AFRICA RISE AGAINST Agrocommodities Expansion by Corporations

Violations & Verdict from the First African Peoples Tribunal on Industrial Plantations 2020
Contents

- Background
- The Ten Cases
- The Jurors
- The Verdict
- Pictures from the APT 2020
- APT 2020 in the news
BACKGROUND

Friends of the Earth Africa (FoEA) a regional body of the world’s largest environmental grassroot organization -Friends of the Earth International (FoEI) convened the first African Peoples Tribunal (APT) on industrial plantations from 25-27 November 2020 in Lagos Nigeria. The Tribunal recognized how deforestation and scramble for African land for largescale agro-commodities expansion is fueling systemic oppression, human rights violations with devastating impacts on Indigenous peoples and local communities, including women.

The Three-day event which was both in-person and virtual was attended by affected communities and civil society who brought before four jurors’ testimonies and cases of human rights violations and environmental degradation connected with monoculture tree plantation expansion from ten countries across Central, East, Southern & West Africa regions of the continent. The countries are Cameroon, Cote d’Ivoire, Gabon, Ghana, Liberia, Mozambique, Nigeria, Sierra Leone, Tanzania, and Uganda.

The tribunal’s work was based on the principle of recognizing human rights under natural, national, and international law, and reclaiming and restoring the rights of impacted peoples whose rights have been violated with impunity.

The objectives of the APT were:

- To expose the adverse social, gender and environmental impacts of industrial agribusinesses on African communities
- To visibilize the struggles of communities at the frontlines
- To strengthen national and regional advocacy efforts of CSOs against industrial plantations in Africa and link those to international campaigns
- To document cases of human rights violations and environmental harm by industrial plantation corporations and their financiers in Africa and thereby show the systemic nature and the international drivers behind the adverse impacts.
- To expose the role of Governments in promoting private interests of Corporations over the public good in Africa as well as beyond, where the financial sector and consumption of agro-commodities are not regulated.
- To Increase pressure on decision makers in governments to provide access to justice and protection for communities and put their rights over the vested interests of industrial plantation corporations in Africa.

At the opening, Rita Uwaka, that Coordinator of Forest and Biodiversity Program of Friends of the Earth Africa said that “Aggressive land-grabbing and deforestation for expansion of industrial tree plantations are causing a new wave of oppression and colonization in Africa, with devastating impacts on people, including differentiated and aggravated consequences for women.”

Kwami Kpondzo, Human Rights Defenders focal point for Friends of the Earth Africa also said that “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 expansion.”

THE TEN CASES

The Tribunal received and reviewed ten (10) cases from 10 countries with organisations affiliated to FoEA including allies. The cases bothered on social, environmental and gender impacts of largescale agrocommodities expansion in Africa and the differentiated impacts on women.
## Cases and Presenting Organisation

<table>
<thead>
<tr>
<th>Country</th>
<th>Company(ies)</th>
<th>Presenter(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameroon</td>
<td>Société Camerounaise de Palmeraies (SOCAPALM)</td>
<td>Centre for Environment and Development /Friends of the Earth Cameroon</td>
</tr>
<tr>
<td>Cote D'Ivoire</td>
<td>Compagnie Hévéicole du Cavally (CHC) transformée en Compagnie Hévéicole de Priko (CHP) also known as Societe d'Investissement pour l'Agriculture Tropicale (SIAT)</td>
<td>Association des Ressortissants de Groumania (ARG) in collaboration with GRAIN, JVE Cote Divoire and EBURNIETODAY</td>
</tr>
<tr>
<td>Gabon</td>
<td>OLAM</td>
<td>Muyissi Environmente</td>
</tr>
<tr>
<td>Ghana</td>
<td>Ghana Oil Palm Development Company - Societe d'Investissement pour l'Agriculture Tropicale (GOPDC-SIAT)</td>
<td>FoE Ghana and JVE Ghana</td>
</tr>
<tr>
<td>Liberia</td>
<td>Golden Veroleum Limited, GVL</td>
<td>Sustainable Development Institute /Friends of the Earth Liberia</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Green Resources</td>
<td>Justiça Ambiental /Friends of the Earth Mozambique</td>
</tr>
<tr>
<td>Nigeria</td>
<td>PZ Wilmar</td>
<td>Environmental Rights Action/Friends of the Earth Nigeria &amp; Community Forest Watch Nigeria</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Société Financière des Caoutchoucs (SOCFIN)</td>
<td>Sierra Leone Network on the Right to Food (SiLNoRF) / Malen Landowners and Users Association MALOA</td>
</tr>
</tbody>
</table>
**Cameroon**  
In Cameroon, where Socfin subsidiary SOCAPAM operates, smallholder production of palm oil has been neglected. Civil society groups in Cameroon prefer a community-based smallholder model over large-scale industrial concessions because the community-based model ensures reduced risk of rights violations and a greater guarantee that benefits will flow into communities rather than to corporate owners.

**Cote d'Ivoire**  
Hévéicole du Cavally SA (CHC) and Compagnie de Hévéicole Prikro SA (CHP) are the two subsidiary companies through which the Belgian SIAT SA (Société d'Investissement en Agriculture Tropicale) conduct their business in Cote D'Ivoire.

People from several villages in Cote d'Ivoire who claim their land was taken unlawfully for SIAT monoculture operations protested after a court hearing that took place behind closed doors ended unfavourably. It followed an initial hearing that found they had not given up ownership rights to their lands.

The gendarmerie intervened in the demonstration and two people were killed and a further 71 arrested and detained, of which one person died in prison. Many women and children fled the crackdown and lived away from their homes for up to 18 months as refugees.

In Ghana, SIAT operates as Ghana Oil Palm Development Company GOPDC. While in Nigeria, the company conducts its operations as SIAT Nigeria Limited, SNL (100% owned by SIAT) and PRESCO PLC (60% owned by SIAT).

**Gabon**  
In Gabon locals must obtain permits to access areas where they traditionally fish and hunt and their freedom is also restricted by deep ditches OLAM has dug which pose a danger to people and animals. The flow of water into the basins has also been altered by the company's activities and the waters have reportedly been polluted by waste and fertilizers. While many companies make promises to local communities, including the development of fair out-grower programmes, health and education infrastructure, and jobs for local people, these often go unfulfilled.

**Ghana**  
In Ghana, SIAT operates as Ghana Oil Palm Development Company (GOPDC) while in Nigeria, the company conducts its operations as SIAT Nigeria Limited, SNL (100% owned by SIAT) and PRESCO Plc (60% owned by SIAT). The SIAT-SA founder acquired plantations through a failed World Bank program which he previously worked for as a consultant that aimed to establish oil palm and rubber plantations across several countries in West and Central Africa in the 1970s and 1980s. The Word Bank provided loans for the governments and in the 1990s the plantations had large debts and were forced into privatisation. SIAT’s subsidiary in Ghana received funding from the African Development Bank, the World Bank, and the International Finance Corporation. BMI-SBI is majorly owned by the Belgian state and partners. Sometimes with the German Development Bank.

**Liberia**  
In Liberia hundreds of hectares of High Conservation Value and High Carbon Stock Forest have been destroyed by Golden Veroleum Liberia (GVL) controlled by Golden Agri-Resources which was first denied and later confirmed by GVL, and is currently dealt with in a formal complaint procedure with the High Carbon Stock Approach. Expanding industrial plantations is destroying the habitats of elephants, chimpanzee populations and pygmy hippopotamus.
Mozambique
The director of Green Resources AS in Mozambique has many connections to national government – he was formerly the National Director of Forestry and Wildlife. Local and National government protect and defend the company’s interests. This is evident by the lack of action to solve the many conflicts between Green Resources AS and affected communities. The government facilitates all community consultation processes and government officials participate, which goes against international norms on consultation as it limits communities’ freedom to speak out.

Nigeria
There is no job security for locals who do manage to gain employment at PZ Wilmar in Nigeria. It is reported that pregnant women are denied maternity leave and carry out difficult tasks that affect their health, and that workers are transported with an overloaded tractor, with up to 50 people on a small truck. There have been several accidents resulting in 11 deaths, including pregnant women, since 2018. PZ Wilmar is a joint venture arrangement between PZ Cussons International (UK) and Wilmar International Ltd (Singapore). The company is into oil palm plantation expansion in Cross River State, Nigeria.

Sierra Leone
Socfin has filed criminal libel case against the Director of Green Scenery, one of the organisations fighting its violations in Sierra Leone. This is part of a series of Strategic Lawsuit Against Public Participation (SLAPP) suits it has initiated in past years. Sixteen members of the Malen Affected Landowners and Land Users Association were on trial for alleged riotous conduct during the January 2019 confrontation between the company and landowners that resulted in the death of two people. The case has been continually adjourned, adding more financial burden to affected communities.

Tanzania
Communities in Mapanda and Idete in Tanzania gave Green Resources AS consent to use their land in exchange for employment opportunities, the development of infrastructure including classrooms, medical facilities, and water services, and 10% of the profits from carbon sequestration sales from eucalyptus and pine plantations. The company has since been operating for more than 20 years but it has not delivered on it pledge.

Uganda
Thousands of Ugandans have been evicted to make room for plantations since Green Resources AS’ arrival. They have lost access to the land they used for farming, grazing and the collection of wild food and firewood. People who maintained their land and agriculture around the plantations experienced negative impacts on their production, possibly due to the use of harmful agrotoxins and other environmental impacts of monoculture plantations.

The Role of Financiers
In all the ten cases brought before the APT, international financiers, including development banks, private banks, investment funds and pension funds from all corners of the world, are found to be controlling and financing controversial either rubber, oil palm, eucalyptus, or timber plantation companies.
Friends of the Earth Africa member groups recommended five reputable personalities (men and women) from Africa as jurors to interrogate the cases and provide a verdict on the last day of the three-day Tribunal. Five jurors were suggested but only four were able to participate due to COVID 19 travel restrictions across Africa. The four (4) jurors who finally took up the gauntlet and participated are:

1. **Prof. Alfred Apau Oteng-Yeboah – Ghana**

   Alfred Apau Oteng-Yeboah is a Professor of Botany at the University of Ghana. He holds a BSc. (Ghana) and a PhD. He has published extensively in reputable scientific journals in plant systematics, ecology, biodiversity, and traditional knowledge. He was the Deputy Director-General of the Council for Scientific and Industrial Research (CSIR-Ghana) and has served as board/council member of several Ghanaian public institutions, including the Environmental Protection Agency (EPA), the Government of Ghana Scholarship Review Committee, the University of Ghana College of Health Sciences and the Centre for Scientific Research into Plant Medicine, the Ghana National Commission for UNESCO.

2. **Ikal Angelei – Kenya**

   Ikal Angelei holds a master’s degree in Public Policy from the University of New York at Stony Brook. She is the Executive director of Friends of Lake Turkana. She won the 2012 Goldman Environmental Prize for Africa and is the first person from East Africa to ever be honored for dam fighting. She is at the fore of the campaign against injustices meted out on the inhabitants of Lake Turkana whose livelihoods and environment have been destroyed. The campaign did not seek to totally disregard the idea of dams producing hydroelectric power, but to encourage pursuit of alternative forms of energy development that avoided unacceptable tradeoffs which would jeopardize indigenous economies and destroy the eco-system.

3. **Makoma Lekalakala – South Africa**

   Makalakala is a South African activist and Executive Director of Earthlife Africa based in South Africa. Makoma has long been active in social movements tackling issues from gender and women’s rights, social, economic, and environmental justice issues. In recent years, Makoma has focused on targeting environmental corruption. Makoma was awarded the 2018 Goldman environmental prize for the African region for her work in using the courts to stop a Russian-South African nuclear deal in 2017.

4. **Dr. Nnimmo Bassey – Nigeria**

   Nnimmo Bassey is a Nigerian architect, environmentalist, activist, author, and poet, who chaired Friends of the Earth International from 2008 through 2012. Bassey was the pioneer Executive Director of Environmental Rights Action/Friends of the Earth Nigeria where he currently serves as the Board Chair. He was one of Time Magazine’s Heroes of the Environment in 2009. In 2010, he was named co-winner of the Right Livelihood Award and in 2012 received the Rafto Prize. He currently serves on the Advisory Board and is Director of the Health of Mother Earth Foundation, an environmental think tank and advocacy organization based in Nigeria.
Bassey’s advocacy activities date back to the 1980s when he served on the Board of Directors of Nigeria’s Civil Liberties Organization. In 1993, he co-founded Environmental Rights Action (Friends of the Earth Nigeria) to advocate, educate and organize around environmental human rights issues. Since 1996, Bassey and Environmental Rights Action led Oilwatch Africa and, beginning in 2006, he led Oilwatch International, striving to mobilize communities against the expansion of fossil fuels extraction.

**THE VERDICT**

On 27 November 2020 the jurors read the background of the cases, and categorized them under various subject heads and made the following submission:

Land belongs to peoples and communities, and they are managed in ways that meet their needs while maintaining a balance with nature. While promoters and financiers of agro-commodity plantations treat trees as commodities and as carbon sinks, forest dependent communities see trees and forests as supporting their culture and food production, having intrinsic values, spiritual significance and as spaces that define their identity.

Their findings were broken into the following:

**Landgrabs**

In all the cases the APT saw the connivance between governments and transnational corporations to grab community lands. The Ministry of Agriculture and the Environmental Protection Agency (of Ghana) were direct facilitators of the entry and operations of GOPDC in the communities. The complete destruction and conversion of 13 villages into an oil palm plantation was recorded in Ghana. Destroyed along with the communities were schools, markets, churches, and other social facilities.

In Cote d’Ivoire, government took community land, abandoned it after some years and then returned to hand the land over to a transnational corporation without recourse to the communities who had reclaimed their land.

In the case of Sierra Leone, government leased land from the community and handed the land over to the transnational corporation, SOCFIN, on the same day. Communities routinely complained of lack of consultations before their lands are appropriated by governments. There has also not been any free prior informed consent as required by ILO 169 and other norms. In all cases, lands are grabbed without adequate compensations. In the case of GRAS (Mozambique) after obtaining 268,898 hectares of land in three provinces, only 9% of that land had been utilized after 10 years. Meanwhile some persons that were not consulted over this land grabbing received compensations of less than one US dollar ($1) for their loss.

**Violation of Rights**

There is a general reign of systemic oppression and use of state security forces against the affected peoples, in all cases brought before the APT. Cases of threats, denial of labour rights and the right to protest, arrests, imprisonments and murders were heard.

The APT heard cases of labour exploitation with a high level of casualization of labour. In the case of Wilmar (Nigeria) evidence showed that the company pays workers less than $2 for 12 hours work. Inhuman and discriminatory work and housing conditions were recorded in most of the cases (Cameroon, Nigeria). It was also revealed that workers, including pregnant women, are ferried on tractors to work locations, with accidents and deaths recorded. Injured workers are sacked without compensation and others are sacked for speaking up at public hearings thus sending chilling signals to workers and organisers. Companies use SLAAP suits to silence forest protectors and the media.
Socio-Economic Dislocations
The grabbing and conversion of community lands into plantations directly deprive communities of fertile lands. Companies make false claims of using degraded and non-forested lands while they grab fertile lands and forests and valuable water sources that the communities depend on. These grabs and displacements have strong implications for food sovereignty, income security and the culture and dignity of the peoples.

Some of the corporations have adopted out-grower schemes where farmers are obligated to sell their harvests to buyers designated by the corporations and at a price set by the corporations (WILMAR, Nigeria). This locks community persons into a vicious cycle of poverty and deprivation. Pervasive poverty in forest dependent communities dislocated from their resources is intensified in cases where community persons are arrested and jailed if the pick a palm nut or fruit that may have fallen off the company trucks along public roads. 40 community persons are currently in detention in Sierra Leone for this “crime.”

In Gabon, when the corporation (OLAM) designates forests and territories as having High Carbon Value (HCV), they effectively cut the communities off the use of such forests or resources. In this manner, community forests including sacred ones are now valued as carbon sinks for carbon credits in false climate marketization.

Environmental Harms
The APT received disturbing reports of industrial tree plantations building ditches as deep as 16 metres (50 feet) and with a width of 13 metres (40 feet) in the case of Wilmar (Nigeria) around the plantations. These ditches pose danger to humans and to wildlife and significantly block communities from having access to their farms, to forests, to fishing and water sources and forces them to only use roads policed by these companies. Community members are required to obtain passes (visas) to gain entry to their communities and only within certain time slots (Gabon).

These ditches or moats have damaged water bodies that communities depend on (as in the case of Gabon) thereby exposing them to avoidable stresses. Heavy burdens are placed on the women as they struggle for water, fishing, and fuel woods.

The use of harmful chemicals, including those made with glyphosate (a carcinogen) in the plantations have caused damage to soils, water sources and the health of both communities and workers who are often not provided with personal protection equipment (PPE). The cases confirmed a lack of acceptable environmental impact assessments as well as a lack of social impact assessments.

The replacement of rich biodiversity of forest with foreign exotic trees have dramatically damaged the local environments. Although the FAO recognises industrial exotic tree plantations (including those with genetically engineered trees) as forests, communities reject such classifications.

Corruption
There are rampant cases of overt and covert corruption in the sector. These begin with divide and rule tactics employed by both government and the corporations to break the cohesion in communities. Agro-commodities companies have also tried to turn communities against civil society organisations using the tool of blackmail (SDI, Liberia). Community chiefs are routinely offered cash incentives and in one case were offered biscuits and fruit juice (GRAS, Mozambique). The case of revolving doors whereby public officials ends up as leaders of corporations in the sector were also recorded.
Resistance
Non signing of MoUs (as in the case of Liberia is one of the tools of resistance by the local communities due since companies do not honour MOUs. The Sierra Leonian complainants (MALOA) declared that SOCFIN only knows the chiefs and not the people. They rejected the notion that what the government and corporation brought was development. They saw it rather as exploitation and slavery and stated, “We want our land back.” It should be noted that the UN Declaration on the Right to Development (1985) sees development as a process that should lead to the full realization of “all human rights and fundamental freedoms” (Article 1). Development should thus be participatory and should eradicate social injustices and promote fair distribution of income (Article 8).

Apparatus of state repression is used to violently block demonstrations and acts of resistance by the people. Environmental human rights defenders, community activists, Leaders, journalists, women and workers are intimidated, criminalized, demonized, arrested, and sometimes killed. As FoEA states, “The agro-commodities sector is one of the deadliest sectors in the world for environmental and human rights defenders.”

Global Context
Testimonies at the APT clearly showed a situation of “state capture” whereby some of the presenters declared that the government and the transnational corporations were indistinguishable in their countries. Promoting private interest over public good was of common place as agro-commodities companies through their corporate influence are able to manipulate policies and practices of Government at the detriment of host communities and forest dependent peoples.

Finance
The agro-commodities corporations use green-wash mechanisms such as RSPO, FSC, SDGs and the likes to position themselves to receive financial support from international financial institutions. They further align themselves with organisations such as the Earthworm Foundation and the Dutch Sustainable Trade Institute to further their greenwash efforts.

The financial institutions also 'commit' to voluntary standards, using their policies or international initiatives such as the Investor Alliance for Human Rights and the Investor Working Group on Sustainable Palm Oil. These institutions prop up the industrial business models that enrich the corporations and their shareholders, corrupt governments and impoverish the communities.

Recommendations

Corporations
1. The APT finds on all evidence presented before it, the ten TNCs are clearly responsible for gross, widespread, and systemic violations of the cultural, social rights of the peoples. They are also responsible for violations of the right to health and life, workers’ rights, and other rights of the people including civil and political rights, and the rights of women and children.

2. The Tribunal further finds that by their connivance and capture of the governments, they have abridged the rights of the people to enjoy the provisions of nature, as well as their rights to assembly and association.

3. The APT also finds the corporations to have manifestly grabbed the lands and territories of communities and converted them into agro-commodities plantations without the free prior informed consent (FPIC) of the people as stipulated in ILO 169 and violating land and resettlement laws in many of these countries.
4. The corporations have engaged in systematic acts promoting avoidable risks, increasing the prospects of extinction of biodiversity, including species whose continued existence is necessary for the enjoyment and reproduction of human life and that sustain life on earth.

5. The APT finds in favour of the communities and hereby recommends that all 10 corporations should immediately and adequately compensate the communities for loss of lives, socio-economic losses and restore their lands to them.

National Governments and States
1. Governments of the 10 countries from where the cases before this Tribunal have originated should urgently ensure that the human rights of freedom of speech, expression, and association of citizens and persons within their own jurisdictions, especially of those that brought these cases, are respected, and protected.

2. The APT sees the connivance of states to deprive citizens and communities of their lands and forests as objectionable and unacceptable.

3. The APT recommends that 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.

4. Governments should ensure that communities have unfettered access to their lands and abolish the requirement of passes or visas as a requirement for entry into their territories and communities.

5. Government should ensure the community access to potable water and protect their right to water.

6. Governments should abolish the use of harmful chemicals in forests, plantations, and community lands.

7. The APT reaffirms that the states are primarily responsible for ensuring environmental protection, and defending the human, environmental and other rights of the people.

8. Governments should uphold and protect the dignity of communities and adequately sanction corporations that violate human rights or destroy the environment in their territories.

9. Governments should reject any new bilateral or multilateral investment or free trade agreement or economic partnership agreements proposed without regard for human rights norms, and halt existing agreements of this kind where they exist.

10. Governments should actively and constructively engage in the current negotiations for the elaboration of a UN Legally Binding Instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, and ensure this becomes a meaningful instrument to stop corporate impunity.
International and Intergovernmental Organisations

1. The APT calls on international organisations, multilateral agencies, including financial institutions, to defund deforestation, stop supporting or funding activities that oppress communities and abuse their rights including the ones that violates the rights of women.

2. Build binding requirements for international business practices and reject voluntary principles that are nothing more than greenwashing blinkers.

3. Commit to invest in community-owned or community-led forest management initiatives, and to have an active role in promoting and supporting small-scale sustainable agricultural practices that put food production in the hands of small holder farmers through agroecology.

NGOs and Social Movements

1. Work with communities to defend their forests and territories and providing, support including through litigation processes where necessary

2. Avoid cooptation by agro-commodities corporation or governments

3. Work to decolonize our environment and deconstruct the faulty notions of development wherever such is raised.

4. Build collective solidarity and people power against land grabbing and deforestation for industrial plantation expansion from local to global.

5. Expose the social, environmental and gender consequences of agrocommodities operation at different lobby and advocacy spaces.
PICTURES FROM THE APT 2020

A participant explaining the devastation caused by agro-commodities corporations in his community

Rita Uwaka, Coordinator of Forest and Biodiversity Program of Friends of the Earth Africa

Group discussion by participants at the tribunal
Women leader being interrogated about the issues in her community.
Women display campaign messages on placards

Participants from Ghana

Nnimmo Bassey, a juror from Nigeria
23 November 2020: Friends of the Earth organizes people's tribunal on rights, environment, Vanguard Newspaper

23 November 2020: Tribunal to hear rights violations, environmental degradation cases in Lagos, EnviroNews

23 November 2020: African Peoples Tribunal holds in Lagos, The Niche

27 November 2020: African peoples tribunal carpets transnationals operating in Africa, CityVoice

27 November 2020: African Peoples Tribunal Carpets Transnationals, And Their Financiers, Operating In Africa, Forest & Finance

28 November 2020: African People's Tribunal Delivers Verdict, Access TV
https://youtu.be/6tsclAMfkOY

28 November 2020: African Peoples Tribunal Demands Compensation to Victims of Human Rights Abuses, Environmental Degradation In 10 African Countries, BONews

29 November 2020: African Peoples Tribunal Faults Transnationals Operating in Africa, Sun News

1 December 2020: African Peoples Tribunal Indicts Govts, Multinationals, Vanguard

1 December 2020: African Peoples Tribunal Faults Transnationals Operating in Africa, Nigerian Tribune