

SCS would like to thank Milieudefensie (Friends of the Earth Netherlands) for the opportunity to provide comment on this case study. SCS recognizes that RSPO certification is an imperfect process, and we are constantly working to improve the robustness of our process as a Certification Body. While we may not always agree on the details surrounding the audit activities conducted, we appreciate and respect the important role that NGOs and Civil Society play in this work.

We also would like to take this opportunity to clarify SCS' role in the Roundtable on Sustainable Palm Oil (RSPO) Certification process and how stakeholders and civil society groups can best constructively engage in and be informed of the RSPO Certification process. In so doing, we want to emphasize that claims of standards violations without documentary evidence are generally less helpful to establish non-compliance to the standard. In addition, while all interested parties are invited to submit comments, especially those with a history of working in the region, we weight the comments of directly-affected stakeholders (i.e., those based locally in the area of the operational site) more heavily than those who are indirectly-affected.

### **Ability to audit complex land conflicts**

In the case of SAFACAM, SCS evaluated land certificates dating back to the time before Cameroon achieved independence. Audit findings indicated that SAFACAM paid land taxes according to its concession area and tripartite meeting records did not reveal land conflict issues raised by local communities. We note that SAFACAM has a temporary concession agreement provided by the Cameroonian government for a rubber plantation extension of 2161 ha. SCS conducted a records review and found that a participatory process with local communities was followed. SCS has not received any information about recent land transactions and invites additional information on this matter for review during the surveillance audit.

SOGB plantation was originally a state farm, which was owned and managed by the Ivorian government. A lease was granted in 1995 to SOGB by the government. No recent expansion of lands was observed during the audit and evidence supported that SOGB paid appropriate land tax to the government. In September 2009, an association of villages which had given land to the government was established and signed an agreement with SOGB to provide support for community development projects. A fund was established and a payment per hectare was negotiated and agreed upon, as a contribution towards rural development projects at each village.

In Nigeria, the Okomu Oil Palm Plantation was originally a state farm, owned and managed by the Federal Government of Nigeria as a pilot project aimed at rehabilitating oil palm production in the country between 1976 and 1990. It was privatized and sold by the Technical Committee on Privatization and Commercialization (TCPC) on behalf of the government, after being considered an unprofitable venture by the state. There have been other lands and plantations acquired (e.g., Extensions I and II), however those lands do not form part of the unit of certification. Okomu's RSPO certification only covers the original plantation (Main Estate). A meeting with the Edo State Forestry Department established that the certified area was legally acquired. Meetings and communications with the communities' lawyer confirmed that Extension I was previously owned by the state government, but that communities were farming inside it before the company acquired the land from the government. Although the company paid compensation to the farmers, there are still two communities who have not come to terms with the company. The communities have legal representation and are engaged with Okomu, seeking an amicable resolution.

SCS conducted an extensive social impact evaluation as part of the audit of SAC operations in Sierra Leone. Requirements for land use rights were fully evaluated by the audit team during the audit. Evidence collected and assessment results are further described below, and will be included in the final audit report.

SCS agrees that it is very important that local stakeholders have access to important documents and agreements. Auditor consultation with local stakeholders found that information was generally available, though in some cases community members were not aware of how or where to find certain documents. SCS believes that ensuring that local community members understand how to find or request documents will improve transparency and help build trust between Socfin and local communities.

It is true that some Socfin operations, and others in Africa, have complicated social issues and in some cases land disputes with a socio-political dimension. When we have identified operations with greater complexity, SCS has deployed additional resources to ensure we adequately evaluate these complex situations. That has included going back onsite when stakeholders indicated they did not feel they had sufficient time to provide comment and bringing in an outside consultant to support the audit process when necessary. We have also taken additional measures to support stakeholder consultation, including placing advertisements in local media (e.g. newspaper, radio), posting bulletins in local community centers, and spending additional time during community stakeholder meetings to build trust with community members. SCS recognizes the importance for all stakeholders to have sufficient time to provide comment and makes considerable efforts to ensure that is the case. If there are additional comments that were missed during an audit, we welcome stakeholders to submit them outside of a formal meeting directly to our auditors via WhatsApp or by email to SCS headquarters.

#### **Exclusion of affected groups and communities.**

While SCS makes every effort to visit with and hear from as many stakeholders as possible, it is not always possible to visit with all communities and groups during every audit. Nevertheless, SCS seeks to ensure that as much as possible, representative groups are consulted with (i.e., chiefs, elders, opinion leaders, women groups, and youth leaders). In particular, people who can speak to relevant issues based on direct knowledge and experience with the issues are targeted for consultation.

In some cases, meeting sizes were limited as audits during the past year took place during the COVID-19 pandemic, and social distancing procedures were upheld. Stakeholder consultations are based on a sampling methodology, and it is not always possible to meet with all participants of a group. Audit teams normally request meetings with representatives of villages and communities, including elders and chiefs, as they serve as representatives for their groups.

During the SOGB audit community members representing each village consulted were present and meetings generally had good participation. For example, more than 15 people were present during the meetings with the Oueoulo, Oulibio, Klotou and Teklebo villages. Nevertheless, SCS welcomes greater participation from community members during the community consultation and will look into how to further increase participation going forward. We also will make additional efforts to inform directly affected stakeholders of the option to submit comments to us through other means (e.g. phone, WhatsApp or email).

SCS did not receive evidence of a land conflict at [REDACTED] during the SAFACAM audit. SCS will look into this during the next audit and invites additional information on the matter to support this claim.

It is incorrect that native communities were excluded from the Okomu audit in Nigeria. During the OOPC audits, SCS' audit team interviewed a number of communities, including Gbelebu, Madoti, Madagbayo, Maroghioba (AT&P), Inikhorogha, Ofunama, Akarama and Udo. If there are specific communities that we did not consult with, or who felt that their perspectives were not heard, we would welcome that information so we can reach out to those communities and individuals for consultation during the next surveillance audit.

In the case of SAC, an initial stakeholder list was requested from the company, as per our normal procedures. From that, villages to visit were selected and from the village list, villages chiefs, elders, landowners from both lower and upper Malen were sampled. Further, SCS met with the leaders of the Malen Affected Land Owners Association (MALOA) on 23 September, 2020, and took detailed notes of concerns raised by them. All issues raised were thoroughly investigated during the course of the audit. SCS sought to meet with MALOA leadership a second time in November 2020 however they requested a large "town hall" style meeting with a political tone which would have been difficult to organize and ensure participant safety. When SCS raised concerns about a "town hall" style political meeting and requested a smaller group that would include MALOA leadership and specific MALOA members with grievances related to SAC, the MALOA leadership decided against the second meeting with the SCS audit team. Nevertheless, SCS felt MALOA concerns had been well understood and documented during our first meeting with them. SCS spent extensive time meeting with numerous stakeholder groups in Sierra Leone, all of which was carefully documented, and any

concerns raised were thoroughly investigated. If there is any specific and verifiable evidence related to groups or persons that SCS did not interview, we welcome that information be presented so we can look into it during the next surveillance audit.

It is incorrect that the AVD association was not consulted during the SOGB audit. The AVD management team was interviewed as part of the SOGB audit at their office on 8 October, 2020. Four members of the administration team were present during this meeting. SCS remains committed to speaking with all villages, community groups and associations that are directly affected by Socfin operations.

SCS is not aware of the perception of MALOA as a violent group and disagrees with this characterization. As described above and later in this response, SCS had a productive meeting with MALOA on 23 September, 2020 after the SCS team contacted the [REDACTED] to organize the meeting, which was held at the [REDACTED]. A second meeting with MALOA could not be held, for the reasons described above.

SCS does not consider Synaparcam to be a “radical group” and did meet with their representative on 30 September. [REDACTED] was not directly affected by the activities of the company in the land title covered by this particular audit scope. SCS does not have specific information about a land conflict between SAFACAM and the community of [REDACTED]. Records of tripartite meetings were reviewed during the audit, and no land conflict was identified during these meeting by the participants representing communities and SYNAPARCAM. We will nevertheless look into this issue in detail during the next audit.

In general, we found that the people interviewed during the audit were able to explain in their own words what they understood RSPO to be and their role in the process. It is true that SCS does not proactively inform local or international civil society members when a positive decision on RSPO certification has been taken. We are committed to an engaged and positive relationship with the NGO and Civil Society community but cannot commit to always inform all stakeholders when certification decisions are taken due to resource limitations.

Related to Ivory Coast, SCS would like to clarify that we did not undertake a mapping exercise as part of the SOGB audit. We did however verify plantation boundaries that were previously established through the participatory mapping process.

As noted above, SCS recognizes the complex nature of some audits and in those cases has taken additional measures to ensure adequate stakeholder consultation, including placing advertisements in local media (e.g. newspaper, radio), posting bulletins in local community centers, and spending additional time during community stakeholder meetings to build trust with community members. SCS understands the importance for all stakeholders to have sufficient time to provide comment and makes significant efforts to ensure that is the case. SCS genuinely feels it has made a significant effort to conduct an audit that is independent, nonbiased, and inclusive of all stakeholder groups, including those with dissenting or oppositional positions from the company. If there are additional comments that were missed during an audit, we sincerely welcome stakeholders to submit them to our auditors via WhatsApp, or by email to SCS management.

**Lack of pro-active approach in reaching out to civil society.**

SCS has increased its efforts related to community outreach and stakeholder notification as a result of input from the NGO and civil society community. We now go well beyond RSPO minimum requirements by:

- Traveling in our own vehicles (not company vehicles) during high risk audits,
- Notifying local stakeholders of the audit by posting radio announcements and public bulletins,
- Conducting lengthy and extended meetings and interviews with stakeholders.

It is unfortunate if a particular individual did not feel their comments were taken seriously during the SAC meeting, but in fact SCS has detailed meeting notes of all meetings conducted during the audit, and all issues raised were investigated in detail. In regards to the SAFACAM audit, although we did not contact Synaparcam prior to the audit, we did contact them during the audit and met with their representative on 30 September, 2020.

SCS does its best to uphold the highest levels of integrity in our audits so that our findings are credible and based on fact and evidence observed. We rely upon and appreciate information provided to us by the NGO and Civil Society community, and since our engagement with Socfin have made concerted efforts to engage with Civil Society groups who can provide helpful context and local contacts for us during the audits, while doing our utmost to protect privacy and anonymity when requested.

**Climate of fear: upfront intimidation and fear of backlash.**

It is unfortunate that some stakeholders at Socfin operations feel intimidated to speak freely of their concerns and the SCS audit team will consider additional measures to ensure anonymity so that local stakeholders can speak freely. Interviews with community members are always conducted out of earshot of company representatives so that they may speak more freely. Furthermore, community members may contact audit team members directly via Whatsapp to communicate privately any concerns they may have. Auditors' WhatsApp numbers are widely shared and usually known by local stakeholders. Audit reports are anonymized, and the company is not informed of the names of individuals who have raised complaints to SCS. SCS is considering what additional measures it can take to further protect community members against any fear of reprisals for speaking about concerns they may have.

SCS agrees with the importance of ensuring that stakeholders feel comfortable to speak freely about their concerns. SCS has generally found stakeholder meetings with communities to be open and useful dialogues in which community members have provided valuable input into the RSPO audit process. Complaints have been raised at times to SCS auditors, both by community members and Civil Society groups, which were subsequently investigated by the SCS audit team.

**Independence of the RSPO audit from the company.**

While we understand the concern with SCS using company resources during an audit, it is a reality of our work that we operate in countries and regions where we are unfamiliar with the rural areas and are unable to easily provide our own transportation. As a result, nearly all Certification Bodies depend on the client to support them in arranging local transportation. Nevertheless, we recognize that concerns have been raised that people do not feel comfortable to speak freely due to a feeling of intimidation and possible reprisals. To address this concern, SCS has taken the special measure to use non-company vehicles and drivers when auditing Socfin operations deemed to be of high risk. This was the case, for example, during the return visit to SAC in Sierra Leone in Oct/Nov 2020 and in recent audits of two SOCAPALM operations in Cameroon. We want to emphasize that in no audits of Socfin operations were company staff present during meetings with communities, and meetings are always carried out in strict privacy from company representatives.

As indicated previously, SCS met with MALOA executives at length during the audit on 23 September, 2020 at the residence of the [REDACTED]. In that meeting the [REDACTED], the [REDACTED], the [REDACTED], the [REDACTED] and the [REDACTED] were all present. In that meeting the executives of MALOA shared their concerns regarding SAC land issues and promised to share their member list with the audit team for further investigation. SCS has detailed notes and photographs to support this meeting. While MALOA never provided SCS a member list as promised, SCS did nevertheless investigate the issues they raised with our audit team. As noted previously, MALOA executives requested a "town hall" style second meeting, which could not be accommodated.

It is true that during the first SAC visit SCS' local expert spoke only Krio and not the local dialect of Mende. SCS sought a local interpreter unaffiliated with the company but was unable to locate one at the time. During our return visit to SAC in Oct/Nov 2020 SCS included an independent local interpreter fluent in Mende and English in the audit team who participated in, and provided translation for, stakeholder meetings.

**SAFACAM: 'All Stakeholders are pleased'.**

SCS does not claim that all stakeholders are pleased with SAFACAM and feels this is a misrepresentation of our statement in the public summary report. We did find that "Generally, stakeholders consulted were pleased with SAFACAM except with few cases where they expect the company to do more and to increase surveillance actions." SCS recognizes that there are stakeholders who feel the company can do more.