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Decision

Final statement: AHN and CBVL complaint to the UK NCP about Victoria Oil & Gas plc (VOG)

Updated 20 January 2023

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This statement was published on 22 October 2022 by UK National Contact Point (UK NCP) for the OECD Guidelines for Multinational Enterprises.

Summary of the UK National Contact Point (UK NCP) decision

In February 2018 Association des Habitants de Ndogpassi I, II et III [Ndogpassi I, II and III Residents Association] (AHN) and Cercle de Bon Voisinage de Logmayangui [Logmayangui Good Neighbours Circle] (CBVL) (the Complainants) filed a complaint with the UK NCP against the UK-based company Victoria Oil & Gas plc (VOG).

The complaint alleged that, during the consultation phase and then extractive phase of the Logbaba Gas Project in Cameroon (the Project), VOG breached the OECD Guidelines for Multinational Enterprises (the Guidelines). The complaint alleged that the Guidelines were breached because of VOG's alleged lack of stakeholder engagement, disclosure of information, human rights infringements, lack of trade union representation and poor environmental management.

During the further examination process, the UK NCP examined the evidence, submissions and documents provided by both parties.

Findings and recommendations

The UK NCP finds that Victoria Oil & Gas plc (VOG) did not meet the following obligations under the OECD Guidelines:

- Chapter II (General Policies) paragraphs 7 and 14
- Chapter VI (Environment) paragraphs 5 and 6

The UK NCP finds that VOG did meet the following obligations under of the OECD Guidelines:

- Chapter II (General policies) paragraphs 4 and 10
- Chapter III (Disclosure) paragraphs 1 and 2
- Chapter IV (Human Rights) paragraphs 1, 4 and 6
- Chapter V (Employment and industrial relations) paragraphs 5, 1A and 1B
- Chapter VI (Environment) paragraphs 1, 3 and 7

During the Initial Assessment stage, the UK NCP accepted all paragraphs submitted in the complaint. However, during a review of the information provided the UK NCP found there was not enough evidence to materially substantiate some of the paragraphs raised. Therefore, no further examination has been done and no conclusion has been made on the following paragraphs:

- Chapter V (Employment and industrial relations) paragraphs 1c, 1e and 6
- Chapter VI (Environment) paragraphs 4 and 8

As per the UK NCP's published Rules of Procedure, where appropriate, the NCP will make specific recommendations to the company so that its conduct is in line with the Guidelines. These recommendations are as follows:

In line with the Guidelines, VOG should:

- develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate
- engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities
- continually seek to improve corporate environmental performance, at the level of the enterprise and, where appropriate, of its supply chain
- maintain contingency plans for preventing, mitigating, and controlling serious environmental and health damage from their operations, including accidents and emergencies; and mechanisms for immediate reporting to the competent authorities

The UK NCP also draws VOG's attention to the OECD's Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector. The OECD has prepared the Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector intended to provide practical guidance to mining, oil and gas enterprises in addressing the challenges related to stakeholder engagement.

The UK NCP will issue a follow-up UK report to this final statement in September 2023.

The OECD Guidelines and the UK NCP complaints procedure

The OECD Guidelines are voluntary principles for responsible business conduct in areas including employment, human rights and the environment.

Each country adhering to the Guidelines is required to maintain a National Contact Point (NCP) to consider complaints under the Guidelines.

The UK NCP is staffed by officials in the Department for International Trade (DIT). It operates independently of ministers, who have no role in UK NCP decision making on complaints.

The UK NCP follows published procedures in handling any complaint, including:

- an initial assessment to decide whether a complaint is accepted for further examination
- an offer of mediation if a complaint is accepted

- a further examination if mediation is refused or fails to produce an agreement between the parties
- a final statement reporting the outcome of mediation or further examination

Details of the parties involved

The complainants

- Association des Habitants de Ndogpassi I, II et III [Ndogpassi I, II and III Residents Association] (AHN). AHN's aim is to combat poor health conditions around the area of the Project for the benefit of local residents
- Cercle de Bon Voisinage de Logmayangui [Logmayangui Good Neighbours Circle] (CBVL). CBVL's aim is to raise awareness of health and hygiene issues amongst the residents living near the project, to promote the social and cultural development of its members and to promote the spirit of mutual assistance and friendly relations amongst its members

In the process of preparing the complaint, the parties were assisted by Centre d'actions pour la Vie et pour la Terre (CAVT), an organisation that provides technical, legal and social advice on projects and activities of the type undertaken by the respondent. CAVT continue to provide this assistance to the Complainants on an ongoing basis.

The company

Victoria Oil and Gas plc (VOG) is a London-based company, which wholly owns Gaz du Cameroun S.A. (GDC), which in turn has a 57% interest in the Project in the port city of Douala, Cameroon.

Initial assessment of the complaint by the UK NCP

The UK NCP received the complaint on 13 February 2018. The complaint concerned the activities of VOG at the project in Cameroon. The UK NCP issued its initial assessment accepting the issues for further examination on 20 December 2018. The UK NCP's initial assessment of the complaint can be found on GOV.UK. During the Initial Assessment, the UK NCP accepted the issues with regard to the following Guidelines obligations:

Chapter II – General Policies

Enterprises should take fully into account established policies in the countries in which they operate, and consider the views of other stakeholders. In this regard:

A. Enterprises should:

1. Contribute to economic, environmental and social progress with a view to achieving sustainable development.
2. Respect the internationally recognised human rights of those affected by their activities.
4. Encourage human capital formation, in particular by creating employment opportunities and facilitating training opportunities for employees.
7. Develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprise and the societies in which they operate.
10. Carry out risk-based due diligence, for example by incorporating it into their enterprise risk management systems, to identify, prevent and mitigate actual and potential adverse impacts as described in paragraphs 11 and 12, and account for how these impacts are addressed. The nature and extent of due diligence depend on the circumstances of a particular situation.
14. Engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities.

Chapter III – Disclosure

1. Enterprises should ensure that timely and accurate information is disclosed on all material matters regarding their activities, structure, financial situation, performance, ownership and governance. This information should be disclosed for the enterprise as a whole, and, where appropriate, along business lines or geographic areas. Disclosure policies of enterprises should be tailored to the nature, size and location of the enterprise, with due regard taken of costs, business confidentiality and other competitive concerns.
2. Disclosure policies of enterprises should include, but not be limited to, material information on:
 - a) the financial and operating results of the enterprise
 - b) enterprise objectives
 - c) major share ownership and voting rights, including the structure of a group of enterprises and intra-group relations, as well as control enhancing mechanisms
 - d) remuneration policy for members of the board and key executives, and information about board members, including qualifications, the selection process, other enterprise directorships and whether each board member is regarded as independent by the board
 - e) related party transactions

- f) foreseeable risk factors
- g) issues regarding workers and other stakeholders
- h) governance structures and policies, in particular, the content of any corporate governance code or policy and its implementation process

Chapter IV – Human Rights

States have the duty to protect human rights. Enterprises should, within the framework of internationally recognised human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:

1. Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
4. Have a policy commitment to human rights.
6. Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.

Chapter V Employment and industrial relations

Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices and applicable international labour standards:

1.
 - a) Respect the right of workers employed by the multinational enterprise to establish or join trade unions and representative organisations of their own choosing.
 - b) Respect the right of workers employed by the multinational enterprise to have trade unions and representative organisations of their own choosing recognised for the purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment.
 - c) Contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.
 - e) Be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers with respect to employment or occupation on such grounds as race

colour, sex, religion, political opinions, national extraction or social origin, or other status, unless selectively concerning worker characteristics furthers established governmental policies which specifically promote greater equality of employment opportunity or relates to the inherent requirements of the job.

5. In their operations, to the greatest practicable, employ local workers and provide training with a view to improving skill levels, in co-operation with worker representatives and, where appropriate, relevant governmental authorities.

6. In considering changes in their operations which would have major employment effects, in particular in the case of the closure of an entity involving collective lay-offs or dismissals, provide reasonable notice of such changes to representatives of the workers in their employment and their organisations, and, where appropriate, to the relevant governmental authorities, and co-operate with the worker representatives and appropriate governmental authorities so as to mitigate to the maximum extent practicable adverse effects. In light of the specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken. Other means may also be employed to provide meaningful co-operation to mitigate the effects of such decisions.

Chapter VI Environment

Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development. In particular, enterprises should:

1. Establish and maintain a system of environmental management appropriate to the enterprise.
3. Assess, and address in decision-making, the foreseeable environmental, health, and safety-related impacts associated with the processes, goods and services of the enterprise over their full life cycle with a view to avoiding or, when unavoidable, mitigating them. Where these proposed activities may have significant environmental, health, or safety impacts, and where they are subject to a decision of a competent authority, prepare an appropriate environmental impact assessment.
4. Consistent with the scientific and technical understanding of the risks, where there are threats of serious damage to the environment, taking also into account human health and safety, not use the lack of full scientific certainty as a reason for postponing cost-effective measures to prevent or minimise such damage.
5. Maintain contingency plans for preventing, mitigating, and controlling serious environmental and health damage from their operations, including accidents

and emergencies; and mechanisms for immediate reporting to the competent authorities.

6. Continually seek to improve corporate environmental performance, at the level of the enterprise and, where appropriate, of its supply chain.

7. Provide adequate education and training to workers in environmental health and safety matters, including the handling of hazardous materials and the prevention of environmental accidents, as well as more general environmental management areas, such as environmental impact assessment procedures, public relations, and environmental technologies.

8. Contribute to the development of environmentally meaningful and economically efficient public policy, for example, by means of partnerships or initiatives that will enhance environmental awareness and protection.

The UK NCP applies the updated 2011 Guidelines to the actions of companies from 1 September 2011 and to outstanding impacts known to the company at that date.

Mediation

Both parties accepted the UK NCP's offer of mediation and agreed the proposed mediator. A first meeting with the mediator took place on 30 January 2020.

After the mediation, the UK NCP received a report from the mediator which explained parties were continuing to pursue an agreement outside of the UK NCP mediation process. However, on 5 May 2020, the Mediator notified the UK NCP that the parties would not be able to come to an agreement.

On 7 May 2020, the UK NCP wrote to the parties to say that it would begin a further examination of the issues that were accepted at the initial assessment stage.

Further examination: detailed analysis of the complaint

Limitations of further examination

The UK NCP operates within boundaries set by the OECD Guidelines, including the voluntary nature of the Guidelines and the requirement for NCPs to operate transparently.

The UK NCP is not a statutory body and has no powers to require any party to provide information to it, nor any special status permitting it to obtain confidential information that other government officials are under statutory obligation to protect.

The UK NCP has made findings on the information that it has received, and where it considers that information is available to support the argument.

UK NCP findings

During the further examination process, the UK NCP examined the evidence, submissions and documents provided by both parties. Each paragraph is examined in turn below.

General Policies II paragraphs 7 and 14

The Guidelines

The chapeau of Chapter II reads: “Enterprises should take fully into account established policies in the countries in which they operate, and consider the views of other stakeholders”.

Paragraph 7 reads Enterprises should: “Develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate”.

Paragraph 14 reads Enterprises should: “Engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities”.

UK NCP introduction

The Complainants have raised several issues with VOG’s stakeholder engagement. Due to the manifold and often overlapping issues, the UK NCP has grouped these issues in 2 overarching points:

How VOG engaged in the consultation phase of the Project.

How VOG currently engages with the community and what channels it uses.

Below, the UK NCP has outlined both the Complainants’ and VOG’s arguments under these 2 overarching points.

I. How VOG engaged in the consultation phase of the project

Complainants’ argument

The complainants allege that the public consultation failed to meet the legal requirements of Cameroonian law. The complainants allege that public

consultations are legally required to last a minimum of 30 days but the Logbaba Gas consultation lasted just 8 days. The complainants also allege that some of the stakeholder hearings took place several months after exploration work had already begun and only after the local community complained.

Alongside this issue, the complainants allege that the consultation was, in many ways, not meaningful and did not foster trust because it was inaccessible to some of the local population. For instance, the complainants allege that consultation documents were published in English, but 90% of the local population is French speaking. They also allege that the meetings were too short, the company was not actively involved, and questions raised during these meetings were not answered. Lastly, they allege that throughout the whole process they were not provided with enough timely information about the substance of the Environmental and Social Management Plan and Environmental and Social Impact Assessment.

VOG response

VOG informed the UK NCP that they take the complaint very seriously and want to address the communication issues raised by the complainants. VOG also recognises that communication could have been better.

VOG informed the UK NCP that they have engaged with the community significantly during the consultation of the Project. In their response, VOG provided the UK NCP with significant evidence of meetings which took place during the consultation phase with senior government officials, environmental reports and some community engagement.

II. How the company now engages with the community and what channels it uses

Complainants' argument

The complainants allege, that beyond the initial public enquiry, the local population still does not have meaningful mechanisms to engage with the company and to raise issues.

The complainants allege that VOG conducts its business without taking account the local population and fails to provide them with any information. For example, the complainants allege that the meetings which VOG set up to engage with the local population, the 'Platform Meetings', were unilaterally cancelled.

The complainants also allege that other engagement channels, such as the company's website, are not accessible.

Furthermore, the complainants claim that there is a lack of ongoing consultation on environmental impacts, such as flaring. Complainants allege there was an "explosion" on 27 September 2017 which they say could be heard miles away and

from which ambient heat could be felt. The complainants allege they did not receive any information about this.

VOG response

VOG provided the UK NCP with examples of communication channels which the local population can use to engage with the company such as a mailbox for grievances. VOG also told the UK that they are in contact with local chiefs on a day-to-day basis.

VOG confirmed that the Platform Meetings did stop in 2014. VOG told the UK NCP that when these meeting restarted some of the invitees may have changed, so the dissemination of information might be different. The company said the Platform Meetings were resumed when COVID restrictions allowed and have subsequently been convened in June 2021, November 2021 and plans are in place for the next one at the end of July 2022.

VOG said that as part of the drilling process there is unavoidable flaring of large quantities of gas for 'short times', such as 24 hours. VOG stated that normal flaring took place in September 2017 and that on one occasion they failed to warn the local community. VOG also stated that there has never been an 'explosion'. VOG said they have Community Liaison Officers who regularly forewarn and educate the community about flares.

In terms of wider engagement, VOG set up a new website in July 2017. As a result of the complaint, the website is now in dual languages and some updates have been made. VOG stated there is still room for improvement and a project to rebuild the website is underway.

UK NCP conclusion

The complainants raise Chapter II (General Policy) paragraphs 7 and 14 in this complaint. Paragraph 7 and 14 of Chapter II require businesses to engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account and also to develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprise and the societies in which they operate.

From the evidence provided by both parties, the UK NCP considers there was evidence of some effective stakeholder engagement such as the Platform Meeting, and the mailbox for grievances.

Additionally, the UK NCP notes VOG's desire to engage in the UK NCP process, enter mediation to resolve these issues and to continue to engage with the complainants.

However, the Guidelines note that "effective stakeholder engagement is characterised by 2-way communication and depends on the good faith of the participants on both sides". The Guidelines go on to say that businesses should

have “systems that foster a relationship of confidence and mutual trust between enterprise and the societies in which they operate”.

The UK NCP considers that the complainants have shown that there is not a system in place to effectively engage with the local population, and to foster a relationship of confidence. For instance, materials were not provided in an accessible language, the local population were not given enough time in the consultation and the Platform Meetings were cancelled without notice.

The complainants also allege that the public consultation failed to meet the legal requirements of Cameroonian law. However, it is not the role of the NCP to assess VOG’s conduct against Cameroonian law, but rather its remit is to investigate alleged breached of the Guidelines.

Taking into consideration the above, UK NCP considers that VOG has not fully observed the guidelines in respect to General Policies II paragraphs 7 and 14.

The UK NCP recommends that VOG:

- develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate
- engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities

The UK NCP recommends VOG take note of paragraph 12 and 13 of the General Policies commentary which has further guidance on self-regulatory instruments and actions to address corporate behaviour and the relationship between business and society, and how companies, as per the Guidelines, are expected to promote employee awareness of company policies.

The UK NCP also notes that the issue of effective stakeholder engagement is a catalyst for some of the other issues in this complaint, for instance in human rights, environment, disclosure and employee and industrial relations. The UK NCP refers to and takes into consideration the effect of the non-observance of paragraphs 7 and 14 of the General Policies chapter below in the further examination of these chapters.

General Policies II paragraph 10

The Guidelines

Chapter II Paragraph 10, on General Policies, states that enterprises should “Carry out risk-based due diligence, for example by incorporating it into their enterprise risk management systems, to identify, prevent and mitigate actual and potential adverse impacts as described in paragraphs 11 and 12, and account for how these

impacts are addressed. The nature and extent of due diligence depend on the circumstances of a particular situation”.

The commentary of this paragraph says, “due diligence is understood as the process through which enterprises can identify, prevent, mitigate and account for how they address their actual and potential adverse impacts as an integral part of business decision-making and risk management systems”.

Complainants’ argument

The complainants allege that the consultation phase of the project was insufficient to fully identify the risks because the Environment Social Management Plan was not completed before the work began and the aforementioned hearings were held with the local population.

Furthermore, the complainants allege that the risk management provisions in Environment Social Management Plans have not been implemented.

VOG’s response

VOG responded to say that the size of the local population has been one of its biggest challenges in engaging effectively with the local population about VOG’s work.

With regards to the environmental aspect of due diligence, VOG’s response is detailed further under the analysis of Chapter VI Paragraphs 1, 3 and 6 below. For instance, in May 2019, GDC successfully completed the audit process for ISO 9001:2015, ISO 14001:2015 and ISO 45001:2018.

UK NCP conclusion

The UK NCP has taken into consideration the analysis of paragraphs 7 and 14 of General Policies, as to effectively identify and mitigate risks, enterprises must have effective stakeholder engagement.

The UK NCP has determined, as set out above, that there was not enough stakeholder engagement during the consultation phase of the project and has made recommendations to improve this. This responds to the Complainants’ key arguments regarding the lack of consultation.

With regards to the environmental element of due diligence and risk management, VOG has provided the UK NCP with sufficient evidence of alignment with the Guidelines such as with its implementation of an Integrated Management System.

As such, the UK NCP finds that VOG has not breached paragraph 10 of General Policies.

Chapter IV: Human Rights - UK NCP Assessment

Chapter IV Paragraph 1

The Guidelines

Chapter IV Paragraph 1 reads “Enterprises should... Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved”.

The commentary of Paragraph 1 reads: “...addressing actual and potential adverse human rights impacts consists of taking adequate measures for their identification, prevention, where possible, and mitigation of potential human rights impacts, remediation of actual impacts, and accounting for how the adverse human rights impacts are addressed. The term ‘infringing’ refers to adverse impacts that an enterprise may have on the human rights of individuals”.

For brevity the UK NCP has included General Policy Paragraphs 1 and 2 under the below analysis as they thematically fit under Human Rights Paragraph 1.

UK NCP introduction

In the complaint, the Complainants allege that VOG have infringed their human rights in the following ways:

- right to fair and equitable compensation
- right to water
- right to a healthy living environment
- right to decent housing
- right to decent work

Due to the number of alleged human rights infringements, each right has been analysed individually and includes both the Complainants’ and company’s perspectives.

Right to decent work has been analysed in the further examination of the Employment and Industrial relations below as it is thematically related to this Chapter.

Complainants’ argument

The right to fair and equitable compensation: The complainants allege that the compensation evaluation of their properties was not done appropriately. They allege the valuations of their homes were done whilst the heads of households

were not in attendance, that only the outside of houses were checked, and that they were unable to read the documents they were signing.

Right to water: The complainants allege that their water has been disrupted several times since the start of the Project, including a loss of water supply and a decrease in the quality of the water in the households living around the boundaries of the safety zone. The complainants provided the UK NCP with reports by the Pasteur Centre regarding the unsatisfactory and mediocre quality of the water.

The right to a healthy environment: The complainants allege that those living near the Project are victims of, amongst other things, noise and pollution. The complainants survey showed that 81.70% of individuals surveyed stated that they have suffered the effects of noise from the gas production site, 31.60% of the persons surveyed complained of odours.

Right to decent housing: the complainants allege that the vibrations from the gas production operations has caused the walls of the houses close to the gas site to crack. From the complainants' survey, they allege that 23 houses have been impacted, and provided the UK NCP with a map showing the proximity of some houses with cracks to the project. The complainants also provided the UK NCP with pictures with soil erosion allegedly caused by drilling effluent from the site.

VOG response

The right to fair and equitable compensation: VOG responded that the consultation was managed by the Senior Divisional Officer for Wouri who set up a CCE commission to evaluate the value of the properties within the boundaries of the safety zone. VOG argue that GDC (RDL as it was known at the time) was not part of this commission to ensure that it was independent. VOG said that the evaluation of the land was in accordance with the local laws. Further, both parties provided the UK NCP with information pertaining to the Prime Ministerial Decree describing the payment of houses.

Right to water: VOG response that they experienced similar issues with water potability on site prior to any drilling. They said that the water quality issue is because of the geology of the land and not as a result of their operations.

The right to a healthy environment: VOG responded that they have been monitoring noise on the site as well as discussing with the local population about local environmental issues at previous Platform Meetings. VOG notes that natural gas is odourless.

Right to decent housing: VOG provided the UK NCP with information about correspondence between VOG and a local resident regarding water run off damaging their house. The correspondences claim to show that the harms were not caused by VOG but instead heavy rainfall, but that Gaz Du Cameron would look at the road to see if improvements could be made to the drainage.

UK NCP conclusion

In the analysis of Chapter IV Paragraph 1 the UK NCP benefitted from the additional documents outlined in paragraph 39 of Chapter IV, including the UN Guiding Principles on Business and Human Rights and interpretation of international human rights instruments including International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) and International Labour Organization (ILO) instruments. As such, the UK NCP has come to the following conclusions.

The right to fair and equitable compensation: The Guidelines provide a broad overview of what enterprises should do to recognise and respect human rights. They do not define human rights. As such UK NCP referred to existing international human rights instruments to understand whether the right to fair and equitable compensation would constitute a recognised human right. UK NCP referred to ICESCR, ICCPR and various ILO instruments. None of these consider the right to fair and equitable compensation as a recognised right in the context of what the complainants have claimed. The UK NCP therefore does not consider it as a recognised right and therefore cannot consider it as part of a complaint under Chapter IV of the Guidelines.

Right to water: Both parties provided the UK NCP with information regarding the quality of water and have differing opinions on the Project's alleged impacts on the local population's right to water. As UK NCP does not have in-house experts to interpret technical reports, it sought advice from the Foreign, Commonwealth and Development Office.

Following these conversations the UK NCP decided, as per 4.6.4 of its published Rules of Procedures, to ask a consultant with an expertise in environment to review the complaint documents. The UK NCP communicated this decision to the parties on 5 January 2022.

The consultant came to the following conclusions:

- none of the documents provided present a compelling case for assigning responsibility to the Logbaba site activities to the loss of water supply or decrease in the quality of water supplied to households living around the site. This does not mean that the site is not having an adverse impact, but rather the link is not established
- it is possible that low (acidic) pH and high iron concentrations are a result of natural conditions rather than industrial activities
- it is not possible to quantify or distinguish between the contribution of Logbaba site activities to groundwater contamination relative to other industrial activities in close proximity.
- the company has left itself open to complaints from local people by failing to establish a detailed baseline for water quality and making broad unsupported assertions about the absence of impacts. This leaves it in a position of having limited evidence to demonstrate to local people that contamination predated its activities in the area or that its own activities are not contributing to contamination that may be occurring naturally

Taking into account the environmental consultants findings that a link cannot be established between the adverse impact and the site, the UK NCP therefore does not consider VOG have infringed on the local populations right to water.

Right to healthy living environment: The complainants have provided some evidence to support their allegations. For instance, survey data supplied to UK NCP by the complainants shows survey participants confirming issues with noise and odour. However, the UK NCP cannot assess or conclusively prove within the remit of an NCP further examination, that the noise and odour were directly caused by the actions of VOG and the project. Therefore, the UK NCP finds that VOG did not infringe on the rights of local population with respect to right to a healthy environment.

However, while there was no conclusive evidence to suggest VOG have breached the right to healthy living environment, it is apparent that the local population have experienced negative impacts from the project. In October 2021, the UN Human Rights Council adopted Resolution 48/13 recognising the right to a clean, healthy and sustainable environment as a human right. As part of its objective to promote the Guidelines, the UK NCP would like to draw all multinational enterprises' attention to this resolution as well as the need for regular human rights due diligence in their operations and supply chains.

Right to decent housing: In the analysis of the local populations right to decent or adequate housing, the UK NCP benefitted from a review of the definition of adequate housing as a recognised right under article 11 of ICESCR and ILO Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) article 5(2). This reads "Habitability: housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards". From the complaint's photographic evidence of large cracks in the earth, and the map showing proximity of these houses to the site, it appears that these impacts could be caused by VOG. However, the evidence provided by VOG suggests that it has engaged on this matter and was looking to improve the road. The UK NCP therefore does not consider there is sufficient evidence to conclusively prove that VOG has infringed on the local populations right to decent housing.

Taking into account the above, the definitions of human rights, the type of evidence provided, the limitations of a review by NCPs, and the findings of the Environmental Consultant, the UK NCP finds that VOG has not breached Paragraph 1 of the Chapter IV of the OECD Guidelines.

Human Rights Paragraph 6 – UK NCP Assessment

The OECD Guidelines

The Guidelines of paragraph 6 reads enterprises should "Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts

where they identify that they have caused or contributed to these impacts”.

Complainants’ argument

The Complainants suggested VOG “should identify and remedy without delay all the impacts caused by the activities pursued at the gas production site (compensation and relocation of families expropriated, management of other external environmental and social impacts etc.)”.

As above in the investigation of Chapter IV Paragraph 1, the Complainants allege that the evaluation of their properties for compensation was not done appropriately. They allege the valuations of their homes were done whilst the heads of households were not in attendance, that only the outside of houses were checked, and that they were unable to read the documents they were signing.

Also, as above, the Complainants allege VOG have caused environmental harms such as water pollution and issues with odour and noise which needs to be remedied.

VOG’s response

Regarding remedy for the alleged incorrect payment of houses VOG explained to the UK NCP the evaluation of the land was in accordance with the local laws. VOG also provided the UK NCP with a Prime Ministerial Decree describing the payment of houses.

UK NCP conclusion

The UK NCP understands that the Complainants feel that households have not been compensated correctly for their homes.

However, taking into consideration the above findings of Chapter IV Paragraph 1, and a review of the definition of adequate housing as a recognised right under article 11 of ICESCR and ILO Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) article 5(2), the UK NCP finds the harm raised by the Complainants is out of scope of the definition of human rights, and consequentially not under the scope of Paragraph 6.

In conclusion, the UK NCP finds that VOG has not breached Paragraph 6.

Human Rights Paragraph 4 – UK NCP Assessment

The OECD Guidelines

Chapter IV Paragraph 4 states that enterprises should have a policy commitment to respect human rights.

The OECD commentary on paragraph 4 recommends that the statement of policy on human rights should:

- be approved at the most senior level of the enterprise
- be informed by relevant internal and/or external expertise
- stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services
- be publicly available and communicated internally and externally to all personnel, business partners and other relevant parties
- be reflected in operational policies and procedures necessary to embed it throughout the enterprise

Complainants' argument

The Complainants alleged that VOG has breached Chapter IV Paragraph 4 due to the absence of a human rights policy.

VOG's response

VOG's initial response submitted to the UK NCP did not indicate if the company had a human rights policy in line with the Guidelines in place. VOG did provide the UK NCP with a copy of its Corporate Social Responsibility policy which covers a range of issues including environment, mitigating adverse social impacts and co-operating with communities.

Following the factual commentary stage of the further examination VOG provided the UK NCP with a link to GDC's Human Rights Policy. VOG also provided a link to VOG's Human Rights Policy which was last revised in August 2021.

UK NCP conclusion

The Guidelines require enterprises to have a clear and separate human rights policy statement. During the Further Examination the UK NCP considered VOG's corporate social responsibility (CSR) policy insufficient to meet its obligations under the Guidelines.

However, the 2 Human Rights policies which were provided in the latter stages of the UK NCP process, sufficiently demonstrate that VOG now observes paragraph IV of Chapter V of the Guidelines (for an enterprises to express its commitment to respect human rights through a statement of policy).

As such, the UK NCP finds that VOG has observed the Guidelines under Chapter IV Paragraph, 4 on Human Rights.

Chapter III - Paragraphs 1 and 2

The OECD Guidelines

Chapter III Paragraph 1 stipulates that “Enterprises should ensure that timely and accurate information is disclosed on all material matters regarding their activities, structure, financial situation, performance, ownership and governance. This information should be disclosed for the enterprise as a whole, and, where appropriate, along business lines or geographic areas. Disclosure policies of enterprises should be tailored to the nature, size and location of the enterprise, with due regard taken of costs, business confidentiality and other competitive concerns”.

Paragraph 2 reads: “Disclosure policies of enterprises should include, but not be limited to, material information on:

- a) the financial and operating results of the enterprise
- b) enterprise objectives
- c) major share ownership and voting rights, including the structure of a group of enterprises and intra-group relations, as well as control enhancing mechanisms
- d) remuneration policy for members of the board and key executives, and information about board members, including qualifications, the selection process, other enterprise directorships and whether each board member is regarded as independent by the board
- e) related party transactions
- f) foreseeable risk factors
- g) issues regarding workers and other stakeholders
- h) governance structures and policies, in particular, the content of any corporate governance code or policy and its implementation process”.

The issue of the disclosure of information was also raised by the Complainants in the human rights chapter, and has been included in the analysis and the conclusions below for brevity.

Complainants’ arguments

The Complainants allege that the local population ‘knows little’ about VOG’s activities, and that little information has been made available to them about how VOG manages its environmental and social impacts or performance.

The Complainants alleged that, also mentioned in the stakeholder engagement analysis above, the information provided by VOG has not been clear and comprehensible, for instance not in the right language, or difficult to understand.

The Complainants claim that the channels which VOG have used to cascade disclosure information have not been successful with the local population. For instance, the Complainants allege that VOG's website is not fit for purpose, VOG meetings are not sufficiently accessible, and the community liaison officers have been unsuccessful with regards to flaring disclosure.

VOG's response

VOG responded to say that they are trying to improve their engagement with the local population. For instance, by improving their website, and post-COVID, holding more community meetings.

UK NCP conclusion

The UK NCP understands that the Complainants are disappointed by the lack of communication from VOG, as discussed in the Stakeholder Engagement section of this further examination.

After reviewing the evidence provided by the Complainants, the UK NCP considers that the Complainants have issues with the way in which VOG have disclosed information (for example, through VOG's website) and not the type of information.

However, Chapter III, Paragraphs 1 and 2 focus on type of information which should be disclosed such as material matters regarding enterprises activities such as structure, financial situation, performance, ownership and governance.

Therefore, the UK NCP does not find VOG in breach of Chapter III Paragraphs 1 and 2, on General Policies.

Chapter VI: Environment

Introduction

The Complainants claim VOG have not observed the following paragraphs of Chapter VI: 1, 3, 5, 6, 7, 8.

These alleged breaches principally concern the consultation phase of the Project, and successive management of and reporting about the site.

Chapter VI Paragraph 1, 3 and 6

Chapter VI Paragraph 1 states that "Establish and maintain a system of environmental management appropriate to the enterprise. collection & evaluation of adequate & timely information regarding the environmental, health, and safety impacts of their activities; establishment of measurable objectives and, where appropriate, targets for improved environmental performance and resource utilisation, including periodically reviewing the continuing relevance of these

objectives; where appropriate, targets should be consistent with relevant national policies and international environmental commitments; and regular monitoring and verification of progress toward environmental, health, and safety objectives or targets”.

Chapter VI Paragraph 3 reads, enterprises should: “Assess, and address in decision-making, the foreseeable environmental, health, and safety-related impacts associated with the processes, goods and services of the enterprise over their full life cycle with a view to avoiding or, when unavoidable, mitigating them. Where these proposed activities may have significant environmental, health, or safety impacts, and where they are subject to a decision of a competent authority, prepare an appropriate environmental impact assessment”.

Chapter VI Paragraph 6 reads, “Continually seek to improve corporate environmental performance, at the level of the enterprise and, where appropriate, of its supply chain”.

Complainants’ argument

The Complainants allege that the Environmental and Social Management Plan was not completed before the exploration work began in June 2009 as public hearings on the plan were still ongoing.

The Complainants allege that the lack of consultation (as detailed in stakeholder engagement paragraphs above) means VOG could not have appropriately identified and considered all the possible impacts of the Project.

The Complainants also allege that there has been no action to address the environmental impacts which they have since raised with VOG.

The Complainants claim that VOG have also failed to establish and maintain a system of environmental management.

The Complainants also allege that VOG is aware of the damage caused to the local environment and, as a result, the impact to local people’s quality of life, but have chosen to do nothing about it or communicate about it.

VOG response

VOG informed the UK NCP that the company and its operations are run to the highest of standards as well as in compliance with all local regulations.

VOG provided the UK NCP with evidence of Environmental Social Impact Assessment reports from 2007, 2010 and 2016.

VOG also provided the UK NCP with information about VOG’s Environmental and Social Management Plan, which, as confirmed by VOG, was reported to on a biannual basis to various government bodies and also have presented this information at Platform Meetings. VOG showed the UK NCP examples of their 2020 Environmental and Social Management Plan.

VOG added that in January 2017 they implemented an Integrated Management System, And GDC successfully completed the audit process for ISO 9001:2015, ISO 14001:2015 and ISO 45001:2018 in May 2019.

VOG also provided the UK NCP with its 2017 Full Environmental Monitoring and Compliance Report.

UK NCP conclusion

The UK NCP considers that VOG has demonstrated, through its examples of Environmental and Social Management Plan, Environmental and Social Impact Assessments, and implementation of an Integrated Management System, considerable efforts to manage and assess the company's environmental impacts.

The UK NCP also considers that VOG has taken the complaint and the allegations within it very seriously. For instance, since the start of the complaint, VOG have made changes such as employing consultants, and gaining accreditations.

Due to this, the UK NCP finds VOG not in breach of Paragraphs 1 and 3.

However, Paragraph 6 stipulates that enterprises should seek to improve environmental performance, including exploring and assessing ways of improving the environmental performance of the enterprise over the longer term.

It is apparent from the Complainants that the local population do not feel they are made aware of environmental assessments and management, or improvements made on the site. Therefore, the UK NCP refers VOG to the Stakeholder Engagement part of this Final Statement, and Chapter II Paragraph 7 of the OECD Guidelines, which state that enterprises should “foster a relationship of confidence and mutual trust between enterprise and the societies in which they operate”.

Within the remit of the UK NCP further examination the UK NCP did not see sufficient evidence of VOG seeking to improve corporate environmental performance, for instance, through target setting or the development of strategies for emission reduction, and therefore finds that VOG has not fully observed Chapter VI Paragraph 6.

The UK NCP therefore recommends that in order to bring their performance fully in line with the Guidelines, VOG continually seek to improve corporate environmental performance, at the level of the enterprise and, where appropriate, of its supply chain.

Chapter VI Paragraph 5 – Environment

The Guidelines on Paragraph 5

Chapter VI Paragraph 5 states that enterprises should “Maintain contingency plans for preventing, mitigating, and controlling serious environmental and health

damage from their operations, including accidents and emergencies; and mechanisms for immediate reporting to the competent authorities”.

Complainants’ argument

The Complainants allege that there is no emergency plan for residents.

The Complainants allege that over 5 years after the public enquiry, no local resident has any documentation or information concerning what to do in the event of an incident at the gas production site.

VOG’s response

VOG provided the UK NCP with annexed information about flaring notifications and a Community Liaison report regarding flaring. VOG also provided the UK NCP with information from risk assessments from around the site, including a hazard report.

During the factual commentary stage VOG provided the UK NCP with a link to its GDC’s website which gave a top-level summary of the company’s safety standards and procedures which “are applied at each step of GDC’s gas processes, from extraction to customer connection”. VOG also explained that these are presented and communicated at Platform Meetings.

UK NCP conclusion

The Complainants have raised concerns that they are not aware of what to do in an emergency situation which implies the cascade to the local community has not been effective.

The UK NCP considers that whilst VOG demonstrated how it applies safety measure throughout gas processes it did not see evidence of an explicit contingency plan for preventing, mitigating, or controlling serious environmental and health damage from VOG’s operations which might impact the local community.

Therefore the UK NCP finds that VOG has not fully observed Chapter VI Paragraph 5

As such, the UK NCP recommends that VOG maintain contingency plans for preventing, mitigating, and controlling serious environmental and health damage from their operations, including accidents and emergencies; and mechanisms for immediate reporting to the competent authorities

Chapter VI Paragraph 7 – Environment

The Guidelines on Paragraph 7

Chapter VI Paragraph 7 states that enterprises should “Provide adequate education and training to workers in environmental health and safety matters, including the handling of hazardous materials and the prevention of environmental accidents, as well as more general environmental management areas, such as environmental impact assessment procedures, public relations, and environmental technologies”.

Complainants’ argument

The Complainants allege that VOG does not provide education and training to their workers.

VOG’s response

VOG responded that, since 2011, they have invested US\$176,000 in the training of local staff. VOG states Gaz Du Cameroon also carries out ongoing training and development programmes across a variety of disciplines. In VOG’s contract with SNH they have provided US\$165,000 in training to Cameroon nationals.

As part of this response VOG provided the UK NCP with an employee newsletter which highlighted individual employees who had successfully progressed in their careers, as well as an article related to employee risk management and fire safety policy.

UK NCP conclusion

VOG have provided the UK NCP with figures related to the financial investment they have made to training their staff.

The UK NCP also saw evidence within the Gaz Du Cameroon newsletter of attempts by the company to communicate with employees regarding one aspect of health and safety on the site.

Furthermore, because the complainants did not provide specifics regarding the issues related to this paragraph, namely training on environmental health and safety, the UK NCP considers that VOG has not breached Chapter VI Paragraph 7.

UK NCP’s assessment of Chapter V - Employment and Industrial Relations

The Guidelines on Paragraph 1 A and B

Chapter V Paragraph 1 reads that “Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices and applicable international labour standards:

A) Respect the right of workers employed by the multinational enterprise to establish or join trade unions and representative organisations of their own choosing.

B) Respect the right of workers employed by the multinational enterprise to have trade unions and representative organisations of their own choosing recognised for the purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment".

Complainants' argument

The Complaint refers to strike action by Unions at the Logbaba Gas Site, against VOG sub-contractors Jerry Sarl and National Hydrocarbons Corporation (SNH).

As part of the strike action, a sit in took place at the entrance of the site on 08/06/2017.

The Complaint also references workers who were dismissed, and the Complainants allege the real reason for their dismissal was that they joined a branch of the Trade Union. The Complainants' response mentioned video statements as evidence of this dismissal. Unfortunately, the UK NCP was not able to access this video to verify the statements as the link was broken.

The Complainants provided the UK NCP with a table outlining salary arrears owed to workers of Jerry Sarl, a VOG sub-contractor.

VOG response

VOG provided the UK NCP with information, in the form of meeting minutes, about the Trade Union dispute which took place in June 2017. This information outlined the steps which were taken to address the issue and how work was restarted after the issue was settled with a cash payment of payments in arrears.

Regarding another strike in June 2017, it appears there was some confusion about which trade union represented which sub-contracted employees.

There was a follow up action to understand National Hydrocarbons Corporation's involvement with the trade union.

VOG provided the UK NCP with an employee newsletter which showed employee of the month, some CSR initiatives and employee spotlights.

UK NCP conclusion

As part of its analysis, UK NCP assessed 2 questions to conclude its assessment under Chapter V, paragraph 1 A and B of the Guidelines. They are:

Question 1. Does VOG respect the right of employees to unionise? (1A)

Question 2. Does VOG recognise trade unions for the purpose of collective bargaining and negotiations? (1B)

Question 1: The UK NCP found that no explicit information was given about respecting right to unionise. However, information was given about the successful ending of a strike, and a meeting which was held to understand why the strike happened and how to prevent it in the future. The UK NCP therefore finds that paragraph 1 A has been observed.

Question 2: The UK NCP was not given explicit information about VOG respecting the rights of workers to unionise for collective bargaining purposes. However, the strike which took place on June 2017 ended with the salary arrears being paid which evidences that VOG responded to Trade Union action. The UK NCP therefore finds that paragraph 1 B has been observed.

The Guidelines on Paragraph 5

The Guidelines read “In their operations, to the greatest practicable, employ local workers and provide training with a view to improving skill levels, in co-operation with worker representatives and, where appropriate, relevant governmental authorities”.

The UK NCP has included Chapter II General Policies Paragraph 4 which reads “Enterprises should: Encourage human capital formation, in particular by creating employment opportunities and facilitating training opportunities for employees.” in the below analysis.

Complainants’ argument

The complainants allege that when the company did their Environmental Social Management Plans, VOG said they would provide jobs for local people.

The complainants allege that VOG have not met the Guidelines because the quality of job is low.

The complainants say VOG only offer short contracts (30 days), and these do not require qualifications, and are often sub-contracted.

VOG’s response

VOG responded and said that during 2017 Gaz Du Cameron had approximately 128 employees (97% local Cameroonians; 50% based in Logbaba; and 50% in Bonapriso, a neighbourhood in Douala).

VOG also responded to say that since 2011 they have invested \$176,000 in training local staff. VOG also offers an annual amount for training of Cameroon nationals through its contract with SNH, which as of 2018 was \$165,000. VOG also offer a variety of internships, including holiday internships and academic internships.

UK NCP conclusion

The UK NCP finds that there is evidence to support that VOG is hiring local people, albeit through short term contracts, and has also invested in training local staff. Due to this, the UK NCP finds that VOG has not breached the Guidelines.

Summary of UK NCP Conclusions

The UK NCP finds that Victoria Oil & Gas plc (VOG) did not meet the following obligations under the OECD Guidelines:

- General Policies paragraphs 7 and 14
- Environment 5 and 6

The UK NCP finds that VOG did meet the following obligations under of the OECD Guidelines:

- General policies paragraphs 4 and 10
- Disclosure paragraphs 1 and 2
- Chapter IV (Human Rights) paragraphs 1, 4 and 6
- Employment and industrial relations paragraph 5, 1A and 1B
- Environment paragraphs 1, 3, 7

During the Initial Assessment stage the UK NCP accepted all paragraphs submitted in the complaint. However, during a review of the information provided the UK NCP found there was not enough evidence to materially substantiate some of the paragraphs raised. Therefore, no further examination has been done and no conclusion has been made on the following paragraphs:

- Employment and industrial relations paragraph 1C, 1E, 6
- Environment 4, 8

Recommendations to the company and follow-up

As per the UK NCP's published Rules of Procedure, where appropriate, the NCP will make specific recommendations to the company so that its conduct may be brought into line with the Guidelines. These recommendations are as follows:

In line with the Guidelines, VOG should:

- develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate
- engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision

making for projects or other activities that may significantly impact local communities

- continually seek to improve corporate environmental performance, at the level of the enterprise and, where appropriate, of its supply chain
- maintain contingency plans for preventing, mitigating, and controlling serious environmental and health damage from their operations, including accidents and emergencies; and mechanisms for immediate reporting to the competent authorities

The UK NCP also draws VOG's attention to the OECD's Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector. The OECD has prepared a Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector intended to provide practical guidance to mining, oil and gas enterprises in addressing the challenges related to stakeholder engagement.

The UK NCP will issue a follow-up report to this final statement in September 2023.

Examples of company good practice

The UK NCP notes VOG have taken the complaint very seriously and have engaged thoroughly throughout the NCP process.

2022 updates from the company following the UK NCP further examination

Since June 2021, the business holds weekly internal environmental, social and governance (ESG) meetings that include GDC Head of Community Relations, GDC Environmental Officer, GDC Site Manager, GDC Managing Director and VOG Head of ESG. All community engagement is recorded via the various channels (Regular meetings with chiefs, and council members, direct communication to the office or complaints via the registers). All issues raised are discussed, a plan put in place to address, communications with various stakeholders agreed and updates provided until the matter closed. These meetings are minuted and circulated to senior management. The Head of ESG reports to the directors at every Board Meeting.

GDC site management team since the complaint have completed reinforcement of a number of storm drains on site and in the local neighbourhood and continually monitor the situation during the wet season when Douala experiences heavy rainfall.

Shortly after the appointment of new Executive Directors (CEO & CFO) the Board created a new role of Head of ESG. The position is based in London but is in constant communication with the relevant personnel at operational levels. It is focused on ensuring that all ESG related matters continues to be an integrated part of the business and its risk evaluation and decision-making processes. ESG matters are reported to the Board at each of their board meetings. VOG publishes Quarterly Operational Report via RNS and since late 2020 these have communicated more fully how ESG matters are integrated into operations that has been previously reported.

Paragraphs not included in further examination due to lack of evidence

In making an initial assessment of whether the issue raised merits further examination, NCPs need to determine whether the issues are bona fide and relevant to the implementation of the Guidelines. In this context, the UK NCP took into account whether the issue of the complaint was material and substantiated.

The UK NCP found that the broad issues related to the complaint were material and substantiated, and therefore accepted the complaint.

However, during further examination the UK NCP found that some of the paragraphs of the complaint did not have enough evidence of the alleged harm to merit further examination.

These paragraphs were:

- Chapter V Paragraph 1 C and E, on Employment and Industrial Relations: The complainants did not provide the UK NCP with specific information pertaining to VOG's alleged lack of contribution to the abolition of child labour, and did not make it clear if employees have been treated unequally due to protected characteristics such as race, colour, sex, religion, political opinions, national extraction or social origin
- Chapter V Paragraph 6, on Employment and Industrial Relations: The complainants did not provide the UK NCP with specific information pertaining to VOG's explicit breach of Chapter Paragraph 6 of the Employment and Industrial Relations chapter. There was some evidence of individual dismissals but the Guidelines deal with major employee effects such as collective lay-offs
- Chapter VI Paragraph 8, on Environment : The complainants did not provide the UK NCP with specific information regarding how VOG had used lack of full scientific certainty as a reason for postponing cost-effective measures to prevent or minimise damage

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