

Notice of Decision not to Commence the Procedures

Date: 26 December 2023

To: The Requesters

The Examiners for the Guidelines
Japan International Cooperation Agency

We hereby notify you of our decision not 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 3rd November 2023 (accepted as of 13th November 2023). For details, please refer to the enclosed Results of Examination.

The main reasons for the decision not to commence the process include the ongoing dialogues and negotiations between the Project Proponent and the affected people including yourselves, which are still in an early stage. Therefore, it is recommended to continue dialogues with the Project Proponent and to utilize the Grievance Redress Mechanism (GRM) of the project if necessary, prior to submitting a request for Objection Procedures.

It is strongly advised that both you and the Project Proponent of the Cambodian Government continue the negotiations in good faith to reach a consensus on this matter through the efforts of both parties.

At the same time, we request JICA to continue monitoring and supporting the implementation of the necessary procedural arrangements, so that the project is implemented in accordance with the JICA Guidelines.

Thank you very much.

[END]

Results of Examination

1. Formal requirements of the Request

All necessary items are described in English.

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 assets have lost material and financial value due to the restriction on construction above three meters due to the transmission line to be deployed. However, the Project Proponent is in a position to continue the discussion on the compensation with the Requesters, thus it is not possible to assess the actual damage claimed by the Requesters at this point.

(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 JICA and the Project Proponent have not complied with the sections of "Information Disclosure" and "Involuntary Resettlement" of the JICA Guidelines for Environmental and Social Considerations April 2010 in the project implementation. On the other hand, according to the Project

Proponent, it was confirmed that the Requesters will not be required to involuntarily resettle.

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

The Requesters have claimed and described the causal relationship between JICA's non-compliance with the Guidelines and the envisaged damage due to the lack of information disclosure of the project and communication between the Requesters and the Project Proponent.

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

The Requesters have tried to have dialogues with the Project Proponent. However, the dialogues and negotiations between the Project Proponent and the affected people are still in an early stage and will continue according to the Project Proponent. Furthermore, there is a built-in Grievance Redress Mechanism for this project, which the Requesters can utilize if the Requesters seek further settlement of these issues.

(8) Facts concerning the Requesters' consultation with JICA

On 20th January 2020, the Requesters tried to communicate with the JICA Cambodia office and requested that JICA's help should address the problem.

(9) Prevention of abuse

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

[END]