



## **Notice of Decision not to commence the Procedures**

Date: 4 December, 2014

To: Mrs. Bui Thu Huyen  
Mrs. Pham Thi Thanh  
Mr. Nguyen Trong Khai  
Ms. Dao Huyen Thanh

The Examiner for Environmental Guidelines  
Japan International Cooperation Agency

We hereby notify you of our decision not to commence the Procedures with respect to your request to submit objections dated 8 October, 2014 (accepted as of 28 October, 2014). For details, please refer to the enclosed Results of Examination.

As main reasons for decision not to commence the Procedures, we understand that the negotiation among stakeholders is now on-going and it's still in an early stage, waiting for the concrete plan for resettlement and compensation, including the moving site and price estimation. Furthermore, since no specific provision of the Guidelines considered violated by JICA has been stipulated by your request, we could not judge if there is any non-compliance with the Guidelines in the process of the Project.

It is strongly advised that you and the Project Proponent of Vietnamese Government should continue the negotiations in good faith so that you can reach a consensus on this matter through the effort of both parties.

At the same time, we request that JICA should keep continually monitoring and supporting the implementation for the necessary procedural arrangements of the project, including the resettlement issue, so that the Project can be executed in accordance with JICA's Guidelines.

Thank you very much for your attention.

Results of Examination

1. Formality requirements of the Request

All necessary items are described in English.

2. Requirements to commence the Procedures

(1) Requirements regarding the Requester

The Request has been submitted by 4 (four) residents of the country in which 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 JICA provides funding for the project.

(3) Period

The Request was submitted between the time at which JICA indicated its categorization of the project and the time at which the project is completed.

(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 will likely be incurred by relocation and revocation, and be suffered from low compensation, according to the relevant decree of HPC. However, the compensation plan, including the site for moving and concrete objects, including unit prices for compensation, is still not published and process is under preparation at present.

(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 described that JICA has violated and not complied with the Vision of Guideline –Inclusive and Dynamic Development. However, no specific provision has been stipulated by the Requester in spite of our clarification for it. Therefore, we cannot judge if there is any violation or non-compliance of the Guidelines.

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

The Requester has claimed and described the causal relationship between JICA's non-compliance with the Guidelines and the envisaged damage due to lack of community's involvement in the process of the project.

However, such communications among stakeholders are still ongoing, waiting for the concrete plan for resettlement and compensation, including the moving site and price estimation.

Furthermore, no specific provision of the Guidelines has been stipulated so we cannot judge if there is any causal relationship between JICA's non-compliance with the Guidelines and the the substantial damage which the Requester has claimed.

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

The Requester has tried to have dialogues with the Project Proponent.

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

The Requester has tried to communicate with the JICA Viet Nam office and demanded that they respond promptly. As a first reply from the JICA Viet Nam office, they sent a letter back to the Requester on 28 October.

(9) Prevention of abuse

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

[END]