

POLICY BRIEF
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THE IMPACTS OF SIAT OIL PALM PLANTATIONS ON THE LIVELIHOODS OF COMMUNITIES IN WEST
AFRICA

By
FRIENDS OF THE EARTH AFRICA
FOREST AND BIODIVERSITY PROGRAM



An Abandoned primary school where children from the affected communities used to attend, now taken over by GOPDC/SIAT Plantation in Ghana

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Friends of the Earth Africa brings together groups throughout Africa to participate in international programs and develop initiatives to strengthen campaigning in the region.

Friends of the Earth Africa member groups are particularly active in community-based forest management; extractive industries and African peoples' need for access to clean renewable energy; food sovereignty and the struggle against GMOs; and the dangers of agrofuels expansion in the region.

ABOUT THE PROJECT

As part of its activities, Friends of the Earth Africa under the Forest and Biodiversity Program initiated, the “documentation on the impacts of Industrial Plantations /monoculture plantations on the livelihoods of communities in Africa” project, with the financial support of Bread for All.

This project aims, among others, to gather evidences of the impacts of monoculture plantation in Nigeria, Ghana, Uganda, Liberia and Cameroon. The objectives of this project are:

1. To document evidences of environmental and human rights violations harm by industrial plantations corporations and their financiers in Africa and thereby show the systemic nature and the international drivers behind the adverse impacts.
2. To visibilise the struggles of communities at the frontlines.

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INTRODUCTION

Large-scale land acquisitions are one of the most central problems in the industrialised production of agricultural commodities. Between 2006 and 2016, almost 500 cases of land grabbing were documented globally, involving over 30 million hectares of land¹. Contrary to claims that large-scale land acquisitions primarily involve unused land, recent studies show that land cultivated by small-scale farmers, traditional pastures and densely populated or fertile land are most often targeted for acquisition. Moreover, such large-scale land acquisitions also affect access to water access of local communities².

Aggressive land grabbing and deforestation for expansion of agrocommodity plantations is causing a new wave of oppression and colonialization in Africa, with devastating impacts on people, including differentiated and aggravated consequences. In the face of ongoing social, environmental and gender injustice in Africa, defending people's rights is crucial to dismantling corporate power and challenging the capitalist neoliberal model of industrial plantation expansion³. Another set of problems that often result in human rights violations involves land conflicts, especially large-scale acquisitions of land. Among the rights most affected are the right to food, the right to a healthy environment, and the rights of indigenous peoples⁴. In this context, it is particularly note-worthy that the International Criminal Court announced in 2016 that it would deal with cases of crimes against humanity committed through or resulting from environmental degradation, land grabbing or illegal exploitation of natural resources. As a result, company executives and politicians responsible for such offenses could be brought to justice in The Hague.

At the regional level, groundbreaking initiatives to address aggressive land grabbing and deforestation for expansion of agrocommodity plantations in Africa. Notable among such initiatives is the African Peoples Tribunal (APT); Dismantling the Power of Industrial Plantation Corporations, Sustaining all Life forms led by Friends of the Earth Africa. The APT has been set up to serve as a space to give visibility to human rights violations to investigate and expose ecocide and human rights abuses connected to profit-driven land grabbing and deforestation.

“The tribunal’s legitimacy is based on the principle of recognising human rights under natural, national and international law, and reclaiming and restoring the rights of impacted peoples whose rights have been violated with impunity from all regions of Africa”⁵.

The APT empowered civil society groups to work with communities to defend their forests and territories providing, support including through litigation processes where necessary. In the midst of conflicts that surround oil palm plantations in Africa, CSO networks such as Friends of the Earth-Africa, CARITAS-Ghana, GRAIN, the Our Land is Our Life platform, FIDEP Foundation and Young Volunteers for Environment (YVE) have been working actively to help communities bring these issues into the limelight. However, current efforts still remain rudimentary due to a significant lack of capacity and resources for advocacy purposes.

Pursuing further actions such as litigation processes will require improving the availability, adequacy and accessibility of evidence regarding the scale and intensity of ecocide and human rights abuses connected to profit-driven landgrabbing and deforestation across Africa. Therefore, the purpose of this policy brief is to further highlight useful qualitative or/and quantitative data to ensure credibility in order to build pressure for the case in country of operation

¹ Goldman Environmental Prize, (2015): Clearing the Way for Plantations: Land Grabs, Deforestation and Endangered Species.

² GRAIN, (2019). Communities in Africa fight back against the land grab for palm oil

³ The African Peoples Tribunal (APT), 2020

⁴ FoE-Ghana, 2019; impacts of industrial plantations /monoculture plantations on the livelihoods of communities in Ghana. GOPDC/SIAT Case

⁵ The African Peoples Tribunal (APT), 2020

and other international spaces where visibility can be given to historical abuses from the operations of SIAT industrial plantations in two impacted countries, namely, Ghana and Nigeria.

The briefing is specifically targeted at policy and decision makers in European Parliament, African Union, AU, AU-Department of Social Affairs, (AU DSA), AU Regional Economic Communities, (ECOWAS, COMESA, ECCAS, SADC), Regional Coordinating Councils (RCCs), Africa Forest Forum (AFF), West Africa Biodiversity and Climate Change (WA BiCC), National Sector Ministries of Lands and Natural Resources and Parliamentary Select Committees for Lands and Natural Resources, State governors among others. However, other forest stakeholders in West Africa including civil society groups can find it instructive for action.

KEY FINDINGS

Livelihoods Impacts Of SIAT Operations In Nigeria

- » Oil palm related conflicts have been widely reported in most communities in Nigeria. Ground assessment indicates that communities are struggling for farmlands to produce food for their families. Because this is lacking, they however resort to menial jobs, accepting the offer of laborers with a monthly stipend which is not sufficient for them to feed their families unlike when they focused on their farming. These livelihood impacts are clearly captured in the following testimony given by a community member at the APT in 2020.

“It is crime to pick fire wood from the company’s site and the only alternate forest has been taken over by the company. We also struggle to collect herbs because our own forest has been over taken by SIAT. Constant expansion into communal land by the company is the reason we are suffering from enjoying the resources in our environment and piece of land to farm is been made very scarce. We have over 10,000 hectares of land, because in their website they said they have 15,300 something hectares of land from us, but they are only using 10,000 hectares. However, most painfully, we have no access to our farm roads anymore because of the trench that has been dug by the company that is depriving us of accessing the roads that lead to our farms”, by Mr Richard Amadi, 45, Elele

- » Communities complained that they have not seen any form of scholarship schemes for students, and they struggle to get less than 20% of the menial jobs reserved for them. The 0.5% of annual profits that was mentioned that will be used for projects in host communities as royalties has been shrouded in secrecy as communities can’t determine what constitutes the 0.5%. According to community chiefs, there is zero clarity on how much they are generating and that makes it difficult for them to determine what they can demand for.

Human Rights Violations& Cultural Alterations

- » The activities of SIAT generally affects the cultural and spiritual practice of sacrificing to their gods before Egwu-ekpe (new yam) festival which is an annual festival. Sacred places (forest in the communities) meant for only some fortified community elders to go into to appease the gods, are being violated by SIAT operations which is against the cultural rights and beliefs of the people.
- » Women are made to walk longer distances to their farms because the access road to their farms are blocked, thereby being exposed mental and physical stress/danger. The economic productivity for women has also dropped since women can no longer put the same energy they use to put into their work in the past.
- » Due to the security situation and the fact that the trench dug by SIAT ensures that the women cannot take the normal routes to their farms, they are compelled to embark on a very long journey which take them more time and exhaust them quickly thereby reducing their productive time on their farm.

Environmental Breakdown

- » Oil Palm plantations which represents monoculture tree plantations are under increasing scrutiny due to their negative impacts on the environment, including loss of carbon-sequestering, biodiverse forest land⁶.
- » Physical observation shows that the trench created by the company at the Elele plantation estate has become a death trap due to the widening of the trench that was artificially created. Others who have farms close to the plant, complain of excessive heat that comes out which in turn leads to drying up of any farm produce that is around it. Also, communities complained about the effluent discharge which they complained has adverse effects on their immediate environment.

Compliance with Relevant Local, National and International Policies/Treaties,

- » Evidence on ground revealed that the company violates both international, national, local laws as well as the company's internal policies including: the African Charter on Human and Peoples' Rights; Protocol to the African Charter on Rights of Women in Africa; the United Nations Universal Declaration of Human Rights, UN Declaration on the Rights of Indigenous Peoples; National constitutions and legislation, OECD guidelines, UN Business and Human Rights, etc. SNL also violates local laws such as the Environmental Impact Assessment Act of 1992 (EIA Act), Harmful Wastes (Special Criminal Provisions etc.) Act of 1988 (Harmful Wastes Act), National Policy on Environmental Conservation, Endangered Species (Control of International Trade and Traffic) Act (Cap E9 LFN 2004), the River State Environmental Protection and Management Law, as well as RSPO guidelines.

Impacts Of SIAT Operations In Ghana

Economic impacts

- » Ground observation shows that 71% of households have experienced a loss of income or a decrease in income levels while 62% have experienced loss of farming lands, which means they have had to find a different source of livelihood. It also show that 54% of households have experienced increased cost of food and basic necessities while 34% have experienced increased cost of living including cost of rent, transport, education, energy, etc.
- » At the same time it shows that 70% of affected households have been poorly compensated for farm and property loss while 35% have received zero compensation for farm and property loss. These are the unique experiences of in terms of the economic impacts of households across all the 9 communities affected by the operations of GOPDC.

Households impacted Social impacts

- » Some of the workers, especially those who work directly with the agrochemicals and fertilizer and set for medical check-up in the month. The wages paid barely covers basic expenses and vast majority of jobs being 'Casual Labourer' with no job security.
- » This study observed that 67% of households have experienced increased vulnerability of women while 68% of households have experienced poor access to schools. It also show that 46% of households have experienced increasing school drop outs while 49% of households have experienced poor access to traditional medicine (herbs), thus leading to poor health among households while.

⁶ https://www.eurekalert.org/pub_releases/2012-10/su-srs100512.php

- » It was also observed that 43% of households have experienced increased incidences crime, 35% of households have experienced increased teenage pregnancy and 44% of households have experienced increased respiratory diseases/infections. Again, these are the unique realities of the 9 communities affected by the operations of GOPDC in Ghana.

Environmental Impacts

- » The main direct impact on biodiversity of the development of oil palm cultivation is the habitat loss, ecological destabilization and ecosystem degradation caused by the deforestation and fire before planting. In some parts of the world, up to 50% of deforestation can be attributed to palm oil production. This is visibly manifested in the livelihoods of local communities affected by the operations of GOPDC.
- » Ground observation shows that 73% of households reported of exposure to poor air quality, while 68% of households are currently affected by the pollution river/stream bodies. It also show that 66% of households are currently affected by the destruction of Non-Timber Forest Products (NTFPs) while 75% of households are currently affected by rapid land-use changes. It further noted that about 58% of households are currently affected by ecological destabilization and 56% of households are currently affected rapid ecosystem degradation.
- » Community members noted that compared to previously, the natural balance in their local environment from air quality/purification to plant and animal species diversity, including NTFPs which used to serve them very well have all disappeared due to the expansion in GOPDCs plantations.

Unfair Negotiation and payment of compensation for land and property

- » In interviewing 81 community members who have been impacted by GOPDC operations, only 5% feel they have received a fair compensation for the loss of land and destruction of their personal property. The remaining 95% of affected community members feel that the process of negotiating and payment of the compensations was indeed unfair and that they feel they have not been paid a fair compensation by GOPDC.
- » Currently, the affected communities are still mobilizing for a legal contestation with GOPDC for the payment of compensations to affected households. This process began in back in 2016.
- » At the moment there are two legal cases (class action legal cases) that have been presented to the District Courts. The first case consist of affected community members whose compensations are still outstanding from 2012. This first case consist of 1337 affected community members. GOPDC is yet to pay the appropriate compensations to all of these affected households.
- » The second case which has also been presented to the District Courts consist of households who lost farmlands and properties in 2018. This is also a class action case consisting of 1400 affected households. These households are still waiting for the district courts to compel GOPDC to pay them the appropriate compensations for farmlands and properties destroyed by GOPDC.
- » Therefore, out of a total of 3637 households whose farmlands and property have been destroyed by GOPDC, only 900 households (25%) have received appropriate compensations. The remaining 2737 households (75%) have not received appropriate compensations from GOPDC. As a result, some of the community members are still living on the plantations while waiting for GOPDC to pay them the compensations. Some of the households have been on the plantation for about 8 years but have still not been paid.
- » In terms of compensation, GOPDC only made provision for destruction of property but not of livelihoods. No compensations have been provided for the devastation of livelihoods such as palm oil processing women.

- » According to women in the affected communities, they used to pay their children's school fees and other basic life necessities from the processing of palm oil. At the moment this livelihood is no more since GOPDC does not sell this palm fruits to local residents.

RECOMMENDATIONS FOR POLICY REFORM

1. Forests has the potential to improve the nation's economic performance and revenues, enhance environmental quality and optimise social benefits to people particularly, rural populations. The realisation of these potentials critically depends on the governance of the forest sector and the ways in which forests are utilised. Therefore, appropriate policies and measures need to be taken to help challenge and denounce the adverse social, gender, climate and environmental impacts of industrial agribusinesses in Africa and present true peoples' centered alternatives to this development model. The following therefore are suggested.
2. Plantations are not forests. Sustainable solutions like community forest management, agroecology and community forest management methods that put food production and management of our forests in the hands of communities are true solutions to count on and promote in Africa and everywhere else.
3. Development agencies and non-state actors need to establish a comprehensive program of citizen-engagement and information dissemination on the impacts of agroindustrial plantations in Africa which are designed to induce sub-regional support for peasant agriculture and local food systems, agrarian reform and agroecology.
4. Governments in the relevant countries should immediately set up a mechanism to review existing arrangements with plantation corporations, openly and transparently engage with communities and revert wrongfully acquired lands and forests to the communities.
5. National governments and Development agencies could work together with local allies to promote Community Grievance and Redress Platform; a plantation redress portal. The plantation redress portal could combine a collection of digital suite of tools to help citizen journalists and activists report and tackle complex environmental challenges with speed and security.
6. Promote the establishment of local resource rights governance procedures through Community Resources Tribunal Development agencies could work together with local allies could work together to establish a Community Resources Tribunal (CRT) which will serve as a "Special Court/Panel" or an Institution with authority to deal with problems or issues associated with natural resources in particular and the environment in general. The primary aim of the CRT is to hold Persons and Corporate Bodies accountable for their direct and indirect participation or negligence regarding exploitation or wastage of natural resources.
7. We recommend national and regional policy reforms to secure government commitment to eliminate corruption from the forestry sector. A key measure to effectively ensure the protection of community rights is to strengthen the capacity of institutions to prevent, detect and suppress forest crimes and improve law enforcement. An improved institutional quality increases trust in the state and reduces significantly transaction cost. It increases the will of investors to take riskier investment decisions, which not only has the potential to benefit the environmental sector but the economy as a whole. Possible areas where dedicated attention can be given include reform of forestry laws, including sanctions for breaches, stronger monitoring procedures, reform of revenue collection arrangements, involvement of local stakeholders as well as regional collaboration in law enforcement.
8. Information flow is pre-requisite for effectively document evidences of environmental and human rights violations harm by industrial plantations corporations and their financiers in Africa and thereby show the

systemic nature and the international drivers behind the adverse impacts. Decision makers continuously need accurate and up-to-date forest sector information in developing successful strategies for managing forest resources, controlling unacceptable forest practices and for strengthening law enforcement. It is important therefore to improve the information availability, adequacy and accessibility on human rights violations harm by industrial plantations corporations and their financiers in Africa. This should be available to multiple stakeholders especially, Magistrates, Judges and Police prosecutors to access and to use for effective surveillance and detection of human rights violations harm by industrial plantations corporations and their financiers in Africa.

9. Lastly, we recommend the establishment of a national independent monitor on human rights violations harm by industrial plantations corporations and their financiers. The remoteness of forests offers rich opportunities for unacceptable forest practices. Detection, monitoring, and surveillance are important tools in combating these problems. This is made worse by the prevalent state capture by agroindustrial plantation companies. Therefore we recommend hiring an independent forest monitor who can make a positive contribution to increasing transparency and accountability. This will help to ensure regular and open reporting system (with information available publicly), regular scrutiny of companies operations, and possibly additional controls.

POLICY DEMANDS BY FRIENDS OF THE EARTH AFRICA

1. RSPO should strip SNL and GOPDC of their RSPO certification status, because the realities on ground showed visible irresponsible practices that impoverishes the wellbeing of the communities as well as negates the so called RSPO principle that has legitimized injustice in the localities where SNL and GOPDC are operational.
2. SIAT should stop dehumanizing members of the host communities Cote d'Ivoire, Ghana & Nigeria by opening up all access roads the company has blocked, and stop depriving the people from accessing their native forest that supports their livelihoods and local pharmaceutical needs in Africa.
3. African governments should compel SIAT to complying with the laws of the land and respect the fundamental human rights of the people in Africa.
4. Communities should unite among themselves and speak truth to power, put their people first before profit, and should continue to organize peacefully against injustice in their environment,
5. CSOs should continue to vocalize and expose the impacts of the company's activities on community people especially the devastating and differentiated impacts on women, as well as give visibility to the impacts of the company's operation at local, national, regional and international advocacy spaces.
6. Land concession investment should be for the overriding public good not for private interest or profits for private pockets.