

Notice to Suspend Decision to Commence the Procedures

Date: 26 December 2023

To: The Requesters

The Examiners for the Guidelines
Japan International Cooperation Agency

We hereby notify you that we have suspended the decision to commence the process pursuant to the Objection Procedures based on the Guidelines for Environmental and Social Considerations with respect to your request to raise an objection dated 7th July 2021 (accepted as of 22nd August 2023). For details, please refer to the enclosed Results of Examination.

The reasons why we deem it appropriate to suspend the decision to commence the process include that the compensation for your damages, which is the main issue being addressed by the process, has already been pending in other resolution proceedings (the Expropriation Proceedings in accordance with the Republic Act No. 10752 under the laws of the Philippines) and is practically the same with the issue in these proceedings.

After the resolution proceedings pending in the Philippines, which are the reasons for the grounds for suspension, have ceased to exist, and if you submit the confirmation of your intention to continue the process in writing, then, we would decide whether or not we need commence the process.

Thank you very much.

[END]

Results of Examination

1. Formal requirements of the Request

All necessary items are described in English.
The Request described that it was dated 7th July 2021, but was sent to the JICA Philippines Office (the “JICA Office”) on 23rd July 2023¹. The Examiners conducted an interview with one of the Requesters on 18th December 2023, and confirmed the intention that no descriptions of the Request need to be amended after 7th July 2021.

2. Requirements to commence the process pursuant to the Procedures

(1) Requirements regarding the Requesters

The Request has been submitted by two residents of the country where the project is implemented.

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

After identifying the project from the Request, it has been confirmed that the project is supported by JICA.

(3) Period

The Request was submitted after JICA disclosed the result of the categorization of the project and before the project is completed.

(4) Actual damage incurred or likely to be incurred by the Requesters as a result of JICA’s non-compliance with the Guidelines

The Requesters have claimed that their buildings (including equipment) that serve both as their residence and workplace are located at the planned site for the construction of the depot and the compensation for the relocation is insufficient, and therefore, they will suffer actual damages likely to be incurred due to insufficient compensation for their relocation. The compensation for their damages, however, is pending in the resolution proceedings (the Expropriation Proceedings in accordance with the Republic Act No. 10752 under the laws of the Philippines) as of December

¹ Refer to Paragraph 2.(8) and footnote 2 below.

2023.

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

The Requesters have claimed and described that disclosure of information with respect to the resettlement and compensation to the affected people have not complied with the section of the involuntary resettlement of the JICA Guidelines for Environmental and Social Considerations April 2010 (paragraphs 1 through 4 of "Involuntary Resettlement" of "Appendix 1. Environmental and Social Considerations Required for Intended Projects") in the project implementation.

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

Now, the resolution proceedings (the Expropriation Proceedings in accordance with the Republic Act No. 10752 under the laws of the Philippines) are pending, and therefore, the Examiners cannot judge the causal relationship between JICA's non-compliance with the JICA Guidelines and the alleged damages due to it, which the Requesters have claimed and described.

(7) Facts concerning the Requesters' consultation with the Project Proponent

It was recognized that the Requesters and their family attended the public consultations held by the Project Proponent with respect to the construction of the depot, but was not found that the Requesters tried to have dialogues with the Project Proponent on their own initiative.

(8) Facts concerning the Requesters' consultation with JICA

The Requesters explained that persons related to JICA attended the public consultations which the Requesters and their family attended, but it was not found that the Requesters had dialogues directly with JICA. It was found that in July 2021, the Requesters sent the Request to the JICA Office, and the JICA Office tried to communicate with the Requesters, but the Requesters did not respond at that time². During the period for the preliminary investigation after the acceptance of the Request on August 22nd 2023, the Requesters did not timely respond to communications from the JICA Office and the Examiners.

² Consequently, it was confirmed that the JICA Office was unable to confirm the contents of the Request and did not forward the Request to the Examiners.

The Requesters are required to submit the Request directly to the Examiners under the Japan International Cooperation Agency Objection Procedures based on the Guidelines for Environmental and Social Considerations (the “JICA Objection Procedures”). When the JICA Office received the Request in July 2021, however, the JICA Office had to forward the Request to the Examiners at that time, taking the objectives and purposes of the JICA Objection Procedures into account. It is recommended that JICA promptly take the recurrence prevention measures to ensure compliance with the JICA Objection Procedures by it, including all other overseas offices of JICA.

(9) Prevention of abuse

There is no concern that the Request is considered as an abuse of JICA objection procedures.

[END]