes da JICA, e esta tem-se recusado a partilhar o conteúdo das Directrizes com a sociedade Moçambicana e com os residentes da região afectada pelo ProSAVANA.

As acções da JICA no âmbito do ProSAVANA para os residentes da região do Corredor de Nacala onde se pretende desenvolver o programa e para toda a sociedade civil moçambicana tem sido levadas a cabo com o objectivo claro de “dividir para governar”; elaborando um documento enorme e complexo (Plano Director) que impossibilita a leitura e o entendimento dos principais afectados (referidos pela JICA como os principais beneficiários); não permitindo o acesso atempado ao mesmo para assegurar que possamos contribuir ou questionar; organizar “consultas distritais, rurais e comunitárias” sem cumprir com a lei e regulamentos nacionais para o efeito e com forte presença de estruturas governamentais e carregado de intimidação e ameaças para impor o “Plano Director”.

Apesar de todos os esforços que realizaram nos últimos 4 anos, a JICA não forneceu uma tradução para Português das Directrizes simples para que o nosso governo e a sociedade civil compreendam os princípios da Ajuda da JICA.

Os nossos parceiros no Japão confirmaram que o Coordenador do ProSAVANA, antigo vice-Ministro da Agricultura, e os delegados do Ministério do Japão (Setembro de 2015), não sabiam da existência das Directrizes nem do conteúdo. Quando isso se tornou a questão durante a reunião entre as ONGs Japonesas e esta delegação do governo Moçambicano, o representante da JICA explicou que as directrizes seriam adoptadas quando os projectos comesçassem, assim, os funcionários governamentais não teriam entendimento.

Se as Directrizes foram partilhadas na nossa língua, entendidas, respeitadas e seguidas por todos, não só nós e o nosso governo, mas também todos os funcionários e consultores da JICA envolvidos no ProSAVANA-PD teriam-se apercebido dos danos pessoais e organizacionais, e dos danos sociais e, provavelmente, evitá-los.

Assim, gostaríamos de pedir humildemente ao comité de examinadores independentes, que parecem ser também professores universitários, que examinem não só os nossos formulários de pedidos, mas também todos os documentos da própria JICA e do ProSAVANA listados nas notas de rodapé de modo a julgar os nossos pedidos com uma atitude vigorosa baseada em factos independentes, imparciais e académicos. Mesmo que aqueles que lidam com o projecto ProSAVANA (especialmente com o ProSAVANA-PD) não tenham respeitado e cumprido estas maravilhosas Directrizes, feitas a partir da sabedoria e experiências do passado, ainda gostaríamos de acreditar no espírito das Directrizes que a JICA instalou em Abril de 2010.

Assim, nós, camponeses e camponesas de Moçambique, e organizações não governamentais moçambicanas envolvidas no processo juntamente com os examinadores, gostaríamos de melhorar a prática e a eficácia das Directrizes por meio dessa experiência dolorosa e danos causada pela JICA e pelos seus projectos. Para a JICA dar uma última chance de estar no caminho que as Declarações declaram.

**9. Se um Requerimento for enviado por um agente, os requerentes devem explicar a necessidade de o submeter através de um agente:**

Conforme descrito acima no número 7., não existe uma versão em Português das Directrizes e "PROCEDIMENTOS DE OBJECÇÃO COM BASE NAS ORIENTAÇÕES PARA CONSIDERAÇÃO AMBIENTAL E SOCIAL". Isso já está a violar os direitos dos moradores da região afectada, onde a maioria deles são camponeses com formação básica.

Além disso, está escrito que se enviarmos as informações na nossa língua nacional, o Português, levará muito tempo para examinar o caso. Assim, reunimo-nos e discutimos entre nós e decidimos procurar a ajuda das nossas irmãs e irmãos da sociedade civil Moçambicana que conhecem Inglês, leis, directrizes e assistência de outros doadores e que comunicam directamente com a JICA.

Como já escrevemos no número 7., não podemos mais lidar directamente com a JICA. É demasiado doloroso e prejudicial para nós. Assim, para não nos ferirmos mais, precisamos de um agente que entenda a situação, o nosso sentimento e o procedimento em quem possamos confiar plenamente.

## Anexo

O seguinte é exemplo da descrição que aparece no "ProSAVANA: Estratégia de Comunicação". Colámos o original e a sua tradução em Inglês obtidos pela JICA.

**Considera-se ainda que o contacto directo com as comunidades, fazendo prova disso, desvalorizará essas associações enquanto porta-vozes das comunidades ou dos agricultores.**

**The direct contact with communities, if it's proved, lessens 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, 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, conseqüentemente, 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 decrease the force employed by these organizations, especially the Mozambican ones, which are the ones that come forward.**

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

環境社会配慮ガイドラインに基づく異議申立

モザンビーク、2017年4月10日

宛先：

国際協力機構（Japan International Cooperation Agency – JICA）のガイドライン審査役

ファックス: +81-3-5226-6973

メールアドレス: [jicama-jigi@jica.go.jp](mailto:jicama-jigi@jica.go.jp)

申立人の氏名

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上記に列挙した者は、プロサバナ（ProSAVANA）事業による影響を受けた農民コミュニティの代表として、この異議申立を行います。

詳細に入る前に、我々がどのような者であり、2012年10月からJICAのプロサバナ事業とどのように関わっているかを明らかにしたいと思います。

我々モザンビークの農民たちは、自由のために戦い、1975年に独立を実現しました。その後、



これらの努力により収集された情報に基づき、我々による初めてのプロサバンナ抗議文「プロサバンナ事業に関する声明 (Pronunciamento)」が2012年10月11日付で作成されました<sup>5</sup>。

「声明」において次に掲げる問題点を表明した：①FPIC (Free, Prior, Informed Consent – FPIC) の諸原則に関わる透明性、説明責任、遵守の欠如、②「モザンビークの北部にセラードブラジル事業 (Cerrado-Brasil) の成功例」を転用することに対する我々の反対意見、③この事業の影響への我々の大きな懸念、すなわち、土地の横領、化学物質による汚染等に関する懸念。

- C 2013年2月、我々、影響を受けた地域の農民たちは、プロサバンナ事業に対する我々の懸念を直接表明して「声明」をMOFA(日本の外務省)においてJICA代表者たちに渡すために、我々の代表者を日本に派遣しました<sup>6</sup>。JICA及び外務省は、大規模栽培の可能性はあるが、事業対象地域において農民の移転を行う可能性は「ゼロ」であると説明しました。
- D 2013年4月、「マスタープランのモデル版(第2[その後、第3に変更]マスタープラン報告書)」が打ち出されると、プロサバンナが、クイックインパクトプロジェクトとパイロットプロジェクト(プロサバンナ事業の下で計画)により、「現地住民の強制移動」と「土地バンク(bancos de terra)」の設置を計画していたことがわかりました。国内外のNGOは我々のために「漏洩により最悪の事態が確認」という緊急声明を発表しました<sup>7</sup>。
- E 2013年5月、我々、影響を受けた地域の農民たちは、再びナンプーラに集結し、三カ国(日本、ブラジル、モザンビーク)の元首宛に「プロサバンナ事業の緊急停止と再考を求める公開書簡」を作成しました<sup>8</sup>。我々の代表者がJICAと面会の上、同公開書簡における要求を繰り返しました。
- F 2014年4月、我々、影響を受けた地域の農民たちは、我が国他地域の農民とともに集い「ナンプーラ宣言」を作成しました。この宣言は、プロサバンナにおいて発生した基本的人権の侵害と侵犯のすべてを示し、同事業に対する我々の反対を表明するものです<sup>9</sup>。
- G 2014年6月に、我々、影響を受けた地域の農民は、他の市民社会団体と共同で「プロサバンナにノー!」キャンペーンを立ち上げました。

<sup>5</sup> 日本の協力者が声明書の和訳を作成してくださいました。 [REDACTED]

<sup>6</sup> これは次のテレビ番組において報道されました。 [REDACTED]

<sup>7</sup> [REDACTED]

<sup>8</sup> 日本語版。 [REDACTED]

<sup>9</sup> [REDACTED]

再び、我々は「宣言」という形で、我々の懸念を表明し、声をあげました<sup>10</sup>。

- H 2015年4～5月、マスタープラン全204頁に関する「公聴会」が、影響を受けたすべての地域において開催されることが、突然知らされました。突然ではありましたが、我々は、他の協力団体とともに、それらすべての公聴会に参加することができました。
- I 2015年6月、我々、影響を受けた地域の農民たちは、マポートにおける全国公聴会に参加し、抗議した上、公聴会に参加した人々と共に「公聴会無効化の要求」を提出しました<sup>11</sup>。
- J 2015年7月、影響を受けた地域の農民である我々の代表者は、我々の義憤を表明するために日本を訪問し、「公聴会の無効化」に係る我々の声明文を、直接 JICA 及び MOFA に手渡しました<sup>12</sup>。
- K 2016年1～2月、我々、影響を受けた地域の農民は、他市民社会団体の同胞らと共に、市民社会団体がプロサバンナ事業の正当化に巻き込まれること、ならびに、JICA・MAJOL社の契約下で作られた「市民社会との唯一の対話メカニズム」（後に MCSC と呼称）の設置プロセスそのものに反対する一連の反対声明を公表しました<sup>13</sup>。
- L 2016年8～11月、プロサバンナ・マスタープラン事業のサブプロジェクトの下での、モザンビーク市民社会への JICA の介入を明確に示す一次資料の存在を、我々は知りました。そのため、モザンビーク、ブラジル、日本ならびに世界の市民社会団体と共に我々は、「プロサバンナ事業に反対する共同抗議声明」を公表しました<sup>14</sup>。
- M 2016年10～11月、我々は、我々の社会への JICA のもうひとつの介入があることを発見、その返答として、「マスタープランの見直しに関する緊急声明」を提出しました<sup>15</sup>。

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詳細が書かれています：

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日本の NGO による次の二つの声明にその

- N 2016年11月に、我々の代表者が、我々の声を日本の人々に届けるために日本を訪問しました。日本の NGO により開催された公開集会において、8月と11月に公表していた我々の宣言を、我々は JICA と MOFA の代表者に手交しました。
- Q JICA が、意図的に、会議に参加させ我々の代表者の意見に反論してもらうためにモザンビーク農業省（MASA）元大臣と次官を日本に招待したことを我々は知りました。日本の NGO は「JICA による弾圧の試みに関する抗議並びに緊急要請」という二つの宣言書を発表しました<sup>16</sup>。

我々は、我々の氏名が、他のモザンビーク市民活動団体も含むあらゆるプロジェクト支持者に対して、秘匿されることを希望します。守秘義務違反は（噂を流すことを含み）、JICA によるもう一つの人権侵害と見なされます。

申立人は以下に掲げる者を代理人とします。

代理人の氏名:

代理人の連絡先:

住所:

TEL:

E-mail:

代理人の氏名:

代理人の連絡先:

住所:

TEL:

FAX:

E-mail:



## I. 抗議の対象となる事業

国名：モザンビーク

プロジェクト名：プロサバナ事業（ProSAVANA-PD）（マスタープラン支援プロジェクト）  
及びモザンビークのコンサルタント会社と NGO へ委託契約されたサブプロジェクト：「プロサバナのためのコミュニケーション戦略の確立」、「プロサバナのためのコミュニケーション戦略の実施」、「ステークホルダーの参加」並びに「マスタープランの見直し」。

プロジェクトサイト：ナカラ回廊の地域（ナンブーラ州、ニアサ州及びザンベジア州）

プロジェクトの概要：プロサバナ事業：プロサバナ JBM に係るナカラ回廊農業開発マスタープラン策定支援プロジェクト

- 1) 県レベル及び全国レベルで開催の「公聴会」（2015年4～6月）：のナカラ回廊農業開発マスタープランのゼロドラフトに関するもの。
- 2) プロサバナ事業の四つのサブプロジェクト：
  - a) 「プロサバナのためのコミュニケーション戦略の確立」計画：これは、JICA とモザンビークのコンサルタント会社 CV&A 社間の二つ目の契約であり、契約期間は2013年8月1日から3ヶ月（契約金は約280万円）。
  - b) 「プロサバナのためのコミュニケーション戦略の実施」計画：JICA と CV&A 社との三つ目の契約で、契約期間は2014年6月20日から3ヶ月（約264万7千円）。
  - c) 「ステークホルダーの参加」計画：この契約はモザンビークのコンサルタント会社である MAJOL 社に託され、契約期間は2015年11月3日から4.5ヶ月（約530万円）。
  - d) 「マスタープランの見直し」計画：ナンブーラを拠点としているモザンビークの NGO である SOLIDARIEDADE MOÇAMBIQUE（ソリダリエダジ・モザンビーク）に託された契約であり、期間は10月14日から6ヶ月（約2200万円）。

\*これらのサブプロジェクトの契約に関する情報は日本の市民社会から我々に提供されたものです<sup>17</sup>。

<sup>17</sup> 日本の NGO によれば、これらの計算に関するすべての書類が次に掲げるウェブサイトに掲載されています：  
[REDACTED]

## II. ガイドラインに基づいて実際に発生し、又は、発生し得る重大な損害：

次に掲げる損害は JICA のガイドラインの不遵守により実際に発生したものです。これらの損害は、ガイドラインに違反するだけでなく、我々の憲法、国連憲章、世界人権宣言、市民的及び政治的権利に関する国際規約にも違反すると我々は考えます。

### 1) プロサバナ事業のもとで発生した人権侵害：

- a) 直接の損害：不透明な目的追及のため、我々が属する市民社会への介入した地方政府当局による迫害、威嚇、恐喝、脅迫、並びに抑圧を受け、さらに<sup>18</sup>、我々に「過激派」というラベルを貼り他の仲間から孤立させられたこと、それらによって生じた身体的、精神的な損害。
- b) 表現の自由（知る権利を含む）の侵害：憲法上の権利、市民的及び政治的権利に関する国際規約第 19 条、世界人権宣言、その他についての違反。

#### *市民的及び政治的権利に関する国際規約第 19 条*

- i. すべての者は、干渉されることなく意見をもつ権利を有する。
- ii. すべての者は表現の自由についての権利を有する。この権利には、口頭、手書き若しくは印刷、芸術の形態又は自ら選択する他の方法により、国境とのかかわりなく、あらゆる種類の情報及び考えを求め、受け及び伝える自由を含む。

2) JICA が、サブプロジェクトの資金とコンサルタントを用い、我々の組織と地方市民社会に直接又は間接的に介入したことにより生じた個別的、団体的かつ社会的な損害（モザンビークが紛争状況に陥っている時に）。すなわち、以下の四つの憲法上の価値と原則が、JICA のプロジェクトによって影響を受けた。：

- a) 個人、団体社会の調和に対する脅威と損害、
- b) 多元的かつ寛容であり、平和的文化を有する社会に対する損害、
- c) モザンビークのアイデンティティー（国の団結、組合主義、連帯、団体的知恵）及びその伝統や社会的、文化的価値に対する損害、
- d) 民主主義的な政府及び意思決定に対する損害。

<sup>18</sup>

(3,4,6-10 頁を参照)

## モザンビーク共和国憲法

### **【前文】**

- 我が国民の昔からの希望を確認し、土地及び人を自由にすることを目的とした、我が国の独立のための武装闘争により、モザンビーク社会のすべての愛国者が同じ自由、統一、正義及び発展の理想のもとで団結した。
- 1975年6月25日に我が国の独立が達成されたとき、モザンビークの国民に対しその基本的な自由と権利が返還された。
- 1990年憲法は三権の分立及び相互依存かつ多元性を基礎とする民主主義法治国を導入した。
- この基本法への市民の幅広い参加により、国民の集団的知性から発生する、民主主義及び挙国一致を強化するコンセンサスを示すものである。

### **【第2条(主権及び法の支配)】**

- 主権は国民にある。
- モザンビークの国民はこの憲法の定めるところに従ってその主権を行使する。
- 国家はこの憲法に服し、法の支配を基盤とする。

### **【第3条(民主主義法治国)】**

- モザンビーク共和国は法治国であり、
- 表現及び民主主義的政治組織の多元性並びに基本的人権及び自由の保障を基礎とする。

### **【第11条(基本的目的)】**

モザンビーク国家は以下に掲げるものを基本的目的とする。

- 民主主義と自由、社会的安定と社会と個人の調和の強化
- 多元的かつ寛容な社会と平和的文化の促進
- モザンビークのアイデンティティー、伝統及びその他の社会文化的価値の確立
- 諸外国及び諸国民との間の友情関係と協力関係の確立と発展

前述した三つのサブプロジェクトによる社会への介入及び「マスタープランの見直し」計画のもとで JICA がナンプーラに本部がある現地 NGO と締結した契約による継続的な打撃<sup>19</sup>の影響、個別的、組織的かつ社会的な損害がさらに深刻になるおそれがあります。

<sup>19</sup>

3) 申立人が主張する JICA によるガイドライン不遵守に関連する条項および当該不遵守を構成する事実：

我々の理解では、イントロダクション、上記 1) 及び 2) において指摘した損害がガイドラインの理念、目的及び方針に違反しています。ガイドラインについての我々の研究と我々の協力者との相談に基づけば、上記 2) で述べた点が、以下に掲げるガイドラインの条項を遵守していません。。

\*以下の通し番号はガイドラインのそれに基づいている。

[JICA ガイドライン]

- 1.1. 理念
- 1.2. 目的
- 1.4. 環境社会配慮の基本方針
- 1.5 JICA の責務
- 1.9 普及
- 2. 環境社会配慮のプロセス
  - 2.1 情報の公開
  - 2.4 現地ステークホルダーとの協議
  - 2.5 社会環境と人権への配慮
  - 2.6 参照する法令と基準
  - 2.8 JICA の意思決定
  - 2.9 ガイドラインの適切な実施と遵守の確保

別紙 1 対象プロジェクトに求められる環境社会配慮

**1. 説明責任の欠如、情報の隠匿（及び基本的人権 [知る権利] の侵害）並びにステークホルダー特に地域住民の意義のある参加に対する妨害： 1.1; 1.4; 2.1; 2.5; 2.6**

詳細はイントロダクション及び項目 4 において述べられていますが、ここでは JICA による不遵守に該当するいくつかの事実を強調して指摘しておきたいと思います。

- a) プロサバナ事業、特にプロサバナ PD（マスタープラン）に関する情報及び事実の否定、隠蔽並びに歪曲<sup>20</sup>、
- b) 事業の主要な焦点となっていた本来の計画とアクター<sup>21</sup>がどうなったか、またこれらがなぜ変更されたのかについて説明のないこと（それどころか、市民社会が「嘘つき」であると主張した<sup>22</sup>）、
- c) 事業により住民、コミュニティ、市民社会に大きなインパクトがあるにもかかわらず、JICA の三つのサブプロジェクト（特に、「コミュニケーション戦略」の二つのプロジェクトと「ステークホルダーの参加」プロジェクト）にかかる計画、確立、契約、支払並びに実施についての完全な隠蔽、
- d) 「ステークホルダーの参加」プロジェクトによって、事業賛同者に対して不公正に情報が伝達されること、そして、そのことが JICA の「マスタープランの見直し」プロジェクトにより、事業に賛成する市民社会の一部との契約締結により、さらに促進されてしまうこと、
- e) この異議申立手続きと「ゼロオプション」があり得ることを含んでいる本ガイドラインそのものの翻訳、提供ないし説明について拒否及び放棄。

**2. 基本的人権の侵害: 1.1; 1.4; 2.1; 2.5; 2.6.**

**a) 直接の損害:**

詳細が項目 4 において述べられているが、ここでこれらの損害のいくつかの原因を強調して指摘しておきたいと思います。 :

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<sup>21</sup> [http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_6.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_6.pdf)  
[http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_7.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_7.pdf)

<sup>22</sup>

- i. 「公聴会」前の恫喝<sup>23</sup>、
- ii. 「公聴会」中の抑圧<sup>24</sup>、
- iii. プロサバンナ事業に対して反対意見を示したり異論をを申し立てた者に対する迫害、威嚇、脅迫、抑圧<sup>25</sup>、
- iv. 「コミュニケーションの戦略」、「ステークホルダーの参加」<sup>26</sup>、及び「マスタープランの見直し」の各プロジェクトによる直接的な干渉の後に生じた分裂、侮辱及び疎外。

b) 表現の自由への権利の侵害：

詳細がイントロダクション及び項目 4 において述べられているが、ここで JICA による不遵守に該当するいくつかの事実を強調して指摘しておきたいと思えます。

- i. 上記(i)を参照 「公聴会」の前/中/後に起きたこと（迫害的、不公平かつ恫喝的な調整、武装警官の立会い、公聴会への参加の妨害及びイベント後の迫害を含む）、
- ii. 「各ステークホルダー（組合、農民団体、NGO、コミュニティ）に介入し」、声をあげて要求を表明している現地団体の「要求の価値を貶め」「傷つける」ことを目的としかつ提案する「コミュニケーションの戦略」プロジェクトの策定、確立、実施並びに指導<sup>27</sup>、
- iii. 「コミュニケーションの戦略」を通じて、我々とモザンビークのメディアの関係を「断ち切る」こと（上記参照）、
- iv. 内外の意見の違い、プロサバンナに対する「立場」、プロサバンナにおける「利害」、その他の団体及び市民社会におけるコミュニティに対して我々を含む「影響力を有する団体等」を、秘密裏に調査し、我々に「過激派」というレッテルをつけて、「ステークホルダーの参加」サブプロジェクトにおける対話メカニズムの構築プロセスの準備段階から、我々を排除したこと<sup>28</sup>、
- v. 日本の協力者により東京で開催された公開集会に、我々を恫喝するために、モザンビーク農業省（MASA）の元副大臣と在日モザンビーク大使を、招待する

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ことを企画、実施したこと<sup>29</sup>。

### 3. 現地市民社会への直接の介入による社会的な損害: 1.1; 1.4; 2.4; 2.5; 2.6; 2.8.

プロサバンナ事業のマスタープランにおいて実施、促進、共謀され、あるいは防止されなかった以下の一連の行動は、特にサブプロジェクト実施中において、我々が順守し依頼してきた上述の憲法的価値と原則を、脅かしつつ損なっています。その因果関係は項目 4 で時系列に詳述されるため、ここでは上記損害を引き起こした JICA の主要な行動を特定するにとどめます。すなわち、

- a) 我々を、各コミュニティ及びその他の農民から孤立させることを目的とした「コミュニケーションの戦略」とその三名のコンサルタント (CV&A 社) について、計画、確立、支払、実施、並びに指導したこと ((1)(b)を参照)、
- b) プロサバンナ PEM (ProSAVANA-PEM) を用いて、積極的に我々の組合の分裂を促進し、2015 年 7 月の我々の日本訪問の直後、我々の仲間のひとりを訪日政府派遣団に参加させることを企てたこと (4 を参照)、
- c) 何らの監督を行わずに、支援及び資金提供したことにより、地区レベルでの政治的な公聴会に、武装制服警察が参加し、また政府官僚と与党 (FRELIMO) の幹部党員が多数出席することを許容したこと<sup>30</sup>、
- d) 我々農民、その他の市民社会団体が、密接な協力関係により守ってきた市民社会に介入し、紛争を促すために「ステークホルダーの参加」プロジェクトと MAJOL 社について、計画、確立、支払、指導を行ないプロジェクトの以下の手法を導入した
  - ・ 「既存の、又は発生しうる利害の対立の特定…特定の団体間又は団体内」、
  - ・ 「ADR、連携と協議を妨害し又はこれを助長しうるステークホルダーの関係を特定しその特徴を明らかにすること (インセプション報告書 [Inception Report] 18 頁)<sup>31</sup>。

<sup>29</sup>

<sup>30</sup>

<sup>31</sup> 着手報告書は JICA により任意に公開されたのではなく、日本の情報公開法に基づく請求により公開されました。

- e) 次に掲げる指導を行い、「特定の妥協策の対象とする必要があるキー団体・人物の特定」(ibid) という方法に賛同したこと
- ・ 「プロサバンナについて対話する覚悟を示している」(団体を招待すること)(TOR [付託条項] 2 頁)<sup>32</sup>;
  - ・ 「利害関係を有し得る者」が「JICA 及び政府当局との一次的な相談により含まれ(た) …」( [ステークホルダー・マッピング報告書 14 頁] <sup>33</sup>;
- [例.]
- ・ 「資金提供者及びオピニオンリーダーとして XX (国際 NGO) は大きな影響力をもっている。XX はほかの NGO (我々の組合を含む) に対し資金を提供している。2009 年からプロサバンナ反対運動に関わっており…強い関心と影響力(を持っている)。戦略的に考えればもっとも重要なパートナーのひとりである。この関係の強化すべき…」(マッピング報告書 20 頁) <sup>34</sup>。
  - ・ 「ソリダリエダジ・ナンプーラ [Solidariedade Nampula] ( [redacted] 氏):プロサバンナに反対ではな(く) …(同局の) 会員数の多さによる大きな影響力を有しており、中間的な利害を示しているが、変更があればの話です」(インセプション報告書草案 23 頁) <sup>35</sup>、
- f) MAJOL 社の調査及び手続自体が不透明であったことに対し我々がこのままでは認めることができないと苦情を申し立てたにもかかわらず、コンサルタントの活動を通じてモザンビークの農民団体と市民社会の分類と分裂を促進したこと:
- ・ 赤色: プロサバンナに反対で、対話する意思がない、
  - ・ 紫色: 一定の条件が満たされれば、対話する意思がある、
  - ・ 黄色: プロサバンナについて組織として明確な見解が表明されていない、
  - ・ 緑色: プロサバンナに賛成 (マッピング報告書 32 頁)
- g) 「赤色の団体」の一つとして分類されることは、プロセスからの排除と他の団体や仲間からの孤立を意味し、かつ MAJOL 社の次の指摘から明らかのように、実際にそうなってしまったこと:
- ・ 「(赤色の団体) はきわめて小さいマイノリティーであり、交渉において基本的に考慮しなくても良いほどのものである」(マッピング報告書 33 頁);

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34 JICA が合意した着手報告書に基づいて MAJOL 社が実施した調査の結果は情報公開法上の情報公開請求によっても公開されなかったが、苦情により次のサイトで閲覧可能になりました。

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- h) JICA とそのコンサルタント MAJOL 社は、州農民組合 (Uniões Provinciais de Camponeses) が、州部会に属していることを知って、ナンプーラ州部会 (Plataforma Provincial de Nampula) 及び [REDACTED] を「狙って」(上記参照) 介入したこと、
- i) MAJOL 社に対して、「統一された(一つの)対話のプラットフォーム(メカニズム)」<sup>36</sup>が確立するまで市民社会に介入を続けるよう、また、事業及びその手続に対して疑問の声を上げ続けた団体の周縁化・孤立を促進<sup>37</sup>するよう指導し、資金を提供したこと。
- j) 「個別意見聴会」及び「ナンプーラ・ワークショップ」の実施中に「市民社会からの賛成を増やすために」、MAJOL 社に次に掲げる侮辱、威嚇、嘘をつくなどの行為をさせたこと(着手報告書 5 頁<sup>38</sup>)
- ・ 「JICA は市民社会の協力を得ることができなければプロサバンナを停止し(事業のために)違う場所を探すと言っていました…」(2015 年 11 月の個別意見聴会)<sup>39</sup>、
  - ・ 「「プロサバンナに NO という」のは 93 億 2500 万メディカル(1 億 3041 万 4228 米ドル)を無駄にすることを意味します。日本の国会はこの問題を議論しており、あなた方が今すぐプロサバンナを進めることに賛成しなければ、この資金提供(全金額)がすべて消えますよ。それでいいですか？」
  - ・ 「市民社会はこのお金と機会をつかまなければなりません。もし今これを逃してしまえば、もう取り返しがつきません。JICA はお金を持っています。ですから、プロサバンナを進めようではありませんか」(ナンプーラワークショップ 2016 年 1 月 11 日<sup>40</sup>)
- k) MAJOL 社の最終報告書に明確に記載されているように、我々の意思を屈服させるべく、同社の介入や我々の組合に関する JICA への報告を許容、促進したこと
- ・ 「UNAC (モザンビーク全国農民連合)の長及び代表が最終集会に参加しなかったことを気にする必要がありません…」
  - ・ 「UNAC が集会に対して公的な反応を示さず欠席したことからその立場が揺れてきていることがわかります。これは適切な関与を通じて (UNAC を) 交渉のプロセスに完全に引きずり込む良い機会です。」
  - ・ 「UNAC は集会を訪問した日本の派遣団による積極的なロビイング活動の対象となりました」(最終報告書 20 頁)<sup>41</sup>。

<sup>36</sup> TOR (付託条項) と契約書 [REDACTED]

<sup>37</sup> [REDACTED]

<sup>38</sup> [REDACTED]

<sup>39</sup> この計算の詳細は次の分析書類の 91 頁において掲載されている。 [REDACTED]

<sup>40</sup> 99-100 頁を参照。 [REDACTED]

<sup>41</sup> [REDACTED]

- l) 我々を弱体化するというコンサルタントの提案に基づいて、「対話」のために、市民社会のメンバーとして農民及び住民を代表させるために、政治家を連れてくることを計画、実行しようとしたこと
- ・ 「ナンプーラの市民団体による県議会及び国会の議員を2月のセミナーに招待するという戦略はこの問題に係る主張（UNACの正統性）にある程度応えるでしょう」
  - ・ 「結局、もっともよく代表できるのは選挙により自ら選んだ代表者でなければおかしいでしょう」（最終報告書20頁）。
- m) 上記「戦略」を支持し、提案を具現化させることにより、我々の地域における市民社会の対立と分裂を促進したこと。
- n) 「参加」を通じて、プロサバンナと JICA に賛同するよう我々に対する個人と団体の敵意を正当化し助長させたこと。これらが「ナカラ回廊開発のための市民社会メカニズム（MCSC-CN）」を構成することとなった。JICA モザンビーク事務所で開かれたこれら人々、JICA 並びにモザンビーク農業省（MASA）との非公開のミーティングの議事録に、これが記録されている。
- ・ 「マプートと州規模の「コーディネーション」との一致をつくる（促進する）ために、「プロサバンナにノー！全国キャンペーン」に賛同しているその他の NGO 及び支持者に対する「感化ミッション」は実施済みです」<sup>42</sup>、
- o) [redacted] の要望で、農民が住んでいる地域レベルでのその他の分断戦略やさらに多くの「感化ミッション」を財政的に支援したこと。
- ・ 「現地レベルでの参加を把握するために、[redacted] がネットワーク（ナンプーラ部会）に対し（ナンプーラの地区の）「マッピング」を進めて実施するための許可を求めました」（ibid.）。
- p) コンサルタント契約を、ナンプーラで本部のある NGO ソリダリエダジ・モザンビーク（SOLIDARIEDADE MOÇAMBIQUE）に託したこと。コンサルタントの高度の中立性と透明性（JICA のガイドラインで強調されているように）が必要であるにもかかわらず、同 NGO の代表取締役は MCSC-NC のコーディネーターであり、マスタープランの見直しのために、上記の大規模な分断活動に参加している者である<sup>43</sup>、
- q) 我々北部の農民が、事業及びその手続に反対していることを知りながら、「マプートの三自由州」と題する分断的スピーチを促進するモザンビークメディアの報道を組織し資金を提供したこと<sup>44</sup>。

<sup>42</sup> 2016年4月12日。 [redacted]

<sup>43</sup> [redacted]

<sup>44</sup> [redacted]

**4. ガイドラインの実効性を確保する責任を果たしていないこと: 1.1; 1.2; 1.4; 1.5; 1.9; 2.1; 2.8; 2.9.**

ガイドラインの不遵守を示す事実は、以下に掲げるとおりです。

- a) マスタープランが完成し、実施プロジェクトが決定されれば、直ちにガイドラインは適用されると主張していたにも関わらず、プロサバンナ担当 JICA チームはガイドラインをそもそも理解していなかったこと<sup>45</sup>、
- b) JICA のカウンターパートであるプロサバンナのコーディネーター ( ) を含むモザンビーク農業省職員らに、ガイドライン存在とその内容を、理解してもらうための努力も説明もなされなかったこと、
  - ・ プロサバンナのコーディネーターがガイドラインの存在を知らなかったと主張し、2015年9月1日の日本の NGO との集会においてモザンビーク政府が自らの法律をもっていることをしつこく強調しました。
  - ・ これに対して、JICA 側は「後でガイドラインを説明します」という口実をつけました<sup>46</sup>。
- c) 繰り返しの要求にもかかわらず、既存ガイドラインの翻訳も説明もなされなかったこと<sup>47</sup>、
- d) 「コミュニケーション戦略」とその他のサブプロジェクトの導入は、ガイドラインに適合していないこと、
- e) JICA コンサルタントは、JICA サブプロジェクト受託時、ガイドラインについての知識と理解が明白に欠如していたこと。これは彼らの結果報告書や公的な議論とインタビューなどからも明らかである（上記参照）<sup>48</sup>。

**5. JICA によるガイドラインの不遵守と重大な損害との因果関係:**

次の説明は、我々自身の体験に基づいており、これは公開ないし漏洩したプロサバンナ関連書類（特に JICA から）によっても立証されるものです。これらの書類の大部分は、以下のウェブサイトで公開されています。:

<sup>45</sup> [redacted] 4 頁を参照。外務省 (MOFA) ニオイテ 2015 年 12 月 8 日に開催されたプロサバンナに関する NGO と JICA/MOFA の第 1 4 回ミーティング。

<sup>46</sup> [redacted]

<sup>47</sup> プロサバンナに関する NGO と JICA/MOFA の第 3 回ミーティング (2013 年 4 月 19 日)。第 1 3 回ミーティング (2015 年 10 月 27 日)。

<sup>48</sup> [redacted]

あらゆる種類の不正や損害が生じていたとき、我々、影響を受けた地域に暮らす農民たちは、JICA の行動と介入的試みについて疑いを持っていたものの、まだその具体的な証拠を入手できていませんでした。今は、これらすべての書類を入手したので、モザンビーク北部の我々の地方にプロサバンナマスタープランが導入されて以来、過去 4 年間の出来事によって生じた我々の権利に対する損害と、JICA のガイドラインの不遵守との間の明らかな因果関係を理解できました。

以下は、JICA とプロジェクト支持者たちによって繰り返し行われた、ガイドライン、憲法、国際法についての不遵守や違反と、それによって生じた損害との間の因果関係について、時系列で説明したものです。

**[我々の意見表明及び JICA に対する通知：2012 年 10 月～2013 年 6 月]**

- 我々、影響を受けた地域の農民たちは、我々の代表者を通じて、A)及び C)を三カ国に対して提出しただけではなく、2013 年 2 月と 5 月の JICA・外務省への公式訪問中にも JICA 代表者に対しても、直接これらの意見表明を手渡しました。
- 公式訪問中、JICA 代表者は、我々の代表者に対して、その宣言書を真剣に受け止めて検討し、事業及びそのサブプロジェクトの透明性の向上を図り、対話を続けることを約束しました。

**[現地農民とその団体に対する「介入と行動の計画」を導入するための JICA のサブプロジェクトの進行：2013 年 6 月～10 月]**

- しかし、上記の約束を守るどころか、三カ国の市民団体のメンバーに知らせることなく、また外務省で開催されていた会議で 2 ヶ月ごとに会っていたにも関わらず日本の市民団体へも知らせず、JICA はプロサバンナマスタープラン [コミュニケーション戦略の確立] プロジェクトを策定しました。
- JICA はなんらの公示も行わず 2013 年 7 月複数のコンサルタント会社に「プロポーザル提出依頼」を送っただけだったため、上記の事実は公になりませんでした。

- JICA はその前からすでに「プロサバンナのためのコミュニケーション戦略」<sup>49</sup>と呼ばれる書類とコンサルタントへの指示内容<sup>50</sup>を準備し、またその内容には、介入的な事項が多く含まれていたことが、現在判明しています。
- 以下では JICA による指示内容の例をいくつか抜粋しておきます。
  - ・ 「4.2. 社会的コミュニケーションの分野における活動方法(3 頁):
    - ・ 4.2.2. 以下の項目を明らかに (明確に) するために、事業の対象となる各団体のためのコミュニケーション戦略を定めること: … (4) 事業の対象: 最優先対象としてナンプーラ、ザンベジア及びニアサの各州に住んでいる農民・州と地区の農業局・生産者組合・協同組合・NGO・生産者団体・国内外の市民団体 (OCS) 」
    - ・ 「4.2.期待される TOR (付託条項) の成果」 (4 頁):
      - ・ 特定された各対象団体に対する介入及び行動の提案(4.2.2. で示された対象団体)
- この契約は CV&A 社に委託されましたが、同社はプロサバンナマスタープランのもとで、すでに別のサブプロジェクトの契約を 2012 年 12 月から 2 ヶ月の期間 JICA と締結していました<sup>51</sup>。
- JICA により提示された上記の指示に基づき、CV&A 社はプロサバンナ支持者に対するコンサルタント業務を開始し、「プロサバンナのためのコミュニケーション戦略」という題目の最終提案書を提出しました。JICA はこれを承認し、最終版が 2013 年 9 月に確定しました。
- 我々は、その「戦略」の中に、驚くべき、かつ侮辱的、濫用的、さらに破壊的なコメントを見つけました。
- 以下で挙げておくものはその一部にすぎません。その残りについては書類の原文を参照していただきたいと思います (\*審査役及び JICA を支持している日本人がこの「戦略」を読み、我々の痛みとその打撃を理解していただければと思います)。34~35 頁に次のような勧告が記載されています。
  - ・ 「コミュニティとの直接接触は、これが認められた場合、これら組織が担うコミュニティや農民の代弁者としての役割を弱体化する<sup>52</sup>、
  - ・ もし誰かがモザンビークの市民社会の重要性を低下させれば、モザンビークにおいて活動している国際 NGO も大きく弱体化します…」

<sup>49</sup> TOR (付託条項) を含むこれらの書類が日本の国民の請求により公開されました。2012 年 12 月にナンプーラにおいて開催された第三回プロサバンナコーディネーション会議から漏洩した議事録の記載により、この契約の存在がはじめて疑われました。

<sup>50</sup>

<sup>51</sup>

<sup>52</sup> ポルトガル語版 [原文] においてこの動詞 (「desvalorizar [価値を貶める]」) が用いられています。英訳版では「lessen」が用いられています。

・ 地区における協力者の募集。

- 特に、コミュニティレベルで、「地区協力者ネットワーク」設立が推奨され、19 地区について「協力者」が、モザンビーク政府当局により特定されました。その目的のひとつは、これらコミュニティのその他の部分とそのメンバーの目に我々自身と我々の要求の「価値を低下させる」ことでした。

[上記の出来事に至るまでの因果関係に関する考察]

- 「最終コミュニケーション戦略」に関するすべての公式書類、すなわち、契約、付託条項（TOR）とコンサルティングの結果報告書（「戦略」）は、同じ方向性を示しています：すなわち、どうすれば、プロサバンナ事業に対して疑義を呈したり反対しているモザンビークの農民、農民組合、社会団体と市民社会団体の価値をそぎ、重要性を低下させ、力を弱め、さらに孤立させられるか、ということです<sup>53</sup>。
- 当然、これは JICA が約束を守らなかったことを意味しますが、同時に、そのガイドライン、国連憲章及び我が憲法が定める「国際協力」の原則に違反したことをも意味します<sup>54</sup>：
- JICA はそのような「意図」がなかったと主張しましたが、次の経緯は、JICA がこれら計画について、認識、関与、推進していたことを示しています。
  - ・ 2016 年 8 月、この内容が分析され、我々を含む三ヶ国の市民団体が抗議の意を表明しました（イントロダクション参照）、
  - ・ 2016 年 10 月、JICA がポルトガル語版「戦略」の「翻訳/解釈」の問題であると反論しました<sup>55</sup>、
  - ・ 最後に、2016 年 12 月、外務省（MOFA）は、CV&A 社が JICA のために作成し、かつ市民社会から隠されていた「戦略」の英訳版<sup>56</sup>を共有しました<sup>57</sup>。
  - ・ 宣言書が用いたポルトガル語訳版は、外務省が提供した英訳版と同内容であったことが判明したため、JICA はその主張を変えました。JICA は「いくつかの計画」しか実施されておらず、改めてそのような意図がなかったと強調し

<sup>53</sup> [redacted] 「戦略」の英訳版又は上記引用を参照。

<sup>54</sup> モザンビーク共和国憲法第 11 条 j) は「諸外国及び諸国民との間の友情関係と協力関係の確立と発展」と、同 14 条は「モザンビーク共和国は外国による支配に対するモザンビーク国民による歴史的な闘争及びモザンビークのレジスタンスを尊重する」と定めています。

<sup>55</sup> これらの議論は 2016 年 10 月、同年 12 月と 2017 年 1 月に開催された日本の NGO と JICA・外務省との間の第 18 回、第 19 回と第 20 回ミーティングにおいて行われました。

<sup>56</sup> [redacted]

<sup>57</sup> [redacted] 60 頁を参照。

ました（すなわち、CV&A 社の責任であると）。

- 以下に掲げる事実がすでに明らかになったので、これらの主張の妥当性を認めることはできません。
  - a) JICA はそのサブプロジェクトの最終報告書として「戦略」を承認しました。JICA の TOR（付託条項）によれば、JICA はその最終版確定前に「ドラフト/事前報告書」監督用の手続きとそのための時間を定めていました<sup>58</sup>。もし JICA がその内容に同意しておらず、または当該内容がガイドラインに反すると認めていれば、そのコンサルタントに対してガイドラインの遵守を指導するべきでした。
  - b) JICA は「戦略」に記載されている「いくつかの計画」の実施を認めましたが、実施された計画に関する詳細情報を提供しておらず、また、全部ではなくその一部のみの実施に至った経緯に関する説明もしていません。
  - c) JICA は「戦略」を実施するために、有害かつ介入主義的なものとして戦略を「定義」した同じ会社（CV&A 社）との間で「特命随意契約（**Contrato Extraordinário Negociado**）」を締結したことが、現在判明しており、そのことから JICA が当該計画の結果とその説明責任について合意していたことがわかります。
  - d) 最後に、2016 年 12 月、JICA は、三者協力におけるパートナー（モザンビーク及びブラジル政府）に知らせることなく、これらのサブプロジェクト、とくに「コミュニケーション戦略」に関する二つのプロジェクトについての自らの単独説明責任を認めました。

#### [我々による三ヶ国政府及び JICA との接触：2013 年 8 月]

- JICA とそのコンサルタントが、そのサブプロジェクトにおいて介入して我々の「価値を貶める」ための「戦略」を策定し実施しようとしていた間、我々農民たちはプロサバンナについて、特にマスタープランについて民主主義的な対話を維持するために三ヶ国政府に我々の声が届くよう努力していました。マプートで 2013 年 8 月 7 日に開催されたプロサバンナに関する第 1 回人民三者コンファレンス（1ª Conferência Triangular dos Povos）によってその努力が実を結びました<sup>59</sup>。
- 我々と日本の NGO はマプートの JICA 及び日本大使館の代表者の参加を要請しましたが、彼らは「先約の用事がある」という理由でその招待を断わり、代理人の派遣も行っていませんでした。

<sup>58</sup> [REDACTED]

<sup>59</sup> コンファレンスの詳細情報とモザンビークの市民社会と政府のやりとりが次の報告書に掲載されています。 [REDACTED]

- 農業大臣（MINAG/MASA）とその職員及び県局長らは三ヶ国が出席するそのコンファレンスに参加しました。
- 250 人以上の農民と三ヶ国の市民団体の代表者が集まりました。

**[第 1 回人民三者コンファレンスにおける大臣による脅迫：2013 年 8 月]**

- しかし、人権侵害がコンファレンスに先立って発生しました。開催者は農業大臣や幹部などの賓客のための喫茶室を準備しました。全員が登壇する前に、大臣が突然我々我々の全国会長のところに来て次のように言いました。
  - ・ 「あなたは宣言書の内容を本気で言っているんじゃないのでしょうか。外国人があなた方のために書いたのだから。あなた方は操り人形です。覚えておいてください。私の邪魔をする人はひどい目に遭います」
  - ・ 部屋にいた人たち全員が言葉を失い、脅威を感じました。
- コンファレンス第一部終了後大臣が退場すると、突然、全国紙とテレビ番組の記者が現れ、インタビューを始めました。そして、彼は、我々の抗議はすべてよそ者たちによる「陰謀」だと言いつて立てました。このことは国内外の報道機関により広く報道されました<sup>60</sup>。
- 2 週間後、地区担当者全員（SDAE）と [REDACTED] が出席してナンブーラで行っていた会議の最中に、ナンブーラ州農業局（DPA）局長が同じような発言をしました。これもまた全国紙一紙で報道されました<sup>61</sup>。SDAE 幹部の者のひとは次のように述べました。
  - ・ 「どのような障害も問題ない。我々はプロサバンナを実施する」<sup>62</sup>。

**[因果関係に関する考察]**

- 上記は表現の自由と基本的人権の明らかな侵害であったと考えます。我々は、脅され、威嚇され、脅迫され、抑圧され、そして侮辱されました。農業省内の最高権限を有している者が、その幹部の前で行ったことであるので、これはきわめて重大な問題です。このような事実ないし言動による組織的な影響力が甚だ大きいことはいうまでもありません。

<sup>60</sup> Folha de Sao Paulo 紙 (2013 年 11 月 30 日 30)、「モザンビーク大臣が批判を「陰謀」と批判」。

<sup>61</sup> 詳細情報については日本の協力者により準備され JICA 及び外務省（MOFA）に提出された書類を参照。

<sup>62</sup> [REDACTED] 8-9 頁を参照。



- 突然現れた「陰謀論」と、現地メディアの来訪は、実は CV&A 社が「戦略」で計画した結果であったということ、今、我々は知っています<sup>63</sup>。
- 「戦略」において提案された行動は次のようなものでした。
  - ・ 「これらの方法がうまくいかなければ、モザンビークにおける国際組織の活動に対して疑問を投げかけ批判（モザンビーク当局による批判の促進）します」（34-35 頁を参照）。

#### [2013 年 8 月、ブラジル・セラード [Brasil-Cerrado] とのつながりを否定]

- 2013 年 8 月のコンファレンスにおいて、白熱の議論になったのは、モザンビーク当局の説明から、セラードとブラジル開発に関する物語が、完全に消えてしまったことでした。
- 我々の最初の「声明」の前に、JICA 及び三ヶ国政府は、ブラジル・セラードとプロサバナのアグリビジネスとを直接結び付ける活動や議論を行いました<sup>64</sup>。2013 年 1 月段階でも、JICA によるプロサバナに関する説明の半分以上は、ブラジル・セラードに対する JICA の以前の協力プログラム PROCEDER 事業に関するものでした<sup>65</sup>。
- また、まだコンファレンスの前に、我々が非公式に入手したマスタープラン暫定版報告書、（第二 [第三] 報告書）の中で、ブラジル・セラードと同様に、輸出用大豆の大規模栽培への国際投資を促進することへの関心が露わになっていました<sup>66</sup>。
- 上記の情報に基づき、農民団体と市民社会団体は、セラードで始まり持ち込まれたこのモデルを批判しました。
- にもかかわらず、コンファレンスに出席していた政府職員たちは、報告書を自ら公開しないのに、漏洩した報告書が本物であるとも認めないまま、市民社会は根拠のない嘘をついていたと侮辱してきました<sup>67</sup>。

#### [因果関係に関する考察]

- その後、これもまた CV&A 社が「コミュニケーション戦略」において提案した戦略のひとつであったことが判明しました。：

<sup>63</sup> [REDACTED]

<sup>64</sup> [http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryuu\\_6.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryuu_6.pdf)  
[http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryuu\\_7.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryuu_7.pdf)

<sup>65</sup> [http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/01\\_shiryuu\\_1.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/01_shiryuu_1.pdf)

<sup>66</sup> [REDACTED]

<sup>67</sup> この計算の詳細は次の報告書において分析されています [REDACTED]

「さらに、ナカラ回廊とブラジル・セラードの関係/つながりを断ち切るコミュニケーション戦略を採用することにより、昨年これらの国際 NGO が用いた主要な主張の価値を貶めることができます」(34-35 頁を参照)。

- (i) マスタープラン報告書の公開及び(ii)漏洩報告書の認知、についてなされた一連の説明や侮辱さらに否定は、プロジェクト提案者としての責任放棄です。
- しかし、これはそもそも JICA による「コミュニケーション戦略」のための一連の契約の締結と、プロジェクト支持者たちのガイドライン理解と遵守を確保しなかった JICA の無責任さによってはじめて発生したことです。

[地区レベルにおける強烈な弾圧並びに「ナンプーラ宣言」と「プロサバンナにノー！」の農民の声]

- 2013 年 9 月以降、大規模な弾圧が地区・州レベルで発生し始めました。
- ザンベジア州の場合、地区管理者と州知事が農民の指導者に対して次のように述べました。
  - ・ 「プロサバンナに反対する人がいれば教えなさい。その人たちを収監する」<sup>68</sup>。
- このような現地レベルの継続的な弾圧があったため、我々の年次全国集会において、この状況を打開する方法を議論しました。そして、全員で「ナンプーラ宣言」という宣言を作成しました<sup>69</sup>:
  - ・ 「我々、農民は、プロサバンナ調整チーム、地区行政当局とその職員たちが、中央政府高官とプロサバンナ支持者たちの指導の下行っている迫害、脅迫、誘い込みそして情報操作に、強く抗議します」<sup>70</sup>。
- これらについては JICA にも知らされましたが、何も変わりませんでした。
- そのため、より組織的な形でお互いを守り合うために、我々は、2014 年 6 月 2 日「プロサバンナにノー! キャンペーン」を打ち出しました。我々の代表者は、2013 年半ばから 2014 年の間に我々に起きたこと、我々の痛みと決意を表明し、宣言を読み上げました。<sup>71</sup>:
  - ・ 「プロサバンナの提案者と支持者たちにより、農民の指導者、社会的運動と市民団体に対する多くの威嚇や強要の行為が行われています。」

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「我々は、指導者、団体及び活動家に対するすべての情報操作、買収、迫害及び犯罪的行為に対して断固として抵抗します」

#### 【因果関係に関する考察】

- 「戦略」における最も重要な目的のひとつは、「コミュニティ内の組合の力を弱めながら」事業を促進するために、地域コミュニティにおいて政府職員及び中央政府機関（首相、各大臣及びモザンビーク農業省 [MASA]）の機能的かつ実効的なネットワークを確立することでした。<sup>72</sup>、
- このネットワークは、「地区協力者ネットワーク（Rede de Colaboradores Distritais）」と名付けられて、各地区の各行政支部に設置され、プロサバンナのカウンターパートとなる SDAE（Serviços de Agricultura e Extensão Rural do Distrito）が、プロサバンナのための「協力者」を選抜しました（「戦略」23 頁）<sup>73</sup>；
- これらの「協力者」と SDAE と州農業局（Departamentos Provinciais de Agricultura – DPA）との集会と団体が組織されることとされています(同 23 頁)；
- そして、その集会は、2013 年 8 月「陰謀論」が述べられた第 1 回人民三者コンファレンス（上記参照）の直後、ナンプーラにおいて開催されました；
- JICA のサブプロジェクトのもとで決定され実施されたこれらの戦略と活動により、我々が住んでいる地域行政レベルにおいて、対立的・弾圧的な環境が作り上げられてしまいました。そして、今、これが、この事業の影響を受けたすべての地区において我々が体験した組織的な虐待の背景であったことをやっと理解しました。
- プロサバンナマスタープランのもとで一旦形成されると、このネットワークと助長された敵意が社会に残り、これらがモザンビーク農業省（MASA）、州農業局（DPA）と SDAE により 2015 年 4 月に実施された公聴会においても利用されました。

#### 【隠蔽された JICA のサブプロジェクト「コミュニケーション戦略の導入」と「特命随意契約」のもとでの CV&A 社との三つ目の契約】

- 法令や規程に基づいた法的措置により、自分たちを守ろうとしていた間に、JICA は、我々のキャンペーン開始から 18 日後の 2014 年 6 月 20 日に「戦略」を実施するための新たなサブプロジェクトを決定したことを、我々は最近知りました。
- しかし、JICA は、又してもこれを公表していません。
- それどころか、JICA は 2014 年 6 月 CV&A と「特命随意契約」を結びました。
- この事実は、JICA が CV&A が提供した「戦略」の内容を含むコンサルティングサービスとその成果を、歓迎していたことを証明するもうひとつの証拠です。

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4 頁を参照。

**[三ヶ国政府及び JICA に対する我々の接触の試み：2014 年 7 月]**

- 「実施」計画が決定され開始されたことを知らないまま、我々の全国組合連盟と他の市民社会団体は、2014 年 7 月 25 日にマプートにおいて「第二回プロサバンナに関する人民三者コンファレンス」を開催しました。
- ここでも、再び三ヶ国政府及び JICA を招待し、日本のパートナーの支援により、JICA モザンビーク事務所の代表者と日本大使館の代表者がコンファレンスに参加しました。
- しかし、出席したプロジェクト提案者は誰も、プロサバンナマスタープランのもとでの JICA の新たなイニシアチブ、すなわちイベントの 1 ヶ月前に契約が締結された「コミュニケーション戦略の導入」プロジェクトについて説明しませんでした。
- ここでも、三ヶ国政府は、プロサバンナとブラジル・セラードとは無関係であることを強調し、「公開状 (Carta Aberta)」に対してはなんら回答しませんでした。
- しかし、(今となってはわかったことだが)「戦略」は、直接的ではなく間接的に示唆したとおり、彼らは「プロサバンナの下で、土地に関するいかなる投資も行われぬ」と宣言しました。
- コンファレンス中に、三州の農民指導者が、三ヶ国政府の代表者の前で、複数の人権侵害のケースを報告しました<sup>74</sup>。しかし、彼らは謝罪するでもなく、調査することや損害に対する救済措置をとることなどに関する約束をしようとしませんでした。
- 従って、日本のパートナーが東京で開催されている JICA と外務省との定例会において、これらの問題を提起しました。しかし、JICA と外務省は、コンファレンスに出席したこれらの代表者による報告には、これらの問題は全く触れられていないので、問題に対応することはなかりと述べました<sup>75</sup>。

**[2014 年 5 月 27 日に署名したとされる公開状への返答書]**

- コンファレンス開催から 2 週間後、2014 年 8 月 27 日に、2013 年 5 月に提出された「公開状」の署名団体に対して、モザンビーク農業大臣からの公式の「返信」が送付されました。
- その内容は、「戦略」の提言のとおり、公開状記載の主張と要求への「直接の回答」ではありませんでした。
- 不思議なことに、手書きの日付によればこの「返信」は 2014 年 5 月 27 日に大臣により署名されているが、同手紙が送られてくる前に、第 2 回人民三者コンファレンスなど様々な機会があったにもかかわらず、このような「返信」があるということについて誰も言及していません。

**[プロサバンナの導入プロジェクト (PEM) に対する承認の強制]**

<sup>74</sup> [REDACTED]

<sup>75</sup> 東京におき当該 NGO と JICA/外務省の第 10 回と第 11 回ミーティング (2015 年 2 月 6 日と 2015 年 4 月 28 日)。

- 上記コンファレンスの後、JICA の日本人のコンサルタントと現地の SDAE の役員から構成される、プロサバンナチームの現地調査が、積極的に行われるようになり、地区においてパイロット・プロジェクト（ProSAVANA-PEM）が承認されるように圧力がかけられました。
- ナンプーラの場合、モナゴ農民地区組合（União Distrital de Camponeses de Manapo）が JICA 及び SDAE の的となった団体のひとつです。プロサバンナチームは、プロサバンナ PEM から機械 [fábrica] を借りるように言い張りました。<sup>76</sup>
- 2014 年 12 月に全国選挙が実施され、2015 年に新たな政権による政府が形成されました。その後、プロサバンナに関する活動が、突然、とても静かになりました。
- しかし 2015 年 2 月になると、同じアプローチが再開されました。上記チームがモナゴの地区組合の倉庫を訪問し、測量するから倉庫を開けることと、組合員のリストを提出することを求めました。ナンプーラ州においてプロサバンナに反対している団体との間で協議ができていなかったため、██████ はこれを拒否しました。
- そして、農民地区組合の事務所にチームが突然訪れ、自分の畑で仕事をしている地区農民の指導者の立会いを要求してきました。これは雨季の途中の出来事でした。
- 指導者はチームと会い、マスタープランが公表されておらず、農民と市民社会の団体が同事業に反対しているので、彼らは実施を開始するべきでなく、また組合員に直接圧力をかけるために、地区に行ったりすべきでもない、チームに対して伝えました。
- これに対して、チームは、リーダーに県組合員名簿を提出せよと主張、彼がこれを拒否すると、JICA コンサルタントに同伴していたモザンビーク政府職員が彼を次のように脅かしました。
  - 「事業に反対すると、あなたに何が起こるかわかっていますね？」
 この事件は直ちに、日本のパートナーによって、JICA に報告されたのですが、JICA はこれを認めることなく、そのコンサルタントと現地政府に確認をとると主張しました。そして、農民のリーダーが 2015 年 7 月日本に来た際、この話（脅迫事件）を再び報告しましたが、JICA の代表者たちはだれも関心を示さず、謝罪することなく、次のように述べただけです。
  - 「現地政府に確認します」<sup>77</sup>。

[プロジェクトマスタープランのゼロ・ドラフトの唐突な公聴会]

<sup>76</sup> このことは次のプレゼンテーションにおいて記録されています。

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- モザンビーク農業省（MASA）によれば、2015年3月31日、マスタープランゼロ・ドラフト版が2015年4月20日に開始された「地区公聴会（Consulta Pública Distrital）」のスケジュールとともに、突然プロサバンナのウェブサイトで公表されました。これについてどの組織も知らされていませんでした。
- 2015年4月7日、農民地区組合のひとつが、これに関する新聞広告をみて驚愕しました。ドラフトを入手しようとしたが、これがサイトでしか公表されておらず、かつ200頁にもわたる書類であることがわかりました。
- 農民社会には、この書類にアクセスし、読み、理解するために、2週間しかなく、これは事実上不可能でした。モザンビーク農業省（MASA）の発表でも、参加希望者は、SDAEまたは地区行政当局で、登録しなければならないと、書かれていました。
- 日本のパートナーに対して、日本でこの問題を提起するようにお願いし、実際にそのようにしてもらいましたが<sup>78</sup>、JICA 理事長は、日本の国会審議で、JICA とモザンビーク農業省（MASA）は、公聴会の実施方法について「大きな団体」には相談したと強調しました<sup>79</sup>。しかし、これは真実ではありません。モザンビークのどの団体も相談を受けていないのです。
- その後、JICA の農村開発部は、JICA の理事長が述べた事前の「相談」というのが、我々を含む市民社会の各団体がマスタープラン・ドラフトの公開と透明かつ民主主義的な意見聴取手続を要請した、8ヶ月前の「第二人民三者コンファレンス」を指していた言葉であると主張しました。
- 我々は裏切られたと感じ、透明性もなく民主主義的でもなければ、FPIC（Free Prior Informed Consent）原則が保障するような意見聴取でもないと確信しました。しかし、我々の声をこのプロセス及びプロサバンナに反映させるために、我々は、国内外のパートナーとともに、公聴会のおおよそすべての過程に参加しました。

[公聴会が JICA による資金提供を受けたことが省令の7つの原則に違反]

- 公聴会開催は、モザンビーク農業省（MASA）が 2006 年省令第 130 号（**decreto ministerial 130/2006**）において定めた原則及び手続に従わなければならないとされています。公聴会の七つの原則は、
  - a) 適切な情報提供と情報へのアクセス、技術支援を含む、プロセスにおける学習の機会、
  - b) 幅広い参加、
  - c) 代表性
  - d) 独立性
  - e) 機能性
  - f) 交渉、及び
  - g) 責任<sup>80</sup>。
- 上記公聴会は、これらの原則にすべて違反しており、とくに（詳細については各宣言書を参照<sup>81</sup>）：

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<sup>81</sup> 完全なリストについては、モザンビークの主要な市民団体のおおよそ全団体が公表した次に掲げる各宣言書を参照。

- a) 200 頁以上もある技術的な書類は事前検討のために入手不可能であったこと、
  - b) イベントとプログラムの公表が突然であったこと、不正確な場所と日時が公表されたことにより、我々の参加が妨害されたこと、参加者のほとんどは政府職員と与党党员であったこと、政府の記録によれば、農民（事業により最も影響を受けている人々）は、参加者の 40%以下であったとされること、農民組合の特定の組合員の参加が制限されたこと、
  - c) 公聴会は政治的人物が司会していたこと、武装警官がいたこと、「反開発主義的」マスタープランに批判的な意見を持った参加者が批判されて、表現の自由への威嚇と侵害が行われたこと、批判をしないように命令され、質問することだけが許可されたこと、参加者の意見に拍手が認められなかったこと、
  - d) 説明のための時間が、極めて限られ、テーマについて十分準備していなかった通訳者が用いられ、通訳者が書類の内容を理解できず、伝達もできなかったこと、
  - e) 省令の原則にもかかわらず、プランのマイナスな側面に関する情報・説明が欠如し、影響を受けるステークホルダーとの間で信頼関係を築くための努力もされなかったこと。
- 省令に規定されている原則（g 責任）によれば、「公聴会ないし集会は、責任のある正直な形で、すべてのステークホルダーの懸念に応えなければならない」。にもかかわらず、上記事例から明らかなように、公聴会プロセスの実施者には省令の原則を遵守する意図はありませんでした。それどころか、彼らは誰も省令を理解しているようには見えませんでした。これらの事実は、観察され、撮影され、録音され、我々と他の団体が開催した公聴会における宣言にも含まれています<sup>82</sup>。
  - しかし、JICA はこれらの問題に注意を払わず（省令やその 7 つの原則も知らず）、すべての問題は「モザンビーク政府の経験不足」に起因すると主張し、公聴会は経験を積む良い機会になったと述べました<sup>83</sup>。さらに、外務省（MOFA）は「収集された意見の大部分は事業に対して『賛成』」であったと強調して述べました。
  - 実際、地区レベルでの公聴会の開催方法は、与党に有利な方法であり、参加者の大部分は政府職員（地区行政の役員や秘書官、警察官、看護師と教師）、現地会社経営者、与

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83 当該 NGO と JICA/外務省（MOFA）との間の第 12 回ミーティング中（2015 年 7 月 24 日）。

党党员（とくに与党に属している女性と若者の団体）と政府からの給付を受ける伝統的地域リーダーでした。複数会場では、公聴会の前に与党の歌が歌われました（上記記述を参照）<sup>84</sup>。

- 多くのところで、公聴会開催に先立つ準備会合が開催されましたが、これら会合には上記カテゴリーに属する人々が参加し、あらかじめ質問、回答やコメントが、しっかりと準備されました<sup>85</sup>。いくつかケースでは、コミュニティの知らない「農民」が公聴会のミーティングに出席し、事前に準備済みの事業に賛成する「意見」を読み上げました。
- 全国規模の公聴会に参加するために、我々はマプートに向かいました。州農業局やその他の州・地区における事業の JICA カウンターパート (SDAE) が、我々を空港で見かけると、我々を「非愛国者」呼ばわりして侮辱しました。
- マプートにおける公聴会は農業大臣が司会とモデレーターを務めました。同大臣は、開会宣言の前に、次のように述べました。
  - ・ 「愛国的なコメント以外のコメントは認めません」、
  - ・ 「参加したくなければ、退場して結構」<sup>86</sup>。
- まだ意見を述べたい参加者が 5 名いたにもかかわらず、大臣は集会を閉会しました (ibid.) 。
- 事業が三者協力により行われるものと繰り返し述べられているにもかかわらず、この「公聴会」の費用は 870 万円であり、そのすべては JICA が拠出したことを、我々は知っています。そのことから、JICA の責任は決定的なものと言えます。しかし、JICA の日本人職員や、マスタープランのゼロドラフトを作成したコンサルタント誰ひとり地区公聴会に参加せず、そのフォローもモニターもしていません。これらのイベントは「モザンビーク政府の責任」であると主張するばかりでした。

#### [公聴会後の迫害、脅迫、弾圧]

- 我々は、プロサバンナマスタープランのもとで開催された公聴会を通じて、トップダウン（コミュニティーレベル）方式の、一種の弾圧の仕組みが確立したと感じました。そして、圧力はさらに強くなりつつあると感じ始めました。
- 実際、上記地区公聴会の直後に、事業に対して疑問を呈した人々が、政府職員によって、うるさく悩まされるようになりました。農民リーダー数名は管理事務所に呼び出され、脅された上、プロサバンナに協力するよう強制されました。
  - ・ 「プロサバンナに賛成すると言え」；

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「自分のコミュニティのすべての家を訪問して、今はプロサバンナに賛成していると皆に言え」<sup>87</sup>。

- プロサバンナに反対している農民組合のリーダーのひとりも迫害を受け、地区行政事務所に呼び出され、午前 8 時から午後 2 時まで、脅威と尋問にさらされました。その間、地区行政の職員は、監獄に入れるとか裁判所で訴えるなどと言って、彼を脅かしました<sup>88</sup>。
- これらの証言は、JICA に通知されましたが、これもまた、彼らは考慮しませんでした。それどころか、JICA は公聴会に欠席した現地政府職員が、事情を知りたかっただけであると述べました<sup>89</sup>。
- そこで、我々は、2015 年 7 月、東京の JICA への公式訪問の際、上記のすべての事件やその他多くの事件について JICA 代表者の前で説明したが、そのときもまた、JICA はこれを真剣に受け止めず、確認すると回答しただけです<sup>90</sup>。しかし、その後、何も起こりませんでした。

#### [市民社会の基本的な団体による抗議]

- 農民団体、モザンビークで様々な分野の活動をしている国内外の市民団体、さらには、複数の研究機関や有識者が、公聴会とそのプロセスについて抗議声明を発表しました<sup>91</sup>。
- 全国農民連合 (União Nacional de Camponeses) と三ヶ国の市民団体は、「公聴会の無効化」要求を打ち出しました。この文書は、我々の代表が、2015 年 7 月末に日本を訪れた際、MOFA と JICA の代表者に渡されました<sup>92</sup>。

#### [JICA が農民組合を分裂しようとしたこと]

- 広範囲に拡大した統一抗議と苦情に対抗するため、JICA は、プロサバンナを促進するため、政府派遣団を JICA の負担で日本に招へいするべく画策し始めました。JICA とモザンビーク農業省 (MASA) は、この政府派遣団に、UNAC (全国農民連合) に所属する農民リーダーも参加させて、プロサバンナに反対せず賛成している UNAC 農民リーダーもいることを示そうとしました。JICA と MASA はプロサバンナ PEM のもとで製粉機を与えられた [REDACTED] を選抜しました<sup>93</sup>。

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89 東京における NGO と JICA/外務省 (MOFA) のミーティング中。

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- [redacted] が、上記リーダーの地区を訪問してみると、当該リーダーの個人的書類を、日本旅行のための旅行券取得のために、MASA が保持していたことを知りました。
- さらに、JICA がこの地区のリーダーによって選抜された組合員から構成されるプロサバナのための新共同組合を設置するように指導したことも判明しました。
- 農民地区組合の倉庫は、組合の知らないところであつその同意を得ることなく、プロサバナにより提供された製粉機を保管するために用いられていました<sup>94</sup>。
- この件を報告しようとしていたとき、当該地区組合を訪問していた我々の [redacted] が、不審な形で亡くなりました<sup>95</sup>。JICA は地区リーダーを日本に連れていくことを断念し、今度はプロサバナにより提供された製粉機に感謝する協同組合の組合員の様子を撮影するために、当該地区に戻ってきました。

#### [JICA による「ステークホルダーの参加」プロジェクトの密かな決定、2015 年 10 月]

- ほぼあらゆるセクターのモザンビークの市民社会の抗議を受け、また声明で述べた要求にも応えず、JICA は、プロサバナ市民社会に介入して、強固な団結を破壊し、市民社会と農民組織の参加を得るべく、プロサバナマスタープラン（ProSAVANA-PD）下の「ステークホルダーの参加」プロジェクトを決定しました。
- JICA は、プロサバナマスタープランプロセスにおける透明性と説明責任を確保する明白な必要性があつたにもかかわらず、公募をすることなく、またプロジェクト着手の公表もすることなく、2015 年 10 月 7 日、複数のコンサルタント会社に、提案書依頼を送りました。
- JICA は上記事実を意図的に省いただけではなく、2015 年 10 月から 12 月の間に実施された NGO と JICA/外務省（MOFA）の公式会議において虚偽の事実を述べました。JICA が「ステークホルダーの参加」プロジェクトの主導者であり契約発注者であるにもかかわらず、プロジェクトを進めつつ、日本の市民団体に対しては、次のような虚偽説明を述べ続けました。
  - ・ 「我々（JICA）の知る限りでは、現在 MASA がどのように（市民社会との対話を）進めるべきかを検討しており…我々はこれを説明する立場にありません」（2015 年 10 月 27 日）、
  - ・ 「（10 月から）状況があまり変わっていない（ので）…現時点ではなんとも言えません」（2015 年 12 月 8 日）

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- ・ 日本の支援を受けてこれが実施されたかどうかを質問されると、最初は否定した<sup>96</sup>。
- JICA は、日本のパートナーに対しては、上記虚偽説明をしておきながら、モザンビークのコンサルタント会社には依頼を送り、それらの会社から提案書を受領、うち一社と契約を締結、インセプション報告書を承認し、すでに第一回支払いを済ませ、プロジェクトを進めていました。
- JICA が TOR (付託条項) において示した条件 (TOR、3 頁) から、JICA が委託コンサルタントを通じて、モザンビークの市民社会を操作しようとしたことが明らかです。また、JICA はコンサルタント会社 MAJOL 社を通じて、モザンビークの多くの市民団体のパートナーやスポンサーである WWF モザンビーク (WWF Moçambique) と ActionAid モザンビークの [REDACTED] を獲得することができました<sup>97</sup>。
- 11 月に、彼らが、前掲宣言書に署名したすべての団体をひとつひとつ訪問し始めると、JICA が市民社会に介入しようとしていたことに気がきました。しかし、そのときは、証拠がありませんでした。プロサバナマスタープラン (ProSAVANA-PD) のもとで導入されようとしていたサブプロジェクトが存在していたことさえ、知りませんでした。
- 「対話プラットフォーム」(その後、「メカニズム」[MCSC-CN] と呼称) を確立するために 2016 年 1 月 11 日にナンプーラにおいて開催された重要なミーティングの 1 ヶ月後、かつ契約期間が切れる 1 ヶ月前の、2 月半ばまで、サブプロジェクトについての関連情報は全く入手可能ではありませんでした。結局、我々は、JICA と MAJOL 社との契約に関する情報を、これら組織からではなく、日本の国会議員の支援により、入手しました。

#### [JICA と MAJOL 社との間の契約及び「対話のメカニズム」の策定プロセスに対する我々の抗議]

- 契約に添付された TOR (付託条項) において、JICA がそのコンサルタントに対して市民社会に介入し、また「メカニズム」の確立のプロセスが秘密裏に、非民主主義的、不正かつ排他的な形で行われるように指導したことが明らかに示されていました。
- JICA のコンサルタント (MAJOL 社) は彼らが JICA のために策定していた「メカニズム」への市民社会の団体の参加を獲得するため、情報を操作しました。その詳細は前項で前述したとおりです。
- そのプロセスすべては、我々、影響を受けた県の農民、及び、公平、民主主義的、透明かつ非排他的なプロセスを求めて、プロサバナに対して懸念と抗議を表明してきた団体を排除しながら行われていたことは衝撃的でした。

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- 2016年2月に、JICAの契約により作成された「対話のメカニズム」とそのプロセスに対して、我々は抗議声明を打ち出しました<sup>98</sup>。日本における我々のパートナーも、日本語の文書書類に基づいて、別途抗議声明を発表しました<sup>99</sup>。
- しかし、JICAはその責任を認めず、「対話のメカニズム（MCSC-CN）」がもう出来上がっている以上、我々も、この「メカニズム」が、どのようにJICAの契約、資金、指示、指導、並びに監督により確立されたのかを気にせず、参加可能だと述べました。

**[JICAの契約書と付託条項と漏洩した書類が我々の主張を裏付けました]**

- 上記が殆ど全てなされた後、我々はようやく「ステークホルダーの参加」というJICAのサブプロジェクトの真の目的、合意済みの手法、活動、またその成果に関して、書面による証拠を入手することができました。
- 2016年5月、インセプション報告書、マッピング報告書（中間報告）と最終報告書が、情報提供者によって明らかにされました<sup>100</sup>(\*これらの報告書の内容は前項ですでに示されています)。ここで強調したいことは、(a)我々の宣言書の主張は根拠のあるものだったこと、(b)何度も要求したにもかかわらず、これらの重要な情報（各報告書）を公開したのはJICAではなかったこと、です。
- 当該サブプロジェクトの目的は、モザンビークのいくつかの市民団体をプロサバンナに「関与させる」ために、特に市民社会と各政府/JICAとの間の「ひとつ（唯一）の対話の土台（メカニズム）」を確立するために、モザンビークの市民社会に介入することでした。
- これによりモザンビークの市民社会に、分裂、対立、排他性を植え付けることが目的でした（インセプション報告書を参照）が、実際にそうになりました。
- 最終報告書から、JICAの委託契約の相手方であるMAJOL社は、我々ナンブーラ州の農民たちの間に生じた分裂を深めるために努力を惜しまず、我々が属しているナンブーラ市民社会プラットフォームをも利用しました。この参考文献の一部がすでに前項で引用されていますが、審査役には、彼ら書いたものを読んでいただくことが重要です。

「すべて（の試みが）失敗して（UNACが「メカニズム」に参加しなくて）も、JICAとプロサバンナHQ [本部] は、UNACの正統性に次のように疑義を呈することができます。「最大の農民組織であって、従って、ナカラ回廊におけるモザンビーク人の農民を最も良く代表して（おり）」…「州議会と国会の議員を2月のセミナーに招待するというナンブーラの市民団体の戦略はこの主張にある種の答えとなるでしょう。結局、もっともよく農民を代表できる

<sup>98</sup>

<sup>99</sup>

<sup>100</sup> すべてのファイルが次のサイトで公開されています：

- ・ のは選挙により自ら選んだその代表者でなければおかしいでしょう」(最終報告書、19-20 頁)
- 上記の記述から、MAJOL 社が、農民組合が JICA のサブプロジェクトにより作成された「メカニズム」に吸収されるようにしようと我々の全国団体を選任したが、その試みが失敗に終わったことが明らかです。また、その代替策として、「地域農民の真の代表者」として議員を招待し、影響を受けた地域の農民組合の団結プラットフォームとしての我々の代表性の「価値を貶め」たのです。
- これらの事実から「コミュニケーション戦略」が継続していたことがわかり、実際に、JICA は、MAJOL 社に対して、その活動を開始する前の重要な参考文献として、「戦略」の英訳版を提供しました。その書類に基づいて、MAJOL 社がその「インセプション報告書」を完成させましたが、その口調やアプローチは類似でしたが、「戦略」に反対した者に対しては、もっと攻撃的でした<sup>101</sup>。
- JICA と MAJOL 社との契約は 2016 年 3 月に終了しました。MAJOL 社は、無責任にもその活動の結果、生じている分裂について、以下のとおり述べてから、プロサバンナ事業を降りました。
  - ・ 「市民社会の中に緊張が見受けられます…」(最終報告書、19 頁)

#### [因果関係に関する考察]

- ガイドラインを理解してから、このサブプロジェクトの導入の背景にあった真の目的がようやくわかりました。JICA はガイドラインに記載される「ノー・プロジェクト・シナリオ」を回避しようとしてきました。次のように述べられています。
  - ・ JICA の意思決定 2. 環境社会配慮が確保されないと判断する場合として想定されるものとしては、例えば、「プロジェクトを実施しない案」も含めて代替案の比較検討を行ってもプロジェクトの妥当性が明らかに認められない場合… 深刻な環境社会影響が懸念されるにもかかわらず影響を受ける住民や関係する市民社会組織の関与がほとんどなく今後も関与する見込みがない場合
- サブプロジェクトの名称からわかるように、「マスタープランの見直し」または「対話のプロセスの改善」ではなく、「ステークホルダーの参加」が行われました。最終的な目標はステークホルダーの関与を獲得することでしたが、ガイドラインに列挙さ

<sup>101</sup> 両方の着手報告書を比較してみてください。前者は漏洩したものであり、後者は JICA が公式に公開したものです。前者は「コミュニケーション戦略」の英語版を参考文献として掲載しているが、後者ではこれが削除されています。 [REDACTED]

次の分析書類の 60 頁を参照。 [REDACTED]

れているステークホルダー（住民や関係する市民社会組織）の大部分は、公聴会の結果、反対して離れていきました。

- しかし、ステークホルダーは、憲法、国際法上の人権並びガイドラインに基づき、プロジェクトに関与しない権利、反対する権利を持っています。しかし、JICA はこれら権利を尊重せず、我々の権利を侵害し、ナンプーラやプロジェクトから影響を受けた地域に介入するため、相当な資金を投入しました。
- MAJOL 社の報告書から明らかなのは、(i)JICA とそのコンサルタントは、国内外や現地市民社会組織において影響力を有する人物や組織の「関与」を求め、彼らとの「連携」を推進したこと、及び(ii)プロセスを正当化し、かつ抗議の声を弱め、愚弄するために、UNAC が「メカニズム」に参加するように仕向けようとしたことです。

**[メカニズムに対する間接的な資金調達のための JICA と MASA ・各 NGO との間の秘密の会議]**

- JICA は、最初は MAJOL 社との間の契約について、もし MAJOL 社が JICA の指示通りに動いて JICA が当該契約から期待していた結果 - すなわち、市民社会のいくつかの団体の関与を獲得し、これにより、プロサバンナのための「対話の土台（メカニズム）」を作ること - を達成することができれば、これを延長する予定でした。契約書においても、MAJOL 社が JICA を満足させることができれば、JICA が「より大きな契約」によってパートナーシップを延長することが明記されています<sup>102</sup>。
- しかしながら、我々から<sup>103</sup>だけではなく日本から<sup>104</sup>も多種多様な抗議に直面したので、JICA は MAJOL 社との契約を更新しませんでした。
- その代わりに、JICA がしたことは、プロサバンナマスタープラン（ProSAVANA-PD）のもと「マスタープランの見直し」用の JICA 予算を用い、モザンビークの市民社会組織をコントロールするため、彼らに対して、直接資金を投入したことです。

我々が、非公式に入手できた文書によれば、2016 年 4 月 12 日 JICA モザンビーク事務所で、■■■■■氏（JICA モザンビーク事務所長）、■■■■■氏（MASA の元副大臣で、現在プロサバンナのコーディネーター）、■■■■■氏（MCSC のコーディネーター）、■■■■■（WWF）らが会議を開きました。この会議議事録によれば、この会議は、「プロサバンナのマスタープランの見直しと完成に向けた活動の資金調達に関

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- する MCSC、JICA と MASA の会議」として開催されました<sup>105</sup>。
- 会議議事録には、MCSC に「間接的に」資金を流す方法についての詳細な議論が書かれています。本来この議事録の翻訳版を提供しなければならないのは JICA ですが、この異議申立に関係する重要な部分について、我々自身の翻訳によって引用します。
    - ・ [ ]氏は…「メカニズム」に資金を回すに際して直面した困難に触れつつ、状況は非常に複雑になったと説明、ついで、以下のように提案した。
      - i. 見返資金を WWF に回す。そのためには、MASA、MEF（財務省）、MINEC（外務協力省）の許可が必要であり、それに 2 ヶ月要する。。JICA はこのプロセスを早めるための努力を行う。
      - ii. [ ]関与の重要性は理解。JICA は最初の業務を実施するため、JICA・OMR の契約締結を提案。
      - iii. 仮に MCSC が見返資金リリースまで待てない場合、JICA はマスタープラン見直し業務を遂行するためにコンサルタントを直接雇用可能。
      - iv. MCSC への当初の支援はマスタープラン（ProSAVANA-PD）研究チームを通じて行なう」（議事録、1 頁）
  - 議事録によれば、上記提案のすべてについて当事者間の合意が得られました。

【「プロサバンナのマスタープランの見直し」プロジェクトのための「公募」】

- しかし、JICA の 4 提案の最初のもの、すなわち、(i)見返資金により WWF に資金を調達することは失敗に終わりました。MCSC の設立過程、MAJOL 社と JICA との関与の不透明性について国内外から批判の声があがったことと、議事録漏洩のため、当該国際 NGO 本提案を拒否したのです。WWF インターナショナルはこれを問題視したのです。
- また、(ii) [ ]と OMR（Observatório do Meio Rural – 農村観察所）が、公開/漏洩された文書を読んで、JICA のやり方に気づくと、MCSC との関係を断ち切ったので、提案 2 も失敗に終わりました。
- そこで、JICA は提案 3、すなわち、(iii)直接コンサルタント契約を締結することを決めました。彼らは会議とほぼ同じ名称「プロサバンナのマスタープランの見直し」という名前のプロジェクトをプロサバンナマスタープラン（ProSAVANA-PD）のもとで決定し、2016 年 8 月初め公募を実施。

- 公募の前に、4月の上記会議に参加した JICA [redacted] 氏と MASA の [redacted] 氏が、OMR の [redacted] を訪問し、OMR がコンサルティング業務に応募できないか説得を試みました。しかし、OMR はこれを拒絶しました。
- 2016年10月末に、MCSC のコーディネーターであって4月の会議に参加した者を代表取締役としている SOLIDARIEDADE MOÇAMBIQUE というナンプーラの NGO が契約を落札したことが公表されました。
- この会議はマプトと州レベルにおいて「プロサバンナにノー！全国キャンペーン」を実施した我々を敵対する「感化活動」を助長したというもう一つの問題については、前項ですでに述べた通りです。

**[JICA とナンプーラを拠点とする NGO と、JICA により創設された「メカニズム」 (MCSC) のコーディネーターとの間の契約]**

- JICA はその契約を代表取締役が「メカニズム」のコーディネーターである NGO に与えました。
- JICA は、SOLIDARIEDADE MOÇAMBIQUE という NGO が、3者参加による「競争的公募」により、選ばれたと述べました。モザンビークの主要な新聞紙各紙での JICA 公告によれば、サブプロジェクトは、「ステークホルダーの意見を聴取し、MASA とそのパートナーと協力しながら、ステークホルダーの完全な参加を確保するためにマスタープラン・ドラフトを見直す」ことを目的としていました<sup>106</sup>。
- しかし、上記会議議事録から判明したように、JICA モザンビーク事務局長は、最大の努力を払って迅速に MCSC に対し4つの方法のいずれかで資金を調達することを約しましたが、その方法の一つ（提案③）は、コンサルタント会社にその業務を契約で委託することでした。
- 「競争的公募」や「MCSC に対する資金調達」などについてのこの矛盾した説明は、プロサバンナマスタープラン (ProSAVANA-PD) についての責任をもち、透明で、民主的、公平なプロセスを願う者に、さらなる疑いと怒りを惹起しました。
- もう一つの驚愕の事実が、契約締結から二ヶ月後の12月末に判明しました。すなわち、契約書を署名したのは、SOLIDARIEDADE MOÇAMBIQUE の代表者かつ MCSC コーディネーターである [redacted] 氏だったのです。彼の役割は JICA と MASA とともに「プロサバンナにノー！全国キャンペーンの支持者の意識を変える」ことであることがわかったのです<sup>107</sup>。

**[因果関係に関する考察]**

- ガイドラインは「情報の透明性」、「説明責任」、「幅広いステークホルダーの参加」（1.1を参照）の重要性を強調しています。これらの要素は「民主的な意思決定」を確

<sup>106</sup> 5頁を参照。 [redacted]

<sup>107</sup> [redacted]



保し、人権を尊重するため、「環境社会配慮」にとって不可欠なものです。我々、影響を受けた地域の農民は、このガイドラインに完全に賛成し、その内容を称賛したいと思います。

- しかし、JICA が「マスタープランの見直し」により実施しようとしていたことは、そのサブプロジェクトの決定からその委託業者の選択に至るまで、上記ガイドラインの原則に明らかに違反しています。
- 影響を受けた地域において、JICA に賛同する活動を行う現地 NGO とそのリーダーに対し、JICA が「資金提供」しようとしていることは、その地域が事業とその手続に対して異議を唱えているステークホルダーや農民がいる場所である以上、当然、JICA による我々の社会への直接的介入であり、分断を助長し、プロセスの私物化であり、特定の個人や団体への利益供与であると見なされます。
- このプロセスとその最終的結果により、JICA は自らのガイドラインに違反したばかりでなく、反対する人々の権利を保障し外国の介入と支配を禁止することにより、諸外国と諸国民の間の連帯を促進しようとする国連憲章第 19 条にも違反しています。
- 我々は、JICA が「マスタープランの見直し」プロセスにおいて、正義、説明責任、そして中立性を担保せず、結果、影響を受けた地域における、プロジェクトの最重要なアクターであり、住民であり、農民である我々の民主的な参加の権利を、侵害したのだと確信しています。
- 我々は、今このような手続や合意はガイドラインの規定に反しているばかりか、次に掲げる JICA の政策、規定ならびに行動規範をも侵していることがわかりました<sup>108</sup>。
- JICA のコンプライアンス遵守<sup>109</sup>； JICA にも適用される総務省通達「独立行政法人における調達等合理化の取組の推進について」（2015 年 5 月）<sup>110</sup>；「業務実績等報告書」に係る「JICA の中期目標」（透明性とガバナンス）（2016 年 6 月）<sup>111</sup>；「JICA 不正腐敗防止ガイドライン」（2014 年 10 月）<sup>112</sup>；

<sup>108</sup> これらの方針とガイドラインの重要な部分は次の書類から抜粋されています。

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

<sup>110</sup> [http://www.caa.go.jp/region/pdf/150724\\_shiryou4-1.pdf](http://www.caa.go.jp/region/pdf/150724_shiryou4-1.pdf)

<sup>111</sup> [https://www.jica.go.jp/disc/jisseki/ku57pq00000fveqt-att/chuki\\_jigyo03.pdf](https://www.jica.go.jp/disc/jisseki/ku57pq00000fveqt-att/chuki_jigyo03.pdf)

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

；「JICA 関係者の倫理等ガイドライン」<sup>113</sup>；「JICA コンプライアンス並びにリスク評価及び対応に関する規程」<sup>114</sup>；JICA 役職員倫理規程<sup>115</sup>。

- ・ これらのすべての方針とガイドラインは、JICA の適切な行動を確保し、JICA の公共調達契約における「公正性、競争性、説明責任、透明性」を確保し、JICA の機構内の適切なガバナンスと独立の監視監督制度を確立することを目的としています。
- ・ 総務省通達は、この点について、趣旨が特に明確です。
- ・ “独立行政法人が、政策実施機能を最大限発揮するためには、調達に関する内部統制システム（ガバナンス）を確立し、その下で公正かつ透明な調達手続による適切で、迅速かつ効果的な調達…PDCA サイクルにより透明性及び外部性を確保しつつ…”（総則、1 頁）

**[JICA が日本における我々の声を抑圧しようとしたことについて、2016 年 11 月]**

- 我々の社会を害するための JICA の介入（特に、ナンブーラ州への介入）に呆れながらも、我々の中の数名は、日本を訪問することができました。モザンビークに帰ってから現地政府によりさらなる弾圧を受けることを我々は恐れていました。しかし、我々の最後の唯一の希望は、我々の社会で何が起きており、JICA が、日本国民の名の下で何をしていたのかを告発することであると結論しました。我々は、人々の見識と共感と連帯を信頼しています。
- しかし、JICA 役員らが、MASA の高官（元副大臣と次官）及び在日本モザンビーク大使を、我々が我々の体験と声を聴いてもらえると思っていた、2016 年 11 月 28 日の東京公開会議に招待しようとしていたことを聞いて驚愕しました。そこでは、我々も自らの体験と声を発表することになっていたからです。
- このイベントは日本の 6 つの NGO が主催したものであり、JICA が勝手にモザンビーク政府職員を招待しイベントに参加するよう依頼するようなことはとても認められません。JICA は、このような行動が歓迎されないことを学び、農民リーダーを脅そうとする意図を放棄して考え直すべきでした。
- 考え直すどころか、JICA は、これら高官を招待し、11 月 26 日我々が学術的発表を行っていた広島大学でのイベントに連れてきたのです。この事件等の詳細は 12 月に日本の

<sup>113</sup> [https://www.jica.go.jp/about/compliance/ku57pq00001rnu1n-att/j\\_guide.pdf](https://www.jica.go.jp/about/compliance/ku57pq00001rnu1n-att/j_guide.pdf)

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

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

NGO が JICA 理事長に提出した「緊急抗議」に掲載されています<sup>116</sup>。

- 実際、JICA 理事ボードのひとりである ████████ 氏は、これらの高官を日本に招待したのは、影響を受けた地域の農民リーダーである我々の要求に対して彼らに「直接反論してもらおう」ためだったと認めました。モザンビーク政府職員や JICA コンサルタントだけではなく、JICA 役員でさえ、我々を傷つけ、我々の権利を侵害しようとしたのです。
- 我々に反論することを唯一の目的にモザンビークから日本に来たのに、結局、その目的を達成することができなかったモザンビーク高官らによる反撃や報復の可能性に脅威と恐怖を感じました。

#### [因果関係に関する考察]

- ガイドラインは、プロジェクト遂行にあたって環境社会配慮を担保し、参加型ガバナンスを促進し、またこれら配慮事項を遵守する JICA の責任を強調しています (1.1 と 1.2 を参照)。加えて、ガイドラインは基本的人権尊重の重要性を繰り返し強調しています。2.5 (2)においては、次のような記載がみられます。
  - ・ 「JICA は…国際人権規約をはじめとする国際的に確立した人権基準の原則を尊重する。…社会的に弱い立場にあるものの人権については、特に配慮する。」
- JICA 役員らが計画、実行したことは、これらガイドラインに完全に反するばかりか逆に、裨益側政府のガイドライン違反を促進するものです。
- また、JICA はまた「JICA 関係者の倫理等ガイドライン」と「JICA 役職員倫理規程」にも違反しています。
  - ・ JICA の公式倫理規程 (ガイドライン) は国家公務員倫理法の定めるところに従って制定されています。
  - ・ 開発協力に関係している JICA のすべての役職員は国際協力にコミットしている者としての意識と誇りをもって、また高水準の職業倫理と自己規律をもってその業務に従事しなければならない。これは、ボランティアや専門家を含む JICA の業務を実施するすべての者について適用される。



- 我々は、JICA コンサルタントによる虚偽情報によって、我々の社会を害するようなこの種のプロパガンダを見て、非常に不安を感じました。しかし、我々の憤慨は終わりませんでした。1月、同紙オンライン版にこの記事が載り、その脚注には「本記事は、日本大使館が組織した視察旅行の一部として執筆された」という説明がありました。
- 実際、記事の後半分は、プロサバンナ PEM (ProSAVANA-PEM) のパイロットプロジェクトにより何等かの便益を受けた、恐らくプロサバンナに賛同していると思われる「ナンブーラ県の農民」に関するものでした。

#### [因果関係に関する考察]

- ガイドラインは、JICA プロジェクトにおける「情報の透明性」と「責任」の重要性を強調 (1.1.と 1.2.を参照) すると同時に、プロジェクトの裨益政府による「現地社会に対する悪影響の防止及び/又は軽減」の重要性をも強調しています (1.4.)。ガイドラインは、また JICA プロジェクトが、ガイドラインを遵守、「適切なコンセンサス構築」のため、「幅広いステークホルダーの意義のある参加」を保証しなければならないとしています (1.4(4))。
- しかし、上記記事の内容及びその作成過程 (JICA が参加し、日本大使館も関与したインタビューを含む) から、外務省 (MOFA) や JICA の日本人モザンビーク人コンサルタントは、この JICA の原則の放棄や違反を犯していることを示しています。
- 日本人コンサルタントも支援する契約にかかる虚偽情報が、JICA コンサルタントの ████████ 氏によって提供され、それをかつ修正しないことは、単に「不透明」であるに留まらず、虚偽情報を正当化 (██████ 氏は実は JICA コンサルタントの一人) するものであると同時に、██████ 氏による分断的言説を裏付けて強化してしまうものでもあります。
- 彼の過去の行動や上述からは、「コミュニティ公聴会」<sup>119</sup>という高度に公共性の高いイベントのコーディネーションを行い「マスタープランの見直し」プロジェクトのための JICA コンサルタント業務を果たすような資格を、██████ 氏は有していないにもかかわらず、他 JICA コンサルタント (日本人) が、これを正当化してしまったことが明らかです。我々、影響を受けた地域の農民に対する、このような不当な扱いと、これらアクターの不公平な活動により、ガイドラインの 1.1.、1.2.及び 2.4.に定められている「幅広いステークホルダーの意義のある参加」が妨害されました。
- 上記のような行動をとることにより、彼らは「JICA 関係者の倫理等ガイドライン」、特に以下に掲げるガイドラインに違反しました。：

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- ・ 「機構関係者は、その職務に係る倫理等の保持を図るために、機構関係者として行動する際には、次に掲げる事項を遵守するようお願いします。」
- ・ 「機構関係者は、機構の公共的使命を自覚し、職務上知り得た情報について一部の者に対してのみ有利な取り扱いをする等国民に対し不当な差別的取扱いをせず、常に公正な職務の遂行に当ること」<sup>120</sup>。
- さらに、@Verdade 紙が、この記事は日本大使館の支援で作成されたことを認めたおかげで、我々は、「メディアのヒント (Dica da Imprensa)」について書かれたことは、我々が宣言で、「コミュニケーション戦略」は、ガイドラインと矛盾することを指摘した後になされたということを知りました。また、外務省 (MOFA) は「戦略」は日本政府の見解を示すものではないと公式に発表しています。<sup>121</sup>。
- 我々は、JICA と外務省 (MOFA) との会議において伝えられた上記のガイドラインに対する違反を指摘する我々の宣言によっても、状況は改善しなかったことについて気づきました。逆に、彼らは、さらに積極的、攻撃的な活動を進め、これにより、我々の憲法が、その目的として掲げるモザンビークの市民社会における連帯に基づく平和的、調和的かつ相互尊敬のある関係の特徴としていた我々の社会の状況を悪化させました。
- 以上が審査役に対して我々の異議申立書をお送りしようと思った理由です。

#### [JICA に対して我々の異議を申し立てる意思とその決定、2014 年 6 月-]

- 「ナンプーラ宣言」及び「キャンペーン」のプレスリリースに書かれている通り、我々は、JICA に対して異議を申し立てることを決めました。
- しかし、上記書類が作成された時点では、我々はまだ JICA のガイドラインの不遵守及びその因果関係を証明するために十分な文書証拠を持っていませんでした。
- 証拠が現れたのは 2016 年 1 月、我々の日本のパートナーが、プロサバンナマスタープラン (ProSAVANA-PD) のもとでのサブプロジェクトの存在を知ってから、「プロサバンナ：コミュニケーション戦略」などの一次的書類と CV&A 社と MAJOL 社と JICA との間の契約書類 (付託条項を含む) を入手できたのです。
- その後、2016 年 5 月に、プロサバンナに関する多くの書類、とくにモザンビークの市

<sup>120</sup> [https://www.jica.go.jp/announce/manual/guideline/consultant/ku57pq00000kzwj-att/j\\_guide.pdf](https://www.jica.go.jp/announce/manual/guideline/consultant/ku57pq00000kzwj-att/j_guide.pdf)

<sup>121</sup> 東京での 2016 年 12 月の ODA の理事会における NGO と外務省との間の議論中。

民社会に対する介入における JICA とそのコンサルタントの関与を示す書類が公開されたので、必要な証拠が集まりました。

- 2016 年 8 月に、JICA が適切な対応をとることを期待して、我々は、三ヶ国の市民社会組織とともに、上記の書類に基づいて、発覚した JICA 及びプロサバンナ支持者及び提案者の行動や試みに対する抗議声明を公表しました。
- しかし、その期待を裏切って、JICA は新たにそのコンサルタント業者としてナンバーラの NGO と間で契約を締結し、直接我々の社会に介入しました。
- 上記期待を裏切られたため、最後の希望として、我々はすべての情報と書類を収集して我々のパートナーの支援を受けてこの異議申立書を作成することを決めました。
- 我々はガイドライン及び JICA の異議申立手続に関する情報とポルトガル語訳版を入手しようとしたのですが、この要請に応じてもらえませんでした。

#### [要約]

- 1) 人権侵害: (a) 「公聴会」前の弾圧、(b) 「公聴会」中の弾圧、(c) プロサバンナに対して異議を申立てまたは疑義を呈した者に対する迫害、恫喝、恐喝、弾圧。我々の声を抑圧するために JICA がモザンビーク政府のトップの役職員を我々に反論してもらうために招待したこと。これにより、我々の生命と生存の方法も脅威にさらされました。
- 2) 現地市民社会への直接の介入による社会的な損害: 対立状況のもとで行われた、JICA による「コミュニケーション戦略」及び「ステークホルダーの参加」プロジェクト (MAJOL 社) の立案、資金調達と実施、並びに現地 NGO SOLIDARIEDADE の備上、公聴会の政治問題化；モザンビークの市民社会の分断とナンバーラ農民としての我々の声の断絶を推し進めるため、新聞記事の情報の捏造と操作を行ったこと。
- 3) 無責任な態度、情報の隠匿、ステークホルダー、特に地域住民の意味のある参加に対する妨害: 上記 4 つのサブプロジェクト及び「プロサバンナ：コミュニケーション戦略」に関する情報の欠如、事業の重要な要素の変化（セラード、PROCEDER、大豆、輸出など）に関する説明の欠如、「オプション・ゼロ」または「代替オプション」に関する説明の欠如、公聴会への参加の妨害。

- 4) ガイドラインの実効性を確保する義務の不履行：モザンビーク政府の役職員に対するガイドラインの説明の欠如、繰り返しの請求にもかかわらずガイドラインの翻訳版または説明が全く提供されなかったこと、ガイドラインに関する理解の欠如による JICA スタッフによる「コミュニケーション戦略」その他のサブプロジェクトの導入。

## 6. 申立人が請求する救済措置

以上で本申立書において主張し詳述した事実に基づいて以下の通り請求します。

- プロサバンナのもとでのナカラ開発回廊の熱帯サバンナにおいて実施中のすべての活動とプロジェクトの停止。

JICA のすべての役職員とコンサルタントに、同機構が自ら定めた、次の指針を読んでいただきたいと思います。

### [コンプライアンス・ポリシー]

- 「独立行政法人として、業務内容及び財務基盤の両面にわたり、経営の透明性・公正性を高め、国民の信頼を確保します」
- 「開発援助により国際社会の健全な発展に寄与し、国際社会における信頼を確保します」<sup>122</sup>。

### [不正腐敗防止ガイダンス]

(目的及び共通原則「2 共通原則」、3 頁)

- 「JICA として、ODA が適切に実施され、日本国民及び国際社会に対する責任を果たすために、ODA の遵守を強化するように努力します」
- その際に、問題の防止するために、遵守の強化は単に受動的なものではなく能動的なものではなければなりません。ODA 事業の目的及びその公益性の高さに鑑みると、ODA は、日本国民及び国際社会の信頼に基づいて実施することが不可欠です。

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



## 7. 申立人らによるプロジェクト提案者との相談の試みに関する事実：

- プロサバンナマスタープラン（ProSAVANA-PD）の提案者（Proponentes do Projecto）、モザンビーク農業省（MASA）などのわが政府機関、DPA、ProSAVANA-HQ と相談する機会を持つとした我々の努力については既に前項（特に、イントロダクション、1.2.3.4）で既に詳述されています。
- JICA のガイドラインの不遵守はきわめて有害かつ深刻な問題を引き起こしたため、これ以上、プロジェクトの提案者に対し、事業の問題に関する「相談」を求めることは考えられない。
- 申立人とその他利害関係者及び影響を受けた住民は 2013 年 8 月と 2014 年 7 月にマプートで開催された「プロサバンナに関する三者人民コンファレンス」を通じて会議とセミナーを主催してプロジェクトの提案者を招待しました。
- 前者のコンファレンスにおいて、全国農民連合の会長は「プロサバンナ事業を停止させ再検討させるための公開状」を読み上げ、影響を受けた地域の農民及び利害関係を有するモザンビーク国民の真の声を表しました。
- 招待された農業省大臣（MINAG/MASA）は農民のリーダーを「操り人形」呼ばわりして我々の当時の全国連合の会長に対して「おれの邪魔をする者をひどい目に遭わせる」と述べて脅しました。

## 8. 申立人による JICA 事業部との相談の試みに関する事実：

JICA の事業部、即ち JICA のアフリカ部、JICA の農村開発部と JICA モザンビーク事務所との間に相談の機会を持つとする我々の努力については、既に前項（特に、イントロダクションの 1.2.3.4.）の分析において説明されています。

我々は、プロサバンナについて情報を入手するために努力を惜しまず、JICA に対して我々の懸念を明確にして議論するために、宣言、集会や公的イベントなど、ありとあらゆる方法を試みました。しかし、これらの努力がどれも実を結ばず、情報を入手できたのはパートナーの非公式な活動と情報公開法に訴えた、我々のパートナーである日本の組織の不断の努力のおかげです。

今閲覧可能な文書は JICA が、我々の社会と組織に介入したことの証拠となっていますが、これらの証拠を目にした以上、もはやのプロサバンナ担当者会うことは、困難です。

プロサバンナのプロセスにおける JICA の活動は、前述したとおり、我々の権利を侵害だけでなく、我々の尊厳、存在並びに主権を侵しました。「JICA」と「プロサバンナ」という言葉を聞くだけで、我々は深く傷付き、怒りにあふれ、また不正義と裏切られたという深い思いが生じます。JICA スタッフが近くにいるとわかっただけで、我々は不快になり、脅威と不安と激怒を感じます。

我々、プロサバンナにより影響を受けた農民と、その他我々を尊敬して擁護する組織は、もはや JICA が用いた「対話」という言葉を信頼することができません。

我々のパートナー、日本の NGO を通じて、JICA のガイドラインの翻訳版を要求しましたが、JICA はこの要求に応えることなく、モザンビークの社会と、プロサバンナにより影響を受けた地域の住民に対し、ガイドラインの内容を共有することを拒否してきました。

プロサバンナのもとの JICA の活動は、ナカラ回廊の地域住民とモザンビークの全市民社会にとって、「支配のために分断」という明確な目的のために遂行されてきました。すなわち、JICA は、影響を受けた主な人々（JICA により主な受益者と呼ばれる人々）が、読んで理解できないほどの膨大で複雑な書類（マスタープラン）を作成し、我々が貢献や疑義の提示ができないようにするために、適時なアクセスを認めず、また、そのための国内法上の法令に従わず、政府組織の強い存在感の下、恫喝と脅迫に溢れた形で、「マスタープラン」を強行するため、「地区、農村、コミュニティの意見聴取会」を実施しました。

過去 4 年間のすべての努力にもかかわらず、JICA は、我々の政府と市民社会に JICA 支援の原則を理解してもらうために、ポルトガル語への簡潔な翻訳版すら、提供しませんでした。

我々の日本のパートナーは、プロサバンナのコーディネーターである元農業副大臣と日本の省庁の派遣団（2015 年 9 月）が、ガイドライン及びその内容を知らなかったことを確認しました。日本 NGO とモザンビーク政府派遣団とのミーティングにおいて、この問題が俎上に上ると、JICA 代表者は、ガイドラインが適用されるのは、プロジェクトの実施が開始した後であるので、政府職員はガイドラインを知らないのだと弁明しました。

もしガイドラインが本当に我々の言語で共有され、理解され、全員により遵守されていれば、我々と我が国の政府だけではなく、プロサバナマスタープラン（ProSAVANA-PD）に関与しているすべての JICA の職員とコンサルタントも、個人的、社会的、組織的な損害に気がつき、これらの問題は、おそらく防止されていたでしょう。

従って、大学教授などから構成されているようである、独立の審査委員会に対し、我々の申立書だけではなく、脚注に掲載されている JICA 自身のプロサバナに関するすべての書類を分析し、我々の要求を独立した立場から、また中立的かつ学問的な見地から、審査なさるようお願い申し上げます。プロサバナ（とくにプロサバナマスタープラン）を担当している者たちが、過去の経験と知恵に基づいて作成された、この素晴らしいガイドラインを遵守しなかったとしても、2010年4月に JICA が制定したガイドラインの精神を信頼したく存じます。

そのようにして、我々モザンビークの農民と、モザンビークの非政府組織は、審査役と共に、JICA とそのプロジェクトにより引き起こされた苦しい経験を通じて、ガイドラインの実務と実効性の向上に貢献したいと思っております。宣言書に述べられたようになる可能性がある最後のチャンスを JICA に。

9. 申立書が代理人により提出された場合、申立人らが代理人による提出の必要性を説明しなければならないことについて:

上記 7 で述べられているように、ガイドライン及び「環境社会配慮のガイドラインに基づく異議申立続き」のポルトガル語訳が存在していません。このこと自体が、基本的な教育しか受けていない農民である、影響を受けた地域の住民の権利侵害に当たります。

さらに、我々の公用語であるポルトガル語で情報を送った場合、もっと時間が必要になり、申立の審査がきわめて遅くなると書かれています。そのため、我々は集会して、英語、法律、ガイドラインに関する知識を有しているモザンビークの市民社会における我々の仲間の援助とその他の寄付者と JICA に直接連絡をとっている者の支援を求めることを決定しました。

上記 7 で前述したとおり、我々はもう JICA と直接話し合うことができなくなっています。これは我々にとってきわめて有害であり多くの痛みを伴うからです。そのため、これ以上傷付けられないように、我々にとって、状況を理解し、我々の気持ちを理解し、手続を理解し、我々が完全に信頼をおける代理人を立てることが必要です。

## 添付資料

次に掲げるものは「プロサバナ：コミュニケーション戦略」において掲載されている記述の例です。JICA から入手した原文及びその英訳を貼付しました。

コミュニティとの直接の接触は、これが証明されれば、コミュニティ又は農業者の代表者としてのこれらの組織の「価値を貶める」。

**The direct contact with communities, if it's proved, lessens 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, as these reduce their contacts with the media and, consequently, their influence.**

モザンビークの市民社会組織の重要性を低下させることができれば、メディアとの接触、従ってその影響力を縮小させることができるので、モザンビークにおいて活動している国際 NGO が大きく弱体化するでしょう。

**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 decrease the force employed by these organizations, especially the Mozambican ones, which are the ones that come forward.**

モザンビークにおける市民社会組織のメディアに対する影響に鑑みれば、プロサバナがこれらの組織との継続的なコミュニケーションを保持すれば、これらの組織、特に前に出ているモザンビークの組織の力を弱めることができる。

## **Objection Request 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)**

Fax: +81-3-5226-6973

E-mail: jicama-jigi@iica.go.jp

**Requester names:**

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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 constitution<sup>1</sup>. Based on the rights set forth in the 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 Requesters 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 objections<sup>2</sup>, we have done the same.
  - We have sought the assistance of Mozambican and Japanese partners to organize important information for our Request.
  - 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,"<sup>3</sup> "large-scale production of soybeans for export", "large area of uncultivated land (African savannah) available along the Nacala Corridor "and "Nacala Fund"<sup>4</sup>. 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).

<sup>1</sup> [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)

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

<sup>3</sup> [https://www.jica.go.jp/topics/news/2012/20120514\\_02.html](https://www.jica.go.jp/topics/news/2012/20120514_02.html)

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

<sup>4</sup> 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, 2012<sup>5</sup>.

- 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)<sup>6</sup>. 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 us<sup>7</sup>.
- 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)<sup>8</sup>. 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 manifests<sup>9</sup>.
- 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

<sup>5</sup> Our Japanese colleagues translated the document into Japanese: [REDACTED]

<sup>6</sup> This was broadcast on the following television program. [REDACTED]

<sup>7</sup> [REDACTED]

<sup>8</sup> In Japanese. [REDACTED]

<sup>9</sup> [REDACTED]

"declaration"<sup>10</sup>.

- 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 meetings<sup>11</sup>.
- 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 MOFA<sup>12</sup>.
- 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 legitimization 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 MAJOL<sup>13</sup>.
- 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"**<sup>14</sup>.
- M. From October to November 2016, we discovered another JICA intervention in our society, and in response, we presented an **"Urgent Statement of the Revision Process of the Master Plan"**<sup>15</sup>.

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statements by Japanese NGOs:

The written details regarding the following two

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- 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"<sup>16</sup>.

**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 Requesters 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:

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<sup>16</sup> [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 "Revision 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 Draft Zero 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 society<sup>17</sup>.

<sup>17</sup> 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 non-compliance 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 authorities<sup>18</sup> 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

<sup>18</sup> [REDACTED] (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 "Revision of the Master Plan,"<sup>19</sup> the individual, organizational and social damages above are likely to be further deepened.

<sup>19</sup> \_\_\_\_\_

**3) Requesters 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 Requesters:**

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)<sup>20</sup>;
- b) The lack of an explanation of what happened to the original plans and actors that were the main focus of the program<sup>21</sup> and why they changed (instead, they accused civil society of being "liars"<sup>22</sup>);
- 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 "Revision 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:

<sup>20</sup> [REDACTED]

<sup>21</sup> [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_6.pdf)  
[http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shirvou\\_7.pdf](http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shirvou_7.pdf)

<sup>22</sup> [REDACTED]

- i. Intimidation before "public consultation"<sup>23</sup>;
- ii. Suppression during the "public consultation"<sup>24</sup>;
- iii. Persecution, intimidation, blackmail, threats, oppression against those who have expressed their objection or raised questions about the ProSAVANA program<sup>25</sup>;
- iv. Division, insult and marginalization after the direct meddling promoted by the "Communication Strategy," "Stakeholder Engagement"<sup>26</sup> and "Revision 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 demands<sup>27</sup>;
- 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" subproject<sup>28</sup>;
- 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 us<sup>29</sup>.

### **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 dominant<sup>30</sup>;
- 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)<sup>31</sup>.*

<sup>29</sup>

<sup>30</sup>

<sup>31</sup> The Initial Report was not voluntarily disclosed by JICA, but by a request grounded on the Information Act of Japan.



- 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)<sup>32</sup>;*
  - *The "Potential stakeholders" were "defined through an initial consultation with JICA and government authorities ..." (Mapping Report, p. 14)<sup>33</sup>;*
- [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)<sup>34</sup>.*
  - *"Solidariedade 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)<sup>35</sup>;*
- 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);*

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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:

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- 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"<sup>36</sup>, and to promote the isolation and marginalization of organizations that continue to question the program and process<sup>37</sup>;
- 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. 5<sup>38</sup>):
- *"JICA said it would stop ProSAVANA and go elsewhere if it was impossible to work with civil society ..."* (November 2015 individual consultation)<sup>39</sup>;
  - *"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, 2016<sup>40</sup>)
- 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)<sup>41</sup>.

<sup>36</sup> ToR and Agreement. [REDACTED]

<sup>37</sup> [REDACTED]

<sup>38</sup> [REDACTED]

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

<sup>40</sup> See pp. 99-100. [REDACTED]

<sup>41</sup> [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"<sup>42</sup>;
- 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)<sup>43</sup>;
- 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 process<sup>44</sup>.

<sup>42</sup> April 12, 2016. [REDACTED]

<sup>43</sup> [REDACTED]

<sup>44</sup> [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 determined<sup>45</sup>;
- 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"<sup>46</sup>.*
- c) No translation or explanation of the available Guidelines meets repeated requests<sup>47</sup>;
- 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)<sup>48</sup>

#### 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*:

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

<sup>46</sup> [REDACTED] see page 4.

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

<sup>48</sup> [REDACTED]

[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**"<sup>49</sup> and its instructions to consultants<sup>50</sup>, 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 months<sup>51</sup>.
- 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<sup>52</sup> 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 ...
  - 
  -

<sup>49</sup> 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.

<sup>50</sup>

<sup>51</sup>

<sup>52</sup> 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 ProSAVANA<sup>53</sup>.
- 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 Constitution<sup>54</sup>:
- 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"<sup>55</sup> text in Portuguese;
  - Finally, in December 2016, MOFA shared the **English translation of the "Strategy"**<sup>56</sup> prepared by CV&A for JICA, and was kept hidden from the civil society<sup>57</sup>.
  - 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

<sup>53</sup> [redacted] See the English translation of "Strategy" or the above reference. [redacted]

<sup>54</sup> 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".

<sup>55</sup> 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.

<sup>56</sup> [redacted]

<sup>57</sup> [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 finalization<sup>58</sup>. 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 “**Direct Contracting**” 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 Master Plan. These efforts were materialized with the 1st Triangular Conference of Peoples about the ProSAVANA, held on August 7, 2013, in Maputo<sup>59</sup>.
- 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.

<sup>58</sup> [REDACTED]

<sup>59</sup> 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 Conference of Peoples: 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 newspapers<sup>60</sup>.
- 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 newspaper<sup>61</sup>. One of the directors from SDAE declared:
  - *“The type of obstacles do not matter, we will implement ProSAVANA”<sup>62</sup>.*

**[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.

<sup>60</sup> Folha de Sao Paulo (30 November 2013), “Mozambican Minister see the critiques as conspiracy. [REDACTED]”

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

<sup>62</sup> [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”<sup>63</sup>.
- 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 ProSAVANA<sup>64</sup>. 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 PRODECER<sup>65</sup>.
- Also before the conference, the Master Plan Draft Preliminary version, to which we had informal access, Report Nº 2 [Nº 3], revealed its interests in promoting the international investment in the production of soy beans on a large scale for exports, like the Brazilian Cerrado<sup>66</sup>.
- 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.<sup>67</sup>

### **[Note on the Causality]**

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

<sup>63</sup> [REDACTED]

<sup>64</sup> [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_6.pdf)  
[http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/02\\_shiryou\\_7.pdf](http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/02_shiryou_7.pdf)

<sup>65</sup> [http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda\\_ngo/taiwa/prosavana/pdfs/01\\_shiryou\\_1.pdf](http://www.mofa.go.jp/mofai/gaiko/oda/shimin/oda_ngo/taiwa/prosavana/pdfs/01_shiryou_1.pdf)

<sup>66</sup> [REDACTED]

<sup>67</sup> 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 Master 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”<sup>68</sup>.*
- 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”<sup>69</sup>:
  - *“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”<sup>70</sup>.*
- 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 decisions<sup>71</sup>:
  - *“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"<sup>72</sup>;
- 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)<sup>73</sup>;
- 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 "Direct Contracting"]**

- 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 "Direct Contracting" 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".

<sup>72</sup>

<sup>73</sup>

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 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 countries<sup>74</sup>. 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 allegations<sup>75</sup>.

**[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)]**

<sup>74</sup> [REDACTED]

<sup>75</sup> 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-PEM<sup>76</sup>.
- 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. [REDACTED] 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 Master 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"<sup>77</sup>.*

### [The sudden Public Consultation of the Master Plan Draft Zero]

<sup>76</sup> This consideration was documented in the following presentation.

<sup>77</sup>

- According to MASA, on March 31, 2015, the Master Plan, *Draft Zero* 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 so<sup>78</sup>, 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 parliament<sup>79</sup>. 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) responsibility<sup>80</sup>.
- **The public consultation violated all of the abovementioned principles, namely (the details must be consulted in the declarations<sup>81</sup>):**

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81 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 organizations<sup>82</sup>.
  - 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 practice<sup>83</sup>. 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

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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*)<sup>84</sup>.

- 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 prepared<sup>85</sup>. 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"*<sup>86</sup>.
- 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 ProSAVANA<sup>87</sup>."*

- 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 court<sup>88</sup>.
- 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 happening<sup>89</sup>.
- 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.<sup>90</sup> 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 process<sup>91</sup>.
- 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 2015<sup>92</sup>.

#### **[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] [REDACTED] where they reportedly produced a milling machine that was supposed to be the fruit of ProSAVANA-PEM<sup>93</sup>.

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89 During the meeting between the NGO and JICA/MOFA in Tokyo.

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- [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 consent<sup>94</sup>.
- In the middle of delivering this case, our [REDACTED], who visited the district union, lost his life strangely<sup>95</sup>. 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)*

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<sup>94</sup> [REDACTED]

<sup>95</sup> [REDACTED]

- *Denied first when asked if this was done with Japanese assistance*<sup>96</sup>.
- 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, MAJOL<sup>97</sup>.
- 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.

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<sup>96</sup> [REDACTED]

<sup>97</sup> [REDACTED]

- In February 2016, we launched a protest denouncing the process and the "dialogue mechanism" created by the JICA contract<sup>98</sup>. Our Japanese partners also launched an independent protest based on the Japanese documents<sup>99</sup>.
- 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, instruction, orientation 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 informants<sup>100</sup>. (\* 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 consultant, 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*

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All files are published on the following site:

*this argument. After all, there are those who are better positioned to represent farmers than their own elected representatives"* (Final Report, pp. 19-20).

- 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"<sup>101</sup>.
- 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 "Revision 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

<sup>101</sup> 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]

the Guidelines (the residents and social organizations involved) turned their backs due to the consequences of the public consultation.

- 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"<sup>102</sup>.
- However, facing all kinds of protests not only from us<sup>103</sup> but also from Japan<sup>104</sup>, 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 Revision" 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**

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**the ProSAVANA Master Plan's revision and finalization activities**<sup>105</sup>

- 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 ██████ 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 Revision of 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 "Revision 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 ██████ 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 Revision," and launched a public tender in early August 2016.

<sup>105</sup> ██████



- 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 [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 "Revision of the Master Plan's Draft, while ensuring the full participation of stakeholders by gathering their views and working with MASA and its partners"<sup>106</sup>.
- 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 MASA<sup>107</sup>.

**[Note on the causal link]**

<sup>106</sup> See page 5. [REDACTED]

<sup>107</sup> [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 "Revision of the Master Plan," from the setting up of the subproject to the selection of its consultant, 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 "Revision of the Master Plan," 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 JICA<sup>108</sup>:
- JICA's Compliance Policy<sup>109</sup>; 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)<sup>110</sup>; JICA's intermediate objective related to the "Report on the Results of Operations" (Transparency and Governance Agreement)(June 2016)<sup>111</sup>; JICA's "Anti-Fraud and Anti-Corruption Guidelines" (October 2014)<sup>112</sup>;

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

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

<sup>110</sup> [http://www.caa.go.jp/region/pdf/150724\\_shiryoku4-1.pdf](http://www.caa.go.jp/region/pdf/150724_shiryoku4-1.pdf)

<sup>111</sup> [https://www.jica.go.jp/disc/jisseki/ku57pq00000fveqt-att/chuki\\_jigyo03.pdf](https://www.jica.go.jp/disc/jisseki/ku57pq00000fveqt-att/chuki_jigyo03.pdf)

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

- "Ethics Code and Guidelines of all JICA Stakeholders"<sup>113</sup>; "JICA's Conformity and Risk Assessment and Response Regulations"<sup>114</sup>; and JICA's Ethics Regulations for Executives and Officials<sup>115</sup>.
  - 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

<sup>113</sup> [https://www.jica.go.jp/about/compliance/ku57pq00001mu1n-att/j\\_guide.pdf](https://www.jica.go.jp/about/compliance/ku57pq00001mu1n-att/j_guide.pdf)

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

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

Japanese NGOs in December<sup>116</sup>.

- 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.*

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116 [REDACTED]

- *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 ProSAVANA<sup>117</sup>."
- 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 write<sup>118</sup>, 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.

<sup>117</sup> [REDACTED]

<sup>118</sup> 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 as part of 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 “Master Plan Revision” project, where he was supposed to coordinate the highly public event of “community consultations”<sup>119</sup>, 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:

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<sup>119</sup> [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”<sup>120</sup>.*
- 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 <sup>121</sup>.
  - 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

<sup>120</sup> [https://www.ica.go.jp/announce/manual/guideline/consultant/ku57pq00000kzwiratt/i\\_guide.pdf](https://www.ica.go.jp/announce/manual/guideline/consultant/ku57pq00000kzwiratt/i_guide.pdf)

<sup>121</sup> 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 for an article 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 development<sup>122</sup>.

### [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.**

<sup>122</sup> <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 (Master 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 "Master 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 Program (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 disso, desvalorizará essas associações enquanto porta-vozes das comunidades ou dos agricultores.

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, conseqüentemente, 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 decrease the force employed by these Organizations, especially the Mozambican ones, which are the ones that come forward.

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

July 3, 2017

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

## Results of Examination

### 1. Formal requirements of the Request

All necessary items are described in the Japanese / English translation of the original which is in Portuguese.

### 2. Requirements to commence the Procedures

#### (1) Requirements regarding the Requester

The Request has been submitted by two (2) or more residents of the country who have suffered actual damage or 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. However, further investigation/information is needed, including on the scope of agent agreement.

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

After identifying the project from the Request, it has been confirmed that JICA provides technical cooperation for the project.

#### (3) Period

The Request was submitted between the time at which JICA disclosed the project agreement document and one (1) month after the final report is disclosed on JICA's website.

#### (4) Actual damage incurred or likely to be incurred by the Requester as a result of JICA's non-compliance with the Guidelines

The Requester has claimed that actual damage was incurred or likely to be incurred. However, further investigation is needed.

#### (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

The Requester has claimed and stated that JICA violated and did not comply with Clauses 1.1, 1.2, 1.4, 1.5, 1.9, 2, 2.1, 2.4, 2.5, 2.6, 2.8 and 2.9 of the Guidelines. However, further investigation is needed.

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

The Requester has claimed and described the causal nexus between JICA's non-compliance with the Guidelines and the actual damage. However, further investigation is needed.

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

The request states that the Requester has tried to have dialogues with the Project Proponent.

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

The request states that the Requester has tried to communicate with JICA's Operational Department. But we couldn't identify the fact that the JICA Mozambique Office has been contacted by the Requester so far.

(9) Prevention of abuse

There is no concern that this Request would be determined to be an abuse of JICA's objection procedures.

[END]

## Annex 3

### Outline of the Interviews Conducted to Establish the Facts concerning the Alleged Non-compliance

In accordance with the Objection Procedures, the Examiners conducted a [fact-finding] investigation as follows.

1. Interviews with the Operational Departments by the Examiners in regards to the alleged facts (July 14 and July 27)

Interviewee: Rural Development Department, Africa Department, and Credit Risk Analysis and Environmental Review Department (only on July 14) of JICA

2. Receipt, review and examination of the Response from the Operational Departments based on No. 1 above (dated July 28) and the related materials
3. The Field Visit by the Examiners (Mr. Matsushita and Ms. Kaneko) (from July 28 to August 6)

Interviewee: the 11 Requesters (with 2 Agents), participating organizations of “No! to ProSAVANA”, parties of MCSC, other local civil society organizations, [Ministry of Agriculture and Food Security] National Directorate of Rural Extension of Mozambique and ProSAVANA-HQ(coordinators, etc.), Ministry of Land, Environment, and Rural Development in Mozambique, Provincial Directorate of Agriculture and Food Security in Nampula, Provincial Directorate of Agriculture and Food Security in Niassa, World Bank Mozambique Office, JICA’s consultants, JICA Mozambique Office

4. Interviews with the NGO in Japan by the Examiners (July 26 and August 17)
5. Receipt, review, and examination of the reference materials submitted in regard to the Field Visit and No. 4 above.
6. Interviews with JICA’s consultants (contractors of PD projects) by the Examiners (August



25)

## (Annex 4)

**Summary of Alleged Damages and Allegation by the Requesters regarding the non-Compliance with the Guidelines**

Note: In this summary, we summarize each of the claims by the Requesters and explanations by the Operational Department regarding various claims in the Objection Request, organizing them basically in chronological order.

(1) “Communication Strategy” Sub-project (related consultancy service contract<sup>1</sup>)  
(p.10 -1.a)c), p.10 -2.a) - p.11 -b), p.12 -3.a), p.16 -4.d)e), p.17~p.20, p.22~p.24  
of the Objection Request)

## (i) Summary of the Requesters’ Allegation

- During the official visit of the representatives of peasants to Japan in February and May, 2013, JICA promised them that it would “try to improve the transparency of the program and its projects, and continue the dialogue”.
- However, JICA hired consultants and implemented sub-project (related consultancy service contract) with regard to the “Communication Strategy” in 2013, without informing the civil society members of the three countries of such fact.
- In addition, the instructions from JICA to the consultants regarding this contract were filled with issues perceived as “intervention”<sup>2</sup> for the purpose of driving the Requesters away from the communities and other peasants.
- The proposals which are submitted by the consultants and accepted as the Final Report by JICA included offensive, abusive and devastating comments. In particular, at the community level, it was recommended that a “network of district collaborators” be

<sup>1</sup> (Examiners’ note) The term “sub-project” is used in the Objection Request, however, such contract should be understood as a supplemental entrusted services to promote the target program. According JICA, it is not always the case to use the term “sub-project”, which usually means small projects to directly contribute to achieve the objectives of the main project (the Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique (ProSAVANA-PD)) as its component, and is likely to cause the misunderstanding.

In this Annex, we basically make effort to use the same terms as in the Objection Request to respect the description in the Objection Request to maximum extent. However, in order to clarify its position as “related consultancy service contract”, we describe it as “sub-project (related consultancy service contract)”.

<sup>2</sup> (Examiners’ note) The Requesters seem to refer to the expressions such as “intervention”. However, it is a commonly used term which is similar to “engagement” in the field of development assistance. Therefore, we consider it inappropriate to interpret all such expression as “interventionist”, which suggests the acts of human rights abuse, given the purport and context of the contract.

established, and one of its objectives was to devalue the Requesters as well as claims by them.

- These actions threatened and damaged the value and the principles of the Constitution of Mozambique and such damages were caused as a result of the planning/ implementation of the “Communication Strategy” by JICA and its instruction to the consultants. Although JICA allocated the procedures for checking the report before its finalization, it did not instruct the consultants to proceed in agreement with the JICA Guidelines. In addition, it is later found out that JICA established a related consultancy service contract upon the implementation of the Strategy with the same consulting firm that prepared the strategy under the direct contacting, which, in turn, shows JICA’s agreement to this plan and its accountability. Therefore, the foregoing actions by JICA violated its Guidelines.

(ii) Summary of the Operational Department’s Explanation

- The contract was prepared and performed with the judgement that it is necessary in order to resolve “misunderstandings about ProSAVANA [Program] founded on insufficient or inaccurate information”. In light of its objective to promote a better understanding for the ProSAVANA program among the various stakeholders in the target area, the preparation and performance of the contract cannot be construed as running counter to the ideals and purport of the Guidelines.
- It is true that the Operational Department did not inform the civil society members of the three countries of the commencement of the Contract. However, the procedures concerning this contract were implemented according to Procurement Rules of JICA. Also, the Operational Department normally does not convey information about procurement contracts to external parties as it arises. In addition, it is true that JICA explained the representatives of local peasants that it would “try to improve the transparency of the program, and continue the dialogue”, as indicated in the Objection Request, however, the comment regarding the “sub-project (related consultancy service contract)” indicated in the Objection Request does not exist in the record of the Operational Department.
- It is true that TOR includes the word “intervention” in sense of engagement and approach in the development program, etc. However, the claim above, misinterpreting or mistranslating it as “intrusion” or “intrusional”, is not true. In addition, it is true that JICA accepted the Communication Strategy as a deliverable of the contract, and it acknowledged the criticism in respect of its quality. However, this does not change the fact that the strategy was the consultant’s proposal to JICA and should not be regarded as JICA’s view or policy or as an official document of the Mozambican government and ProSAVANA Program.

- A part of description of the Final Report should not be interpreted only by the cited part, and intention of whole paragraph including the surrounding sentences of it should be understood that the objective of the sub-project is to promote understanding of the community for ProSAVANA Program. Therefore, the claim that one of the objectives was to “devalue the Requesters” is not true.

(2) Approach for the Three Governments and JICA, and the Abuse of Human Rights in the 1st Triangular Conference of Peoples

(p.10 -2.a), p.12, p.21～p.22 of the Objection Request)

(i) Summary of the Requesters' Allegation

- On August 7, 2013, before the commencement of the 1st Triangular Conference of Peoples held in Maputo by the civil societies the conference, in the coffee room for the important guests, the Minister of Agriculture suddenly told the president of National Union of Peasants (UNAC) that “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.”, which threatened the Requesters.
- In addition, when the Minister left the conference after the first part, he declared to the reporters of newspapers and TV programs, who started the interviews, that all the protests by the Requesters were “conspiracies” by outsiders. This was broadly covered by national and international newspapers.
- 2 weeks later, during a meeting in Nampula where all the district administrators were present, a similar comment was repeated by the Director of Provincial Directorate of Agriculture in Nampula. This was also covered by a national newspaper. One of the directors from District Service for Economic Activities (SDAE) declared “The type of obstacles do not matter, we will implement ProSAVANA”.
- The above remarks are the direct abuse on the freedom of speech and human rights. The Requesters have been threatened, intimidated, blackmailed, oppressed and insulted.
- It is found out that this “conspiracy theory” and meeting of local media were the actions planned in the “Communication Strategy”, mentioned in the previous paragraph. The abuse of human rights above was made by the planning and carrying out of the sub-project (related consultancy service contract) by JICA.

(ii) Summary of the Operational Department's Explanation

- JICA representatives and members from the Japanese Embassy in Maputo could not attend the 1st Triangular Conference of Peoples because they received the invitation the day before

the conference. Therefore, the Operational Department cannot confirm the Minister of Agriculture's comments.

- Although the article reported is consistent with a part of the Requesters' claim, "conspiracies" stated in the interview after the conference actually does not refer to the protests by peasants but refers to the fact that keeping Mozambique dependent on the import of food.
  - Remark concerned; cited from fn. 60 of the Objection Request:
 

"É uma conspiração para manter Moçambique dependente da importação de comida."  
(It is a conspiracy to keep Mozambique dependent on the import of food.)
- In addition, regarding the Director of Provincial Directorate (DPA)'s comment, it was reported in the article referred to in ft. 61 of the Objection Request that he stated that the propaganda critical of ProSAVANA Program came from outside Mozambique. However, the claim that he made a (threatening) comment similar to the one Minister of Agriculture made is a misinterpretation and not true.
- Moreover, the activities selected for implementation from the Communication Strategy consist of only the creation of posters, pamphlets and other public relations resources; hence the claim about "the result of planning by CV&A in the Strategy" is not true.

### (3) Denial of Connection with Brazil-Cerrado by the Mozambican Government Officials

(p.10 -1.a)b), p.22~p.23 of the Objection Request)

#### (i) Summary of the Requesters' Allegation

- The Master Plan Report No.2 (the Progress Report N° 2) to which the Requesters had informal access prior to the 1st Triangular Conference of Peoples in August, 2013, revealed JICA's interests in promoting the international investment in the production of soy beans on a large scale for exports, like the Brazilian Cerrado program. When the peasant and civil society organizations criticized the model in the conference, the government officials did not admit the leaked report as authentic, but did insult, saying "the civil society was providing baseless lies".
- It was revealed that the fact that the Mozambican authorities no longer made remarks about the development in Brazil-Cerrado was one of the proposals recommended at the "Communication Strategy" mentioned above.
  - "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."

- The range of explanations, insults, denial, dissimulation and distortion of the disclosure of reports from the Master Plan and the leaked report indicate the abandonment of responsibility by the Project's Proponents and these damages were made possible and promoted by the series of consulting service contracts of JICA and the negligence of its responsibility in promoting the understanding and fulfillment of the Guidelines by the Project Proponents.

(ii) Summary of the Operational Department's Explanation

- Since JICA representatives and members from the Japanese Embassy did not attend the conference, the Operational Department does not know whether or not the connection between the ProSAVANA Program and the Cerrado Program in Brazil was denied. It also cannot confirm the facts in respect of the insult by the Mozambican authorities.
- Before the ProSAVANA Program was conceived, the governments of Japan and Brazil had hammered out a policy for cooperating in providing assistance for agricultural development in Africa based on utilizing Brazil's experience in the Cerrado program; however, as the Master Plan Study progressed, since it became obvious that the development model for Cerrado in Brazil differed from the development model that needs to be adopted in the ProSAVANA Program, it was no longer necessary to mention the Cerrado development.
- Concerning the part about "promoting international investment in the production of soy beans on a large scale for exports", it is true that Report No. 2 (defined as a working report, created March 2013) contained review of a project for soy beans with a view to exploring the possibility of exports; however, as a result of a subsequent examination, this was not proposed in the Provisional Draft of the Master Plan that was published in November 2016.

(4) Massive Oppression at District and Province Level

(p.23~p.24 of the Objection Request)

(i) Summary of the Requesters' Allegation

- After September 2013, the massive oppression started, mainly at district and province levels. In the case of the Zambézia province, the district administrators and province governor said to the peasant leaders that "Tell us if there is anyone against ProSAVANA, we will put them in jail".
- In response to the oppression, the Requesters collectively created the Nampula Declaration and "condemned 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 Program and their leaders”. The situation was communicated to JICA, but nothing changed. Thus, the Requesters established the “No! to the ProSAVANA Campaign” on June, 2014, and issued the declaration about what happened to the Requesters in mid-2013 to 2014.

- In the “Communication Strategy”, the creation of a functional and efficient network of Mozambican functionaries and organs in the central government (Prime Minister, ministers and MASA) with local communities was proposed and the meeting of the “Network of District Collaborators” established in each of district and each of the district administration offices was held in Nampula soon after the 1st Triangular Conference of Peoples, which created a hostile and oppressive environment and it became the backdrop of systematic abuses.
- Furthermore, once created, this network and hostility promoted under the Master Plan, remains in the society and was mobilized during the District Public Consultation, organized by Ministry of Agriculture and Food Security of Mozambique (MASA), Provincial Directorate of Agriculture (DPA) and District Service for Economic Activities (SDAE) in April 2015.

(ii) Summary of the Operational Department’s Explanation

- The Operational Department understands the comments of the governor, etc. of Zambezia Province that were quoted at the 2nd Triangular Conference of Peoples held in July 2014. However, JICA has consistently sought a careful dialogue, including the 14 meetings regarding the Concept Note, and it is not clear which behavior of JICA is being targeted for criticism. Considering that the Civil Society Coordination Mechanism (MCSC) was established as a platform for dialogue with civil society organizations and a concrete plan of dialogue was compiled, the claim that “these accounts were communicated to JICA but nothing changed” is not true.

The “construction of the Network of District Collaborators” was included in the CV&A proposal; however, no such activity was actually implemented and no such networks were established in the district administration offices. The basis of the claim is unclear.

(5) Implementation of the Communication Strategy

(p.10 -1a)c), p.16 -4.d)e), p.24 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- JICA signed a direct contract with the consultant (CV&A) which prepared the “Communication Strategy” to implement the Strategy on June 20, 2014, without announcing it to the public. This fact provides more proof that JICA welcomed the

consulting services and their previous results, including the contents of the “Communication Strategy”.

(ii) Summary of the Operational Department’s Explanation (p. 19 of draft of explanatory material)

It is true that a contract for implementing part of the items proposed in the “Communication Strategy” was signed as a Direct Contracting on June 20, 2014. The conclusion of the contract was in accordance with the Accounting Rules of JICA Article 23 Section 2 and the Detailed Rules of Contracts on Consultants Article 16 Section 2 after the Operational Department confirmed that the consultant possesses the necessary capacity for executing the work. Such procedures are not normally publicly disclosed; however, since utilization of the contract deliverables and steps for information disclosure were conducted appropriately in accordance with the rules, the claim that this was “hidden” is not true.

(6) Requesters’ Attempt to Approach the Three Governments and JICA (2nd Triangular Conference of Peoples)

(p.10 -a/c, p. 11 -a, and p.25 of the Objection Request)

- (i) Summary of the Requesters’ Allegation
- JICA’s representative in Mozambique and the representative from the Japanese Embassy who took part in the “2nd Triangular Conference of Peoples about the ProSAVANA” on July 25, 2014 in Maputo, organized by the National Union of Peasants (UNAC) and civil society organizations, did not explain to Requesters during the conference about the “Implementation of the Communication Strategy” sub-project (contracts consigned to local consultants), contracted a month prior to the event.
  - Once again, the representatives of the three governments insisted that there was no connection between ProSAVANA Program and the Brazilian Cerrado, and, without replying to the “**Open Letter**,” stated that “no investment regarding the land will be brought under ProSAVANA Program”.
  - During the conference, the peasant leaders from three provinces shared the human rights abuse cases before the representatives from the three countries. However, they did not apologize nor promise to investigate and repair the damages.

Thus, Requesters’ Japanese partners took these questions to their regular meetings with JICA and MOFA in Tokyo. However, JICA and MOFA stated that the report they received from their representatives at this conference does not mention these questions at any time; therefore, they will not deal with these allegations.



## (ii) Summary of the Operational Department's Explanation

- It is true that representatives of the JICA Mozambique office and the Japanese Embassy participated in the “2nd Triangular Conference of Peoples” held in Maputo on July 24, 2014.
- At the conference, the three governments commented about utilizing 40 years of experience and technology on tropical farming accumulated in Brazil with a view to improving production quantities and productivity in the Nacala Corridor area and they stated that the positive aspects of the PRODECER would be utilized.
- Concerning the “Open Letter”, there were several comments and explanations indicating that the Mozambican government would handle the matter; hence the claim about there being “no reply” is not true.
- It is true that JICA, Brazil ABC and the Mozambican Ministry of Agriculture (currently the Ministry of Agriculture and Food Security) in July 2014 issued a “Joint statement on private investment” stating that no private sector investment of any kind that accompanies expropriation of land for agricultural production will be recommended or supported within the framework of the ProSAVANA Program.
- During the conference, the peasant leaders talked about the human rights abuse cases at the UNAC conference of northern regions in 2013; however, the Mozambican government officials responded by stating that the facts were erroneous.
- At the 10th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA in February 2015, there was a discussion about the reports by the peasant leaders on threats at the [UNAC] conference and JICA and MOFA had reported that they were not quite able to confirm from available information whether or not threats had occurred.

## (7) The Reply to the Open Letter Dated May 27, 2014

(P. 25 of the Objection Request)

## (i) Summary of the Requesters' Allegation

- On August 27, 2014, a formal “reply” was issued by the Minister of Agriculture to the organizations that signed the Open Letter issued in May 2013. However, the content was not a “direct reply” to the claims and requests made in the Open Letter, as the “Communication Strategy” sub-project 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 at any occasion thereafter, including the 2nd Triangular Conference of Peoples.

## (ii) Summary of the Operational Department's Explanation

- It is true that a formal "reply" was issued by the Mozambique Minister of Agriculture on August 27, 2014. However, there was no direct link between the Minister's reply and the "Communication Strategy"; hence the statement "as the 'Strategy' suggested" is unfounded.
- With respect to the concerns about the ProSAVANA Program, the establishment of a dialogue mechanism and the proposals and requests to support family farmers and peasant farmers as indicated in the Open Letter (May 2013), the Minister's reply expressed the importance of such concerns and set forth policies to enhance the capacity of small- and medium-scale producers in rural areas and to meet the needs of rural communities; hence the many points in the reply corresponded to the Open Letter and the claim that the content "was not a 'direct reply'" is not true.

(8) The Forced Acceptance of the ProSAVANA-PEM<sup>3</sup>

(p.25~p.26 of the Objection Request)

## (i) Summary of the Requesters' Allegation

- After the 2nd Triangular Conference of Peoples (August 2014), the fieldworks by ProSAVANA team, made up of JICA (ProSAVANA-PEM)'s Japanese consultants and local officials from SDAE, became active, and there was pressure to accept the pilot-projects (ProSAVANA-PEM) in the districts. The District Union of the Peasants from Monapo (União Distrital de Camponeses de Monapo; UDCM), Nampula], was one of the targeted organizations. The ProSAVANA team insisted that UDCM lease the machine from ProSAVANA-PEM.
- In February 2015, the team visited the storehouse of the district union in Monapo and insisted on having the storehouse opened for measurement and to present a list of members belonging to the union. The president of the district union refused, stating that he had not consulted the groups against ProSAVANA Program in the Nampula Province (i.e., the Provincial Union of Peasants). Then the team suddenly appeared in the office of the Provincial Union of Peasants. The peasant province leader stated that, "Since the Master Plan has not been disclosed and the peasants and civil society organizations opposes the program, the team should not start implementing the program, and should not go to districts to exert direct pressure over the members," and refused to provide the team with the list of members of the union. Thereupon, the Mozambican government officer accompanying the

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<sup>3</sup> (Examiners' note) PEM (ProSAVANA Extension Model) project is one of the major programs that make up the ProSAVANA (the Nacala Corridor Agricultural Development) Program, together with the "Master Plan Study" that is the subject of the Objection Request.

team threatened him by stating, “If you are against the program, you know what will happen to you.”

- This incident was conveyed to JICA by the Requesters’ Japanese partners soon after it occurred, but JICA refused to admit it, insisting that it would check with JICA’s consultants and the local government. When this peasant leader visited Japan in July 2015, he repeated the incident of threat, but none of JICA’s representatives apologized, and only stated that they will check with the local government.

(ii) Summary of the Operational Department’s Explanation

- With respect to the lending of the mentioned milling machine, the Japanese consultants for the ProSAVANA-PEM and local extension officers consulted with the peasants and groups concerned, and reached an agreement, by following the stages described below:
  - Compilation of a list of candidate areas and organizations (groups) based on the selection criteria that were agreed with the Nampula Provincial Directorate of Agriculture (DPA)
  - Consultation with the candidate organizations (groups) and provisional selection of the 2 target groups (including UDCM)
  - Continue consultations with these groups once every week (May 2014~)
  - In the end, an agreement was reached with UDCM (September 2014)
- We have been unable to confirm that any threat was made by Mozambican government officers.
- Subsequently, despite being told that UDCM was willing to participate in PEM activities at the general conference of UDCM held in January 2015, , UDCM suddenly changed its mind and communicated to us its intention to withdraw its support the following February. We inquired about the circumstances, however, no evidence of “pressure” or “threats” could be ascertained.

(9) Disclosure of the Draft Zero of the Master Plan and the Public Consultation
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(p.11-a/b. p.12-c and p.26~p.27 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- According to MASA, on March 31, 2015, the Master Plan, *Draft Zero* version, along with the schedule of the “District Public Consultation,” starting on April 20, 2015, were suddenly published on ProSAVANA’s website. No organization was informed in advance.
- On April 7, 2015, [a member of] one of the peasant district unions saw an advertisement in the newspaper and was shocked. The member tried to get the document, and found out that it could only be accessed from the website and that the document had 200 pages. The

- peasant community had only 2 weeks to access, read and understand the document, which was impossible. MASA's announcement also indicated that those who wished to participate had to register at SDAE offices or with the district administrators.
- When the Requesters' Japanese partners presented this issue in Japan, the JICA President responded, during discussions in the Japanese parliament, that JICA and MASA had consulted with "large organizations" as to how public consultations should be carried out. However, this was not true, because none of the Mozambican organizations had been consulted. Later, JICA insisted that the "prior consultation" was, in fact, regarding the "2nd Triangular Conference of Peoples" held 8 months ago.
  - The Requesters felt betrayed and were sure that it was not a democratic, transparent and representative consultation guaranteed by Free Prior Informed Consent (FPIC) principles; however, in order to have the Requesters' voices heard in this process and in ProSAVANA Program, the Requesters participated in almost every public consultation together with other national and international partners.
- (ii) Summary of the Operational Department's Explanation
- Disclosure of the Draft Zero of the Master Plan was made and the schedules of public consultations were notified via various media, such as the website, newspapers, TV and radio, and the Draft Zero of the Master Plan and the notices of the district public consultations were sent to the major local civil society organizations and peasants' organizations; hence the claim that "No organization was informed" is not true.
  - The Draft Zero of the Master Plan was distributed to each district office for reference, and it was also directly sent to the major organizations in the 3 provinces and 18 major civil society organizations and peasants' organizations based in Maputo; hence the claim that "it had only been published on the website" is not true.
  - Around 20 days were provided between posting [the Draft Zero of the Master Plan] on the website on March 31, 2015 and the first district public consultations (on April 20 at Rapale District and Alto Molocué District), while at least 30 days were provided for the first provincial-level public consultation. Considering that the Mozambican Regulation on Environmental Impact Assessment (EIA) Process (government ordinance 45/2004) (while the Master Plan Study is not subject to EIA, see Point 17 described later) prescribes that an announcement of public consultation should be made at least 15 days in advance, the period given was not so short as to be described as "sudden" or "shocking".
  - It is true that advance registration was sought by the organizers in order to prepare the venue; however, anybody who wished to participate in the public consultation was free to visit the venue and to attend. In fact, many of the participants arrived without advance registration, and no limit was imposed on entry to the public consultation venues. The consultations attracted more than 100 participants on each occasion, for example,

Mogovolas District (175 people, 115 people), Lalaua District (96 people), Alto Molocué District (105 people, 129 people), and Gurúè District (127 people, 123 people).

- The comments of the JICA President in question were made when explaining how public consultations that had not been envisaged at the start of the ProSAVANA Master Plan Study came to be held, in response to the opinions and views of civil society organizations and peasant organizations asking for the overall image of the Master Plan, which was raised at the agricultural policy seminar organized by the Ministry of Agriculture and Food Security (of Mozambique) (MASA) and held in June 2014 and at the 2nd Triangular Conference of Peoples organized by civil society organizations in July 2014.

(10) Public Consultation Violating the 7 principles of the Ministerial Decree of MASA
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(p.11 -a/b. p.12 -c, p. p.16 -a/b and p.27~p.29 of the Objection Request)

- (i) Summary of the Requesters' Allegation
  - The public consultation must follow the principles and procedures established by MASA pursuant to the terms of the ministerial decree of MASA 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) responsibility.
  - The public consultation violated all of the above-mentioned principles:
    - a) Technical document with more than 200 pages was unavailable for prior analysis;
    - b) Sudden announcement of the event and its program; incorrect information of the place and time obstructed participation; most of the participants were government officials and members of the ruling party; the government record shows that less than 40% of the participants were peasants (those most affected by the program); and, participation of certain members of [Provincial] Union of Peasants was restricted;
    - c) Public consultation was moderated by political figures; presence of armed police; intimidation and violation of freedom of expression, accusation of the participants who held critical views on the "anti-development" master plan; participants ordered not to criticize, only questions were allowed; not allowed to clap hands for the opinion of the participants;
    - d) Time for explanation was too limited, interpreters were not prepared for the subject matter and could not understand the content of the document or convey its meaning to others;
    - e) Despite the principles of the decree, there was no disclosure of, or information/explanation on, negative aspects of the plan, and no efforts were made to build trust with stakeholders who will be affected by the projects.
  - 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. None of them appeared to understand the decree. These behaviors were observed, filmed and recorded, and have been included in the statements at the public consultation conducted by the Requesters and other organizations.
- 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 was derived from the “lack of experience of the Mozambican government,” and stated that the public consultation process was a good chance to practice. In addition, the MOFA emphasized that “most of the opinions collected were in favor of” 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 officials and secretaries of district governments, 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 salaries. In some places, even the ruling party’s anthem was chanted before the start of the consultation.
  - In many places, preparation meetings for the public consultation were held, in which individuals belonging to the above categories participated, and at these meetings their questions, answers and comments were prepared vigorously in advance. In some cases, unknown “peasants” of the communities attended the public consultation meetings and read “opinions” previously prepared and favorable to the program.
  - The Requesters 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 the Requesters at the airport, they insulted them by calling them “non-patriots”.
  - The public consultation in Maputo was presided over and moderated by the Minister of Agriculture and before opening the floor, he made statements, such as, “Only patriotic comments are allowed” and “If you do not want to participate, you may leave”.
  - The Minister ended the hearing when there were still 5 people who wanted to share their opinions.
  - The Requesters know that the “public consultation” costs of 8,700,000 yen were covered completely by JICA, in spite of the program being announced at all times as a triangular cooperation; therefore, JICA’s responsibility is decisive. However, none of JICA’s Japanese officials or consultants, who made the Draft Zero of the Master Plan, had participated in any of the district consultations to follow and monitor them, and insisting that these events were “under the responsibility of the Mozambican Government”.
- (ii) Summary of the Operational Department’s Explanation
- Ministerial decree of MASA 130/2006 stipulates the basic policy for public participation in

the Environmental Impact Assessment (EIA) process based on the EIA Law No. 20/97, government ordinance 45/2004, which establishes the procedures and rules for the said law, and its revised ordinance 54/2015. Due to the fact that the Master Plan Study does not entail formulation of individual and specific project plans, the ministerial decree of MASA 130/2006 does not apply to the Master Plan Study. For the same reason, EIA implementation is not required in terms of the JICA Guidelines for Environmental and Social Considerations.

- a) The Draft Zero Master Plan, as previously stated, was posted on the website, distributed to the district offices, and also individually sent to major local civil society organizations and peasants' organizations; hence the claim that the documents were unavailable is not true.
- b)
- The claim that the public consultation was “suddenly” announced is not true. The scheduled date and time of the public consultation was changed in four districts, namely Malema District, Chimbonila District, Majune District, and N’gauma District, however, the changes were notified via community radio, etc.; therefore, the basis for claiming “obstruction” is unclear.
  - Peasants accounted for more than half of the participants in the district public consultations (1,359 out of 2,662 participants, i.e., 51%); hence the claim that “most of the participants were government officials and members of the ruling party... less than 40% of the participants were peasants” is not true.
  - JICA could not confirm the fact that the participation of certain members of the [Provincial] Union of Peasants was limited.
- c)
- JICA could not confirm the fact that all public consultations were moderated by “political figures”.
  - Concerning the claim that armed police were present at venues and intimidated participants, police were present at two public consultations held in Nampula Province in April 2015, namely the consultations in Meconta District (4/23) and Muecate District (4/24); however, the police conducted no intimidating speech or behavior. In Mozambique, it is common for police officers to (voluntarily) go to places where many people gather with the aim of preventing trouble, and for local people holding important positions in the community to be invited to such gatherings. The claim that residents were intimidated just by the presence of the police is not consistent with the actual situation in Mozambique.
  - JICA could not confirm the fact that participants who were critical of the Master Plan were accused or ordered not to criticize and that only questions were allowed.
  - It is true that, in an effort to speed up the meetings, participants were asked not to clap hands in response to comments at some public consultation venues (Malema District, etc.).
- d)

- The length of the district public consultations varied from a minimum of 2 hours to up to 5 hours, but most meetings lasted 3 to 4 hours; hence consideration was given to hearing the opinions of residents as much as possible.
- JICA was unable to confirm whether or not the claim regarding interpreters is true.

e)

- The public consultations were attended by various stakeholders, who stated their concerns and opposition and took part in discussions. Such consultations were held 41 times in 19 districts in three provinces; therefore, the claim that there were “no...efforts to build trust with stakeholders” is not true.
- The quoted comments by JICA and MOFA were made at the 12th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA held in July 2015, however, JICA stated that the Mozambican government did make an effort to conduct dialogue with the peasants etc., even though there may have been inadequacies, and stressed the importance of proceeding with [the program] in this manner through dialogue. JICA understands that the MOFA introduced the fact that various opinions, both those in favor and those against, were raised.
- As is described in b) above, the claim that most of the participants were government officials, etc., is not true.
- In addition, JICA could not confirm the fact that the ruling party's anthem was chanted before the start of public consultations at some venues.
- We could not confirm the fact that people stating favorable opinions were prepared, that preparations were made to put pressure on peasants voicing oppositions, or that peasants read “opinions” previously prepared and favorable to the program.
- The Mozambican government took the initiative in holding the public consultation, and we consider it normal to hold “preparation meetings for the public consultation” for the officials of the district government in the district where the meeting is to be held.
- Upon checking with the Mozambican government, JICA was unable to confirm the fact that people were called “non-patriots” as described in the Objection Request.
- It is true that the Minister of Agriculture, at the public consultation in Maputo, commented to the effect that “Only patriotic comments are allowed” and “If you do not want to participate, you may leave”.
- At the end of the public consultation, there were still some people who wanted to share their opinions, however, the Minister needed to close the meeting because the meeting had already gone beyond the ending time and the Minister had been summoned by the President. Moreover, some of the persons who still wanted to share their opinions had already made comments during the hearing; hence we consider that a certain degree of consideration had been given to providing opportunities for the participants to raise comments and opinions.
- The costs of the public consultations were borne not only by JICA but also by the



Mozambican government.

- JICA’s Japanese employees and consultants did not attend the district public consultations because they did not want to impart unnecessary tension to the participants who were local residents. However, they assigned the Mozambique staff members [of JICA] to participate in meetings, and also heard the reports from the participants; hence the claim that “JICA’s Japanese employees and consultants didn’t follow or monitor [the consultations]” is not true. Moreover, JICA’s Japanese employees and Japanese consultants participated in the public consultation held in the capital, Maputo.
- At the 12th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA, JICA expressed its responsibility as an aid agency while emphasizing the autonomy of the Mozambican government; hence the claim that “JICA insisted that these events are ‘the responsibility of the Mozambican Government’” is not true.

(11) Persecution, Intimidation, Repression after the 2015 Public Consultation
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(p.11 -a/b, p.12 -c and p.29~p.30 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- The Requesters felt that through this public consultation held under the PD Project, some sort of top-down (community-level) systematic oppression was installed, and they 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 were intimidated by statements, such as “Say you accept ProSAVANA” and “Visit all the homes in your community to tell everyone that you are now accepting ProSAVANA,” and coerced into collaborating with ProSAVANA Program.
- One of the leaders of the District Union of the Peasants opposing ProSAVANA Program was also persecuted, summoned to the district government office 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 court.
- 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 happening.
- So, all of these cases and many others were presented again in front of the JICA representatives during the Requesters’ official visit to JICA in Tokyo in July 2015, but once again JICA did not take them seriously and just replied that it will check. Nothing happened after that.

## (ii) Summary of the Operational Department's Explanation

- Concerning the claim of “intimidation and persecution” by district government officials, on inquiring with the district government officials via the Mozambican government, we confirmed that the administrator of Malema District in Nampula Province summoned some peasants (representatives of the Peasants' Forum) to his office for discussion on May 8. According to the district administrator, he questioned the peasants about the “participants who left during the meeting,” which was reported to have occurred in the public consultations for which he was absent (4/27 and 4/28); however, we were unable to confirm whether or not they were forced to attend the questioning and whether or not they were “intimidated” or “threatened”.
- JICA was unable to confirm the facts concerning the threatening comments made by the district government official (District Service for Economic Activities (SDAE) of Mutuali District). In addition to confirming the facts, JICA reported the claims made by the peasants to the Mozambican government and requested that the government take steps to prevent a reoccurrence. Repeated explanations about these steps have been given to the Japanese NGO; hence the claim that “Nothing happened after that” is not true.

(12) Protest by Grassroots Civil Society Organizations

(p.12 -c, p.30 of the Objection Request)

## (i) Summary of the Requesters' Allegation

- From May through June 2015, peasants' organizations, national and international civil society organizations from various sectors in Mozambique, as well as some research institutions and academics have issued statements of protest to the public consultations and the process.

The National Union of Peasants (UNAC) and the civil society members of the three countries have launched a request to “invalidate the public consultation”. This document was delivered to representatives of MOFA and JICA during the Requesters' representatives' visit to Japan at the end of July 2015

## (ii) Summary of the Operational Department's Explanation

- It is true that statements protesting the public consultations and their process were issued and that a request to “invalidate the public consultation” was delivered to representatives of MOFA and JICA in July 2015.

(13) JICA's Attempt to Divide the Peasants' Union

(p.11 -a/b, p.12 -b, p.16 -d/f and p.30~p.31 of the Objection Request)

## (i) Summary of the Requesters' Allegation

- In order to counter the widespread and unified protests and complaints, JICA initiated efforts to bring to Japan a government delegation to promote ProSAVANA Program, 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 Program, but rather pro-ProSAVANA Program. JICA and MASA selected a leader from a district union to which they reportedly offered a milling machine that was supposed to be the fruit of ProSAVANA-PEM. In addition, it was revealed that JICA instructed to establish a new cooperative for ProSAVANA Program whose members were selected from the district union by this leader.
- The warehouse of the District Union of the Peasants was being used to store the mills offered by ProSAVANA Program without the Union's knowledge and consent. In the middle of delivering this case, an executive of the National Union of Peasants (UNAC), who was visiting the district union, lost his life strangely.
- In light of this incident, JICA gave up on taking the district leader to Japan.

## (ii) Summary of the Operational Department's Explanation

- It is true that the Mozambican government considered inviting farmers from the Nacala Corridor area receiving support under the ProSAVANA-PEM to Japan in July 2015. However, the invitation was eventually dropped, after consultations with the Mozambican government, when it became apparent that the selection of farmers and the subsequent procedures to obtain their passports could not be completed in time.
- The objective of the invitation was ① to conduct discussions with MOFA and JICA, ② to exchange opinions with national Diet members and Japanese NGOs and ③ to inspect the Japanese agricultural sector. The invitation of the said farmers was intended to conduct ② and ③, in particular. It was not intended to “divide” the Peasants' Union and we do not believe that consideration of such an invitation contributed to accelerating the “division” of the union.
- Under the ProSAVANA-PEM, experimental activities to add value were conducted with a total of three cooperatives and it is true that one of these is the newly established cooperative. With respect to the loan of the milling machine, we reached an agreement by following the stages described in (8); therefore, the claim that the loan was made “without the Union's knowledge and consent” is not true.

(14) Failure to Understand the Guidelines by the JICA Team
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(p.10 -e and p.16 -a/b of the Objection Request)

(i) Summary of the Requesters' Allegation

- JICA team, that dealt with ProSAVANA Program, which had insisted that the Guidelines be implemented as soon as the Master Plan was finalized and the projects for implementation were determined, failed to understand the Guidelines

The ProSAVANA Program Coordinator denied knowing of the existence of the Guidelines and instead repeatedly emphasized, at the meeting with the Japanese NGOs on September 1, 2015, that the Mozambican government has its own laws. This indicates that no explanation or effort was made for the Mozambican government officials of the Ministry of Agriculture, including the Coordinator of ProSAVANA Program (former vice-minister), who were the counterparts of JICA, to inform them of the existence of these guidelines and to have them understand these guidelines.

(ii) Summary of the Operational Department's Explanation

- At the 13th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA (October 2015), which was held prior to the 14th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA (December 2015) mentioned in the Objection Request, JICA explained that the Master Plan Study is classified as Category B and that the actions required for a Category B project were being implemented. Therefore, the claim that there was a "failure to understand the Guidelines by the JICA team that dealt with ProSAVANA Program" is not true.
- The Master Plan Study team compiled, in Portuguese, an outline version of the JICA Guidelines for Environmental and Social Considerations and explained it to employees of the central and local Mozambican government agencies between June and August 2012. Therefore, the claim that "no explanations and no efforts (were) made" is not true.
- We have no record of the ProSAVANA Program Coordinator saying that he did not know about the existence of the Guidelines at the said meeting.

(15) The "Stakeholder Engagement" Sub-project Related Consultancy Service Contract
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(p.10 -a/c/d, p.11 -a/b. p.12 -d~m, p.16 -d/e and p.31~32 of the Objection Request)

(i) Summary of the Requesters' Allegation

- With the protest of almost all sectors of Mozambican civil society, without responding to the requests expressed in the declarations, JICA established the "Stakeholder Engagement" sub-project under PD Project (related consultancy service contract) in order to intervene and break the solid ground of civil society in ProSAVANA and to obtain the involvement of some civil society and peasants' organizations.
- JICA sent requests for proposal 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 PD Project.
- JICA did not simply omit the facts described above, but also provided false statements during official meetings between NGOs and JICA/MOFA from October to December 2015. Although JICA was the leader and contractor in the "Stakeholder Engagement" sub-project, it continued to provide Japanese civil society organizations the following false explanation while 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 cannot say now" (December 8, 2015)
  - Denied first when asked if this was done with Japanese assistance.
- JICA's condition in the TOR shows how it attempted to capture Mozambican civil society using contracted consultants (TOR, p.3).
- In November, when MAJOL began to visit all of the organizations that signed the previous statements one by one, the Requesters realized that JICA was trying to intervene in civil society. However, they had no proof then.
- None of the information related to this sub-project (related consultancy service contract) was available until mid-February, one month after the crucial meeting in Nampula to establish a "dialogue platform" (later called the "mechanism"), held on January 11, 2016 and one month before the contract expired.

(ii) Summary of the Operational Department's Explanation

- The Mozambican government has strived to provide various opportunities for dialogue as requested in the declarations and JICA has been supporting their efforts by providing responses and explanations to the declarations in Dialogue meetings on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA. Moreover, concerning introduction of the UNAC-compiled "National Agricultural Support Plan for the Family Sector," that has been claimed in numerous past declarations, JICA has requested that the plan be shared on several occasions but so far it has not been provided; hence the claim about there being no "response to the requests" is not true.

- It is true that we implemented the “Stakeholder Engagement” sub-project (more precisely, the local consultancy service contract entitled "Consultation for Stakeholder Engagement"). This contract was implemented with the objective of providing opportunities for the Mozambican government to have dialogue with local organizations and individuals who have various opinions, including those opposed to the project, those in favor and those with a neutral stance. This approach was proposed by UNAC in June 2015, since it is a normal practice to resolve disputes through mediation by a third party.
- It is true that JICA sent the request for proposals on October 7, 2015. This was in accordance with the Accounting Rules of JICA Article 22 Section 2 and Article 23 Section 1 Paragraph 11.
- Since the said contract was not concluded at the time of the 13th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA (October 27, 2015) (it was signed on November 2, 2015), JICA was not in a position to mention on the contract. However, at the 14th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA (December 8, 2015), JICA explained that the Mozambican government was examining ways to realize dialogue with local stakeholders, that a consultant specializing in communicating with peasants’ organizations is conducting activities for that purpose and that “JICA would explain about this when it becomes tangible”. Moreover, at the meeting held in Mozambique on January 11~12, 2016, MAJOL explained that they were in a contractual relationship with JICA and explained the objectives of the said contract. This meeting was attended by 15 organizations, including the organizations who signed to “No! to ProSAVANA”; hence the claim that “None of the information related to this sub-project was available until mid-February” is not true.
- The contract TOR and contract document were disclosed to Japanese who requested in February 2016, and the same information was also submitted to Diet members who made the request.
- According to the contract document, work for this contract was prescribed as establishing a platform for dialogue and conducting stakeholder consultations regarding the consultation process for formulation of the Master Plan. Hence, the claim that JICA “attempted to capture Mozambican civil society using contracted consultants” is unfounded.
- It is true that, through the activities based on this contract, a platform for dialogue (Civil Society Coordination Mechanism (MCSC)) was established and that the officials of WWF Mozambique and Action Aid Mozambique participated. The intent was to engage in dialogue as stakeholders concerning agricultural development in the Nacala Corridor area.
- The basis for describing activities to listen to the various opinions of groups and individuals as “intervention” is unclear.

(16) JICA's Contract with MAJOL and the Process of Formulating the "Dialogue Mechanism"

(p.10 -d, p.11 -a/b, p.12 -d~m, p.16 -d/e and p.32~p.33 of the Objection Request)

(i) Summary of the Requesters' Allegation

- The TORs annexed to the contract with MAJOL clearly indicates JICA's instruction for its consultants to intervene in the civil society, and the process of establishing the "mechanism" was to be carried out in a secret, anti-democratic, unjust and exclusive manner.
- MAJOL ministered and manipulated information to obtain the participation of civil society organizations in the "mechanism" they were formulating for JICA, as previously stated.
- Everything was done while excluding the peasants of the affected province and the organizations that have presented numerous concerns and protests to ProSAVANA and called for a fairer, more democratic, transparent and inclusive process.
- Consequently, in February 2016, the Requesters launched a protest denouncing the process and the "dialogue mechanism" created by the JICA contract. The Requesters' Japanese partners also launched an independent protest based on the Japanese documents.
- However, JICA did not assume responsibility, but stated that the "dialogue mechanism" (MCSC-CN) has been established; therefore, the Requesters can also participate, irrespective of how this "mechanism" was established in the contract, or how it was funded, instructed, guided and supervised by JICA.

(ii) Summary of the Operational Department's Explanation

- The contents of the TOR attached to the contract are as previously described, and there was no intention to "intervene in" or "manipulate" the civil society. Moreover, the "dialogue mechanism" was formed through meetings (2 times in January and February 2016) with stakeholders having various opinions. The claim that the process was conducted "in a secret, anti-democratic, unjust and exclusive manner" is unfounded.
- Invitation to the meeting in January 2016 was sent to member organizations of "No! to ProSAVANA" that had expressed concern and opposition against the program, and they attended the meeting. Notice of the meeting in February was also sent to them. Accordingly, MAJOL also made attempts to conduct dialogue with such organizations; hence the claim that "everything was done while excluding us, [who] have presented numerous concerns and protests to ProSAVANA Program" is not true.
- It is not specified how MAJOL "manipulated information", however, the consultant, as an intermediary, did not speak on behalf of JICA, but was aiming to encourage the stakeholders to freely make comments and voice their opinions.
- The comments by MOFA and JICA concerning the mechanism that were made at the 17th Dialogue meeting on the ProSAVANA Program between Japanese NGOs and the

Ministry of Foreign Affairs (MOFA) and JICA on July 21, 2016 mean that a forum for open and free discussion had been established.

(17) Purpose for and Evidence of the Establishment of the “Stakeholder Engagement”

Sub-project

(p.10 -c/d, p.12 -d~m, p. 16 -d/e and p.33~p.35 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- After almost everything was done, the Requesters 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 Inception Report, the Mapping Report (interim report) and the Final Report were obtained.
- 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 the civil society and the governments/JICA, and, thereby, deliberately provoking division, conflict and exclusion within the Mozambican civil society.
- MAJOL worked hard to strengthen the division that had been created among the peasants of Nampula Province, using the Civil Society Platform of Nampula Province to which the Requesters belong. The description of the final report clearly shows that MAJOL had tried to get the Peasants’ Unions absorbed into the “mechanism” but failed in its attempt, and alternatively invited parliamentarians as the “real representatives of the rural people in the region” in order to “devalue” the representation of the Peasants’ Unions in the collective platform.
- This confirms the continuity of the “Communication Strategy” sub-project and, in fact, JICA provided MAJOL with an English translation of the “Strategy” as an important reference before MAJOL began its activities. Based on the document, MAJOL completed its Inception Report. Parts of the descriptions of the reports that the Requesters obtained from the informants have been deleted from the official report that was published by JICA.
- 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)
- The true purpose behind the establishment of this subproject was to avoid the “non-project scenario” set out in Article 2.8 of the Guidelines.



- The ultimate goal of the sub-project was to engage stakeholders, but 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.
  - Although the stakeholders had the right not to get involved, not to agree, and to oppose projects on the basis of the Constitution, human rights under international laws, and the Guidelines, JICA did not respect these rights, on the contrary, JICA failed to observe these 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; and (ii) attempted to have UNAC participate in the "mechanism" so that they could legitimize the process and subdue and ridicule the protesting voices.
- (ii) Summary of the Operational Department's Explanation
- The two purposes of the contract with MAJOL were, 1) to establish a "dialogue platform" for the stakeholders with respect to ProSAVANA (TOR 2.1), and 2) to have the stakeholders participating in the platform to provide their opinions with respect to the ProSAVANA dialogue process (TOR 2.2), and not to provoke "division, conflict and exclusion", and no such statements were made in the Inception Report either. Based on the fact that the English version "Strategy" was mentioned in the allegedly leaked Inception Report, it is claimed that JICA provided the said document, however, JICA did not instruct to refer to the "Strategy" and there is no such mention in the Inception Report that JICA officially received from MAJOL.
  - The final report [from MAJOL] that was received as a deliverable by JICA states: "who is better placed to represent farmers than their own elected representatives?"<sup>4</sup>, however the importance of involving parliamentarians and the representativeness of the Peasants' Unions are separate issues; hence the claim that this description "devalues" the representativeness of the Peasants' Unions is unfounded.
  - JICA's contract with MAJOL ended in March 2016, in accordance with the terms of the contract; therefore, it is a misinterpretation to state that MAJOL "had left" the ProSAVANA Program.
  - In the ProSAVANA Master Plan Study, comparison of alternative plans including the case of no project implementation was conducted in the Strategic Environmental Assessment (SEA) as stipulated in the JICA Guidelines for Environmental and Social Considerations;

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<sup>4</sup> Translator's Notes: Objection Request Point 23. P.34 の囲みの中は "there are those who are better positioned to represent farmers than their own elected representatives" と記載されています。

therefore, the claim that “JICA tried to avoid the ‘non-project scenario’ set out in the Guidelines”<sup>5</sup> is not true.

(18) JICA’s Meeting with MASA and NGOs to Finance the Mechanism Indirectly

(p.10 -d, p.12 -n/o and p.35~p.36 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- The agreement between JICA and MAJOL clearly mentioned that if MAJOL is able to achieve a result in accordance with JICA’s instructions, JICA would extend the partnership into a “major contract.” However, facing all kinds of protests not only from the Requesters but also from Japan, JICA did not renew the contract with MAJOL.
- Instead, JICA drained funds directly to some of the Mozambican civil society organization in order to maintain control over them using the JICA budget for the “Contract for Revision of Agricultural Development Master Plan” under the ProSAVANA Master Plan Study.
- A document that the Requesters had informal access to indicates that there was a meeting held on April 12, 2016, at JICA Mozambique between the representatives of JICA Mozambique, MASA’s ProSAVANA Headquarters (HQ) and MCSC, which was called “Meeting between MCSC, JICA and MASA to discuss the financing of the ProSAVANA Contract for Revision of Agricultural Development Master Plan and finalization activities.”
- The minutes of this meeting presents that the details of the discussion on how to finance the MCSC in an “indirect way,” highlighting some of the difficulties JICA has been experienced in allocating funds to the “Mechanism,” and the following proposals were suggested and all of which were agreed by parties:
  - i. *The Counterpart Funds will be transferred to the WWF<sup>6</sup>, involved in the procedure, with authorization from MASA, Ministry of Economy and Finance, Minister 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 [REDACTED] 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; and*
  - iv. *Initial support to MCSC will be provided through the Master Plan Study Team (ProSAVANA-PD).*

(ii) Summary of the Operational Department’s Explanation

<sup>5</sup> Translator’s Notes: Objection Request Point 23. P.35 の囲みの中より引用しました。

<sup>6</sup> (Examiners’ note) WWF means a representative of Alliance of Platform, a member of MCSC.

- The part of the contract document pertaining to extension of the contract with MAJOL is as follows. This clearly does not signify “renewal”, and there is no mention of a “major contract”.<sup>7</sup>

6. Others:

Upon successful completion of assignment, the Consultant may be invited to another assignment with separate contract for moderating and facilitating the second round of public hearings.

- The contract with MAJOL was completed due to the completion of work and not because of “facing all kinds of protests”.
- The meeting held on April 12, 2016 was to exchange opinions between MASA, MCSC which was established to be a platform for dialogue [mechanism] and JICA on measures to realize a dialogue lead by the local civil society (including financing measures).

(19) Contract for “Revision of Agricultural Development Master Plan” Sub-project (Contract Consigned to Local Consultants)

(p.10 -d, p.12 -n-p, p.16 -d/e and p.36~p.37 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- The first of JICA’s four proposals suggested at the meeting in April 2016, (i) to fund WWF through the Counterpart Funds, did not work. This proposal was rejected because WWF International raised concerns about 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.
- In addition, the second proposal, (ii) OMR’s involvement, did not work either, since OMR 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, “Contract for Revision of Agricultural Development Master Plan” and launched a public tender in early August 2016.
- Before the call for tenders was announced, representatives of JICA and MASA who attended the above-mentioned meeting in April visited OMR to persuade OMR to apply for this consultancy; however, OMR refused it.

<sup>7</sup> The effective period of the contract is not provided for in the contract; however, the expected date of submission of the Final Report is provided for therein as March 21, 2016 (3) b) of 5.2 Reporting requirements of TOR).

- At the end of October 2016, it was announced that the NGO in Nampula, whose executive director is the MCSC coordinator and a participant in the April meeting, had won the contract.
- This meeting also promoted the “sensitization activities” against the Requesters who conducted the “No! to ProSAVANA Campaign” in Maputo and at the provincial level.

(ii) Summary of Operational Departments’ Explanation

- The decision on how to use the Counterpart Funds was entrusted to the Mozambican government, however, JICA is not aware of the Counterpart Funds being given up for the reason claimed. Also, JICA is not aware of the WWF rejecting the proposal.
- The proposal (ii) was not implemented because utilization of the Counterpart Funds, which was prerequisite for this proposal, did not materialize.
- Description of the minutes concerning “sensitization activities” are as follows:
  - “Coordinator of MCSC, explained that there was job at Maputo and provinces in order to involve NGOs and other stakeholders who support “No to ProSAVANA” to join in the vision and purpose of the Mechanism.”

In other words, the sentence means that “appeals are made to the advocates of the “No to ProSAVANA Campaign” to understand the ideal and objectives of MCSC”. Describing as “influence” or “change thinking” is a misinterpretation and the claim about this being done “against” is unfounded.

(20) Contract Between JICA and Nampula-based NGO

(p.10 -d, p.12 -p, p.16 -d/e and p.37~p.39 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- As a result of competitive “public tender” among three candidates, JICA selected the NGO (SOLIDARIEDADE MOÇAMBIQUE) whose representative is a coordinator of the “mechanism” created by JICA and entered into a consultancy service contract on the “Revision of Agricultural Development Master Plan” mentioned above.
- According to the announcement made by JICA in the main Mozambican newspapers, the subproject (consultancy service contract) centered around a “Revision of the Master Plan’s Draft, while ensuring the full participation of stakeholders by gathering their views and working with MASA and its partners.”
- As revealed in the minutes of the aforementioned April 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 the ProSAVANA Master Plan Study.
- 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 the executive director of entrusted NGO and the coordinator of the MCSC. It was also revealed that MCSC’s role was to “sensitize the supporters of the ‘No! to ProSAVANA Campaign’,” along with JICA and MASA.
- The Guidelines emphasize the importance of “transparency of information,” “accountability” and “broad stakeholder engagement” (see 1.1). These aspects are indispensable for “environmental and social considerations” in order to ensure “democratic decision-making” and respect for human rights. However, what JICA has undertaken to implement in relation to the “Contract for Revision of Agricultural Development Master Plan,” 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 primarily affected region, where there are stakeholders, peasants, who are challenging the program and the process, is viewed as a direct meddling by JICA in local society and an attempt to deepen divisions, co-optation the process and yield profits for a specific group of people and organizations.
- That is to say, through this process and its final results, JICA has violated not only its own Guidelines, but also Article 19 of the Constitution and the Charter of the United Nations, which prohibits foreign interference and domination and promotes solidarity between countries and peoples.
- The Requesters believe that JICA did not ensure justice, accountability and impartiality in the process of the contract for “Revision of Agricultural Development Master Plan,” thus violating the Requesters’ rights of democratic participation as one of the most important actors of the project, the residents and peasants of the affected region.
- The Requesters believe that this type of procedure and agreement is not only against the stipulations of the Guidelines, but also against the following compliance policies, provisions and code of conduct of JICA:
  - The order by the Ministry of Internal Affairs and Communications: “Promotion of the rationalization of contracting by independent administrative bodies” (May 2015);
  - JICA’s intermediate objective related to the “Report on the Results of Operations” (Transparency and Governance Agreement) (June 2016);
  - JICA’s “Anti-Fraud and Anti-Corruption Guidelines” (October 2014);
  - “Ethics Code and Guidelines of all JICA Stakeholders”;
  - “JICA’s Conformity and Risk Assessment and Response Regulations”; and

➤ “JICA’s Ethics Regulations for Executives and Officials.”

(ii) Summary of Operational Departments’ Explanation

- As is made clear in the press release made when MCSC was launched, the decision to establish the MCSC was made under the initiative of local civil society organization. At the moment of launching, numerous organizations including major civil society networks in the three target provinces of the program were in agreement; hence the claim that it was established by “JICA and the Nampula-based NGO” is not true.
- Furthermore, the MCSC, as an alternative to the Public Consultation, contributed to the gathering of opinions from a wide range of stakeholders. At the meeting held in April 2016, consideration was given to the use of the Counterpart Funds or JICA funding, however, this consideration was in accordance with the JICA Guidelines for Environmental and Social Considerations (Article 3.4.3 Sections 6 and 7); hence the claims of “cooptation”, “meddling” and “division” are unfounded. Moreover, at the said meeting, no discussions or decisions were made concerning detailed contents of any contract work.
- The contract with Solidariedade was signed after the process of selection based on the evaluation of the technical proposals submitted by proponents, in accordance with the Accounting Rules of JICA Article 23 Section 1 Paragraph 11. 16 parties requested tender documents, and 4 of those submitted proposals. Of these, 2 parties satisfied the technical criteria, and Solidariedade was finally selected as a result of comprehensive evaluation with consideration of the price proposed. The contract was signed in accordance with the appropriate procurement procedure; hence the claim of “yield profits for a specific group of people and organizations” is not true.
- Accordingly, the process of contract for “Revision of Agricultural Development Master Plan (through the MCSC)” was in accordance with JICA’s regulations and rules including JICA Guidelines for Environmental and Social Considerations. Moreover, claiming that there was violation of the United Nations Charter and the Constitution of Mozambique on the grounds of “intervention” and “division” is based on misinterpretation.

(21) JICA's Attempt to Suppress our Voices in Japan
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(p.11 -a/b and p.39~p.41 of the Objection Request)

(i) Summary of the Requesters’ Allegation

- In November 2016, some of the Requesters had the opportunity to visit Japan to denounce JICA. However, the Requesters received news that JICA was trying to invite senior Mozambique’s MASA officials and the Mozambican Ambassador to Japan to a public meeting in Tokyo, where they were supposed to share their stories and expressions on November 28, 2016.

- The event was organized by 6 Japanese NGOs, and the fact that JICA considered inviting Mozambican government officials and asking them to participate in the event was the action to intimidate peasant leaders, and it is not welcomed and unacceptable.
- However, JICA invited these officials and led them to the event at Hiroshima University, where the Requesters were making academic presentations on November 26. The details of this report are in the “Urgent Protest” submitted to JICA’s president by Japanese NGOs in December.
- In fact, one of JICA’s board members admitted that the reason they were inviting these officials to Japan was to let them “directly counter” the claims put forward by the Requesters, the peasant leaders of the affected region. Accordingly, it was not only Mozambican government officials or JICA consultants who tried to harm us and violate our rights but also JICA executives.
- The Requesters 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 the Requesters visiting Japan, but who had to return home without being able to do so.
- 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, and it is also set out in No. 2.5 (2) of the Guidelines. However, what the JICA executives planned and carried out is totally contrary to these contents of 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.”

(ii) Summary of Operational Departments’ Explanation

- The claim that JICA “considered inviting Mozambican government officials and asking them to participate in the event” is not true. JICA invited the MASA officials (the permanent secretary and Coordinator of ProSAVANA-HQ) to Japan with the objectives of holding consultations with JICA headquarters on the direction of the ProSAVANA Program and giving them an opportunity to observe Japanese agriculture, which was a long-held request.
- Concerning the event that was staged during their visit on November 28, 2016, since MOFA and JICA were also invited, we consulted the hosting NGO about the MASA officials’ participation for a direct talk with Japanese NGOs holding an interest in the ProSAVANA Program so that the officials could have an opportunity to understand people’s interests and concerns (since a positive reply was not received, the MASA officials and the Mozambican

Ambassador to Japan did not participate).

- Concerning the claim that “JICA invited these officials and led them to the event at Hiroshima University, where we were making academic presentations on November 26”, it is not true that the MASA officials went to Hiroshima University.
- Concerning the claim that “also JICA executives tried to harm us and violate our rights”, the purpose of the MASA officials’ visit to Japan was as described above, and generally, gathering and holding discussions among parties of differing standpoints are a necessary process for democratically resolving conflicts.

#### (22) Funding to the Local Newspaper by JICA and MOFA

(p.12 -q and p.41~p.43 of the Objection Request)

##### (i) Summary of the Requesters’ Allegation

- 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 ProSAVANA.”
- The first picture of the article showed three Japanese people who were attached to JICA, and the article reproduced explanations on the views and excuses of the “MCSC coordinator,” 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 organization of Maputo, the capital of the South, and ignored the voices of the peasants and organizations of the Nampula Province, which he represents.
- The MCSC coordinator 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 the MCSC coordinator was the one who signed the contract with JICA for “consulting services,” or that the USD 206,000 were not for the MCSC but for the “remuneration” of his NGO 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 write, the editor-in-chief of the above-mentioned newspaper told an International NGO that the article’s information is based on interviews, 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 released fake information about the contract with JICA to the Mozambican people.



- The Requesters got very worried at seeing this kind of propaganda, harmful to their society, with fake information released by JICA’s consultants. However, the Requesters’ indignation did not end there. In January 2017, the online version of this very newspaper published the article with a footnote 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.
- 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 process (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 JICA’s principles by MOFA and Japanese and Mozambican consultants from JICA.
- The fake information regarding the contract, supplied by JICA’s consultant and supported by the Japanese consultants, for not correcting it, not only were “nontransparent” but also validated the fake information, reinforcing equally the dividing speech by the JICA’s consultant.
- His past actions and this report show that the JICA’s consultant does not present conditions to perform the duty of JICA consultant for the contract for “Revision of Agricultural Development Master Plan”, where he was supposed to coordinate the highly public event of “community consultation,” and the other JICA consultants (Japanese ones) endorsed it. Therefore, the disloyal treatment received by peasants within the affected region and the biased activities from these players obstructed the “broad and significant participation of stakeholders” 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.”

(ii) Summary of Operational Departments’ Explanation

- The article was about a press tour that MOFA (Japanese Embassy) implemented in 60 or more countries in the past. This press tour was implemented in December 2016 with the objectives of observing development assistance projects in general along the Nacala Corridor, which is regarded as a major target for support in Japan’s cooperation in Africa, and gaining widespread recognition for Japan’s assistance in Mozambique. Claims of

“spreading divisions” and “funding by JICA” are not true.

- With respect to the Verdade article concerning the recipient of JICA funding that the Requesters claim was falsely reported, it is stated that MCSC was “supported” by JICA. In addition, the objectives behind consigning services to Solidariedade and establishing MCSC are the same, i.e., to review the Master Plan through dialogue with and participation by stakeholders; moreover, Solidariedade implemented the contracted services with the MCSC; hence it is not appropriate to interpret this part as “fake information”.
- Furthermore, claims by the Requesters of “insulting” and “divisive discourse” and “disloyal treatment,” “offensive activities” and “aggravating the social conditions” are unfounded and lack objectivity.

#### (23) JICA’s Response After the Protest in 2016

(p.10 -e, p.16 -c/e and p.43~p.44 of the Objection Request)

##### (i) Summary of the Requesters’ Allegation

- After January 2016, the Requesters obtained several documents related to the ProSAVANA, such as primary documents like the “Communication Strategy” which was disclosed by JICA and the contractual documents between JICA (including the TdR) and CV&A and MAJOL, especially, in May 2016, the documents showing the involvement of JICA and its consultants with the interventions in the Mozambican civil society were released, so they were able to gather the necessary evidence to show the causality of JICA’s non-compliance with the Guidelines.
- Moreover, in August 2016, the Requesters, along with civil society organization from the three countries, published a declaration condemning the actions and attempts from JICA and ProSAVANA Proponents, based on the above-mentioned documents, 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 the Requesters’ society.
- Though the Requesters tried to gather information and the Portuguese version related to the Guidelines and the objection procedure to JICA, this request was never fulfilled.

##### (ii) Summary of Operational Departments’ Explanation

- The claim that “Instead, JICA was committed into another maneuver to hire the NGO in Nampula as its consulting agent and intervened directly into our society”, is baseless as explained in (20) above.
- Concerning the Portuguese version of the JICA Guidelines for Environmental and Social Considerations, a request for the Portuguese version was made by the Japanese NGO at the

3rd Dialogue meeting on the ProSAVANA program between Japanese NGOs and the Ministry of Foreign Affairs (MOFA) and JICA in April 2013 and on other occasions. The JICA Guidelines for Environmental and Social Considerations currently have been translated into English, Spanish, French, and Chinese, but not into Portuguese; however, in the Master Plan Study, the Study Team compiled an outline of the JICA Guidelines for Environmental and Social Considerations in Portuguese, and explained it to the staff of central and local Mozambican government between June and August 2012 and it was also handed over to officials of UNAC. Moreover, JICA is not aware of any creation of a Portuguese version of the Safeguard Policy (corresponding to the JICA Guidelines for Environmental and Social Considerations) by International Financial Institutions (IFIs) such as the World Bank or African Development Bank.

# Summary of ProSAVANA Agricultural Development Program

## Current Situation and Issues

- ✓ Mozambique is ranked as the Least Developed Country of which GNI per capita is USD590 (2015). As for Human Development Index it is 180th out of 187 countries (2015). Majority of its working population engages in agriculture, and 96 % of which is small-scale family farmer.
- ✓ Although Nacala Corridor area is blessed with rainfall and extended arable land, the poverty level is particularly high and the agricultural productivity is low in Mozambique .
- ✓ Government of Mozambique is in need of support for small-scale farmers, including introduction of improved production technology and establishment of (micro)financing mechanism.

## Summary of ProSAVANA program

ProSAVANA program aims to improve livelihood through sustainable agricultural development in Nacala Corridor area (21 districts in 3 provinces of Nampula, Niassa and Zambézia) which has untapped potential for agriculture. It thus aims poverty reduction of small-scale farmers and national economic growth.

## Ongoing Projects under the program

1. The Project for Improving Research and Technology Transfer Capacity for Nacala Corridor Agriculture Development (PI) (May 2011 – November 2017)  
Develop human resource and strengthen institutional capacity to enhance research capacity on cultivation technology and soil analysis techniques, etc., through dispatching Japanese and Brazilian experts to the Northeast Zonal Center (Nampula) and the Northwest Zonal Center (Niassa) of Institute of Agricultural Research of Mozambique. Selection of appropriate varieties, identification of effective way of fertilizer use, verification of soil conservation techniques as well as development of manuals are in progress.

2. Support for Agricultural Development Master Plan for Nacala Corridor in Mozambique (PD) (March 2012- )

Formulate an agricultural development master plan which will contribute to the local socio-economic development considering natural and social condition and characteristic of Nacala Corridor area.

3. Project for Establishment of Development Model at Communities' Level under Nacala Corridor Agricultural (PEM) (May 2013 – May 2019)  
Establish and disseminate the agricultural development models suitable for the characteristics of and farming practices in the area. Pilot activity to verify applicability of the models to be developed is in progress.



## [Overall Chronology]

