


The background is a light gray gradient. It is decorated with several realistic water droplets of various sizes, some with highlights and shadows, scattered across the top and bottom. In the upper center, there is a faint, circular fingerprint-like pattern.

# MULTI-STAKEHOLDER FORUM

CONVENED TO PARTICIPATE IN THE ENVIRONMENTAL COMPLIANCE  
PROCEDURES FOLLOWING THE CHEMICAL SPILL FOLLOWING A FIRE AT  
THE UPL WAREHOUSE, CORNUBIA



# OUTLINE OF PRESENTATION

1. PURPOSE OF THE MSF
  2. ACCESS TO INFORMATION
  3. COMMENTS AND SUBMISSIONS ON DOCUMENTS AND PROCESSES
  4. IDENTIFYING AND ASSISTING STAKEHOLDERS
  5. PROMOTE THE DEVELOPMENT OF THE LAW
  6. INTERIM COMMITTEE AND FINAL COMMITTEE
  7. CHALLENGES FACED BY THE INTERIM COMMITTEE
  8. ACCESS TO FUNDING
  9. RECOMMENDATIONS ON FUTURE
- 

# PURPOSE OF THE MSF

- ESTABLISHED BY THE MEC IN CONSULTATION WITH THE MINISTER
- CONDUIT FOR INFORMATION TO FLOW BETWEEN THE RELEVANT AUTHORITY AND STAKEHOLDERS
- MECHANISM AND VEHICLE FOR CONSULTATION WITH STAKEHOLDERS;
- MONITOR THE PERFORMANCE OF THE VARIOUS ORGANS OF STATE INVOLVED GOVERNMENT'S RESPONSE TO THE INCIDENT AND RECOMMEND APPROPRIATE ACTION TO THE MINISTER AND/OR THE MEC ACTION IN RESPECT OF, ANY FAILINGS THEY MIGHT IDENTIFY
- RECOMMEND TO THE JOC APPROPRIATE ACTION WHERE IT DISCOVERS NON-COMPLIANCES OR DEFICIENCIES IN THE PERFORMANCE BY UPL OF ITS OBLIGATIONS;
- MONITOR THE PERFORMANCE OF THE ENVIRONMENTAL CONSULTANTS UNDERTAKING WORK ON UPL'S BEHALF.

# ACCESS TO INFORMATION

- ESTABLISHMENT OF REPOSITORY FOR ALL RELEVANT INFORMATION FORMING PART OF THE ENVIRONMENTAL COMPLIANCE PROCESS
- WILLING SUPPLY OF INFORMATION TO STAKEHOLDERS WITHOUT THE NEED FOR PAIA NOTICES
- CONCERNS ABOUT INFORMATION/REPORTS/FINDINGS OF ENVIRONMENTAL SPECIALIST BEING FILTERED OR “SANITISED” BEFORE RELEASE TO THE AUTHORITIES AND STAKEHOLDERS
- LIMITED INFORMATION ON HEALTH RISKS
- NO DIRECT ACCESS TO UPL, ITS CONSULTANTS OR MEMBERS OF THE JOC TO BE ABLE TO ASK QUESTIONS CONCERNING INFORMATION

# COMMENTS AND SUBMISSIONS ON DOCUMENTS AND PROCESSES


- LARGE VOLUME INFORMATION TO ASSIMILATE
- DIFFICULTY IN COORDINATING RESPONSES
- VOLUNTEER PARTICIPANTS
- NO SPECIALIST ASSISTANCE
- LONG TIME BETWEEN QUERIES RAISED AND RESPONSES
- WITHOUT DIRECT ACCESS TO OFFICIALS AND UPL/CONSULTANTS, PARTICIPATION IS LIMITED

# IDENTIFYING AND ASSISTING STAKEHOLDERS

- WIDE RANGE OF STAKEHOLDERS WHO SUFFERED DIVERSE IMPACTS
- LACK OF RESOURCES TO ASSIST STAKEHOLDERS
- NO CLEAR PROTOCOL TO ASSIST STAKEHOLDERS WITH CLAIMS
- KEY AFFECTED GROUPS:
  - SUBSISTENCE FISHERFOLK
  - SMALL-SCALE FARMERS
  - SMALL BUSINESSES DISRUPTED BY POLLUTION OF COASTAL ENV



# PROMOTE THE DEVELOPMENT OF THE LAW

- POLLUTER PAYS PRINCIPLE
  - CRADLE TO GRAVE RESPONSIBILITY FOR PRODUCTS AND WASTE
  - MEANINGFUL PUBLIC PARTICIPATION
  - ARE THESE PRINCIPLES ENFORCEABLE?
  - OBLIGATION TO DEVELOP THE LAW
- 



# INTERIM COMMITTEE AND FINAL COMMITTEE

- ROLE OF THE INTERIM COMMITTEE
  - FINALISE TERMS OF REFERENCE
  - NOMINATE PEOPLE TO FINAL COMMITTEE
- DEAL WITH THE ISSUES OF INTEREST TO THE FORUM IN THE INTERIM
- FINAL COMMITTEE
  - ENCOURAGE AND ENABLE PUBLIC PARTICIPATION IN MATTERS THAT AFFECT THE ENVIRONMENT AND HUMAN HEALTH AND WELLBEING
  - APPOINTED BY THE MEC FROM PERSONS NOMINATED BY THE STAKEHOLDERS VIA INTERIM COMMITTEE
  - MANAGED BY A SECRETARIAT RESPONSIBLE FOR CONVENING MEETINGS AND TAKING AND DISSEMINATING MINUTES AND REPORTS
  - HAVE MEMBERS—WITH APPROPRIATE EXPERTISE
  - REPRESENTATIVES OF ALL AFFECTED STAKEHOLDERS AND ORDINARY PEOPLE OR ORGANISATIONS WITH AN INTEREST IN THE PROTECTION OF HUMAN RIGHTS AND/OR THE ENVIRONMENT



# DIFFICULTIES THAT THE INTERIM COMMITTEE

- FINALISING TERMS OF REFERENCE
- LIMITED TO INTERNAL DEBATES
- NO ENGAGEMENT WITH UPL OR THE JOC
- NO FORMAL STRUCTURE
- DIFFERENT EXPECTATIONS OF MEMBERS
- NO CLEAR MECHANISM TO HOLD GOVERNMENT OR STAKEHOLDERS TO ACCOUNT

# WAY FORWARD FOR FINAL COMMITTEE

- FUNDING
  - SECRETARIAT
  - MEDIA LIAISON
  - CONVENING BROADER STAKEHOLDER MEETINGS
- ACCESS TO OFFICIALS AT REGULAR MEETINGS
- INPUT IN TO REMEDIATION AND REHABILITATION PLANS
- CONSULTATION BEFORE DECISIONS ARE MADE
- ESTABLISH TRUST BETWEEN STAKEHOLDERS AND GOVERNMENT
- CONSOLIDATED AGENDA (NGOS HAVE DIFFERENT AGENDAS AND DIFFERENT “CONSITUENCIES”)
- HOW TO HOLD ROLEPLAYERS ACCOUNTABLE