

Notice of Decision not to commence the Procedures

Date: 6 October 2015

The Examiner for Environmental Guidelines
Japan International Cooperation Agency

To whom it may concern:

We hereby notify you of our decision not to commence the Procedures with respect to your request to submit objections dated 30 August 2015 (received on 7 September 2015). For details, please refer to the enclosed Results of Examination.

The main reason for the decision not to commence the Procedures is, that any tree in Colaba Woods Garden will not be cut as alleged by the Requester, since the Project Proponent changed the original plan pursuant to the requests of the residents, after the consultation with the parties concerned, whereby Colaba Woods Garden will not be used for the construction site of Cuffe Parade Station.

We request, however, that JICA should continue to monitor and support the implementation of the necessary procedural arrangements for the Project so that the Project can be executed in accordance with JICA's Guidelines.

Thank you very much for your attention.

Results of Examination

1. Formal 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 two (2) or more 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 that 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 of completion of the project.

(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 the removal and transplanting of trees for the construction of a station. The Requester argues that this will lead to a loss of biodiversity, affecting the ecosystem of the region.

(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 violated and not complied with Clauses 2.1, 2.3, 2.4, 2.5, and 2.6 of the Guidelines.

(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 envisaged damage due to a lack of public participation in the process of the project.

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

The Requester alleges that no public consultations or participations of the residents have been made with respect to the construction of the station. In fact, however, several meetings and consultations have been held in response to the requests by the residents (at least three (3) consultation meetings were held in 2015) and, as a result, the original construction plan has been changed.

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

JICA India office has not 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.

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