



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE
STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE
ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL CHAMPIONS
TRAIN-THE-TRAINERS PROGRAM**

**23 - 27 March 2015
Manila, Philippines**



1) Role play instructions for the residents and owners of the housing

The owners have bought their homes and they do not want to give up the rare opportunity to obtain affordable housing but they are worried about the land contamination problem.

They have approached the Environmental Protection Authority which tells them they have limited resources to do anything about this issue.

They are happy to mediate solutions to these issues, but if no satisfactory answers are obtained, they will take all responsible parties to court, including the government departments. However, they are unsure if they can afford to take this further.

They want the water supply fixed and remediation of the land underneath and around the buildings to remove all traces of antimony as well as any other deleterious chemicals on site. They want to see the contaminants completely removed from both the soil and the groundwater as soon as possible, and to be regularly informed on how this will be done.

They want financial compensation, including health expenses and compensation for the pain and suffering for the residents who have experienced health problems and financial compensation for families who have lost relatives due to the chemical contamination.

They also want regular monitoring of the site to ensure that no further chemical contamination occurs due to materials leaching up to the surface of the ground underneath and around the development.

Finally, they want to be kept informed of monitoring results from any long-term treatment of the groundwater and to be assured that such requirements can be legally enforced.



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2) Role play instructions for the real estate developers

The real estate developer of the housing development was given a map of all of the areas that had been identified as having abandoned chemical factories. So they did know that this particular piece of land was the site of an old chemical plant but they say the government did not tell them that the land was contaminated. As they didn't know about the contamination, the health of the residents should not be their responsibility.

But the publicity that has come out around this issue is likely to damage their reputation so they are keen to not be seen in a bad light. They would like to resolve this through mediation, not through the courts but they are not prepared to provide financial compensation to the residents.

However, the real estate developer would like to put forward non-financial suggestions to address the health problems of the residents.



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3) Role play instructions for the Environmental Protection authority

The Environmental Protection authority has recently experienced staff losses as a result of significant budget cuts and is hard-stretched to devote its scarce resources to this particular situation, despite the media attention being generated by the residents.

It is also concerned that any regulatory action it may take could be legally challenged and result in its staff being tied up in legal proceedings rather than dealing with other issues. It therefore is carefully assessing the extent to which it is under any legal obligation to intervene in this particular situation.

It would like to come to a mediated settlement and avoid a lengthy court case and it does acknowledge its role in monitoring and testing contaminated sites.

However, it is not responsible for the situation. It would like to help the residents and to prevent a situation like this occurring in the future.



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4) Role play instructions for the Land and Housing authority (LHA)

The Land and Housing authority is responsible for all planning of residential, industrial and public development, including roads, railways, bridges and other governmental infrastructure. In relation to the area where the housing development has been built, the LHA made a map of all of the land where abandoned chemical factories had been demolished, and gave them out to potential real estate developers

The LHA states that it is not responsible for any of the chemical contamination although it did agree to sell this land to the real estate developers without disclosing the actual contamination, of which it was aware. It asserts that it had made publicly available the map of all of the areas of abandoned chemical factories.

It hopes to distance itself from responsibility but there is a real danger for this authority and so it is willing to put forward some suggestions about how to deal with the health problems of the residents and to avoid similar site contamination issues in other areas where it is drawing up plans for redevelopment of land in the city.



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5) Role play instructions for the Department of Construction

The Ministry of Construction (MOC) is responsible for authorising all residential buildings, and specifies the building standards for their construction. These standards include the provision of piped water to all buildings. The MOC has been given the map prepared by the Land and Housing authority of all of the areas where abandoned chemical factories had been demolished.

The MOC states that it is not responsible for any of the health effects suffered by the residents of the apartments. However, MOC wishes to put forward some suggestions to avoid future problems with other building projects in the future.



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6) Role play instructions for the original owners of the chemical plant

The original owners of the chemical plant did cause the contamination but it is now 12 years since they sold the site.

At the time, there were no laws in place concerning soil pollution. Their aim is to avoid any liability in relation to this situation, as it could have a serious impact on its commercial viability.

They will try to argue the responsibility of the government in this matter.