Japan International Cooperation Agency

Notice of Decision not to commence the Procedures

Date: 26 June 2015

The Examiner for the JICA Guidelines for
Environmental and Social Considerations

Mr.Junji Annen
Dr.Sachihiko Harashina

To whom it may concern:

We hereby notify you of our decision not to commence any examination procedures with respect to your request for objections, received on 25 May 2015 (the "Request"). For the details, please refer to the enclosed Results of Examination.

The main reasons for our decision are as follows:
We understand that a construction plan of "the seaport" that the Requesters assert to be built at "Tabuan Tangnan Panglao Bohol," means a temporary landing pier. The construction of such temporary landing pier was proposed by the contractor to Department of Transportation and Communications of the Republic of the Philippines ("DOTC"), the implementing agency of the project funded by Japan International Cooperation Agency. It is confirmed, however, that such temporary landing pier will not be built, since the permission required to build such pier was not granted by DOTC. Since such temporary landing pier will not be built, we envisage that there is no possibility that any damage [due to construction thereof] would incur as the Requesters assert. Therefore, we hereby make the decision not to commence any examination procedures.

Thank you very much for your attention to and interests in the objection procedures for the JICA Guidelines for Environmental and Social Considerations.

26 June 2015

The Examiner for the JICA Guidelines for
Environmental and Social Considerations

Results of Examination

1. Formal requirements of the Request

All required items are described in English.

2. Requirements to commence the Procedures

(1) Requirements regarding the Requesters

The Request was submitted by two (2) or more residents of the country in which the project has been implemented.

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

It has been confirmed from the Request that the project to which the objections are submitted are the project funded by JICA.

(3) Period

The Request was submitted during the period from the time at which JICA disclosed the result of its decisions on categorization of the project and the time at which the project completes.

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

The Request sufficiently describes actual damages incurred or likely to be incurred to the Requesters. A temporary landing pier that the Requesters assert to be built has already been decided not to be built, since the permission required to build such pier was not granted by Department of Transportation and Communications of the Republic of the Philippines ("DOTC"), the implementing agency of the project, while a contractor proposed the plan to build such pier to DOTC. Since such temporary landing pier will not be built, we envisage that there is no possibility that any damage [due to construction thereof] would incur as the Requesters assert.

(5) Relevant provisions of the Guidelines considered to have not been complied by JICA and the facts constituting JICA's non-compliance asserted by the Requesters

There is no reference to the specific provisions of the Guidelines in the Request. The Request, however, asserts construction of such temporary landing pier is planned "without proper public consultation, environment impact assessment study, mitigation plan."

(6) Causal nexus between JICA's non-compliance with the Guidelines and the actual damages

The Requesters assert that the marine sanctuaries in the area would face significant detrimental damages if the proposed structure to allow for transportation is built and operated. As such, it is considered that the Requesters have reasonably described the causal nexus between JICA's non-compliance with the Guidelines and the envisaged damage.

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

According to the facts concerning the Requesters' consultation with the Project Proponents described by the Requesters, we could not identify the fact that the Requesters have sufficiently tried to engage in dialogues with the Project Proponents.

(8) Facts concerning the Requesters' consultation with JICA

The Requesters contacted the JICA Philippine office via phone, however, we could not identify any records showing that sufficient dialogues between the Requesters and JICA's Operational Departments have been made.

(9) Prevention of abuse

There is no concern that submission of the Request constitutes an abuse of the Objection Procedures.

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