

Public Summary by Milieudefensie of internal research report: “MISSION D'ENQUETES DES COMMUNAUTES SUR LA CONSULTATION PUBLIQUE DU PROCESSUS RSPO DU CABINET SCS GLOBAL SERVICE CONCERNANT LES PLANTATIONS DE SOGB (SOCFIN) DANS LE SUD-OUEST IVOIRIEN.” February 2021

April 2021

The Milieudefensie-commissioned research was conducted from December 2020 to January 2021. It documented the RSPO certification process and analysed the quality of the audit and consultation process for SOGB in Ivory Coast. The researcher analysed documents and conducted interviews and focus-group discussions with representatives from 4 villages (out of the 13 villages that were displaced or affected to make way for the plantation), namely HEKE, OUEOULO, GRAND DJORO and BATCHA. The selection was done based on criteria such as location, size and inclusion in the RSPO audit. The researchers interviewed village chiefs, traditional leaders, youth and women groups, as well as AVD, the local organisation that represents the displaced villages, one national NGO and the SOGB company. SOGB was awarded the RSPO certificate by SCS Global Services (SCS) on January 26, 2021¹ (Certificate number: SCS-RSPOPC-000185).

Analys of research findings against RSPO-PRO-T01-002 V2.0 ENG (2017)²: RSPO certification systems for principles and criteria.

ON PUBLIC ANNOUNCEMENTS (ARTICLE 4.6.1)

1. Did SCS Global Services (SCS) respect requirements for the timing of the announcement and invitations to stakeholders, selection of stakeholders, means and formats, language?

The formal announcement of the consultation for SOGB was only done in English, even though for Ivory Coast, French is appropriate.

ON STAKEHOLDER CONSULTATION (ARTICLE 4.6.3)

2. Did SCS consult all relevant stakeholders and identify all relevant information to assess compliance? Did it include all information in the public summary report?

AVD noted that “[translation] AVD has not been consulted by the audit team despite its importance” and further stated that when the team passed by their office to explain their schedule, it was joined by SOGB staff.

Batcha village was repeatedly part of public statements about conflicts over their land and the limits of the SOGB plantations but was excluded from the SCS field audit. Batcha has a dispute with another village over whose land is taken by SOGB. Batcha is not a displaced village, but claim their land is taken by SOGB.

JVE Ivory Coast, a national NGO that supports communities affected by monoculture plantations, was not consulted, even though they are a stakeholder and tried to engage SCS. SCS claimed JVE did not respond to their calls.

The villages received a letter 3 to 7 days in advance from SOGB to schedule the audit. No agenda was provided. The villages could not properly prepare.

Several issues that community members stated they brought up during the audit are not covered in the RSPO public summary report. For Grand Djoro: problems created by water drains for (drying up of) streams and flooding; water pollution, impact on livelihoods (fishing impossible), lack of living space specifically for cultivation. For Oueoulo: land disputes (plantation limits encroach upon the village), drainage and flooding impacting food production and sometimes causing flooding of access roads, impacts to livelihood, such as halting fishing and reducing land for rice production. For Heke: plantation border dispute (borders changed in 1983 without consent), youth employment and communication issues. All villages spoke about pollution from fuel and palm oil processing into the Wôro and Dodo rivers. This means people cannot use the water or eat the fish as before. Their complaints about this were not addressed by SOGB.

¹ <https://rspo.org/certification/search-for-certified-growers>

² The audit took place in October 2020, before the new version of the Standard for Certification Systems was approved in November 2020.

ON LAND DISPUTES (ARTICLE 4.6.4)

3. Did SCS review whether oil palm operations have been established in areas which were previously owned by other users and/or are subject to customary rights of local communities and indigenous peoples? Did it consult directly with all of these parties to assess whether land transfers and/or land use agreements have been developed with their free, prior and informed consent and check compliance with the specific terms of such agreements?

Batcha village has a current land dispute and was not consulted.

All villages that were consulted stated that they never gave FPIC to the state to license their land to SOGB for plantation development during privatisation in the 1990s. The village chief from Heke stated that he resisted the deal, but that the State went on without his consent. Thirteen villages were impacted by the plantation development, most were displaced and three villages disappeared.

The Oueoulo and Grand Djoro villages claimed they did not give consent and resisted the current borders of the plantation and said the company “stole” the land from them.

All villages complained they cannot provide for their livelihoods due to pollution (pesticides, fuel, factory waste), destruction or other impacts such as drains on streams, rivers and lakes and swampy areas. Fishing and food production have been greatly impacted.

In the public summary report, SCS does not include this relevant information in the assessment and has left out important stakeholders on ongoing land rights disputes and livelihoods issues.

4. Did SCS provide a safe space for stakeholders, guaranteeing confidentiality where needed, and facilitate comments from stakeholders?

AVD reported on intimidation from SOGB in a phone call during which they were given orders not to speak with the research team without SOGB authorisation.

Even though SOGB management forbade staff to speak with the researchers, one staff member did receive the researchers for an open exchange. According to the SOGB staff member, his management received orders from Socfin “not to speak with the Milieudefensie consultants.”

Grand Djoro, Oueoulo and Heke village representatives claimed that the consultation was done in the presence of SOGB and in SOGB buildings. In Grand Djoro, the translator was an SOGB staff member (Mr Oupayou). The invitation letters came from SOGB, and the auditors used SOGB vehicles.

Communities state they are waiting for the meeting notes from the SCS audit team so that they can verify that their inputs have been correctly incorporated.

Before each audit session with SCS, according to village representatives from Heke, Grand Djoro and Oueoulo: “[translation] Whenever the audit team would arrive, three days in advance, Mr Zedia and Oupayou would come to us to ask questions and tell us that we are on the same page about providing information [about the company].”

These findings indicate that an open space for stakeholders, without company interference, was lacking. This prohibits proper and independent consultation.

Conclusion:

SCS violated several requirements for consultation. It did not announce the consultation in the correct language and did not reach out to relevant stakeholders at the international and national level. Local rightsholders, such as the Batcha village and two civil society organisations, were not consulted. Information about complaints from communities was not included in the public summary of the RSPO audit. This means that SCS did not succeed in consulting all relevant stakeholders, identifying all relevant information or including this in the assessment and public summary report.

Important land disputes were not identified or assessed. Impact on livelihoods was not assessed.

The audit was not independent. SOGB staff were present during audits, sometimes as translators. SCS used company vehicles and locations. Communities were visited by SOGB three days in advance of the audit to be on the same page.

SCS gave an RSPO certificate to SOGB, which was based on a faulty consultation process and did not assess pertinent land rights, pollution and livelihood concerns.