



global witness



THE NEW SNAKE OIL?

VIOLENCE, THREATS, AND FALSE PROMISES AT
THE HEART OF LIBERIA'S PALM OIL EXPANSION

JULY 2015

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Snake oil: originally a Chinese medicine used to great effect to relieve joint pain. After its introduction in the United States con artists began selling fake bottles of the oil, claiming it had miraculous healing qualities. The snake oil peddler became a stock character in western movies: a traveling “doctor” who would leave town before his customers realised they had been cheated. Snake oil is now synonymous with hoaxes and false promises.



EXECUTIVE SUMMARY

“I know Liberians tend to think of concessions as the one model for foreign investment, but that model is increasingly outdated.”

– Ambassador Deborah Malac, US Ambassador to Liberia, May 2015

Liberia is on the brink of a land grabbing crisis, driven by one of the country’s biggest investors and supporters in the Government. This report shows how Liberians are reported to have been violently beaten, threatened, and arrested for protesting the expansion of Golden Veroleum (GVL), a palm oil company that presides over one of the world’s biggest plantations in southern Liberia. The company’s close ties to politicians have allowed it to aggressively expand its operations, protected by state security. During Liberia’s 2014 Ebola crisis, when local community support NGOs were staying at home for risk of contagion, GVL significantly – and suspiciously – ramped up its expansion. The company is propped up by some of the world’s most popular banks – HSBC, Citibank, and Standard Chartered alone hold shares in GVL’s parent company worth nearly US\$ 1.5 billion.

These alleged abuses are likely just the tip of the iceberg. Within just a few decades palm oil has moved from relative obscurity to being the world’s cheapest vegetable oil, present in around 50 percent of consumer goods.¹ The social and environmental fall-out has been significant. Palm oil companies have chain-sawed their way through 30 square miles of rainforest a day in Indonesia and Malaysia, displacing communities – sometimes violently – and pushing rare plants and animals closer to extinction.² With much of these countries now covered in oil palms, companies are expanding into new territories, foremost among them Liberia.

Since the end of Liberia’s civil war in 2003, the Government has made industrial agriculture a central pillar of the country’s development strategy, with ten percent of Liberia already earmarked for plantations – an area three times the size of Beijing. President Ellen Johnson-Sirleaf herself has made repeated public assurances that the palm oil industry will bring jobs, food, and infrastructure to some of the country’s poorest rural areas. But *The New Snake Oil* adds to a growing body of proof that the opposite holds true.

GVL is backed by the world’s second biggest palm oil producer, Golden Agri-Resources (GAR). GVL’s Liberia plantation marks GAR’s first foray outside its home country Indonesia. In Indonesia GAR has a remarkably poor track record for human rights abuses, land grabbing, and environmental devastation, a record GAR states it is working to improve. GVL’s 2010 contract with the Government allows it to convert 2,600 km² of land into an oil palm estate – an area the size of London and Barcelona combined. 41,000 people live on this land,



Above: Newly cleared Golden Veroleum plantation, Sinoe County, 2015



most of whom rely on it for food and livelihoods. The company's contract is valid for up to 98 years, affecting at least five generations of families that will likely never see their land returned to them.

GVL has well-known connections to local elites. Milton Teahjay, Senator for Sinoe County, is credited by local communities with inviting GVL to the area. GVL is renting a building belonging to Teahjay for US\$ 18,000 a year, which GVL says is a reasonable deal for the only suitable building in the area, but is around three times the average rental rate for the region. GVL had a similar arrangement with Teahjay's predecessor, former-Senator Mobutu Nyenphan, where the company's annual rent was US\$ 35,000, including a US\$ 3,500 tax paid to the Ministry of Finance.

Against this backdrop of vested interests, Government officials are creating a climate of fear and intimidation to ensure continued GVL operations. Community meetings where citizens are encouraged to sign away their land to GVL are watched over by high-ranking Government officials. People report having had no choice but to sign, and while the company says communities are providing their free, prior, and informed consent, Global Witness' analysis of these "Memoranda of Understanding" raises concerns that signatories lacked sufficient information to make informed decisions about surrendering their lands.

The benefits offered by GVL to communities are negligible. Anyone willing to work for the company is promised social support in the form of free access to medical facilities and schools. For non-employees the most tangible negotiated benefits Global Witness could find evidence of were six toilets. This "choice" includes perverse incentives for people to sell their land and work the plantations as a GVL employee, or receive nothing and risk losing their land anyway.

Resistance comes at a cost. GVL operations are protected by a combination of state forces and private security, and *The New Snake Oil* documents several reported instances of violent assaults and arbitrary arrests. There is significant political pressure on communities too, with those who dissent branded as "anti-development"

and at least one Government staffer fired from his job for refusing to consent to expansion. President Johnson Sirleaf herself has warned against "unpatriotic and non-nationalistic behaviour" that could undermine this plantation or discourage future investors.

This rapid agricultural expansion is taking place in a legal vacuum. There are no laws in Liberia to govern how agriculture companies should be awarded contracts, how they should operate, or be held to account. This is at odds with recent legislative reforms in the country's forest and oil sectors, which regulate the allocation of large concessions and require contracts and taxes to be made public.

Oversight is also lacking. At present there is no ministry that is mandated to regulate agricultural plantations, leaving Liberian NGOs to pick up the slack supporting communities as GVL expands onto their lands. When this monitoring was hampered by Liberia's 2014 Ebola outbreak, GVL dramatically expanded its operations. Between August and October 2014, at the height of the outbreak, GVL held a series of large community meetings signing over thousands of hectares of community land.

Global Witness is calling on the Liberian Government, GVL, and the Government's international partners to reform Liberia's agriculture sector, protecting the rights of communities who are losing their land. The Government should halt the further expansion of GVL's plantation until it has investigated and held accountable those who may have beaten and intimidated community members and taken bribes. Only then will Liberian communities have a true choice over the sort of development that will work for them.

Above: Golden Veroleum's contract covers an area the size of London and Barcelona combined.

RECOMMENDATIONS

1. THE LIBERIAN GOVERNMENT SHOULD:

- a. Halt the expansion of Golden Veroleum's plantation until the Government has done the following:
 - i. Investigate reported acts of intimidation such as assaults, arrest, retributive firings, or other abuses of power by GVL staff and Government officials and politicians, including Milton Teahjay and Romeo Quioh. Prosecute any individuals who have broken Liberian law.
 - ii. Investigate the relationships, especially financial relationships, between Government officials and politicians responsible for GVL's plantation area and the company, to determine if there have been conflicts of interest or the potential for corruption. Bar officials and politicians from developing financial relationships with companies that may pose a conflict of interest and prosecute any individuals who have broken Liberian law.
 - iii. Make public the Liberian Asset Declaration registry that has collected information on Government officials and require that politicians also declare their assets to the registry.
 - iv. Investigate whether GVL's activities with regards to the land rights of communities affected by its plantation including whether communities have signed Memoranda of Understanding (MOU) only after they have provided their free, prior, and informed consent (FPIC), in particular during Liberia's Ebola crisis. Void and require the renegotiation of MOUs that were signed in violation of communities' FPIC rights and those that were signed during the Ebola crisis.
 - v. Work with Liberian NGOs and international partners to ensure affected communities receive the information and support they need to negotiate any future MOUs with GVL.
- b. Pass Liberia's draft land law.
- c. Place a moratorium on the award of any additional agriculture plantations until the country has developed a policy and legal framework to regulate the industrial agriculture sector. This framework should include protections for communities affected by potential plantations, the environment, and forests.
- d. Commission an independent analysis of the economic benefits and consequences of large-scale agriculture plantations to determine whether such plantations are in the interest of affected communities and Liberia as a whole. Ensure that communities deciding whether to provide land to companies such as GVL have access to this data and alternative economic development options.
- e. Publicly affirm the Government's commitment to upholding the principles of FPIC.

2. Golden Veroleum should halt expansion of its plantation until it has undertaken the following:

- a. Assist the Liberian Government in its investigations addressing criminal intimidation and possible corruption. Hold accountable any staff members who have broken Liberian law.

“Our people signed [away our land] because of poverty. I'm here, I'm hungry, and somebody wants to give me food? Because I was hungry I ate that thing, but it was not supposed be eaten.”

– Community Member, Sinoe County, March 2015

- b. Work with the Liberian Government, NGOs, and the Government's international partners to ensure that affected communities receive the information and support they need when negotiating MOUs. Open all existing MOUs for renegotiation when such support has been provided.

3. Golden Veroleum's financiers:

- a. Golden Agri-Resources and the China Development Bank Corp., GVL's known immediate financiers, should withhold funding the company until the Government and the company have undertaken the above actions.
- b. Golden Agri-Resources' shareholders should divest their shares and banks holding shares “in custody” for ultimate “beneficial” shareholders should cease providing this services unless the Government and the company undertake the above actions.

4. The Liberian Government's international partners should:

- a. Work with the Liberian Government and NGOs to ensure affected communities receive the information and support they need to negotiate any future MOUs with GVL.
- b. Assist the Government in the rapid development of a policy and legal framework to regulate the industrial agriculture sector.
- c. Assist the Government in analysis of the economic benefits and consequences of large-scale agriculture plantations and possible alternative economic models for communities.

ACRONYMS

DFA	Dimensional Fund Advisors
ERU	Emergency Response Unit
FPIC	Free, prior, and informed consent
GAR	Golden Agri-Resources
GVL	Golden Veroleum
Ha	Hectare
MIA	Ministry of Internal Affairs
MOU	Memorandum of Understanding
RSPO	Roundtable on Sustainable Palm Oil
TFT	The Forest Trust
UNMIL	United Nations Mission in Liberia

THE GOLDEN VEROLEUM PLANTATION AND A RUSH INTO THE UNKNOWN

Since the end of Liberia's civil war in 2003, the Government of President Ellen Johnson Sirleaf has awarded some of the world's biggest oil palm concessions in the belief that these plantations will benefit the economy and provide employment opportunities in some of Liberia's poorest rural areas. One of the largest of these concessions was awarded in 2010 to Golden Veroleum (Liberia) Inc. (GVL), backed by Indonesian-owned Golden Agri-Resources (GAR).³ At the signing ceremony for the GVL plantation – the seventh largest oil palm concession in the world according to publicly-available data⁴ – President Johnson-Sirleaf stated that such deals were the way forward for Liberia:

“We believe that with the partnership of [Golden] Veroleum, we will be able to use massive amount of unused land, promote infrastructure, productivity in agriculture, and thereby secure additional investment in those areas and other areas of our country.”⁵

When the GVL plantation is combined with Liberia's other concessions, including the large Firestone rubber and Sime Darby oil palm concessions, industrial agriculture plantations will cover almost ten per cent of Liberia, an area equivalent to three times that of Beijing.¹³

A RUSH INTO THE UNKNOWN

However, despite President Johnson-Sirleaf's statement, the lands on which Liberia's new plantations are assigned are far from “unused;” they have been traditionally farmed and managed by rural populations, who are now set to be dispossessed from land that they own and have lived on sustainably for generations.¹⁴ Yet it is uncertain that this rush into export-oriented oil palm production will have the desired economic impacts, either for Government revenue generation or for the people who currently depend on this land for their food security and livelihoods.

In a May 2015 speech, the US Ambassador to Liberia also questioned whether concessions would provide benefits to the country in the long-term, stating that the concession model was becoming

increasingly outdated: “*The global economy has moved on, and profit margins are thin and getting thinner. Liberia's model of investment, where large concession companies pledge to provide some social services, like schooling or medical care to a community, just to win a contract, is unsustainable.*”¹⁵

In Indonesia, where large-scale industrial palm oil plantations have a much longer history than in Liberia, this model of economic growth has a poor track record,¹⁶ and has provided few long-term economic benefits for the country whilst displacing thousands of rural communities from their lands.¹⁷ So far Liberia's palm oil sector does not appear to be faring much better, tainted with displacement of local populations and the aggressive intimidation of those that oppose it, and has served to further entrench poverty in some of Liberia's poorest regions.¹⁸

GOLDEN VEROLEUM'S PLANTATION

GVL's concession agreement, signed with the Government in 2010, provides for a 350,000 ha “Area of Interest,” within which the company can convert 260,000 ha of land into an oil palm estate¹⁹ – an area approximately the size of London and Barcelona combined.²⁰ This Area of Interest is spread across four counties in the Southeast of the country: Rivercess, Sinoe, Grand Kru, and River Gee. So far the Liberian Government has given GVL environmental permits to operate on 210,000 ha of the 260,000 ha it will eventually cover.

It is estimated that, at present, 41,000 people live in this immediate operations area.²¹ GVL's contract is valid for 65 years up until 2075, with the opportunity to extend the contract for a further 33 years up until 2108. This is a total of 98 years, affecting at least five generations. In a 1 July 2015 letter to Global Witness, GVL stated that it anticipates that its plantation will be owned by resident communities at the conclusion of its contract.²² However according to the company's 2010 concession agreement, after the contract expires the oil palm trees on the plantation, and thus effectively the plantation itself, will be transferred to the Government.²³ It is thus unlikely that the communities that own the land on which the GVL plantation is located will ever again be able to manage their land.

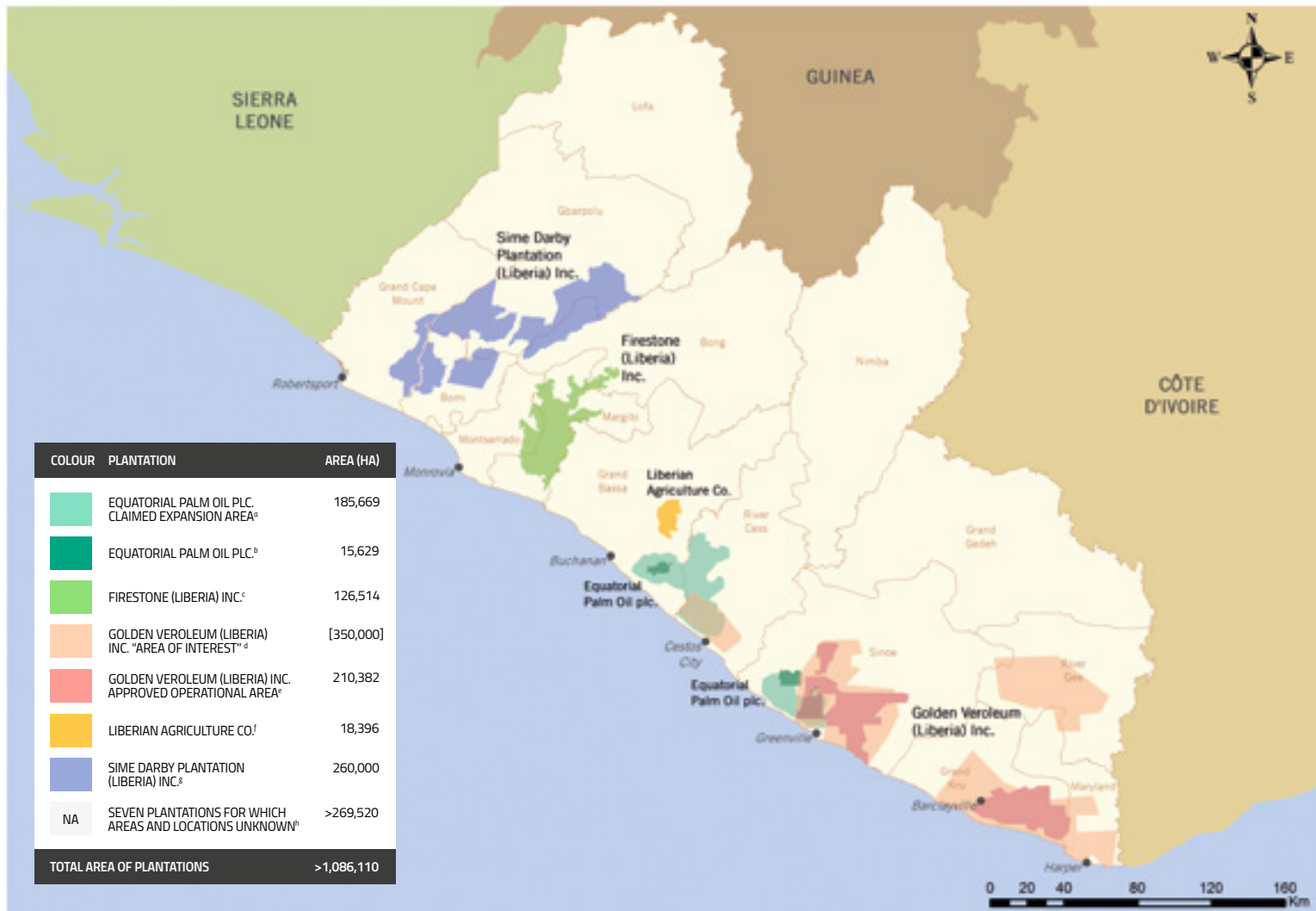
PALM OIL PRIMER

The GVL plantation (along with the Sime Darby and slightly smaller Equatorial Palm Oil plantations) are converting land to plant palm trees that – when mature – will produce palm oil. Palm oil is big business, with 2014 world production of almost 60 million tonnes.⁶

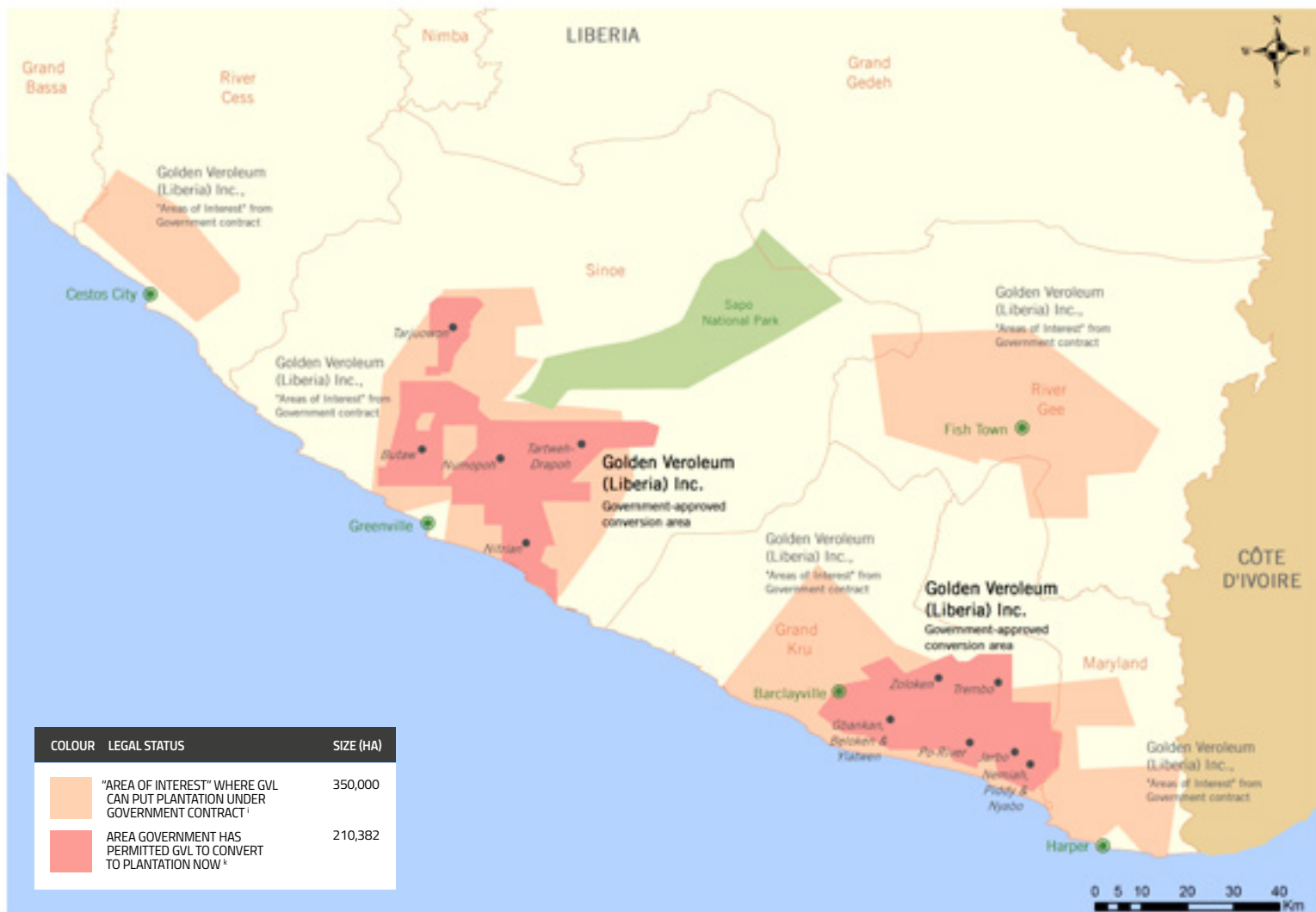
While Indonesia and Malaysia remain the largest palm oil producer countries,⁷ available land in these countries has become scarce, pushing companies to expand in the other regions of the globe. Africa is seen as the next frontier for palm oil expansion, with many

Indonesian and Malaysian companies acquiring large palm oil concessions across the continent. Liberia is home to two of the largest of these concessions, along with DRC and Cameroon.⁹

Palm oil is used as a biofuel and is an ingredient in many foods and cosmetics.¹⁰ By far the largest consumers of palm oil are India and the EU, although China and the US are also large markets.¹¹ Many of the most popular products in the US and Europe contain palm oil, including products from Starbucks, McDonald's, Unilever, Kraft, and L'Oréal.¹²



Above: All Liberia's plantations. Below: The Golden Veroleum plantation



GOLDEN VEROLEUM'S FINANCIAL BACKERS

GVL's only investor is Golden Agri-Resources (GAR),^k which is based in Indonesia and claims to be the world's second largest palm oil company.²⁴ GAR is part of the Sinar Mas Group and in 2014 had declared assets worth over US\$ 14 billion.²⁵ Until recently, the company's operations focused on Indonesia, managing 161 plantations covering 472,800 ha.²⁶ The GVL plantation marks GAR's first declared foray outside of Indonesia, increasing by over 50 percent the total plantation area in which the company invests.²⁷

GAR has a remarkably poor human rights and environmental track record. Reports over the last year alone have shown that the company has violated the rights of Indonesian communities, failed to comply with Indonesian plantation permitting laws, and bought palm oil from suppliers operating in the Sumatran Leuser ecosystem, the last wild refuge of critically endangered Sumatran orang-utans, elephants, tigers, and rhinos.²⁸ In a 25 June 2015 statement, GAR acknowledged that its operations had experienced "challenges" but that it was revising its standard operating procedures and policies, improving the procedures by which it obtained communities' free, prior, and informed consent (FPIC), and better protecting forests and communities affected by its plantations. The company also stated that it had suspended "new purchases from problematic suppliers."²⁹

Despite these actions, in May 2015, The Forest Trust (TFT), an independent consultant contracted by GAR to reform its operations (including those in the GVL plantation), stated that it has suspended work with the upstream operations of another GAR subsidiary, PT SMART. In its announcement, TFT said it had made this decision because PT SMART had repeatedly breached³⁰ GAR's Forest Conservation Policy and Social and Community Engagement Policy.^l According to a GAR spokesperson, the company continues to partner with TFT on its downstream operations.³¹

According to publicly available shareholder information GAR's biggest backers include a number of European and US banks and investment funds. These include Dimensional Fund Advisors (DFA), which has a US\$ 14 million stake in GAR and a history of investing in companies with poor environmental records. In 2014, Global Witness and Friends of the Earth Indonesia reported how DFA had invested in logging and palm oil companies implicated in destructive and illegal behaviour, and how Arnold Schwarzenegger – who champions forest protection – held a large stake in DFA.³²

However, by far the biggest European and US holders of GAR stock are Standard Chartered, which holds US\$ 710 million in GAR shares, HSBC at US\$ 409 million, and Citibank at US\$ 358 million. These banks, along with GAR's other shareholders, are obligated to prevent or mitigate human rights violations caused by companies

in which they invest under both the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.³³

Additionally, many of GAR's other shareholders have signed pledges designed to make their investments more environmentally and socially sustainable. Standard Chartered, HSBC, and Citibank are all Equator Principles members, requiring projects in which they invest to follow national laws and meet the International Finance Corporation's Performance Standards, prohibiting abuses by company security forces and violations of communities' rights to FPIC.³⁴ Both HSBC and Citibank have also promised to follow the Banking Environment Initiative,³⁵ the Principles for Responsible Investment,³⁶ and have developed their own policies promising not to provide financial services to companies that violate communities' right to FPIC.³⁷

As will be shown in this report, community members in the GVL plantation are living in a climate of fear and intimidation, with those who question the GVL plantation or resist giving the company their lands subjected to arrests, assaults, and other retributive acts. These practices are a violation of community members' right to FPIC. This evidence will also show that GVL has entered into financial arrangements with two top Liberian Government politicians, relationships that should be investigated for conflict of interest and corruption risks.

At a minimum, these findings demonstrate that GVL's activities and suspicious relationships with government officials place GAR's financial backers at risk of breaching obligations under the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.

It is also possible that GVL's actions place these shareholders in breach of voluntary pledges such as the Equator Principles. However, it will not be clear whether these promises have been broken until there is greater transparency in the financial sector, demonstrating who ultimately owns GAR shares and which banks provide the company with financial services. Global Witness has written to those shareholders for which contact information was available requesting further information about their investments and highlighting their UN, OECD, and voluntary obligations. In response, HSBC and Citibank stated that they did not invest directly in GAR projects, but rather hold GAR shares "in custody" for other ultimate "beneficial" shareholders.³⁸ Global Witness also received a response from the insurer Delta Lloyd stating that it "excludes companies" that "repeatedly or severely" violate FPIC and other rights, but that it would not comment on its investment in GAR.³⁹ No additional substantive responses from GAR's other shareholders were received.

a) Location and area drawn from Hardman & Co., Equatorial Palm Oil plc., 28 February 2012.

b) Location and area drawn from Hardman & Co., Equatorial Palm Oil plc., 28 February 2012.

c) Location and area calculated by geo-referencing shape files of plantation boundaries drawn from Government of Liberia, Map: Draft Agro-Industrial Plantations of Liberia, 2009.

d) Location and area drawn from Government of Liberia, Concession Agreement between the Republic of Liberia and Golden Veroleum (Liberia) Inc., 16 August 2010.

e) Location drawn from company Environmental and Social Impact Assessments and area calculated using geo-referenced shape files drawn from the same.

f) Location and area calculated by geo-referencing shape files of plantation boundaries drawn from Government of Liberia, Map: Draft Agro-Industrial Plantations of Liberia, 2009.

g) Location and area drawn from Government of Liberia, Amended and Restated Concession Agreement between the Republic of Liberia and Sime Darby Plantation (Liberia) Inc., 30 April 2009.

h) Number and area drawn from Government of Liberia Liberian Extractive Industries Transparency Initiative, 5th EITI Report, 19 June 2014, p.60; Joint Government of Liberia-United Nations Rubber Plantations Task Force, Report, 23 May 2006.

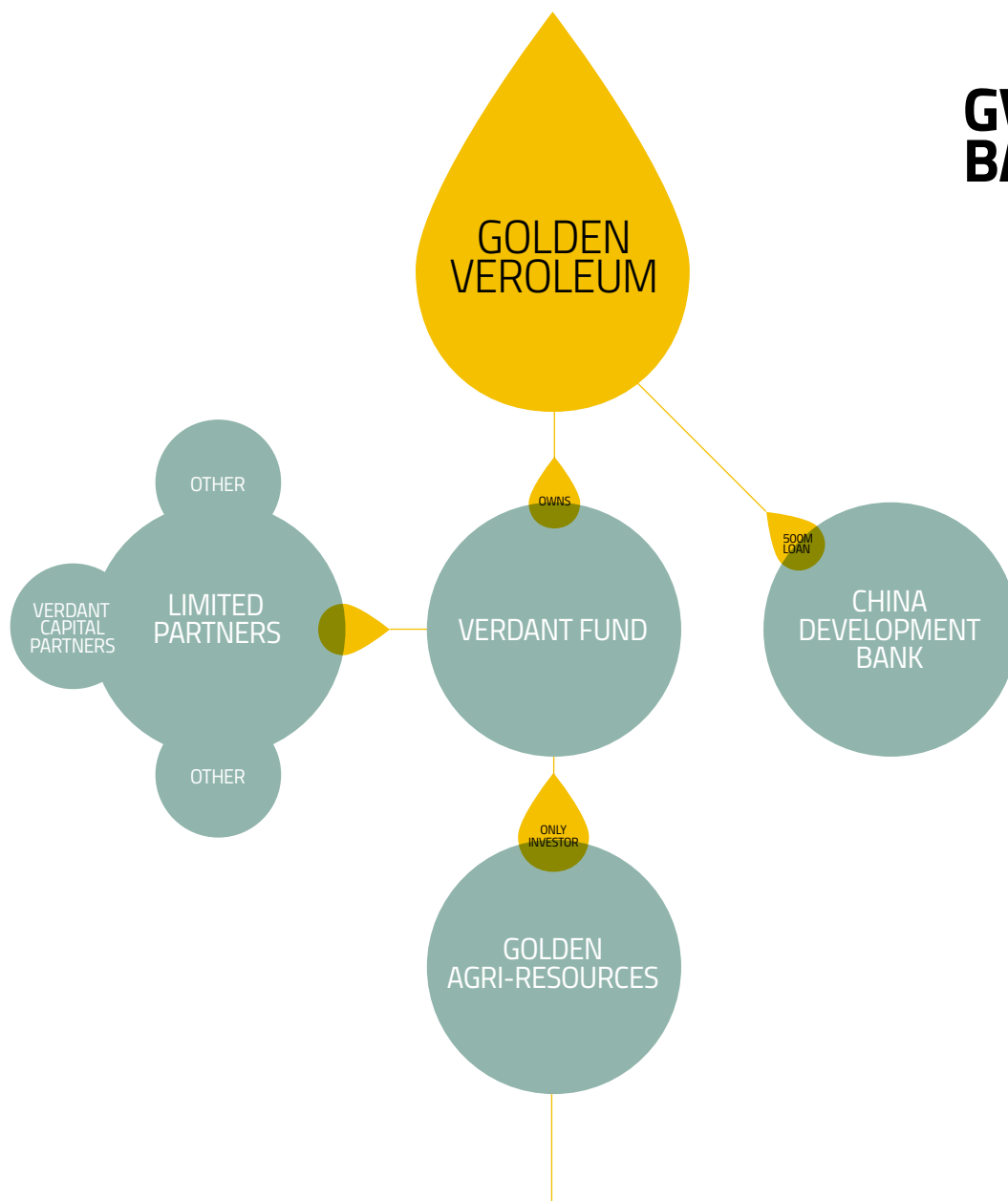
i) Location and area drawn from Government of Liberia, Concession Agreement between the Republic of Liberia and Golden Veroleum (Liberia) Inc., 16 August 2010.

j) Location drawn from company Environmental and Social Impact Assessments and area calculated using geo-referenced shape files drawn from the same.

k) In its 2010 concession agreement with the Liberian Government, GVL is listed as being owned by the Verdant Fund, which in turn had three investors: GAR, and two additional investors. However, in a 2 July 2015 meeting with Global Witness, representatives of GAR and GVL stated that GAR was the only current investor in the Verdant Fund, and thus the only investor in GVL. This year the Liberian Government's Liberian Extractive Industries Transparency Initiative should publish a report listing the ultimate owners of all the country's natural resource companies, including those of GVL. See Government of Liberia, Concession Agreement between the Republic of Liberia and Golden Veroleum (Liberia) Inc., 16 August 2010, Appendix II; Golden Agri-Resources, Banking Facility for Golden Veroleum Limited of USD 500 million, 13 March 2013; Extractive Industries Transparency Initiative, Pilot project: Beneficial ownership, available at <https://eiti.org/pilot-project-beneficial-ownership>, last visited 24 May 2015.

l) For more information on GAR's Forest Conservation Policy and Social and Community Engagement Policy, see page 12.

GVL'S BACKERS⁴⁰



SHAREHOLDERS [50.1 PERCENT OF THIS STOCK IS OWNED BY THE WIDJAJA FAMILY]

OWNER	COUNTRY OF ORIGIN	ESTIMATED INVESTMENT (US\$)
DBS Bank ⁴¹	Singapore	815,901,980
Standard Chartered ⁴²	UK	709,790,138
Massingham International	Ireland	621,512,219
UOB Kay Hian Private	Singapore	731,190,846
HSBC	UK	409,288,535
Silchester International Investors	NA	402,600,813
Citibank	US	358,016,006
Flambo International	Indonesia	278,209,200
Golden Moment	NA	164,963,788
United Overseas Bank Nominees	Singapore	112,353,715
Blackrock	US	42,355,567
Delta Lloyd	Netherlands	37,897,087
ORIX	Japan	33,438,606
GMO	US	32,992,758
Vanguard Group	US	32,992,758
Deutsche Bank ⁴³	Germany	26,305,037
BNP Paribas ⁴⁴	France	25,413,340
Kopernick Global Investors	US	15,604,683
Dimensional Fund Advisors	US	14,267,138

OWNER	COUNTRY OF ORIGIN	ESTIMATED INVESTMENT (US\$)
OCBC Securities Private	Singapore	14,267,138
Van Eck Associates	US	13,375,442
Bank of Singapore	Singapore	12,483,746
Allianz	Germany	11,592,050
Mr Paul Earnest Viera	NA	10,700,354
Northern Trust	US	10,254,506
CIMB Securities	Singapore	9,362,810
State Street	US	9,362,810
Altrinsic Global Advisors	US	7,579,417
Philip Securities	Singapore	7,579,417
Old Mutual	U.K.	6,687,721
Anima Holding	Italy	6,241,873
Swedish Government	Sweden	5,796,025
RHB Securities	Singapore	5,796,025
Royal Bank of Canada	Canada	5,796,025
Morgan Stanley	US	5,350,177
Netherlands Government	Netherlands	5,350,177
TIFF Advisory Services	US	4,904,329
Prudential Financial	UK	4,458,481

Investors that are EP or BEI members, BRI signatories, or have public facing-brands in the US or Europe.

A LEGAL VACUUM

Liberia currently has no law that specifically governs how agriculture companies are awarded contracts, how they should operate, or what safeguards must be put in place to protect the rights of local communities, forests, or the environment. Thus, Liberia's rapid agricultural expansion is taking place in a legal vacuum, with companies governed largely only by voluntary promises and the concession agreements they sign with the Government, many of which risk violating international laws such as those protecting communities' land rights.⁴⁵

The Liberian Government has undertaken reforms of its other natural resource sectors. The country has comparatively modern laws governing its forest and oil sectors and the process by which large concessions are awarded, in addition to progressive laws that require contracts and taxes to be made public. The Government has also recently drafted a land rights law, soon to be enacted, that recognises customary ownership of community lands. But, unlike in the forest or oil sectors, the Government has so far avoided reforming its agriculture sector.

POOR OVERSIGHT

Although the Ministry of Agriculture participates in negotiating large-scale agricultural agreements, at present there is no ministry with a mandate to regulate agricultural plantations, leaving the Government with almost no capacity to manage the sector. The Ministry of Internal Affairs (MIA) is in practise the agency in the most contact with large agriculture companies. However as will be shown below, in the case of GVL the MIA has not only failed to ensure that the company abides by the concession agreement, but has also helped to suppress community opposition to the company's operations.

Agriculture companies are legally obligated to follow the terms of the concession agreements they sign with the Liberian Government, but these as business documents negotiated by companies, these agreements are not a substitute for Government legislation. In its July 2015 statement to Global Witness, GVL holds that its concession agreement incorporates international laws that are in effect in Liberia, but as outlined in a 2012 analysis by the NGO Forest Peoples Programme, GVL's contract does not contain safeguards required by international law such as protections for community land rights or consultation requirements.⁴⁹

THE FAILURE OF VOLUNTARY PLEDGES

Some plantation companies, including GVL, have pledged to meet environmental and social standards set by the Roundtable on Sustainable Palm Oil (RSPO), a voluntary palm oil industry association that certifies palm oil as "sustainably produced," thus commanding a premium on the international market. GVL's largest investor, Golden Agri-Resources, also has its own Forest Conservation Policy that GVL must adhere to. These voluntary pledges include commitments to respect the customary property rights of communities and ensure that plantations are not developed on community-owned land without their free, prior, and informed consent.⁵⁰

The FPIC principle requires that anyone wishing to use the customary lands of communities must enter into negotiations with the owners of the land. Communities in Liberia typically own their land collectively under customary land title, and therefore have the right to decide how their lands should be used:⁵¹

- **Free:** Communities cannot be coerced, intimidated, or manipulated into giving their consent.
- **Prior:** Communities must have enough time to make a decision, including time for indigenous and customary consensus processes to take place.
- **Informed:** Communities must have all of the information they need about a project. The information must be objective, accurate, and in an understandable format. This information must include information on the size, duration, reversibility, and scope of the project and the locations that will be affected, as well as an assessment of the economic, social, cultural, and environmental impacts of the proposed project.
- **Consent:** Communities must agree to the project and, if they say no, their decision must be respected by the company and the government. Communities have the right to withhold their consent to a project, or to offer their consent with conditions. Consultation and equitable participation are key elements of obtaining consent, and must be undertaken in good faith.

*"We thought that RSPO would help the process, that is why we complained to them, but they have widened the process... RSPO did not follow the plan, and they did not document everything that happened during their visit in the report, we feel that the RSPO is biased."*⁵²

— *Community Member, Tarjuzon District, Sinoe County, March 2015*

To date, community members affected by the GVL plantation have not considered RSPO to be an effective way of protecting their rights. Since 2012, RSPO has logged eight separate complaints filed by communities affected by the GVL plantation (see following page). These complaints have accusing GVL of, amongst other things, using intimidation and coercion in order to force communities into signing Memoranda of Understanding (MOU) that grant the company exclusive user rights over the land in direct contravention of the RSPO requirement that companies respect communities' right to free, prior, and informed consent.⁵³ As outlined on the following page, GVL denies these accusations.

In 2014, a team of RSPO inspectors conducted an investigation into GVL's operations and found evidence of the alleged wrongdoing outlined in the communities' complaints. Nonetheless, the RSPO complaints panel recommended that GVL be allowed to continue its operations.⁵⁴

LIBERIA'S DISENGAGED PARTNERS

Liberia's international partners have largely failed to engage in the country's plantation sector. When managing its natural resource sectors such as forestry, oil, or mining, the Liberian Government frequently works closely with partners such as the US or EU. Indeed, the US has projected that it would spend US\$ 75 million over five years in Liberia on its Food and Enterprise Development programme,⁴⁶ while the EU reported that it spent US\$ 41 million on agriculture and food aid programming in Liberia between 2008 and 2012.⁴⁷ Despite these large sums, neither donor has yet assisted Liberia to develop a legal framework to regulate the large-scale agriculture plantations that increasingly dominate the sector. This would appear to be an oversight on the part of Liberia's partners, as converting smallholder farms into export-oriented plantations undermines the food security objectives that much international donor programming aims to support.

In September 2014, Liberia and Norway signed a Letter of Intent in which Norway committed US\$ 150 million to assist Liberia in protecting its forests.⁴⁸ Recognising that agricultural plantations are a leading cause of deforestation, both countries pledged to work on an agriculture "zero deforestation" policy and legal framework to regulate the agriculture sector. It is essential that the pledges made in the Liberia-Norway agreement are met.

THE FAILED RPSO INVESTIGATION

Complaints made to the RSPO in relation to GVL's activities have included allegations of:

- The use of intimidation and coercion to force communities into signing MOUs;
- Local Government officials using their position to threaten job security as a way of intimidating community members into consenting to company operations;
- GVL's employment of a much-feared former-warlord who regularly intimidates those not in favour of GVL;
- Conversion of community land without obtaining community consent;
- Failure to pay communities the correct compensation for damage and removal of crops;
- Polluting drinking water without providing alternatives; and
- Failure to provide communities with enough information to fully understand the impacts of the plantation.⁵⁵

GVL has rejected these complaints. In its July 2015 letter to Global Witness the company stated that it does not tolerate community intimidation, had found no evidence its staff had intimidated people, and educates officials on its FPIC procedures. The company also stated that it had developed procedures to ensure it follows FPIC, that it "counters disturbances to... streams," and – while it does not pay for communities' crops – that it does not damage community crops. GVL also stated it provided "written, verbal, and case information" about its operations to communities.⁵⁶

To the disappointment of community members, the RSPO has also rejected most of the complaints against GVL. In 2012, as a result of the first community submission, the RSPO ordered GVL to suspend any expansion while the company developed a new community engagement procedure and a "Consultative Draft" MOU with the independent consultant The Forest Trust (TFT). In June 2014, to follow up and investigate subsequent complaints, a team of RSPO inspectors visited the GVL plantation to determine the validity of the allegations. During the site visit they stayed in GVL housing and toured the plantation in GVL jeeps accompanied by GVL staff,⁵⁷ compromising their ability to make a balanced assessment of the situation. They also arrived late to meetings at which dissenting communities were speaking and failed to address the serious assault during their inspection of a community member, reportedly by GVL security staff members.⁵⁸ Although the site visits confirmed the details of all the complaints to be correct the inspectors concluded only that any outstanding issues should be resolved amicably between GVL and community members but did not suggest that GVL should cease its expansion until these issues were resolved.⁵⁹ GVL has stated that RSPO investigators met with communities opposing the plantation and that it did not influence the investigation.⁶⁰

As a result, Liberian NGOs have determined that the RSPO is not an acceptable mechanism for ensuring that GVL respects the rights of affected communities. In their response to the RSPO Complaints Panel final GVL investigation report, the NGOs stated that the Panel's findings "fall far short of a sufficient response" and that "the complaints panel's suggestion that GVL and the complainants should investigate each complaint in detail and reach and amicable solutions appears to reject the very role that we believed the complaints panel to have been created for: to resolve situations such as those being faced in Liberia."⁶¹

A CLIMATE OF FEAR

There are distinct divisions among the affected communities in GVL's concession area. Southeast Liberia is a remote region that suffers from high levels of unemployment, where the promise of a GVL job is very attractive to many. Yet others are suspicious of GVL's promises of jobs and development and are vocally opposing the concession, refusing to allow to company operations on their lands. However, it is clear that a persistent campaign is being waged to quash opposition to the GVL plantation, with some local Government officials and – reportedly on one occasion GVL staff – intimidating community members in direct violation of the FPIC principles enshrined in GVL's own policies and commitments.

POLITICAL CONNECTIONS AT THE TOP

Although the Liberian Government is legally obligated to respect the customary land rights of its citizens, in its concession agreement with GVL the Government has also promised to provide the company with land “free and clear of all encumbrances.”⁶² This provision allows GVL to sue the Government if too many land claims get in the way of its operations, and puts the Government in an untenable situation whereby it must uphold its obligations to GVL while simultaneously ensuring that the customary ownership rights of communities are respected.

Unfortunately the Government's answer to this legal ambiguity has so far been to position itself firmly on the side of GVL, with affected communities repeatedly threatened, intimidated, and harassed if they do not tow the Government line.

GVL appears to have close connections with politically powerful actors at the highest levels of the Government, from President Ellen Johnson Sirleaf herself, right through to those who are strategically important at the local level. In a June 2011 speech made in Sinoe County, President Sirleaf warned community members against “unpatriotic and non-nationalistic behaviour” that could undermine GVL operations or discourage other potential investors. Here she was referring to acts of resistance organised by the citizens of the Butaw community protesting the company's conversion of their land without their consent. In the same speech, given from the heart of GVL's oil palm nursery, President Johnson Sirleaf told communities not to strike over “petty issues” and praised those who cooperated with GVL by giving the company land.⁶⁴

Liberia's powerful Minister of Justice, Benedict Sannoh, has also demonstrated that he is on the side of GVL rather than that of affected communities. Responding to a series of complaints from communities in the GVL and Maryland Palm Oil plantations, in a February 2015 statement Minister Sannoh declared that community members should:

“Stay away from the Concessionaries, [the Government] will not countenance any actions which will obstruct or otherwise disrupt the smooth operations of the Concessionaires operating therein.”⁶³ – Minister of Justice Benedict Sannoh, February 2015 (see annex III page 29 for full statement)

Below, upper: GVL pays Senator Teahjay sky-high rents for this building and paints its buildings in the company's colours. Below, lower: Between 2010 and 2013 GVL rented former-Senator Nyenphan's house for US\$ 35,000 per year. Two years afterwards, the house is still painted GVL green and yellow.



POLITICAL CONNECTIONS IN SINOE

However, it is perhaps GVL's political allies at the local level that have proven to be most valuable in facilitating GVL's rapid expansion in the Southeast. Milton Teahjay is the current Senator for Sinoe County. Prior to his election as Senator in late 2014, Teahjay served as the County Superintendent for Sinoe – the highest ranking Government official in the county with immense control over the decisions and pay distribution of lower-ranked county officials.⁶⁵ Teahjay has had a long-standing and close relationship with GVL, and is credited by local communities with inviting GVL to the area.⁶⁶

Teahjay has significant private financial arrangements with GVL. GVL is currently renting a building belonging to Teahjay in Unification City (Sinoe County) as an office, for an annual rent of US\$ 18,000.⁶⁷ This rent appears to be substantially higher than that paid for other properties in Sinoe. A June 2015 survey of four Greenville properties, adjusted for size, showed that annual rents were US\$ 5,500 – a difference of US\$ 12,500.⁶⁸ Otherwise put, GVL seems to be paying over 300 percent higher rent than is paid for comparable buildings.

Prior to renting Teahjay's building, from 2010 to 2013 GVL also rented the house of his predecessor, former Senator Mubutu Nyenphan. According to GVL, the company's annual rent was US\$ 35,000, including a US\$ 3,500 tax paid to the Ministry of Finance.⁶⁹ This rental was confirmed by Nyenphan in a 1 July 2015 statement from the former Senator.⁷⁰

GVL has stated that it rented properties from the two Senators because they were the only suitable properties available and that the rents paid are appropriate considering the properties' location, quality, and facilities.⁷¹

Below: Milton Teahjay, framed by green and yellow. Photo: Front Page Africa

In addition to the evident conflict of interest both Teahjay and his predecessor had in these arrangements, the Liberian Anti-Corruption Commission should investigate this issue for potential corruption risks, especially with regard to Section 12.50 of Liberia's Penal Code, which prohibits bribery of Government officials and politicians.⁷²

ARRESTING CITIZENS WITHOUT CHARGE

At the same time, Teahjay has conducted a consistent and aggressive campaign against Sinoe community members who have questioned GVL operations or refused to consent to the company. In February 2014 while still serving as Sinoe County Superintendent, Teahjay facilitated the arrest and detention of four Tarjuwon community members who were investigating claims that GVL were operating on their lands without their consent. According to interviews with community members, and verified by an independent source, on 9 February 2014 GVL met with the Tarjuwon community, flatly denying that they were expanding onto community lands in question. In order to verify the facts for themselves, the following day four community members decided to make a visit to the area. Upon arrival they found that GVL were indeed converting community owned lands into plantation without the consent of the community. In the presence of GVL security the group of community members took pictures of the converted land, interacting peacefully with GVL security to do so.⁷³

Teahjay was quickly informed of their visit and immediately called the Sinoe County Attorney. The County Attorney then ordered the police to arrest the four men and offered the police his own car so that they could make the arrest. The men were arrested on their way back from the plantation and taken to Teahjay's house in Unification City, where they were publicly reprimanded by Teahjay before being placed in custody in Greenville police station.⁷⁴

In a February 2014 release, GVL stated that it had not requested any action by Teahjay or other Government officials relating to the arrests and urged all parties *"to not resort to threats intimidation or violence."*⁷⁵ However, the nature of these arrests is consistent with an emerging pattern of the arrests of influential community members who openly oppose GVL's operations. A complaint made to the RSPO in 2012 by Butaw community members details the arrest by Government police – *"facilitated and supported by Golden Veroleum"* – of three community leaders who had also complained about GVL's clearance of their lands without community consent. Again, these three men were released without charge,⁷⁶ and again it appears that the arrests were carried out in order to intimidate prominent community leaders into silence and submission. As with the 2014 Tarjuwon arrests, at the time of the 2012 Butaw arrests Teahjay was the head of Sinoe's administration.

RETRIBUTIVE FIRINGS

It is also likely that Teahjay was involved in the dismissal of a local Town Chief who did not consent to giving community land to GVL. On 9 November 2013 Teahjay and GVL representatives

presided over a meeting in Unification City at which the MOU for the Tarjuwon community was signed. In this instance a Town Chief from the Tarjuwon community, along with many other community members, did not believe that the MOU was in their best interests so did not attend the signing ceremony to confer his consent.⁷⁷

Just over two weeks later, on 27 November 2013, the Town Chief received a letter from District Superintendent Paul Chea firing him for *"inciting citizens of your jurisdiction to obstruct and abort*



government development progress." That same day, the Town Chief was replaced by a man who had signed the Tarjuwon MOU.⁷⁸ After receiving his letter of dismissal, the former Town Chief travelled to Monrovia to make a formal complaint to the Ministry of Internal Affairs. The MIA conceded that Paul Chea did not have the authority to make such a dismissal – a decision that should have been made in Monrovia and not at the local level. In November 2014, the Deputy Minister for Internal Affairs determined that the Town Chief had been fired *"without our knowledge,"* but as of March 2015 the Town Chief's job, and pay, had not been reinstated.⁷⁹ According to its July 2015 letter to Global Witness, GVL states that it believes the Town Chief in question was fired for failing to perform his job duties, such as rehabilitating a nearby town that had fallen into disrepair.⁸⁰

Again, this echoes what appears to be an ongoing pattern of dismissals. According to the RSPO complaint discussed above, in 2012 a Town Chief from the Butaw community was immediately suspended after informing Government officials about the damaging impact that GVL's operations were having on his communities' lands.⁸¹

Unfortunately it is all too common in Liberia for local leaders to be quickly dismissed when they do not fall into line with the official Government position. According to the NGO Forest Peoples Programme, a Paramount Chief living in the Equatorial Palm Oil plantation in Grand Bassa County, who publicly denied that his community had given its consent for palm oil expansion on their land, was dismissed for *"going against the government policy."* Similarly, Clan Chiefs in the iron ore concession operated by China Union were also unfairly dismissed from their positions for not supporting the company's operations in the area.⁸²

VIOLENT ASSAULT

It is not just local Government officials that serve GVL's interests by intimidating, threatening, and suppressing dissent. Reportedly, GVL security staff – often themselves members of the very same communities they interact with – have in one case also used their positions to intimidate community members and violently attack a local opponent of the concession.

In June 2014, RSPO inspectors visited Sinoe County to investigate a number of complaints made by community members about GVL's activities. On 16 June, and accompanied by company managers, NGO representatives, community members, and the independent consultants TFT, the inspectors were returning from a plantation area when they were stopped at a checkpoint. The GVL managers and RSPO officials were allowed through the checkpoint, leaving the others behind.

After the RSPO representatives had passed through, a community member working for a Liberian NGO approached those maintaining the checkpoint. According to one eyewitness, the community member was then assaulted by GVL security staff leaving him with a swollen eye and coughing blood. (See Annex IV) The security staff members also forcibly took the community member's camera and his phone containing the evidence that he had collected as part of the investigation. Rescued by a representative from TFT, the community member was taken to a nearby jeep, which was promptly surrounded by the security staff holding machetes and demanding that they must give up the evidence they had collected or they would set the cars on fire.⁸⁶

GVL has denied that its security staff were involved in the June 2014 assault, stating instead that the assailants were local community members.⁸⁸ It is important to note, however, that despite the attack taking place during an official RSPO site visit and them being

aware of the incident, there has been no follow-up made by the RSPO, nor by the Liberian police or UNMIL.

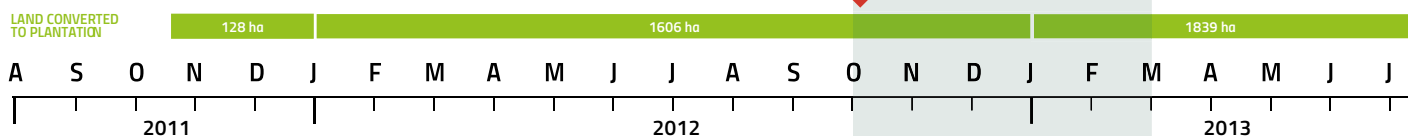
ASSAULTS, ARRESTS, TEAR GAS, AND RIOTS

In late May 2015, this environment of fear and suppressed community frustration appears to have come to a head in a day of violence during which 37 community members were arrested and at least two were assaulted by Government police. According to eyewitnesses interviewed, on 26 May GVL workers and community members – frustrated over low wages and other grievances^m – held a sit-in on a road in the Butaw section of the GVL plantation, barring passage by car of high-ranking GVL and Government officials. These officials promptly summoned the Liberian police, who fired tear gas and attacked the protestors. In the ensuing melee, community members damaged GVL property and the Government ordered additional police to Butaw, including the specially-armed Emergency Response Unit (ERU). According to community members interviewed, in the following days Government police ransacked nearby community residences and arrested another seven people. As of the date of publication it is understood that 27 of the 37 arrested community members remain in detention.⁸⁹

The above accounts suggests that some Government officials and, reportedly, some GVL staff are using intimidation and fear to ensure the company's plantation can expand. This practice should cease immediately and the Liberian Government should radically re-examine its treatment of community members and GVL, recalling that its legitimacy derives from protecting the former not the latter.

^m In a 2 July 2015 meeting, GVL told Global Witness that the company believed community members were protesting because they wanted jobs with GVL.

TIMELINE OF A LAND GRAB



BUTAW "SOCIAL AGREEMENT"
17 AUG 11
AREA UNSPECIFIED

MOU SIGNED
DATE
LAND GAINED
BY GVL

WORLDWIDE INTIMIDATION OF ENVIRONMENT AND LAND DEFENDERS

The intimidation of community members protesting the GVL plantation parallels a disturbing international trend of increased attacks on human rights activists who protect the environment and defend their land. These activists are being killed in record numbers: Global Witness' report *How Many More* documented the killings of 116 environment and land defenders from 17 countries in 2014, double the number of journalists killed in the same period and a 20 percent increase over 2013.⁸³

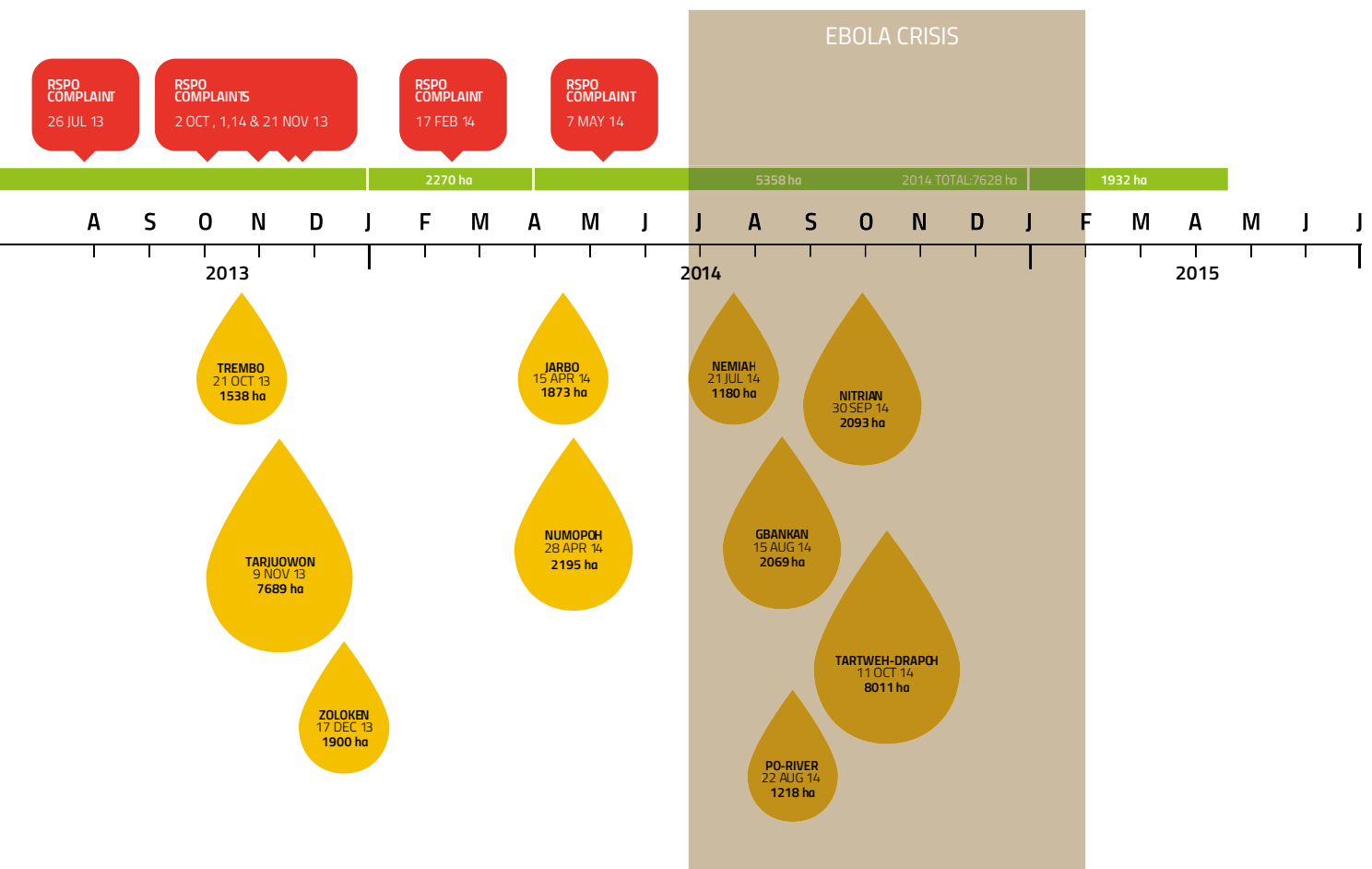
Environment and land defenders are those who take peaceful action to protect their land or environmental rights, whether in their own personal capacity or professionally. They are human rights defenders and as such are afforded all the protections specified in the UN Declaration on Human Rights Defenders. What distinguishes them from other human rights defenders is that they may work on traditional human rights like freedom of expression and freedom of association in addition to rights that have more recently begun to receive formal recognition such as the right to a healthy environment and the right to self-determination for indigenous peoples. Worldwide, environment and land defenders are also coming under increasing pressure as governments allow companies access to community land, and suppress opposition by launching criminal proceedings—subjecting communities to police raids, wrongful arrests, fines, and imprisonment. As well as killings, these activists suffer acutely from threats and physical violence, criminalization,

Below: Community members near the Equatorial Palm Oil plantation have also been assaulted and arrested.⁸⁷ Photo: Sustainable Development Institute



and restrictions on their freedoms to protest, to travel, and move about freely, and to organize and carry out their work.⁸⁴

With the arrest of 37 community members in May 2015,⁸⁵ the intimidation of those protesting the GVL plantation has recently increased markedly. Sadly, Liberia appears to be following a larger trend.



NO CONSENT – GOLDEN VEROLEUM'S MEMORANDA OF UNDERSTANDING

Wanting to be seen to be addressing the problems in its plantation, GVL has sought to demonstrate that it has communities' free, prior, and informed consent to its concession, signing Memoranda of Understanding (MOU) with community members before it converts their lands to palm plantation. The current MOUs were developed after the company received its first RSPO complaint in 2012, accusing GVL of taking community lands without consent.⁹ As a result of this complaint, RSPO ordered GVL to briefly cease expanding its plantation until the company had worked with the independent consultant TFT to develop a "Consultative Draft" MOU. Obtaining community signatures on these MOUs is now being undertaken by GVL to show that it has complied with FPIC.

GVL has arguably followed the letter of this ruling, but certainly not its spirit. GVL's MOUs gain the company exclusive user rights over nearly 30,000 ha of community land but gain landowning communities nearly nothing in return.⁹⁰ They are also either valid until 2075 or are due for renegotiation this year, with a presumption that the resulting MOU will last until 2075.⁹¹ However, GVL's MOUs cannot

Below: 97 percent of signatories to the Numopoh MOU did not sign their own names.



Numopoh MOU Signature Page - continues

Town: Quiah & Welloh
 Citizen: Terry Welloh
 Citizen: Timothy Welloh
 Citizen: Maroline Welloh
 Citizen: Sarah Welloh
 Citizen: Elizabeth Welloh
 Citizen: Angie Kelgbeh
 Citizen: Targbeh Kelgbeh
 Citizen: Fatu Welloh
 Citizen: Sundaye Welloh
 Citizen: Lucky Welloh
 Citizen: Fannie Chetteh
 Citizen: Felecia Chetteh
 Citizen: Oratus Chetteh
 Citizen: Artic Bailey

Right: Emergency Response Unit police protecting GVL property, May 2015. Photo: Front Page Africa

be seen as proof that communities have provided their consent to the company. Rather they are evidence of the opposite, demonstrating that the process through which community "consent" was obtained is fundamentally flawed. GVL's MOUs have been signed in a climate of fear and intimidation, agreed without sufficient information provided to communities and have not been negotiated by the communities.

As collective owners of the land, Liberia's rural communities have the right to negotiate agreements with companies such as GVL on how the land should be used and what benefits must be provided in return. If communities are in a position to negotiate on an equal footing with the company, legally-binding agreements would allow them to obtain benefits from leasing their land and safeguard against many of the plantation's negative impacts. However, the considerable imbalance of power, knowledge, and resources between GVL and communities who have no access to legal support means that, in practice, these communities rarely get a good deal when they sign MOU's.

As outlined in the previous section there is mounting evidence regarding a climate of intimidation being created by local Government officials. Some of this intimidation has been part of a sustained attempt to ensure that communities sign the MOUs. For example, the Town Chief from Tarjuwon District was fired after he refused to attend the signing ceremony for the MOU to confer his consent, believing – along with others in his community – that the agreement was not in the best interests of his people.⁹ Another community member from Tarjuwon remarked that:

*"GVL forced some of our people to sign a provisional MOU, through the influence of national government, the Ministry of Internal Affairs. There are no jobs or sources of livelihood in Sinoe other than farming. Many influential people are employed with the Ministry, so the high-level officials from the MIA threaten [lower MIA staffers] with their jobs if they don't sign... They were put under duress to sign a document but they don't even have knowledge of [what is contained in] that document."*⁹²

It appears that even MOU signing ceremonies themselves could have been marred by intimidation from local officials. Community members from both the Tarjuwon and Numopoh communities stated that top county officials, Milton Teahjay and Romeo Quioh (who was formerly the powerful Deputy County Superintendent and is now the even more powerful County Superintendent), oversaw the signing ceremonies for their MOUs. In light of Teahjay's track record of intimidation, it is difficult to see how community members could feel free to reject the District's MOU. In the Numopoh MOU meeting, armed police from the ERU, allegedly invited by Romeo Quioh, were in attendance, undoubtedly adding to the intimidating and threatening atmosphere.⁹³ The Numopoh MOU was also reportedly not read aloud to the community,⁹⁴ but despite this 768 community members who could not read, or sign their own names – 97 percent



of all signatories – placed a thumbprint on the agreement to confer their consent.⁹⁵

In its July 2015 letter to Global Witness, GVL stated that it ensures communities “are able to reach agreement with us in a free and open manner.” According to the company, the Tarjuwon and Numopoh MOUs were read to community members prior to their signing, and while ERU police were seen at the Numopoh MOU meeting, they were merely passing the meeting on their way to another location.⁹⁶

In addition to the process of obtaining consent not being “free,” neither could it be said to have been “informed.” GVL are required to provide communities with a number of documents that provide detailed information on the proposed project, central among which are Environmental and Social Impact Assessments (ESIA). GVL states that it provides communities with ESIA and other documents.⁹⁸ However, research undertaken by the Forest Peoples Programme, as well as a separate analysis of a GVL ESIA commissioned by Global Witness, shows that communities were not given adequate information about the plantation’s impacts, including information on the effects of chemicals the company will use on drinking water or projections on whether the plantation will have positive or negative impacts on community livelihoods in the future.⁹⁹ Nor were communities provided with any research on the livelihood outcomes of possible alternatives to the GVL plantation,¹⁰⁰ and were instead presented with a false binary choice between “development” if they accept the concession or “no development” if they reject the palm oil plantation. In its July 2015 communication, GVL stated that it cannot provide communities with information on alternative livelihoods, and that this is the job for NGOs.¹⁰¹

As highlighted above, the GVL plantation may operate until the year 2108 and there is a presumption that the recently signed MOUs will last for most of the plantation’s lifespan. Given that the GVL

“I remember the MOU signing ceremony. They did not read the MOU to us. At the same time, they said that all the people from the different communities must sign. We ourselves, we don’t know how to read, and if you give us a letter we will sign it. The Sinoe County Deputy Superintendent and Numopoh District Commissioner were there. They signed, so what do I know? As all of them signed, I’m supposed to sign.”⁹⁷

– Community Member, Numopoh District, Sinoe County, March 2015

plantation will wholly change the lives and livelihoods of nearby communities for a period that is, essentially, forever, it is not credible to suggest that communities have sufficient information to make informed decisions about whether or not (or under what circumstances) they want GVL, and thus whether or not they want to negotiate an MOU with the company.

An analysis of GVL’s MOUs also demonstrates that the communities may also have had little opportunity to negotiate their agreements. Each MOU outlines the amount of land that the company will convert to plantation, the “benefits” the company will provide to the community, and the general responsibilities of the community and GVL. However, in almost all respects the terms of each of the MOU’s are substantively the same, and are also the same as those contained in a “Consultative Draft” MOU produced by GVL. (For an

n) In August 2011, GVL obtained a two page “Social Agreement” for Butaw District, Sinoe County that differs in format and content from GVL’s other nine MOUs, all of which are substantially similar to one another. Global Witness consider the Butaw agreement analogous to the other ten MOUs as it has been used by GVL in the same way; to demonstrate that the community provided consent to GVL. However, as the Butaw agreement is even more poorly-drafted than the other ten, while this report will refer to GVL having signed eleven MOUs the analysis will focus only on the format of the ten MOUs signed after Butaw. Additionally, because the Butaw agreement fails to include a figure for how much land GVL would obtain from the community this report will not include Butaw in calculations of how much land communities have provided to GVL under MOUs. GVL and TFT also developed Standard Operating Procedures that outlined the FPIC procedure GVL should follow. For more information on these procedures, see Forest Peoples Programme, 2015, Hollow Promises: An FPIC Assessment of Golden Veroleum and Golden Agri-Resources palm oil project in south-eastern Liberia, p. 17-45. See also, Government of Liberia Ministry of Internal Affairs, Social Agreement District of Butaw, 17 August 2015; Green Advocates, Complaint to the RSPO on behalf of the People of Butaw District, October 1st 2012.

o) As above, GVL disputes that the Town Chief was fired for this reason.

example, see Annex V.) This suggests that the terms of each MOU have been pre-determined by GVL. Indeed, community members from Numopoh District reported to Global Witness that they drafted their own version of an MOU, outlining the benefits that they required in return for the lease of the land. Although the MOU was sent to the company, they believe that it was intercepted by GVL workers and did not reach the company for consideration and none of the communities requirements were incorporated into the final MOU.¹⁰³ GVL states that it provides communities with a Consultative Draft MOU as a “practical framework for negotiation,” but that it should not be seen as a “rigid template.” The company also states that it received “several detailed proposals” from the Numopoh community when negotiating its MOUs, but does not explain why the final MOU remained so similar to the Consultative Draft.¹⁰⁴

Ultimately, the MOUs that have been signed contain terms so vague that they mislead community members, who believe that they will receive a number of benefits by agreeing to the concession. During interviews conducted between 2012 and 2015, community members told Global Witness that the most important “benefit” GVL could provide was employment. However, on this point the MOUs contain little detail, promising jobs but failing to state for how long people will be employed, what workers will be doing or how many people the company will hire. Similarly, the frequently stated hope by communities that GVL would bring medical facilities will also be difficult to enforce: the MOUs may promise health care, but do not specify the quality of this care or, in many cases, a timeline for its provision.¹⁰⁵ According to the company, its MOUs try to be specific, but that this is not always possible.¹⁰⁶

In fact the “benefits” outlined in GVL’s MOUs are almost entirely for employees only. In terms common to all MOUs (and replicating requirements GVL already has under its 2010 contract with the Liberian Government) only GVL employees will have free access to GVL medical facilities and schools. Non-employees will have access to GVL clinics, but must pay for them, and children of non-employees may have access to GVL schools, but only if the company decides there is enough space for them.^p In its July 2015 communication, GVL states that it believes its medical facilities and schools will benefit affected communities and in “certain locations” supports community clinics and schools, but cannot guarantee access for non-employees.¹⁰⁷

A summary of the terms in each MOU can be found in Annex I. This summary demonstrates that under their MOUs, GVL will actually give non-employed community members with very little – slightly more than six toilets – over that which the company was already obligated to provide under its concession agreement with the Government.

“Our people just signed this MOU because of poverty. I’m here, I’m hungry, and somebody wants to give me food? I’m hungry, I haven’t eaten for two or three days, and somebody prepares something I’ve never eaten before. But I’m hungry, so I have to eat to receive stamina. If I have stamina then I will improve. Because I was hungry I ate that thing, but it was not supposed be eaten.”¹⁰⁸

– Community Member, Numopoh District, Sinoe County, March 2015 FN

As such, far from bringing development to poor rural communities GVL’s MOUs only serve to divide people between those who are employed and therefore receive vaguely-worded “benefits” from GVL, and those that stand to get next-to-nothing in return for the complete loss of their land and livelihoods. These MOUs provide no guarantee of even short-term development for community members who are not employed by the company. This poses a real risk that the benefits communities expect may not materialise, and previous experience has shown that conflicts can arise when there are discrepancies between what the community expects and what happens in practise. In the Democratic Republic of Congo, broken promises of jobs, schools, and clinics by logging companies have led to conflicts within the affected communities.¹⁰⁹ As the May 2015 violence in Sinoe County demonstrates, such violence is not only possible in the GVL plantation, but has recently flared.

Despite ambiguity elsewhere in the document, each MOU is very clear about what GVL gains from the agreement. Each MOU specifies the number of hectares that the company can convert to plantation, although the specific locations cannot be deciphered by a community member, or anyone else for that matter, as the maps attached to the MOUs are of very poor quality.^q Additionally, each MOU asserts that the community has relinquished all usage rights for the plantation land, and states that the MOU will be probated so as to give it force of law binding not only current community members, but also their heirs and assigns.¹¹⁰

Communities operating at such a disadvantage cannot be considered to have provided their genuine informed consent to the GVL plantation. Such a disadvantage can explain, however, why GVL’s MOUs all look the same and provide communities so few benefits.

p) It should also be noted that community members in Sinoe County reported that some people working for GVL were serving as sub-contractors, working for a GVL “employee” and thus not themselves on GVL’s employment rolls with full contracts. It is unclear if such subcontractors would get the “benefits” such as education and clinic access GVL has promised to its employees. GVL has stated that it may employ some subcontractors (“individuals or groups”) but is not aware of any subcontracting arrangements. Global Witness; Interview with Tarjuwon community member, Sinoe, March 2015; Kluth, Andrew, Letter to Global Witness, Detailed Comments Matrix, sec. 16, 1 July 2015.

q) GVL states that the MOU maps are produced through a participatory mapping process in which community members have been involved, although has not explained why the ensuing maps are largely illegible. Kluth, Andrew, Letter to Global Witness, Detailed Comments Matrix, sec. 17, 1 July 2015.

EBOLA AND GOLDEN VEROLEUM'S ACCELERATING OPERATIONS

Erupting in early 2014, Liberia and neighbouring Guinea and Sierra Leone have recently suffered the world's worst outbreak of Ebola, labelled by the WHO as the worst public health crisis in recent history.¹¹¹

In Liberia, the outbreak caused the deaths of 4,807 people, and brought the country to a standstill.¹¹² Travel around the country was restricted, impacting heavily on an already fragile economy, while many people were laid off from their jobs and schools closed to prevent the spread of the deadly virus. By August 2014 the outbreak had accelerated to such an extent that President Johnson Sirleaf declared a state of emergency, and by November the Government had issued a series of restrictions, including a ban on public meetings.¹¹³ Yet in the midst of this chaos, GVL pushed ahead and signed four MOUs with communities in rapid succession, granting the company large swathes of land to convert to plantation.

Prior to Ebola local NGOs provided support to those affected by the GVL concession, and in fact offered the only independent advice available to communities. These organizations made regular visits to affected communities and provided oversight on certain aspects of GVL's operations, as well as assisting communities to file complaints to the RSPO.^r During the Ebola outbreak, however, this oversight and support to communities decreased significantly as NGOs focused their attention on providing rural households with sanitation supplies and education, aimed at reducing the spread of the disease.

Before the Ebola crisis hit, between October 2013 and July 2014, GVL signed seven MOUs providing the company with the "consent" to clear 16,555 ha of land. The signing of these agreements came after a brief hiatus in 2012 when the company was ordered to stop its expansion by the RSPO, due to an unresolved complaint regarding GVL clearing community lands without consent. GVL requested that TFT assist in developing procedures for obtaining consent from communities, including the "Consultative Draft" MOU, which they have used to demonstrate that they have the "consent" of communities ever since.

However, in the three months between August and October 2014 while the spread of Ebola was rapidly accelerating, GVL signed an additional four MOUs with communities, covering 13,394 ha of collectively held lands – 45 percent of the land covered by MOUs to date.^s Each of these MOUs is signed by hundreds of people, suggesting that the company was bringing together large numbers of community members at a time when people were panic-stricken and avoiding any physical contact or public gatherings. In particular, the Tartweh-Drapoh MOU – by area the largest of all GVL's MOUs – contains 519 individual signatures and is dated 11 October, the same week that Liberia marked its 2,400th death from Ebola.¹¹⁴ GVL has stated that not all 519 Tartweh-Drapoh signatories attended the same meeting and that the company held one large 100 person meeting and sepa-

Below: The 2014 Ebola crisis was the worst public health crisis in recent history according to the WHO. Photo: Chris de Bode/Panos



rate meetings were held for the rest of the signatories, although Global Witness has not been able to independently verify this account.¹¹⁵ Regardless, with people in such desperate circumstances and deprived of NGO support, it is clear that the conditions for genuine FPIC to be obtained did not exist during the Ebola crisis, and any MOU negotiated during this time must be renegotiated.

Once community "consent" has been obtained through a signed MOU, GVL appears to have wasted no time in converting these lands into plantation. After signing five MOUs between October 2013 and July 2014, GVL substantially accelerated its conversion of community land into plantation, clearing 5,358 ha in the nine months between April and December 2014 – approximately the same area of land as it had cleared in the previous three years since its operations began in January 2011. Having gained additional community lands after signing four MOUs during the Ebola outbreak, GVL has continued to increase its expansion in 2015, and has cleared an additional 1,932 ha in the first five months of the year alone.¹¹⁶

In its July 2015 letter to Global Witness, GVL stated that during the Ebola outbreak it implemented precautions to prevent the disease's spread, that the MOUs it signed were the culmination of an already-established engagement with community members that they claim had been going on for months and in some cases years, and that the clearance of lands for plantation between April and December 2014 was based upon land it had already acquired from communities through previous MOUs.¹¹⁷

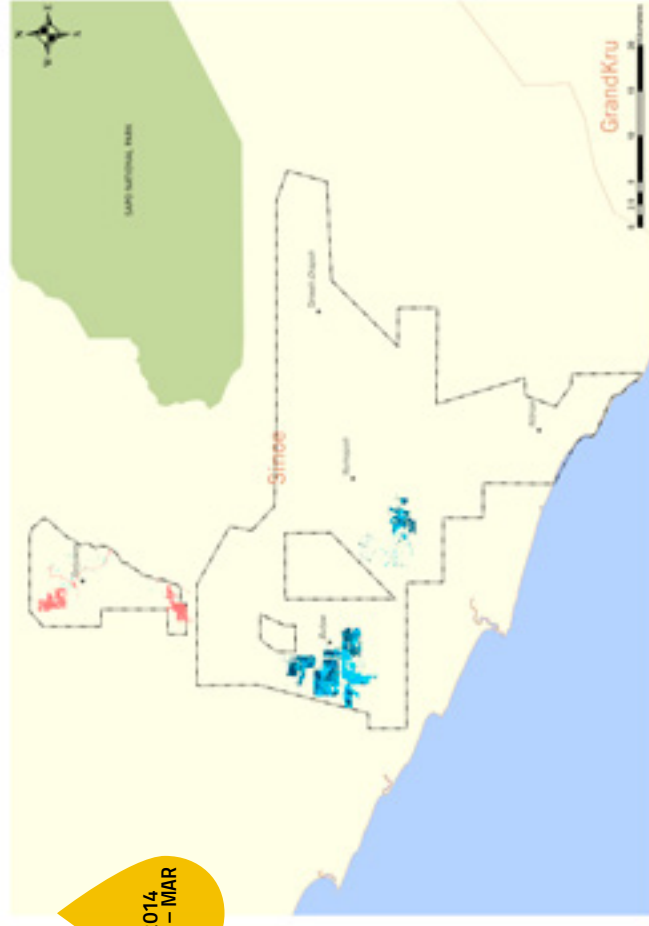
^r The NGOs that have provided support to communities in the GVL plantation include Save My Future Foundation, Social Entrepreneurs for Sustainable Development, Sustainable Development Institute, and Green Advocates.

^s As outlined on page 19, this calculation does not include the area GVL has obtained from the Butaw community.

GOLDEN VEROLEUM CONVERSION 2013-2015¹¹⁸



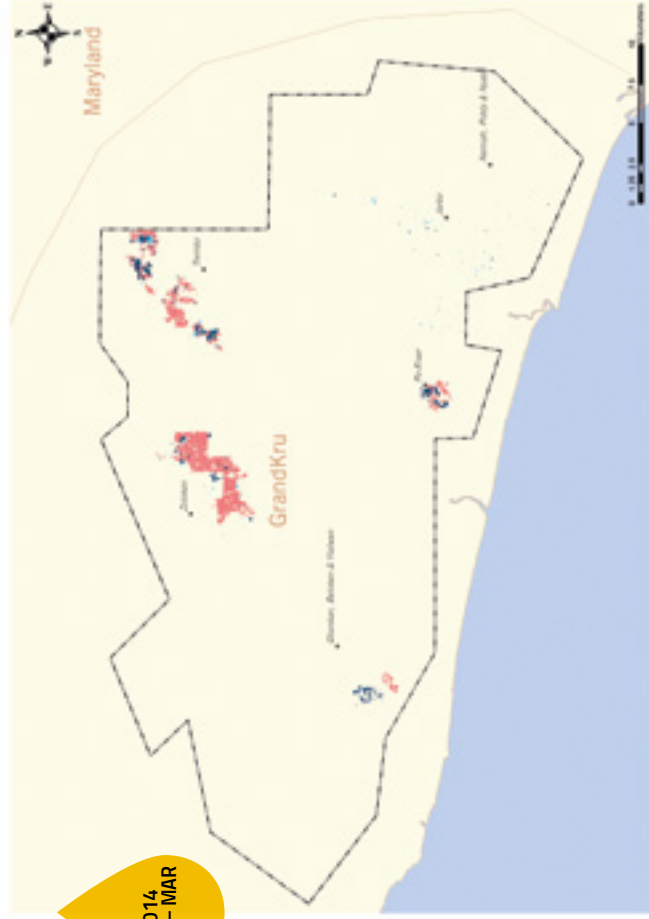
2013



2014
JAN - MAR



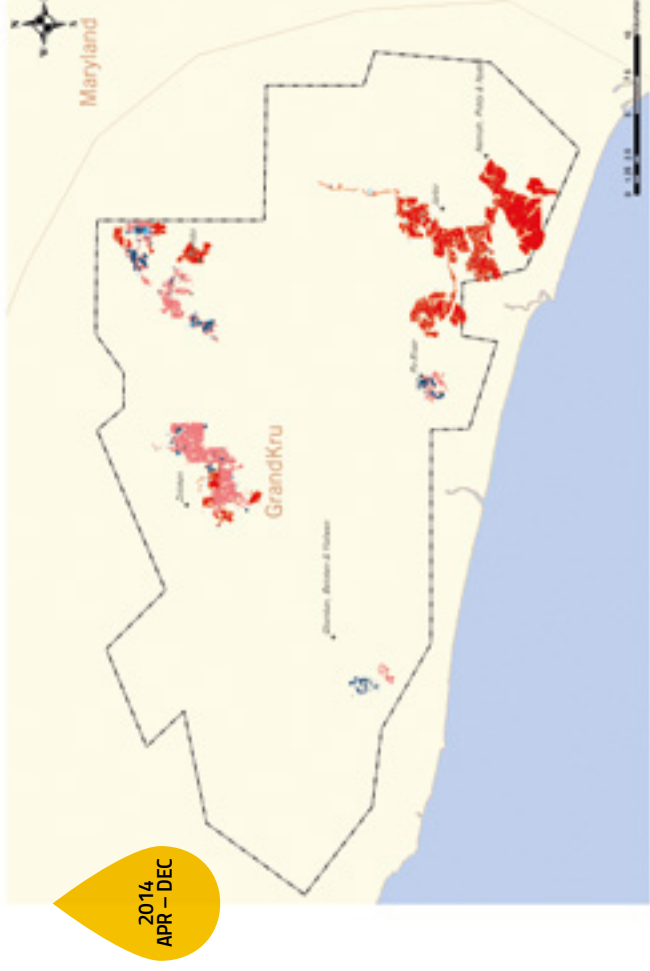
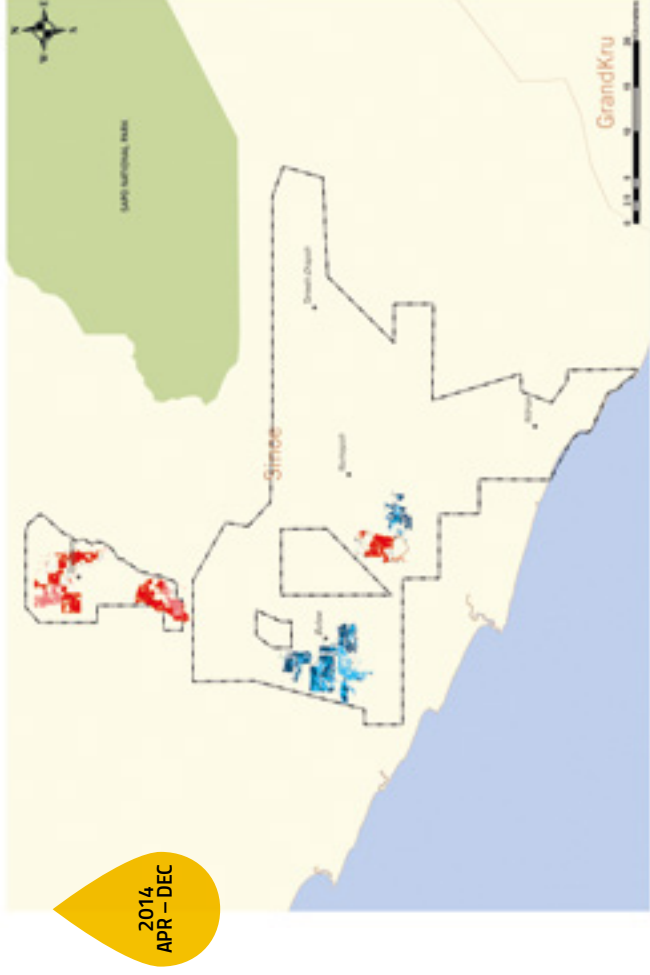
2013



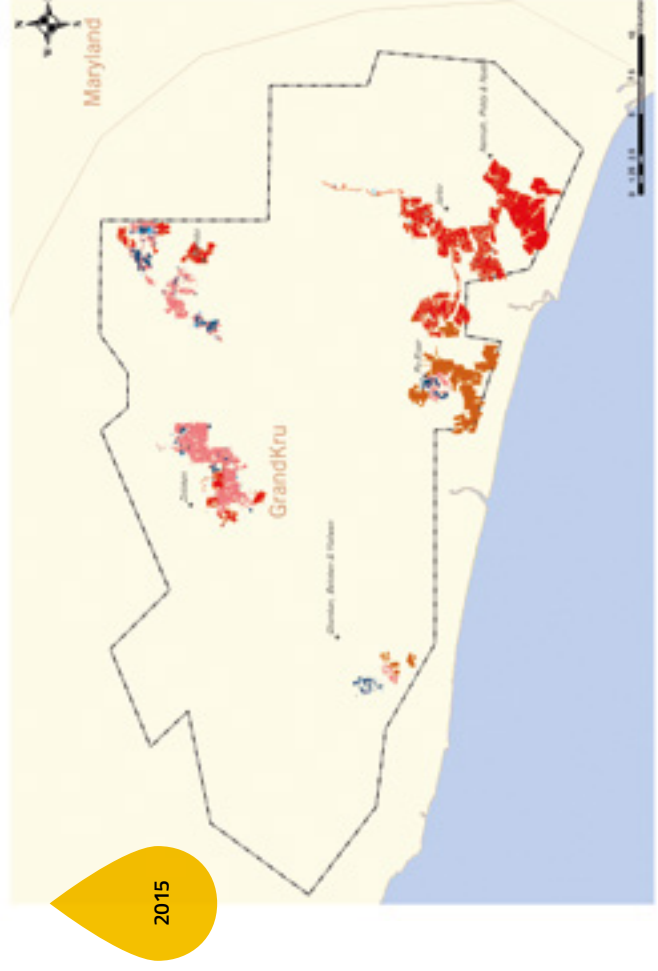
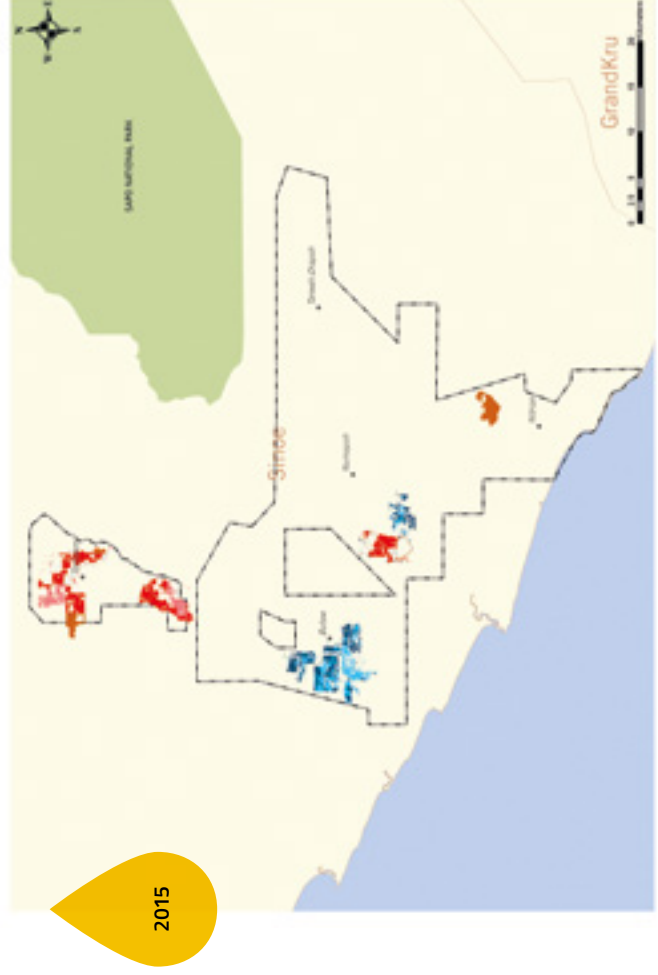
2014
JAN - MAR

TOTAL AREA CONVERTED: 1,839 ha

TOTAL AREA CONVERTED: 2,270 ha



TOTAL AREA CONVERTED: 5,358 ha



TOTAL AREA CONVERTED: 1,932 ha

KEY

2011

2012

2013

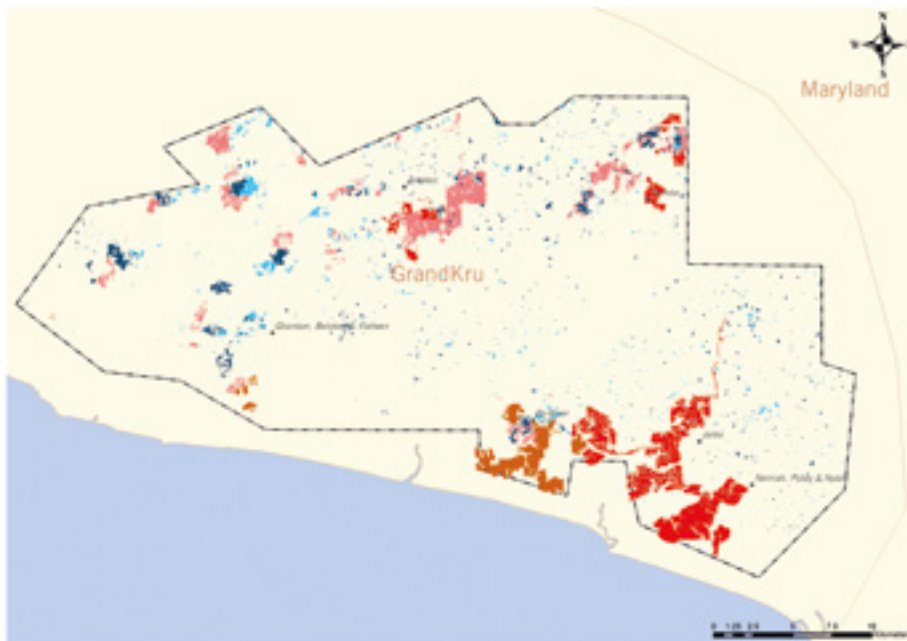
2014 JAN - MAR

2014 APR - DEC

2015 JAN - APR

ALL CONVERSION 2011-2015

For the sake of clarity, the All Conversions map, below shows the full extent of land conversion in Sinoe and Grand Kru Counties between 2011 and May 2015. GVL is likely not responsible for some of the smaller conversion areas shown on this map. For other areas included in this map but not in Golden Veroleum Conversion maps (for example, the area in the northwest segment of the Grand Kru map), Global Witness were unable to verify whether GVL or another actor was responsible for conversion.



CONCLUSION

Having awarded or assigned hundreds of thousands of hectares in industrial plantations over the past ten years, the Liberian Government clearly believes that concessions such as the immense GVL plantation will drive development in the country. *The New Snake Oil* has shown, however, that big plantations do not necessarily deliver as promised and rather than promoting development, can harm it.

Studies argue that access to land is key to ensuring a secure future for communities, while levels of poverty increase when communities become dispossessed from their lands.¹¹⁹ It is for this reason that international standards such as the UN Declaration on the Rights of Indigenous Peoples and the RSPO Principles and Criteria require that any company wishing to use community lands must obtain the free, prior, and informed consent of those communities before any operations begin.

This report has shown that communities living in Liberia's GVL plantation do not have control over their lands. Instead the accounts Global Witness has collated indicate that community members live in a climate of fear, apparently created by the persistent acts of intimidation committed by powerful local Government officials, and feel that they have little choice but to sign MOUs granting their land to GVL. In a 2 July meeting with Global Witness, GVL stated that it did not want Liberian Government officials to intimidate community members, and that officials such as Milton Teahjay were "a thorn in their side." Yet the company has suspicious financial ties to Teahjay and is clearly benefitting from such coercion.

In addition, communities affected by the GVL concession have not been given the information they need to make informed decisions. Documents provided by GVL do not sufficiently describe the plantation's environmental, social, and food security impacts. And although many people are eager for GVL to operate in order that they can be employed, GVL has given no clear indication of exactly how many people it will employ or for how long this employment will last. With so little information and the prevailing climate of fear, it is understandable why all of GVL's MOUs look the same and contain so few community benefits.

For community members in Sinoe and Grand Kru to enjoy development – for Liberia to develop – the people need a real choice. Studies on palm oil plantations show that communities benefit more under mixed systems of agriculture than under monoculture plantations such as oil palm, and are able to generate more income by growing their own cash crops such as rubber or cocoa than they are by being employed by the plantation, where their job status is often insecure or seasonal.¹²⁰ Communities need information such as this as to what is the best use of their land and what benefits each option may provide over the long-term. They need support processing this information and negotiating with GVL armed with data that the plantation may not be their best option. And they need the Liberian Government to stop treating them as encumbrances in an investment contract, with those who question the plantation branded as "anti-development." Only when this happens will communities affected by Liberia's new plantations be able to decide the future of their lands, and what the future of their families and future generations may be.

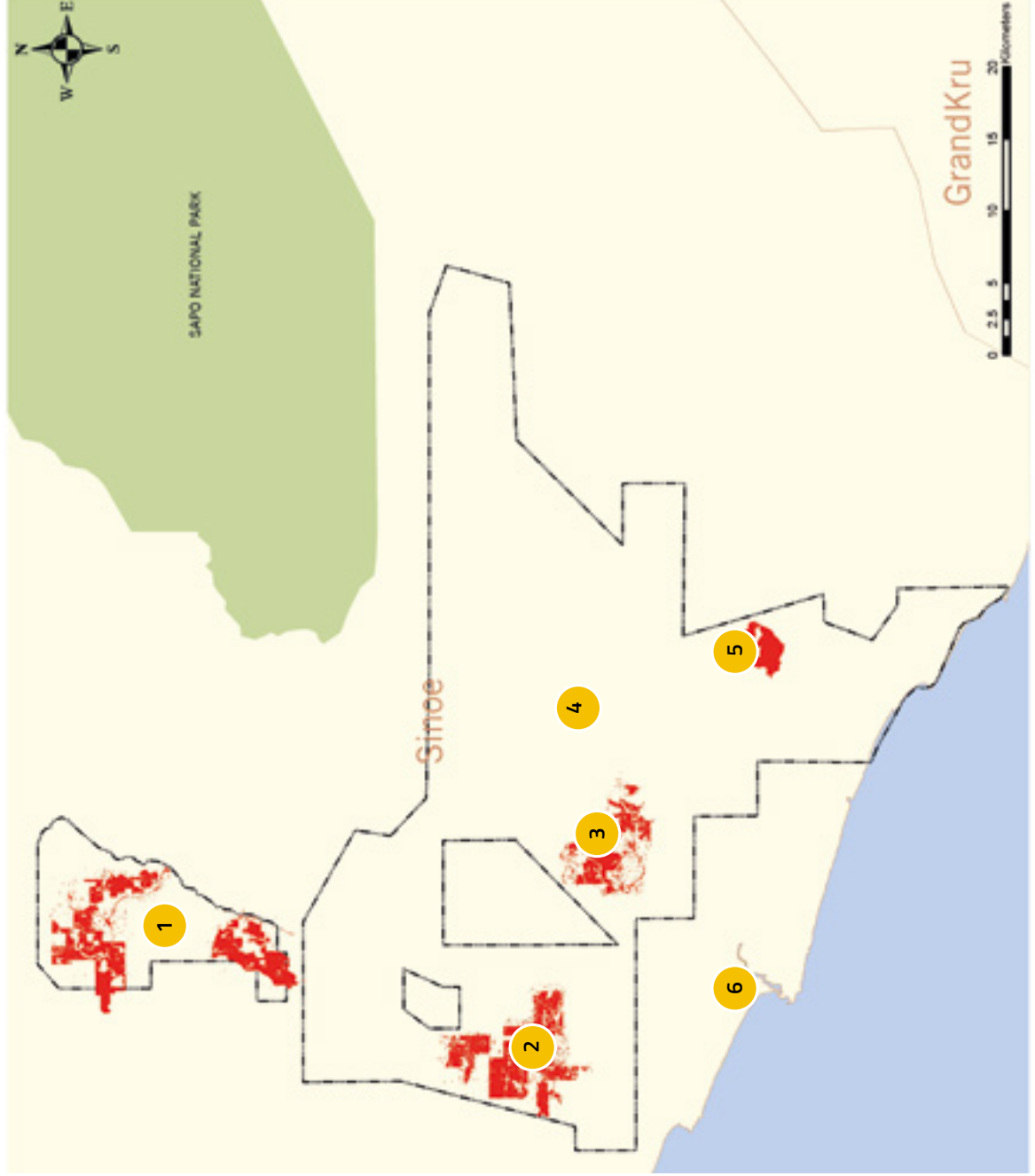
Below: Sinoe, May 2012.



COMMUNITY	HUNTING TERRITORY	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.	No hunting in plantation.
	SACRED SITES	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.	GVL will try not to damage sacred sites, but makes no guarantees.
	INFRA-STRUCTURE¹³⁵	Rehab. road to plantation location.	Rehab. road, location unclear.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.	Rehab. road to plantation location.
		Materials worth US\$ 8,550 to build toilets. No labour. Materials worth US\$ 1,125 to rehab. 1 town hall. No labour.	Material worth est. US\$ 5,700 to build toilets. No labour.	1 temp. rain shelter.	Materials worth US\$ 2,850 to build toilet. No labour.										
	COMMUNITY DEVELOPMENT FUND	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. Several projects already listed: football fields, school, motel, mobile phone tower. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.	GVL pays US\$5/ha per year into fund. GVL and gov. have controlling vote where money spent.
	CLEARED FARMS	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.	GVL should pay comm. for farms converted into plantation, amount unknown.
	WHAT THE COMMUNITY GOT	3 toilets. 1 rehabilitated town hall. No help building them. When employees loved one dies, she can take time off.	2 toilets. No help building them. When employee's loved one dies, she can take time off.	1 rain shelter. If qualified employee might get US\$600 as a tractor shelter. When employee's loved one dies, she can take time off.	1 toilet. No help building it. When employee's loved one dies, she can take time off.										
	WHAT GVL GOT¹³⁷	2,069 ha to convert into plantation. Community and its heirs give up all land use rights.	1,873 ha to convert into plantation. Community and its heirs give up all land use rights.	2,195 ha possibly 3,523 ha to convert into plantation. Community and its heirs give up all land use rights.	1,218 ha to convert into plantation. Community and its heirs give up all land use rights.	7,689 ha to convert into plantation. Community and its heirs give up all land use rights.	8,011 ha to convert into plantation. Community and its heirs give up all land use rights.	1,538 ha to convert into plantation. Community and its heirs give up all land use rights.	1,900 ha to convert into plantation. Community and its heirs give up all land use rights.						

PAYMENTS TO COMMUNITIES¹³⁶

ANNEX II: MAP OF ARRESTS, ASSAULTS, AND EBOLA



1. TARJUWON

- Home of Milton Teahjay, former County Superintendent, now Senator.
- Location of Teahjay-owned building rented by GVL.
- Four community members arrested (February 2014), one assaulted (June 2014), one Town Chief fired (November 2013).
- RSPO complaint filed.
- MOU Terms: GVL gets 7,689 ha. Community gets maternity leave for workers.

2. BUTAW

- Scene of May 2015 community protest, riot, and looting by police.
- 37 community members arrested, two injured.
- Three community members arrested, 2012.
- RSPO complaint filed.
- MOU Terms: GVL gets unknown amount.

3. NUMOPOH

- Home of Romeo Quioh, former Deputy County Superintendent, now County Superintendent.
- Community member: “They signed, so what do I know? As all of them signed, I’m supposed to sign.”
- Former warlord employed by GVL threatens Liberian NGOs. “If you ever bring white people here in a car again you won’t leave.”¹
- MOU Terms: GVL gets 2,195 ha, possible up to 3,523 ha. Community gets a rain shelter, possible set wage for qualified drivers, and maternity leave for workers.

4. TARTWEH-DRAPOH

- MOU signed October 2014, during the peak of Liberia’s Ebola outbreak.
- MOU Terms: GVL gets 8,011 ha. Community gets maternity leave for workers.

5. NITRIAN

- MOU signed September 2014, during the peak of Liberia’s Ebola outbreak.
- MOU Terms: GVL gets 2,093 ha. Community gets maternity leave for workers.


6. GREENVILLE


- Location of jail in which June 2015 Butaw protestors detained.
- Location of Nyenphan-owned building formerly rented by GVL.

¹ Forest Peoples Programme, Letter to Ravin Krishnan, 26 July 2013, p. 8.

ANNEX III:

STATEMENT BY MINISTER OF JUSTICE BENEDICT SANNOH,
24 FEBRUARY 2015


REPUBLIC OF LIBERIA
MINISTRY OF JUSTICE
9th Street, Sinoe
Monrovia, Liberia


OFFICE OF THE MINISTER
ATTORNEY GENERAL

Statement by the Minister of Justice and Attorney General, Republic of Liberia
On the disputes between Concessionaires and Citizens of various counties, especially the
current disputes in Maryland and Sinoe Counties.

February 24, 2015

Statement Summary:

1. The Ministry of Justice wishes to make it clear that all Liberians, regardless of the county of origin, ethnicity, or religion, have equal access to any job available in any Concessionaire operating anywhere in the Republic of Liberia. The view that jobs available in a Concessionaire operating in a particular county, must be taken or held only by the citizens of that county is wrong, politically incorrect, and grossly inconsistent with the Constitution and laws of this Country.
2. Citizens are advised not to engage in any violence, threats, intimidation or otherwise disrupt the operations of concessionaires in their counties because of grievance they may have against them.
3. Where citizens of a county, who are not employees of the Concessionaire, have genuine grievances against the Management of the Concessionaire, those grievances must be channeled through the following steps: 1) through the local government; 2) through County representation or duly elected representatives; and 3) at the National level through the sector ministry or the National Bureau of Concessions or any other relevant Ministry or Agency.
4. Regarding the grievances of the youths of Maryland, the Government has constituted a cabinet level committee chaired by the Ministry of Justice, and including the Ministry of Internal Affairs (MIDA), Ministry of Agriculture (MOA), Ministry of Labor, National Bureau of Concessions, and the National Investment Commission (NIC) to travel to Maryland and Sinoe with the view to resolving the issues raised by the citizens.
5. Regarding the grievances of the youths in the Butaw District of Sinoe County, the Government has received copies of the documents submitted to the Company. The Cabinet level delegation shall also visit Sinoe County to listen to the citizens with the view to resolving their grievances.
6. While the grievances are under consideration, the Government hereby advises all citizens of Maryland and Sinoe to stay away from the Concessionaires, and that it will not countenance any actions which will obstruct or otherwise disrupt the smooth operations of the Concessionaires operating therein.

1

ANNEX IV: RECEIPT DOCUMENTING INJURIES RECEIVED BY COMMUNITY MEMBER, 18 JUNE 2014

BENKO CLINIC
New Georgia Junction
Monrovia, Liberia

Name : [REDACTED]
Age : [REDACTED]
Date seen : 18-06-2014
Address : [REDACTED]
Sinoe County

MEDICAL REPORT / BILL

This is to certify that, the above named patient was seen in the out patient department (OPD) of the date specific above.

His physical and laboratory findings revealed:

- (a) Beating by group
- (b) Coughing will blood
- (c) Left hand painful
- (d) Both sides pains
- (e) Wound on left foot and right eye swollen.

Base upon the results, the patient was trusted for one week from the 19-25-2014

MEDICAL BILL
USD \$110.00
Paid in full

Signed: [REDACTED]
[Signature]
[Signature]
[Signature]

ANNEX V:

EXCERPT FROM GOLDEN VEROLEUM "CONSULTATIVE DRAFT" MEMORANDUM OF UNDERSTANDING



GVL GOLDEN
VEROLEUM
LIBERIA

APPENDIX B:

BENEFITS GVL WILL PROVIDE TO COMMUNITIES CITIZENS WHO BECOME EMPLOYEES

1. Employment and wages and other
 - a. Priority and preference for jobs and training opportunity is provided to communities that designate planting land for GVL
 - b. Wages and salaries meet Liberian Laws and Regulations and Minimum Wage rulings, as well as Terms and Conditions of Collective Bargaining Agreement with the workers union GOVAWUL.
 - c. Currently, GVL includes
 - i. 50kg bag of rice per employee each month,
 - ii. annual paid vacation,
 - iii. maternity leave
 - iv. bereavement payment and
 - v. National Social Security and Welfare Corp (NASSCORP) contributions
 - d. Qualified staff can receive a subsidized motorcycle without down payment
2. Training and advancement:
 - a. Provide skill training to employees of the company.
 - b. This includes
 - i. on-the-job training,
 - ii. head gang and supervisor training
 - iii. and cadet/management development for qualified candidates, as well as
 - iv. international secondment for qualified candidates (e.g. learning modern mill engineering methods);
 - v. vocational training (for instance, heavy equipment operator certified training, and skills in mechanic and construction trades)
 - c. Employees with good skills and willingness and ability to advance and manage parts of the business will be encouraged and GVL wishes to create and build management and technical support capabilities deriving from the Communities
3. Education of employee children:
 - a. GVL will build schools in GVL farm townships starting at kindergarten and primary school and up to high school
 - b. Schooling is free for children dependents of employees
 - c. GVL will pay for teachers, maintenance of schools and study items
 - d. GVL offers schooling in adult literacy and numeracy for enrolled employees and for ability to be promoted
 - e. University scholarships application will be available to qualified employee children from the USD \$100,000 in annual scholarships to agriculture students.
4. Healthcare and clinics:



- a. GVL will provide employees and dependents health care and medical treatment free-of-charge.
- b. Health clinics will be constructed, equipped and staffed by health care personnel and nurses
- c. GVL will pay the health care staff
- 5. **Housing and facilities:**
 - a. GVL will provide modern style free-of-charge family and bachelor housing within the developed area for full-time employees and their dependents that wish to live there
 - b. Housing will have
 - i. free electric power,
 - ii. running piped water and
 - iii. toilet bathrooms,
 - iv. as well as kitchens
 - v. The housing will be built in temporary form starting in year 2, and permanent houses starting in year 4 of a new GVL farm areas
 - c. GVL farm townships will have
 - i. Market place
 - ii. House of Worship (church or prayer hall)
 - iii. Sport field
 - iv. Normally we build these community buildings during year 2-3 of a new GVL farm area

ANNEX V:

EXCERPT FROM TREMBO MEMORANDUM OF UNDERSTANDING

APPENDIX B

Benefits GVL Will Provide to Communities Citizens Who Become Employees

1. **Employment and wages and other**
 - a. Priority and preference for jobs and training opportunity is provided to communities that designate planting land for GVL
 - b. Wages and salaries meet Liberian Laws and Regulations and Minimum Wage rulings, as well as Terms and Conditions of Collective Bargaining Agreement with the workers union GOVAWUL
 - c. Currently, GVL includes
 - i. 50kg bag of rice per employee each month,
 - ii. annual paid vacation,
 - iii. maternity leave
 - iv. bereavement payment and
 - v. National Social Security and Welfare Corp (NASSCORP) contributions
 - d. Qualified staff can receive a subsidized motorcycle without down payment
2. **Training and advancement:**
 - a. Provide skill training to employees of the company.
 - b. This includes
 - i. on-the-job training,
 - ii. head gang and supervisor training
 - iii. and cadet/management development for qualified candidates, as well as
 - iv. international secondment for qualified candidates (e.g., learning modern mill engineering methods);
 - v. vocational training (for instance, heavy equipment operator certified training, and skills in mechanic and construction trades)
 - c. Employees with good skills and willingness and ability to advance and manage parts of the business will be encouraged and GVL wishes to create and build management and technical support capabilities deriving from the Communities
3. **Education of employee children:**
 - a. GVL will build schools in GVL farm townships starting at kindergarten and primary school and up to high school
 - b. Schooling is free for children dependents of employees
 - c. GVL will pay for teachers, maintenance of schools and study items

- d. GVL offers schooling in adult literacy and numeracy for enrolled employees and for ability to be promoted
- e. University scholarships application will be available to qualified employee children from the USD \$100,000 in annual scholarships to agriculture students.

4. Healthcare and clinics:

- a. GVL will provide employees and dependents health care and medical treatment free-of-charge.
- b. Health clinics will be constructed, equipped and staffed by health care personnel and nurses
- c. GVL will pay the health care staff

5. Housing and facilities:


- a. GVL will provide modern style free-of-charge family and bachelor housing within the developed area for full-time employees and their dependents that wish to live there
- b. Housing will have
 - i. free electric power,
 - ii. running piped water and
 - iii. toilet bathrooms,
 - iv. as well as kitchens
 - v. The housing will be built in temporary form starting in year 2, and permanent houses starting in year 4 of a new GVL farm areas
- c. GVL farm townships will have
 - i. Market place
 - ii. House of Worship (church or prayer hall)
 - iii. Sport field
 - iv. Normally we build these community buildings during year 2-3 of a new GVL farm area

ENDNOTES

- 1 Rainforest Action Network, Palm Oil Fact Sheet, available at http://www.ran.org/palm_oil_fact_sheet, last visited 15 June 2015.
- 2 The Independent, The guilty secrets of palm oil: Are you unwittingly contributing to the devastation of the rain forests? 2 May 2009; Al Jazeera, Palm oil fuels Indonesia deforestation, 4 April 2014, available at <http://www.aljazeera.com/indepth/features/2014/04/palm-oil-fuels-indonesia-deforestation-indigenous-displa-201443145636809366.html>, last visited 15 June 2015; Forest Peoples Programme, TuK Indonesia, Rainforest Action Network, Bruno Manser Fonds, Friends of the Earth US, Banktrack, Friends of Siberian Forests, FERN, Facing Finance, Urgewald, Briefing to Banks and Potential Investors on the ongoing risks and outstanding social conflicts in the palm oil agribusiness sector: Golden Agri-Resources (GAR) bond offering, 15 April 2015.
- 3 Government of Liberia, Concession Agreement between the Republic of Liberia and Golden Veroleum (Liberia) Inc., 16 August 2010.
- 4 For sizes of worldwide oil palm plantations for which data available, see Land Matrix, available at http://www.landmatrix.org/en/get-the-detail/all/?order_by=contract_size&conditions_empty-MAX_NUM_FORMS=&conditions_empty-0-value=44&conditions_empty-INITIAL_FORMS=2&value=&conditions_empty-0-variable=5248&variable=&prefix=conditions_empty&hidden_conditions_empty-0-value=&limit=&conditions_empty-TOTAL_FORMS=1&hidden_value=&conditions_empty-0-operator=is&operator=&filtered=true, last visited 23 May 2015.
- 5 Government of Liberia, Remarks by H.E. President Ellen Johnson Sirleaf At Signing Ceremony and Official Announcement Of Golden Veroleum Liberia US\$1.6 Billion Investment C. Cecil Dennis Auditorium, 2 September, 2010, available at http://www.emansion.gov.lr/doc/20100902_Remarks_by-President_at_Golden_Veroleum_Event.pdf, last visited 26 May 2015.
- 6 Oil World, Palm Oil: World Production (1000T), Yields (T/ha) and Mature Area (1000ha), 12 December 2014.
- 7 Oil World, Palm Oil: World Production (1000T), Yields (T/ha) and Mature Area (1000ha), 12 December 2014.
- 8 Wich, Serge A.; Garcia-Ulloa, John; Kühl, Hjalmar S.; Humle, Tatanya; Lee, Janice S.H.; Koh, Lian Pin, Will Oil Palm's Homecoming Spell Doom for Africa's Great Apes? Current Biology, 21 July 2014.
- 9 Land Matrix, available at http://www.landmatrix.org/en/get-the-detail/all/?order_by=contract_size&conditions_empty-MAX_NUM_FORMS=&conditions_empty-0-value=44&conditions_empty-INITIAL_FORMS=2&value=&conditions_empty-0-variable=5248&variable=&prefix=conditions_empty&hidden_conditions_empty-0-value=&limit=&conditions_empty-TOTAL_FORMS=1&hidden_value=&conditions_empty-0-operator=is&operator=&filtered=true, last visited 23 May 2015.
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