

Independent Assessment of Free Prior & Informed Consent Process

**Golden Veroleum
(Liberia) Inc.**

REPORT

TFT

February 2013





Preliminary Note

This version of the TFT assessment report is designed to be used in the public domain, should the owners of this report decide to do so.

This version is strictly identical to the original version that was originally submitted to Green Advocates, Forest Peoples Program, Golden Veroleum and RSPO on February 20th, 2013.

However, in order to respect the privacy of those individuals who spoke to TFT during the assessment, and in order to protect them from any harassment or unfair pressure, in this version, TFT masked their names in the text and, on pictures, their faces.

Table of Contents

Note:	2
Table of Contents.....	3
Abbreviations	6
Acknowledgements.....	7
Executive summary.....	8
2 The FPIC process.....	10
3 Methodology	13
3.1 List of criteria	13
3.2 Document review	14
3.3 Interviews	15
3.4 Field visit in villages	15
4 Results/Facts	18
4.1 Complaints about damages to gravesites	18
4.2 Complaints about damages to creeks (streams)	22
4.3 Complaints about damages to Old Towns and natural assets.....	27
4.4 Complaints about clearance of farmland.....	28
4.5 Issues about the compensation scheme	36
TFT site visits and interviews resulted in the following observations about GVL’s compensation scheme:.....	36
4.5.1 The procedure.....	36
4.5.2 The field survey and the involvement of affected people.....	36
4.5.3 Timing of compensation	36
4.5.4 Content of the compensation scheme.....	37
Note: The template used by GVL only features rubber and cassava while survey teams confirm having surveyed crops of rice, pineapple, sugar cane and others.	38

4.5.5	The farming area left after clearing	38
4.6	Summary: GVL’s FPIC process	39
5	Why did this happen?	42
5.1	Information gap: The need to better understand the way of life of local communities 42	
5.1.1	Gaps in the ESIA and HCV assessment.....	42
5.1.2	Overestimation of the level of education and literacy of the local communities	43
5.1.3	Farming and food security	43
5.2	Skills gap: GVL social skills need to be strengthened	44
5.2.1	No previous experience of FPIC implementation	44
5.2.2	Lack of procedures	44
5.2.3	Absence of Terms of Reference	45
5.2.4	Difficulties with managing direct conflicts.....	45
5.3	Time gap: Enough anticipation and time must be given to the FPIC process	45
5.3.1	History	45
5.3.2	Analysis	48
5.4	Coordination gap: Increased coordination is needed between the social/environmental planning departments and the operations.....	48
5.4.1	Operations first, environmental planning later	48
5.4.2	The “square block” syndrome.....	49
5.4.3	Limited internal feedback loop	50
6	Recommendations: How to move forward.....	51
7	Looking forward	55
8	Bibliography	56
	Annex 1: Mission Planning.....	58
	Annex 2: List of complainants to RSPO.....	61
	Annex 3: GVL’s current compensation forms	62
	Annex 4: Useful maps	65
	Annex 5: List of verifiers.....	68
	Annex 6: Documented cases per community	71



Abbreviations

EPA	Environmental Protection Agency
ESIA	Environmental and Social Impact Assessment
FERN	A European-based non-governmental organisation focusing on forests and forest people's rights
FPIC	Free, Prior and Informed Consent
FPP	Forest Peoples' Programme, a UK-based non-governmental organisation
GA	Green Advocates
GoL	Government of Liberia
GVL	Golden Veroleum (Liberia) Inc.
ha	Hectare
HCV	High Conservation Value
NGO	Non-governmental organization
RSPO	Roundtable on Sustainable Palm Oil
SDI	Sustainable Development Institute
SDPL	Sime Darby Plantation (Liberia) Inc.
SOP	Standard Operating Procedures
TFT	The Forest Trust
ToR	Terms of References
UNMIL	United Nations Mission in Liberia
US\$	Dollars US (US\$ 1.00 = Liberian \$70.00)

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TFT would like to thank the following organizations and individuals for their support during the Independent Assessment mission:

- Communities throughout Sinoe County, but particularly those in Butaw and Kpanyan who received us in their towns and openly shared information.
- GVL for inviting us to conduct the assessment and for supporting our field mission in Liberia. GVL local staff did not inhibit our access to any of the communities we visited and supported our need to be free to visit whomever we felt appropriate, organizing meetings as requested.
- Green Advocates, who helped us meet with some of the complainant communities and let us carry out our interviews freely.
- The Minister of Agriculture, who met with us in Monrovia.
- The Superintendent of Sinoe County, who met with us in Greenville.
- The Sinoe and Grand Kru Legislative Caucus, who met with us in Monrovia.
- Forest People's Programme (FPP) for developing a clear Terms of Reference (ToR) for the Independent Assessment.
- The UNMIL staff whom we met in Greenville and in Monrovia.
- And all the other people and organizations that have taken the time to meet and speak with us.

Executive summary

The independent assessment that was done by TFT in GVL's operation in Sinoe County, Liberia from January 10th to January 30th brought the following conclusions:

- There is materiality to a number of the claims that are made by the communities.
- The analysis of the claims highlights that GVL's Free, Prior, Informed Consent (FPIC) process should be considerably strengthened.
- There is insufficient coordination between the Operations Department and the Social/Environmental Department, with Operations being the priority in the eyes of the local management.
- All the communities of Butaw and Kpanyan have also said that they want the company to continue to operate in Sinoe. The majority of people TFT spoke with did say that they value the employment opportunities and the improvements in the road network that GVL has brought as well as the fact that they can learn new skills (like driving machines for example).
- Concerned communities worry about the "how" GVL develops in the region. They don't want it to be at the expense of their watercourses or their livelihoods.

All the communities that TFT met said that they want to have more information and a more direct dialogue with the company and believe that a way forward could be found that way.

TFT believes that is possible, if the company responds genuinely, quickly and thoroughly to the recommendations made in this report.

1 Introduction

In November 2012, Golden Veroleum Liberia (GVL) invited TFT to conduct an Independent Assessment of the extent to which GVL Plantations had respected and implemented Free, Prior, Informed Consent (FPIC) in its operations.

Following discussions with Forest People's Programme and Green Advocates (specifically Alfred Brownell, who represents a group of concerned community members that has lodged a complaint to the Roundtable on Sustainable Palm Oil), GVL and FPP agreed on the following objectives for TFT's Independent Assessment:

- 1) Understand the nature, materiality and representativeness of the claims formulated by those who have lodged the complaint.
- 2) Review GVL's existing SOP on FPIC, with the express purpose of highlighting any weaknesses and providing recommendations for improvement.
- 3) Analyze the quality of past FPIC implementation and its impact on communities (including compensations and land demarcation.)
- 4) Review the proposed expansion strategy, paying particular attention to FPIC and analyze risks, needs, and any opportunities for improvement.

TFT's mission in Liberia began on January 10th 2012 with a meeting in Paris with FPP, and concluded on January 30th, 2012. Annex 1 shows the complete mission planning. The TFT field team included:

- Bastien Sachet, TFT Director
- Erith Ngatchou, Senior consultant to TFT
- Téodyl Nkuintchua, Consultant to TFT
- Claudine Schrader, Consultant to TFT

This report describes the Independent Assessment process, details its key findings, and provides detailed recommendations for improving the situation.

2 The FPIC process

The concept of Free, Prior, Informed Consent (FPIC) has become part of the language of sustainable development, yet it is not always well understood. Teams tasked with implementing it often ask how to define it, how to implement it effectively and how to know when it has been achieved¹. Despite this uncertainty, FPIC is gaining acceptance as a way of governing contractual relationships. It is increasingly seen as an appropriate tool for managing relationships between indigenous and local communities and companies wishing to exploit natural resources on the land where communities live, or indeed, to appropriate the land itself.

The principle of FPIC is that any development activity will affect people, and recognizing the rights and respecting the aspirations of those who were present before a development commences is the correct, ethical way to operate. FPIC becomes critical in contexts where indigenous and local communities live on land with customary, as opposed to legal, title rights. Recognizing customary rights is a crucial first step in the FPIC process in that it acknowledges the communities' rights to the land and resources sought by companies.

TFT uses a FPIC definition that has general international acceptance²:

Free

Free is the absence of coercion and outside pressure, including monetary inducements (unless they are mutually agreed to as part of a settlement process), and “divide and conquer” tactics. It includes the absence of any threats or implied retaliation if the results of the decision are that the community or individual says “no” to the proposed development.

Prior

Prior is having sufficient time to allow for information-gathering and full discussion, including translations into traditional languages, before a project starts. It must take place without time pressure or constraints that in any way may compromise traditional decision-making structures and processes of the local/Indigenous Peoples in question. A plan or project must not begin before this process is completed and an agreement is reached.

¹ It is surprising that for such an important subject, there are very few quality reference materials to answer these critical questions. One of the best references TFT has found is “Free, Prior and Informed Consent and Sustainable Forest Management in the Congo Basin” by Jerome Lewis, Luke Freeman and Sophie Borreill. While it focuses on Sustainable Forest Management rather than palm oil plantation development, its findings and recommendations are highly relevant across a broad set of contexts http://www.rightsandresources.org/publication_details.php?publicationID=841.

² *Free, Prior, Informed Consent*, Australian Conservation Foundation, Policy Statement No. 75 Adopted : C122:19.1 , B033:8.2 – July 2011.

Informed

Informed is having all the relevant information available reflecting main views and positions. This includes the input of traditional elders, spiritual leaders, subsistence practitioners and traditional knowledge holders, with adequate time and resources to consider impartial and balanced information about potential risks and benefits.

Consent

Consent is the demonstration of clear and compelling agreement, in keeping with the decision-making structures of the Indigenous Peoples in question, including traditional consensus procedures. The existence of consent is usually demonstrated by a signed agreement which may include an Indigenous Land Use Agreement, Memorandum of Understanding or Plain English Statement, and a signed Consent Form by the parties.

A further information source relevant to this assessment is the Roundtable on Sustainable Palm Oil (RSPO). RSPO requires palm oil plantation managers to practice FPIC in all plantation developments. There are seven (7) criteria in the RSPO standard relating to FPIC³.

Criterion 7.5. No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Criterion 2.2. The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Criterion 2.3. Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.

Criterion 6.2. There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.

Criterion 6.3. There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

³ RSPO. Principles and Criteria for Sustainable Palm Oil Production. October 2007.

Criterion 6.4. Any negotiations concerning compensation for loss of legal or customary rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Criterion 7.6. Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.

TFT has used these two comprehensive definitions to guide its assessment of GVL operations. Lastly, as part of the ToR, FPP provided a 20-point checklist of FPIC verifiers. This report includes an assessment of GVL's performance against those verifiers.

FPIC is a process to guide company operations to ensure open, ongoing and equitable relationships among indigenous peoples, communities and companies. It is a way of working. A key and often neglected part of the FPIC question is the understanding that FPIC is not a box managers can tick. Rather, FPIC must be understood as an on-going process of open dialogue between the company and neighbouring communities. Just like two neighbours regularly talk and maintain a healthy relationship along the time, sometimes resolving conflicts in a constructive way, through dialogue.

The FPIC approach requires, above all, that indigenous people and local communities are aware of the issues surrounding use of their customary land so that they can make informed decisions about their role in the development process and the operations affecting their livelihoods. This reduces negative impacts, enhances positive ones and ensures equitable sharing of benefits.⁴ Relationships developed through a strong FPIC process are the basis for ensuring company activities contribute to long-term socio-economic development.

It is through this critical "process" lens that TFT has undertaken this Independent Assessment.

⁴ Executive Summary, "Free, Prior and Informed Consent and Sustainable Forest Management in the Congo Basin" by Jerome Lewis, Luke Freeman and Sophie Borreill.
http://www.rightsandresources.org/publication_details.php?publicationID=841

3 Methodology

3.1 List of criteria

TFT collected information according to a list of criteria (presented in Table 1) developed by the team to cover all questions raised by international and national stakeholders.

Table 1: TFT List of FPIC criteria

<p>Communication and Information</p>	<ul style="list-style-type: none"> • Existence of skilled social team for regular exchanges with the local communities • Existence of internal procedures regarding communication between company's staff (including staff from departments other than social team) and communities • Meeting invitation sent to the communities prior to any meeting • Use of appropriate communication skills with the communities (i.e. for illiterate and local language-speaking people) • Sharing all the relevant information with the local communities regarding not only benefits but also risks, before starting operations, and how compensation will be determined • Community awareness of land rights according to laws and RSPO criteria • Assurance that other stakeholders and government actors are informed about the operation • Assurance that all information is well-understood by the local communities • Documentation of all meetings (i.e. minutes are available to all stakeholders)
<p>Negotiation and Participation</p>	<ul style="list-style-type: none"> • Communities' consent freely given after having been informed of all risks and benefits of the operations • Enough time given to the communities to make a final decision regarding operations on their land • Final decisions taken without coercion or pressure • Meeting venue chosen by the communities • Participants feel free to speak openly in front of GVL team • Community members feel free to discuss among themselves about details of the meetings and negotiation, to get legal advice or involve local NGOs in their decision-making process • Existence of a fair agreement between GVL and the communities regarding the use of their lands; all stakeholders are given a copy of this agreement • Consultation and participation of communities in the High Conservation Value (HCV) Assessment of their land • Consultation and participation of communities in the Social and Environmental Impact Assessment (ESEA) of their land • Participation of communities in the management of positive and negative impacts of GVL's activities on their land
<p>Compensation Process</p>	<ul style="list-style-type: none"> • Existence of a consistent compensation procedure • Explanation of this procedure and of the compensation form to local communities • Transparent and well-documented compensation process • Community approval of the compensation process (i.e., counting of crops, evaluation of crop fields, compensation)

	<ul style="list-style-type: none"> • Involving each farmer in his crop evaluation process • Involving representatives of local communities in the payment process • Involvement of relevant local authorities in the payment process • Fair payment of local communities • Communication of the compensation payment amount to the community before signing of the document • Evidence that the agreed compensation amount corresponds to that actually received • No evidence of bribery; a transparent payment process
Mapping of Local Communities' Usage Zones	<ul style="list-style-type: none"> • GPS mapping of key socioeconomic and cultural resources (e.g. customary lands, crops, sacred sites); all of the communities' important usage lands are identified and mapped • Participation of the local communities in the mapping exercise • Approval of the maps by all stakeholders • Boundaries exist for all community lands • Onsite demarcation of these boundaries
Conflict Resolution	<ul style="list-style-type: none"> • Establishment of mechanisms to resolve conflicts with the communities • Existence of a procedure for conflict resolution • Stakeholder knowledge of complaint mechanisms • Effectiveness of these mechanisms as shown by progress in resolving conflicts
Benefit-sharing	<ul style="list-style-type: none"> • Employment of people from the local area • Existence of infrastructure for GVL's workers and the local populations (e.g. school, clinic, roads, and social services) • GVL payment of a Community Development Contribution (US\$5.00/ha/year) to supply a fund for developing the area • Creation and functioning of the committee that manages this fund and members chosen from among the affected communities • Evidence that the fund is dedicated to the affected communities

3.2 Document review

TFT reviewed several documents from both parties involved in the complaint to RSPO. A full list of the documents consulted is included in the Bibliography, which includes the following communications from:

- NGOs and communities: complaints to RSPO, affected community members' statements concerning GVL's activities, and FPP's reports supporting the complaints;
- GVL: answers to RSPO, ESIA and HCV reports, self-monitoring report to EPA, Social Agreements for Butaw and Kpanyan districts, and compensation forms.

Other materials reviewed include operational maps, geo-referenced data on biophysical situation (land cover, rivers), maps of surrounding towns, HCV6 maps, maps of farmlands allocated to communities, and maps of hand pumps renovated or built by GVL.

Based on this information, TFT was able to choose actors to interview and sample towns to visit, in coordination with GVL and GA.

3.3 Interviews

TFT team organized meetings and interviews with a wide range of stakeholders in order to have a complete overview of the issues raised. A full list of stakeholders consulted is provided in Annex 1 of this report, and included individuals from:

- **GVL:** TFT met with senior and middle managers as well as with some employees (contractors included) in Monrovia, Butaw and Kpanyan districts where the company operates. TFT also met with GVL's workers' trade union.
- **Surrounding communities:** TFT visited 19 towns in the two districts (see Annex 4) where GVL's activities are the most advanced. In this report these villages are categorized as: "Already planted" (palm trees already planted around the village), "Land clearing" (cleared or in the process of clearing but not yet planted) and "No field operation" to ease analysis of the relationship between issues observed on the ground and the stage of the operation.
- **NGOs.** TFT met with international NGOs FPP, FERN, and Greenpeace as well as Liberian NGOs Green Advocates, Sustainable Development Institute (SDI), Save My Future Foundation (SAMFU), Social Entrepreneurs for Sustainable Development (SESDev), Natural Institute for Public Opinion (NIPO) and Sinoerian NGO's Sinoe Community Forest Forum (SCFF) and Sinoe Human and Natural Resources Rights movement.
- **Consultancy Firm:** TFT met with Green Consultants, who conducted the ESIA and HCV assessment.
- **UN Civil Affairs:** TFT met the officer in charge of relationships with local communities who usually intervenes in case of local conflicts, and with a UNMIL representative in charge of concessions.
- **Elected representatives:** TFT met two senators (Sinoe and Grand Kru counties), two Honourable representatives (Sinoe and Grand Kru counties), and the chairman of the House Committee on Executive of The Honourable House of Representatives.
- **Government and administration:** TFT met the Minister of Agriculture, the Sinoe Superintendent and his team, and with the Environment Protection Agency (EPA).

3.4 Field visit in villages

During the assessment TFT focused on meeting individuals and communities, looking for facts that are material and verifiable.

In each town, the team followed the same approach. First, focus group discussions were organized with the whole community including the representatives (paramount chiefs, town chiefs, chairmen, clan chiefs, and chair ladies) when they were available. The team was introduced by the accompanying person(s) who then had no more room for expression, allowing the TFT team to take the lead of the interview. In some instances, the TFT teams had the accompanying person(s) leave to enable a free discussion with the community.



Picture 1: A community meeting in Johnny town, Kpanyan

Interviews were conducted with individuals, including those involved in the complaint, to know their motivations, the actual problems in the field, and their perspectives. Other community leaders were interviewed, as well as any community member who wanted to raise a special issue or to give his or her personal point of view concerning the situation. Open questions were asked to stimulate the discussion.

Finally, each issue raised by community members was verified in the field. When possible, GPS data was collected for each case. Evidence collected was then submitted to GVL for cross-checking and potential discussion.



Picture 2: TFT team verifying facts in the field

4 Results/Facts

This part of the report deals with two objectives of the ToR:

Objective 1: Understand the nature of the claims formulated by those who have lodged the complaint.

Objective 3: Analyze the quality of past FPIC implementation and its impact on communities (including compensation and land demarcation).

Five major types of complaints have been raised by communities we visited:

- Damages to gravesites
- Damages to creeks (streams)
- Damages to Old Towns and natural assets
- Issues concerning farmland
- Compensation scheme

We present in the following paragraphs the various facts that have been collected (and verified) during the assessment.

4.1 Complaints about damages to gravesites

TFT's field observances verified that GVL makes efforts to map gravesites as HCV6 in each town and marks them as such in the field. In total, 32 locations were jointly mapped with the community prior to start of development in the local area. Nevertheless, as shown in the table below, the team observed 4 cases of damages to gravesites in Koons Town, Sowear, and Pluoh. For instance:

- **Koons Town:** A palm tree was planted by GVL on a grave. Koons Town is an "old town". "Old Towns" are villages that were abandoned during the war and where people don't live anymore, but where some graves and natural assets like fruit trees can be found). GVL staff maintained that they had not been informed about the existence of that grave. The grave was identified to the TFT team by two women who live in Toe.
- **Sowear:** A grave was damaged in Sowear village. The cemetery had been identified and marked by the HCV team but was then damaged by the vibrations of the bulldozer passing close by. In order to address the community complaint, GVL provided 15 cement blocks, 3 bags of cement and sand for the community to rebuild the damaged grave. During the assessment, these materials had still not been used because community members said they were not able to rebuild the grave by themselves.

In their effort to demarcate graves as an HCV6 after survey, GVL used signposts on which “GVL cemetery” was written. As communities showed discontent about the fact that it was misleadingly saying that the cemetery was GVL’s, GVL painted in white “GVL” and left “Cemetery”.

	
<p>Palm tree on burial site in Koons town</p>	<p>Building blocks given to the family to repair the grave</p>



Table 2: Complaints about damages to gravesites

Visited Town	Physical status of the land	Person consulted	Community's point of view	GVL point of view	Evidences - GPS coordinates (UTM)	TFT Observations/Comments
Klah's Town (Old Town)	Already planted	Person 1	Pointed to the demarcated grave and the fence and complained about the fact that everything had been cleared in their old town	Site was not identified in pre-survey. However the site was identified with the farmer prior to land preparation who supervised the fencing.	Fenced gravesite with no buffer zone: 29 N 490906 567057 Gravesite half protected: 29 N 490919 566942	Gravesites unmarked on HCV6 map. No buffer area around the grave.
Koons Town (Old Town)	Already planted	Person 2	Burial site ignored during plantation establishment. Palm tree planted in the middle of burial site.	Grave site was not identified in pre-survey and not discovered during works. The farmer got compensated though for a farm in which the grave is located.	29 N 490135 566357	Palm tree planted on burial site. No prior identification of Old Town by GVL.
Sowear Town	Already planted	Person 3	A road crosses the Sowear cemetery. 15 cement blocks, 3 bags of cement, pieces of iron and sand were given to the community to repair one grave damaged by bulldozer vibrations. The community however complain about the fact they cannot repair themselves.	The encroachment happened despite already marked as HCV by our teams. We gave the cement blocks to repair the grave. We are in the process of fixing the problem.	Grave partly damaged: 29 N 492853 567956	Grave damaged. Giving bags of cement and building blocks is a first step but the lack of prompt follow-up was not respectful.



Pluoh	Already Planted (Nursery)	Person 4	<p>Shrine damaged around the nursery site. Creek damaged around the shrine. Community welcomes GVL's operation, but they don't appreciate the way activities are conducted. Sacred tree destroyed.</p>	<p>By verbal agreement grand trees and 3 shrine trees were protected and are standing today. A solemn ritual was agreed and a contribution of USD 300 was done to the farmer for ritual costs. The farmer didn't ask for a buffer zone</p>	<p>Felled sacred tree: 29 N 491939 567788 Sacred tree without buffer: 29 N 491882 567772</p>	<p>There is a shrine here but we were not able to verify accountability during the assessment. No evidence was shown by the GVL staff to materialize the consultation process and the agreement with the community.</p>
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4.2 Complaints about damages to creeks (streams)

The table below highlights 5 cases of communities that have complained about changes of the quality of the water they used to rely on. TFT noticed on several occasions during visits in the field that GVL operations had impacted buffer zones and creeks.



Damaged creek near Sowear town



Damaged creek in the land preparation area



Damaged riparian area in Jayreneh



Damaged swamp / creek near Chea town



Adaptation measure to collect water in Farley



Coloured drinking water in Tugbeh town

While it is true that not all the communities rely on creek water to drink (some have pumps that have been built in the past by NGOs), the ESIA clearly indicates the communities' dependence on creeks and swamps in their immediate environment. The Environmental Monitoring and Management Department did a complementary environmental management plan system (EMS), which contains a riparian protection plan (see Figure 1 below) defining riparian protection to be provided for rivers streams and creeks.

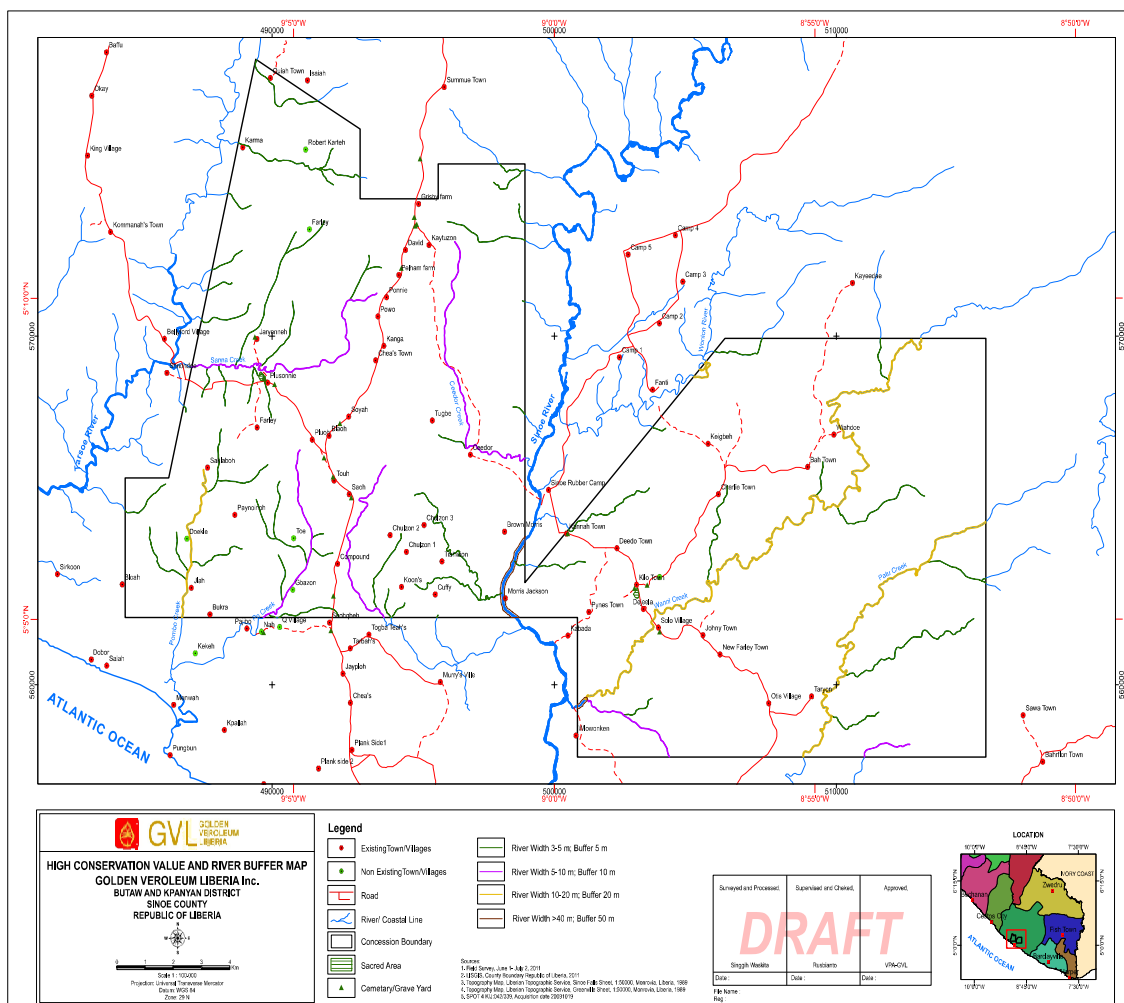


Figure 1: River buffer map as per GVL's EMS

The map below was developed on the basis of the information provided by GVL's GIS department (Operational maps). Demarcated buffer zones appear in green and cleared and planted areas appear in blue and red respectively. The map shows that:

- Some rivers do not have an allocated buffer zone (blue arrow)
- There are several cleared areas where no buffer has been left (black arrow)
- There are planted areas where no buffer is left (red arrow) – this will have impacts on water quality in a short term future..

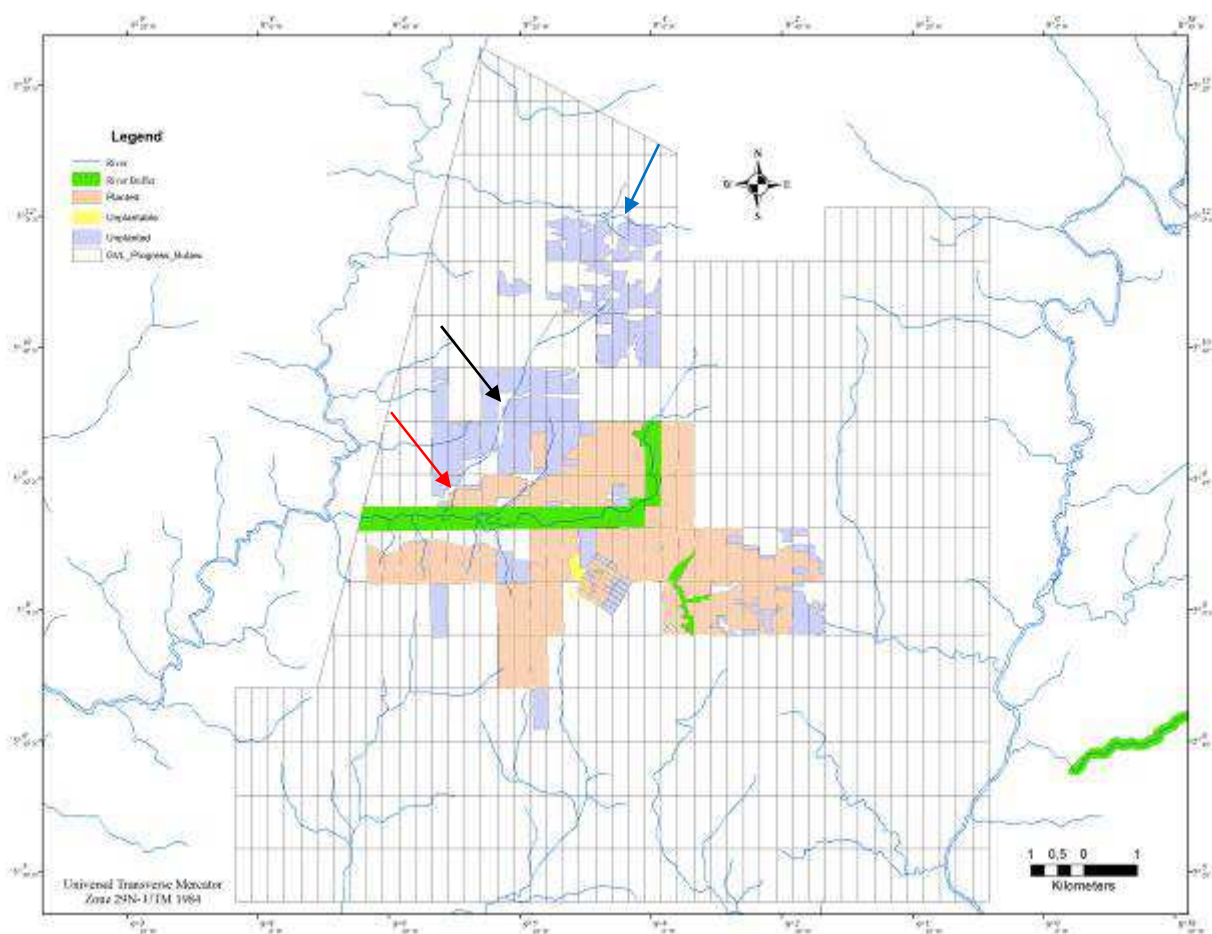


Figure 2: GVL's operational map of riparian areas

As the map shows, GVL operations encroached in places on protection zones its environmental planning team had defined in adherence to the provisions made in the Environmental Permit granted by the EPA to develop oil palm plantations in Sinoe and Grand Kru counties, which requires that GVL 'Leave a belt of forest minimum 10 meters along water ways in operational area' (Environmental permit 4.2 dot 5, provided in Annex 2). This encroachment poses threats to GVL's Biodiversity Conservation Sub-programme (for fish and aquatic biodiversity) and with the concepts and ideas stated in Part VII, sections 83,84 and 85 (1.a) of the Act for Adopting the Environment Protection and Management Law of the Republic of Liberia (Nov 26, 2002). These encroachments appear to be a breach of compliance with of GVL's Environmental Management Policy System (page 21, section 3.1)

In total, 5 out of 9 towns of the area that have been developed into plantation to date have formulated formal complaints to the TFT team.



Table 3: Complaints about damages to creeks (streams)

Town Visited	Status of the area	Person consulted	Community's point of view	GVL point of view	TFT Observations/Comments
Farley	Already planted	Local farmer and their family	In April 2012, creeks and swampy areas (rice farms) were damaged. Currently, drinking water is collected in Plussonnie (45 minutes' walk), 2 to 3 times per week.	GVL agreed to build a well during dry season.	Damaged swamp and drinking water : GPS: 489723 - 567251 Creek was damaged; no mitigation measure for the farmer was implemented. The farmer developed his own mitigation technique, a mechanism to collect water with a rusty sheet of metal. Following a meeting in Farley town on May 24, 2012, GVL sent a letter to confirm that a hand pump would be built and community land demarcated. This is not yet implemented .
Tugbeh Town	Land Clearing	Local farmer	Creek damaged during land clearing operations, which led to water problem in the town. "Now, we walk for almost an hour to have drinkable water". GVL is running a Pump project in Tugbeh. The project stopped on December 10, 2012 and has not re-started.	GVL acknowledges the creek damage and water pollution. A well is being built.	Damaged creek, GPS: 495766 - 567774 Water quality impacted. A hand pump constructed as mitigation has been started but was not completed yet when the visit happened.
Sowear Town	Already planted	Community	Creek damaged	Creek not normally used as the village pumps water out of a well.	Damaged creek : GPS: 492959 – 568062 No mitigation measure planned.
Plussonnie	Land Clearing	Local farmer and the community	Creek damaged	There are 3 pumps in the town, one of them repaired by GVL	Damaged creek. There is a pump in the town for potable water that was built by another organization in the past. No mitigation measure planned.





Town Visited	Status of the area	Person consulted	Community's point of view	GVL point of view	TFT Observations/Comments
Jaryenneh	Land Clearing	Local farmer	Creek damaged. GVL gave them purification chemicals for the water but they ran out of product.	Originally, GVL gave two drums and water purification product. Training was given to the farmer to use only a few drops	<p>Damaged creek: GPS: 489394 570137 GPS:489106 569939 GVL provided drums and tablets to treat the water before drinking. The farmer ran out of sanitizing product and is not using it at the moment. No evidence that training was given for water treatment. GVL management visited the site with TFT and promised to build a pump when the farmer complained to them.</p>

4.3 Complaints about damages to Old Towns and natural assets

Comments

“Old towns” is how local communities call the place where the village used to be before the war. After the war, people resettled in cities or in villages nearby. Burial grounds can sometimes be found there. They are also considered by some communities as a “supermarket” (existing orange trees, breadfruit trees, coconut trees, and banana plants are still producing fruit, which is used by the communities).

TFT observed that during its socio-economic study, GVL did not obtain sufficient information from the communities in a participative consultation process – there was insufficient information concerning two old towns: Koons Town and Slatuzon's Town. As a consequence people who were originally from those towns and return from time to time there complain about the destruction of fruit trees, palm trees, and breadfruit trees.

	
Bread fruit in old town	Kola nut from old town

Communities also pointed to the damage/destruction of swamps as a concern (examples: Farley town and Sowear town). Swamps are local humid areas often located in the lower parts of the landscape. Community members met by TFT in Sinoe mentioned that this is where they source thatch (commonly used for roofing) and where they fish (source of protein) between others.

4.4 Complaints about clearance of farmland

Most of the farming is undertaken through slash and burn shifting agriculture. GVL is carrying out a process that involves a phase of surveying and a phase of compensation.

TFT heard the following complaints from farmers:

- In some cases, they haven't been involved in the survey operation and farmland demarcation. GVL surveying team confirmed that sometimes when the farmer wasn't present another community member (mostly family) was asked to participate to the survey.
 - Examples: GVL employee⁵, a local farmer
- Three farmers are upset because their farms have been cleared or damaged without their consent even in the area they have previously indicated to be preserved. They seem unhappy to see the issue solved with money.
 - Examples: Local farmers in in Saklaboh, Farley and Jaryenneh's town.
- Despite being compensated for their crops, some farmers are still upset seeing their farms destroyed during the land clearing and worry about where they will get their food from.
 - Example: A local farmer in Plouoh, Woman in Plussonie.
- GVL's Community Affairs Team was not informed about the existence of some farms that had been cleared. This could be explained by an insufficient consultation process to raise community awareness and to ensure involvement in land demarcation and surveying.
- In three cases, farmers stopped machines during the land clearing because of destruction of their crops.
 - Examples: Local farmers in Farley, Toe and Jaryenneh's town.
- Excluding Grisby farm, complaints about farmland clearance were raised in all towns visited during the assessment in Butaw district. Land clearance in Grisby Farm has only partially started, and it should be noted that the community there seems to have had a chance to decide internally about the land to be left for GVL, before the start of the land clearing. . In Ceedor, the FPIC process is still at an early stage and no field operation (survey, demarcation, etc.) is going on.

In total over 300 compensations were made by GVL to farmers and TFT had the opportunity to collect 15 formal complaints from farmers and about 15 informal complaints. TFT conclusions:

⁵ Wishing to remain anonymous.

- GVL did not thoroughly document the process of demonstrating community consent before land acquisition; the only document available is the compensation file (including survey map, consent form and payment records).
- Most farmers did participate in the mapping of their individual plots. However, in some cases individuals had to stop machines during the land clearing process, which indicates that communities were not fully consulted beforehand. Also, participatory mapping exercises to outline the overall community boundary involving affected and neighbouring communities did not occur.
- The information provided by the social and environmental impact assessments and the consultation process (including time allocated, accessibility of the information) is not sufficient to ensure communities fully understand the implications of the oil palm plantation on their environment. The ESIA lacks vital social information about the farming practices and how the reduction in farmland will affect communities. The consultation time for the ESIA and its accessibility to communities was respectively too short and too difficult to ensure the collection of constructive feedback from communities.
- Adequate time must also be given to communities to consider proposals on their own and in their own way. GVL acknowledged that this has been a learning process and that the timeframe of FPIC negotiations in advance of the project development for the past 24 months did not allow communities to fully understand the process before giving their consent. They need to understand the long and short term implications of plantations (impact on their farms and cost, potentials benefits and gains, legal implications, etc.), which requires the provision of adequate information so that they can make informed decisions.

Finally, and because it is linked to farmers that are unhappy about the clearing of their land, two incidents involving the police and the taking to questioning or custody of certain persons are of concern to TFT in that these may lead to a reduction in the community members' confidence in speaking about issues. TFT understands that after two occasions of deliberate destruction of GVL palm saplings in August 2012, (approximately 600 trees), and based on community witnesses, the local police took X and Y in for questioning for 24 hours. Also, on December 14, 2012, ZZ and AA were taken in for questioning by the police, upon request from the district commissioner, for alleged disturbing of peace in a community meeting the commissioner was conducting. While the circumstances have not been verified by TFT, TFT considers such occurrences as an element that reduces the communities' confidence in speaking about issues. It weakens the FPIC process, which requires that community members have no fear of recrimination for peacefully expressing their opinions.



Table 4: Complaints about clearance of farmland

Town Visited	Status of the area	Person consulted	Community's point of view	GVL point of view	TFT comments	Declared compensation	GVL compensation
Saklaboh	Land clearing	A local farmer and their family	Rubber farm destroyed without their consent.	GVL didn't know about the existence of the rubber farm. GVL stopped the machines when the farmer highlighted the issue. Compensation was proposed to them by the company but they refused the money. GVL's didn't destroy any rubber trees	Destroyed farmland: GPS: 488641-566904 Compensation for the destroyed farm (refused by the farmer) – the farm had not been identified prior to land clearing.	None	None
Farley	Already planted	A local farmer and their family	Swampy areas (rice farms) destroyed. Rubber farm, plantain and pineapple destroyed during the land clearing operation. Land cleared without their consent. Not aware of the survey. The farmer said that the bulldozer was right behind them while they were harvesting the remaining crops in their farm. Two visits of the general manager in the village to convinced the farmer to leave.	The farmer didn't inform the management before the clearing that they had the rubber farm. For the other crops, several discussions were held and they received compensation before the clearing for 7.84 and 2.4 acre plots.	Damaged swamp (with rice farm) : GPS: 489723 - 567251 Destroyed farm: GPS: 489728 – 567207 Cassava farms cleared without the farmer's consent. Two compensations for cassava farms made in October 2011. A complaint letter was sent in June 2012 by the farmer highlighting their unhappiness about the lack of compensation for their rubber and the labour investment in the rice farm.	600 USD	867 USD



Toe	Already planted	Local farmer	Destruction of cassava, banana, plantain farm. Field survey after land clearing.	The machine was stopped by the farmer who notified CA team, who then notified survey team. Then, the farmer and Survey team jointly went to the site and based on the agreement from the farmer, the site was surveyed and compensated.	Stopping the machine during land clearing is evidence of the lack of prior consent. Destroyed farm land: GPS: 493925 – 567047 Compensation done after clearing	200 USD	1181 USD 360 USD
		Local farmer	Destruction of cassava farm during land clearing.	CA team went there and could not see any crop. CA team said they changed their name to what was known previously	We could not find their name in the compensation forms. Situation unclear for TFT.		
		GVL Worker 1 (anonymous)	Continue to farm in another area of the village after work hours with GVL. Employed by GVL for 2 years. People were not aware before land clearing. Farm surveyed after land clearing. Received compensation after the clearing of his farm.	GVL regrets something has happened as described. We cannot confirm without further identification.	No verification possible because the farmer wants to remain anonymous.	250 USD	



Sowear Town		Local farmer	4 rubber farms surrounding the creek were destroyed during land clearing against their consent. Works for the company but is very upset about the way things have been done.	The farmer was present for the survey of their farm before clearing. GVL understanding is that the farmer asked the company to go ahead and clear the place.	Not able to verify without documentation of the farmer's agreement. Most of the money has been received by the farmer who seems to have kept it. The money has been shown to us as not yet spent.	500 USD	- 162 USD - 145 USD - 321 USD
		Local farmer	The farmer works as a helper in the land preparation team (bulldozer). Happy about learning the job, but not happy about their farm destruction. Raised issues about destruction of food resources and natural assets.		The farmer didn't discuss the compensation issue but highlighted that they were not happy about the way things were done and the implications for their life.	1000 USD	
		Community member	Nephew of a member of the survey team. Says that in 25% of the cases compensation is done after clearing.	GVL is reviewing all survey, compensation agreement and payment dates + land preparation dates.	Conflict with their whole family who see them as safeguarding their personal interests versus those of the village. There is not an agreed position within the community.		
	Already Planted	Local farmer	Rubber farm with pineapple has been cleared. New farm area allocated for the community.	GVL surveyed, agreed on compensation, paid and cleared certain areas in agreement with the farmer. No further areas or crops were cleared. Concerning the new land allocated, 13 families staying in Chea's Town requested it during a meeting with GVL's managers.	Destroyed farm: GPS: 492806 – 570399 Distance of Chea's Town to new farmland allocated (40 ha): 4.4 km	755 USD	-620 USD' 775 USD' 1011 USD



Chea's Town	Already Planted	Local farmer	Farm destruction (cassava, rice, plantain, pepper, etc.)	Their farm was mixed crop and they were compensated for the highest value crop before clearing which provides for higher amount. If the other low value crops had been included, compensation would have been less.	The farmer doesn't seem to be aware of and understand the compensation mechanism.	1000 USD	
	Already Planted	Local farmer	Farm destruction (cassava, plantain, etc.)	Same than above. Cassava is higher value then plantain.	No compensation by GVL for plantain.	380 USD	380 USD
	Already Planted	Local farmer	Farm destruction (cassava, pineapple, plantain, pepper, etc.)			300 USD	
	Land Clearing	Local farmer	Rubber farm destroyed without their full consent. Although they expressly asked the company to avoid their farm, they still cleared before compensating. They saw the machine destroying their farm and stopped the operator.		Destroyed farm: GPS: 489120 – 568589 The farmer's request has not been taken into consideration.	350 USD	
Plussonnie	Land Clearing	Local farmer	Destruction of rubber, cassava, and plantain during the land clearing. The crops were not yet harvested.	False information; at no point in time did GVL compensate them.	Not able to verify without document.	700 USD	



	Land Clearing	Local farmer	Rubber trees destroyed. 300USD was received for the entire farm, however they asked for 1,000USD per rubber tree	GVL entered the area with their consent and the area was cleared after compensation (rubber and cassava farm). GVL has no information that a \$1000 request would have been made	The farmer wanted compensation by tree and not by acre.		
	Land Clearing	Local farmer	They were not aware of the land clearing operation. Heard the machine when they were farming and asked the machine operator to stop clearing the land and destroying the crop. Farm with coconut, palm oil tree, sugar cane, rubber, sugar cane machine destroyed Money given for compensation unused so far until "the money is clear". Farmer doesn't want to touch it.	The site of sugar cane mill was covered by bush. The survey and compensation started during the land clearing after which additional farm land was provided. All crops were compensated for. Sometimes crops are discovered during land clearing. Sugar cane machine is being repaired.	Destroyed sugar cane farm: GPS: 489116 - 569844 Farm land destruction against their will- Creek damage. Clearance happened before surveying and without consent.	421 USD	471 USD
Grisby's Farm (165 houses)	No field operation	Community members	No damage	People are eager to meet GVL. Letter of Invitation signed by people.	People knowledge of the potential negative impacts of the operation. When the assessment team presented some potential negative impacts of the upcoming GVL's activities, the community started to think about where they would farm in the future. It seemed new to the community members. Some questions in the village about live trees and corresponding compensation were asked. Despite apparent agreement there has been a lack of discussion and information within community members.		

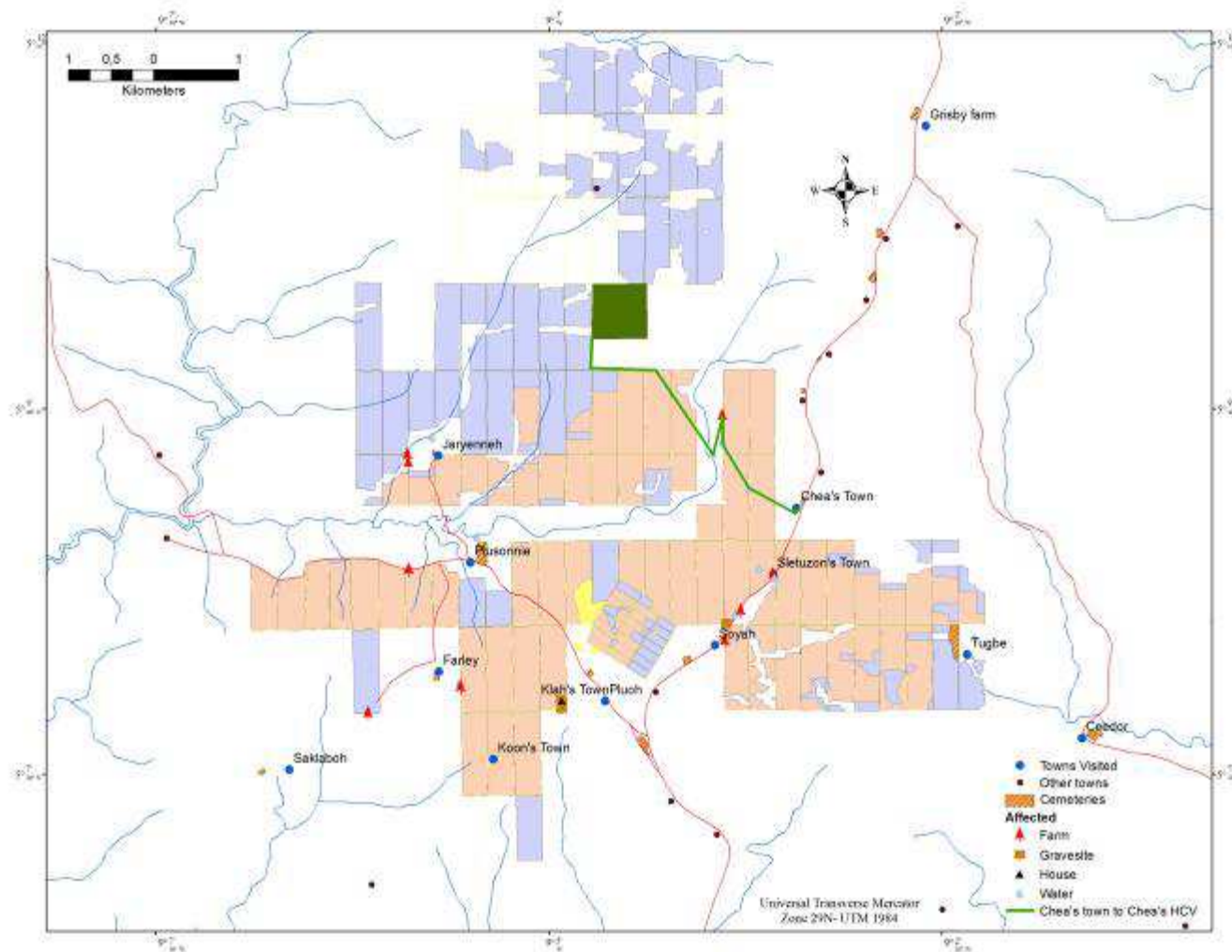


Figure 3: Map of the area visited during the assessment where clearance has happened or will happen

4.5 Issues about the compensation scheme

TFT site visits and interviews resulted in the following observations about GVL's compensation scheme:

4.5.1 The procedure

GVL reported that since inception of operations followed a compensation procedure, but TFT observed that there is no procedural document to comprehensively describe it. The procedure as described by GVL is as follows:

- Explain farm negotiation process to communities, by town (in TFT observation this is not documented)
- Participative mapping with farmers (in TFT observation and by GVL statement, it seems to be carried out by relatives of the farmer when the farmer is not present)
- Compensation for farmers at Ministry of Agriculture guidelines, witnessed by community members
- Notarised by District Commissioner

TFT did not find any documentation describing this procedure as a Standard Operating Procedure but understood from the interviews it had with the various staff members that the above process was the one that was applied for farm compensations.

4.5.2 The field survey and the involvement of affected people

The survey seems to be mostly done before clearing. However in some cases, it has been done during or after clearing. For surveys done during or after clearing, GVL tried to solve the complaint with the farmer directly.

Some people met during the assessment mentioned that they were not present during the survey of their farm. The GVL Community Affairs Team confirmed that survey are participative but that some surveys are done with a family member or someone from the community when the farmer is not available on the day that the surveyor is in the town.

4.5.3 Timing of compensation

Some community members mentioned that some compensations were made after clearing.

Senior operations management confirms that sometimes this occurs. GVL declared that even if joint survey and mapping occurs prior to development, the actual payment of the compensation can sometimes be made after clearing (about 25% of the cases). The rationale as explained by GVL was to consolidate the farmers in to large enough groups to make the process efficient and transparent. Documentation was simplified to reflect only the compensation date.

4.5.4 Content of the compensation scheme

- TFT observed that the compensation scheme implemented by the company does not compensate farmers for the loss of future income but rather for land and general crop compensation per area. In most cases, the company has not negotiated individual rates. GVL explained that the process ensures this way equity and parity between farmers.
- The compensation scheme is not in compliance with the “Price for economic crops damaged during development projects” published by the Ministry of Agriculture on August 20th, 2012. For instance:
 - For productive rubber farms destroyed, the compensation should be done by tree and not by acre. GVL management stated though that government compensation guidelines are applied but are converted to on acre basis in order to compensate not only for productive trees (as the government recommends) but also for non productive trees “which largely prevail” says GVL.
 - GVL has simplified documents which show compensation only for two main crops: rubber and cassava. No other crops are included in the template for compensation.
 - As confirmed by the GVL Community Affairs Team, “*the compensation is done for the highest value crop*”. Even if this might actually favour the farmer, it generates some misunderstandings.
- The compensation form itself presents a number of elements that could be improved to allow a better understanding by communities:
 - There is no indication of the village to which the farm belongs, only the GVL’s operational block in which the farm is located (e.g. ID –FO143). This form is good for operational teams but of little use to other people.
 - The method of calculation of the total compensation is unclear. For a given farm, the forms do not explain which calculation formula is being used.
 - The map of the farm is not understandable for non-literate individuals. It comprises the shape of the farm and GIS information, whereas for most community members, it would be easy to identify their farm by the neighbouring farm or the closest river or road.
 - To confirm that the farm owner is the one who received compensation for his farm, GVL required them to be photographed, but this was not always explained to people.
 - Finally, no copy of this form/picture is given back to the farm owner. TFT found many farmers who could not remember the amount of the compensation they received.

- Concerning the compensation process, the Ministry of Agriculture herself confirmed to the assessment team that the compensation needs to be done in the presence of an officer representing the Ministry of Agriculture.

Table 5: Main crops compensated on the forms by GVL

N°	Main crops cultivated	Compensation shown on the forms
1	Rubber	Yes
2	Cassava	Yes
3	Bread fruit/Nut	No
4	Pineapple	No
5	Oil Palm	No
6	Vegetable fruit (Pepper, okra,	No
7	Banana/ plantain	No
8	Kola	No
9	Sugar cane	No

Note: The template used by GVL only features rubber and cassava while survey teams confirm having surveyed crops of rice, pineapple, sugar cane and others.

4.5.5 The farming area left after clearing

During the assessment, some individuals from the surrounding villages (Sowear, Plussonnie, Farley, Chea's Town) complained that they will not have enough land to farm, since their area has been already cleared. This does not mean that GVL and communities have not agreed to allocate land for farming, as in many instances this has been done. However, farmers complained that the areas left for farming are not big enough/adequate. GVL explained that those allocated areas have not been farmed yet. There seem to be a misunderstanding about areas left for farmland between those communities and the company.

The negotiation process has not been documented, so it is difficult to verify what really happened and how the negotiation was carried out. There does not appear to be a clear baseline or logic for the calculation of the land area left per town/village. In general, clearer communication regarding the scheduling and the timeframe of the operation would have been useful for the communities to process the information and properly decide on their own understanding of the project's impacts on their environment.

4.6 Summary: GVL's FPIC process

The table below summaries the team's findings on Objective 2 of the ToR:

Objective 2: Review GVL's existing SOP on FPIC with the express purpose of highlighting any weakness and providing recommendations on the areas requiring improvement, if any.

Table 6: TFT Review of Objective 2 on FPIC process

FPIC element	TFT Findings
Free	<ul style="list-style-type: none"> ▪ Many community members are also GVL employees, and told us they would not speak out about GVL practices because they want to keep their job. We have no evidence of anyone losing their job because they raised a complaint to GVL, however it is clear that some people are reluctant to express their true opinion given the fact that few jobs are available as an alternative ▪ Some outreach meetings are held in the presence of government authorities (required by law), which can limit the way people express themselves and the way they challenge GVL's Community Affairs Team. ▪ The fact that the government (police) was called in (formal complaint formulated by GVL) in two occasions to investigate does not contribute to create an atmosphere that is favouring dialogue and therefore introduces a weakness in the FPIC process.
Prior	<ul style="list-style-type: none"> ▪ Operational planning The operational plan is designed and implemented while consent of communities hasn't been fully collected. ▪ Land clearance is happening in some instances before any consent is given Some farmers mentioned that they were obliged to stop the machine doing land clearing after some of their crops had already been destroyed. ▪ Not enough information was gathered from communities prior to the operation During its socio-economic study, GVL didn't gather enough information from the communities (there was limited information concerning the Old Towns such as Koons Town and Slatuzon's Town). The consideration of more social aspects in the ESIA would have enabled the company to gather enough information from the surrounding communities during the consultation process.

	<ul style="list-style-type: none"> ▪ Not enough time for discussion The time given to communities to discuss and come to an agreement voluntarily/by their own means before the land clearing starts on their land was insufficient. The timeframe of the project development over the past 24 past months illustrates that there has not been enough time given to communities to discuss before giving their consent. The Community Affairs Team is under pressure from the operational teams to secure land to clear, which leads to these unrealistic timeframes. As a consequence, GVL did not have enough direct and open communications with the communities prior to the land clearing process to enable them to better understand their rights and establish participatory mapping exercises involving the communities prior to land clearance. There was a limited number of formal discussions and meetings.
Informed	<ul style="list-style-type: none"> ▪ Information provided is insufficient The information provided by GVL to communities is not sufficient to ensure that the communities are fully aware of the implications of the oil palm development that will happen in their environment. The PowerPoint presentations that are shown to communities by the Community Affairs Team showcase an ideal picture of what development looks like in Indonesia, without describing what the negative impacts of the plantation could be. This one-sided presentation doesn't allow discussions to happen or people to be adequately informed. ▪ While it is clear to communities that they can protect their cemeteries, it is unclear to them what they can do to protect other high conservation values (especially HCV 5), for instance non timber forest products. This leads to various complaints about those issues when clearance happens. ▪ Information provided is not always understandable by communities (e.g. maps). Adapted communication support should have been developed and tested to ensure adequate communication. ▪ Discussions between communities and company are insufficient In Ceedor, where land clearing is planned in March 2013, it is clear that the outreach program did not stimulate discussions around topics like the implications that clearance of wild palm or coconut trees will have on the farmers, as many questions from the communities were raised to us during our visit. GVL relies on official hierarchical community representatives (chiefs) to represent communities when giving consent, but this does not guarantee that the whole community understood and discussed the question. In some instances like Grisby Farm, it

	<p>seems that this level of discussion has occurred, but other town meetings suggest otherwise.</p> <ul style="list-style-type: none"> ▪ Mapping is not fully participative While the surveyors try to involve the farm owner in mapping the area to be compensated, there have been some instances where the farmer is present but mapping still happens with another community member (often family relatives). The validity of the survey is then challenged by the farmer, who says he didn't want this farm to be surveyed.
Consent	<ul style="list-style-type: none"> ▪ The process of reaching consent There are documents that can prove and demonstrate that some towns have agreed for oil palm development on their land. However the process of how this agreement is reached is not documented. ▪ Compensation There is a procedure for calculating and distributing compensation but it is not comprehensively documented. Compensation is simplified - shown only for two main crops: rubber and cassava. Other crops do not appear to be taken into consideration for the compensation. ▪ Farmers compensated after clearing do not have a copy of the compensation document with the picture of the farmer. The only copy of the compensation document is kept in the GVL office. This can lead to discrepancies between the amount declared by GVL and the reported/true amount received by the farmer. ▪ There are no records of claims concerning the compensation scheme.

Important Note

While the list of problems appears long, it should be noted that the number of individuals complaining is relatively low in Butaw region. GVL assured the TFT team that “the majority of people are happy about GVL being here”, and this seems generally to be true: not a single community member told us that he did not want GVL in Butaw. Everyone unanimously recognizes the benefits of jobs, roads and learning new skills like driving machines.

However, while people welcome GVL's operations, some are concerned about “how” GVL is managing its development. Furthermore, TFT believes that the relatively low number of people affected is indicative of the low population density of the county and of the areas where planting has occurred. We expect that if/when the operation moves towards more populated areas, more complaints will arise unless GVL improves its FPIC procedures. And even in the current areas, with the rainy season coming (affecting more watercourses), there will be growing dissatisfaction and problems arising among communities

5 Why did this happen?

In light of the facts described in this report, we must ask ourselves what gave rise to those issues and analyze their root causes. This section describes the four gaps that the team have identified:

1. **Information gap:** The need to better understand the way of life of local communities.
2. **Skills gap:** GVL social skills need to be strengthened
3. **Time gap:** Enough anticipation and time must be given to the FPIC process
4. **Coordination gap:** Increased coordination is needed between environmental/social planning and operations.

5.1 Information gap: The need to better understand the way of life of local communities

5.1.1 Gaps in the ESIA and HCV assessment

When a business invests in mining or agriculture, under Liberian law it must carry out an Environmental and Social Impact Assessment (ESIA). The team read GVL's ESIA as well as the High Conservation Value (HCV) Assessment, and met with Green Consultants, the firm which developed both documents. We then cross-checked the information found in those studies with feedback from the communities and found that there are gaps in the information describing the way communities live in the area.

For example, almost all the communities abandoned what they call their "Old Towns" during the war and came back later to resettle in new villages near those Old Towns. Physically it is very difficult for a non-expert eye to distinguish an Old Town from the surrounding bush. But local people remember them: they have spent their childhood there, and often have relatives who are buried there. Important trees are still present in many cases and provide key elements of the communities' nutrition: breadfruit, kola nut, coffee, oranges etc. The TFT team did not find Old Towns mentioned in either the ESIA nor in the HCV, but the destruction of Old Towns is one element some people complained about. Given their importance to local communities, Old Towns should have been highlighted as HCV5.

Another example is the way communities use non timber forest products such as thatch, medicinal herbs and traditional plants. While they are briefly mentioned in the ESIA, there should be an assessment of how those materials are used by communities, and in what quantities. There are important questions that are not answered in the ESIA or HCV reports, such as: what are the important plants for them and where can they be found? And how is the operation going to impact those resources?

Involving a sociologist or a social science specialist in the assessments would have helped GVL to take in consideration those key elements that are part of the local culture.

5.1.2 Overestimation of the level of education and literacy of the local communities

Rural people in Liberia are often non literate. During our interview, the Minister of Agriculture pointed to the fact that many women had informed her that one of their main priorities was to learn how to read. This explains why so many night classes are now taking place in rural areas. (GVL has been running night school programs since it started in 2010). Similarly, the people in the affected communities have little to no experience reading maps. Given the importance of maps to inform the communities about the planned development plan in their area, GVL should make sure that communities actually fully understand the maps. Villagers are asked to put their names and fingerprints on a map that features colours, coordinates, town names and grids. In most cases, this is the first time that they have ever seen a map in their life. How can the company be sure that the individual fully understands the information on the map? As the TFT team circulated with a map in our hands to navigate in the region, we realized how people in the visited rural areas were in most cases totally unable to read and understand such a map. Even members of the GVL Community Affairs Teams appeared to be struggling in some instances to read the company map properly when asked to do so.

Ensuring that the maps and other consultation documents used to communicate fundamental elements of the company developments are well understood by the people who read them is key for GVL to establish a proper dialogue with the communities. In a situation where the literacy and education levels are low, it is necessary to adapt the language and the information to be able to have constructive dialogue and ensure informed consent.

5.1.3 Farming and food security

It is clear that GVL has knowledge of the slash and burn farming system that is traditionally commonly used by farmers in Sinoe County. However, there are diverging views about the farming patterns of the region: how often do the farmers come back on already cultivated areas? How do farmers allocate the community land between them? How do they make sure they are not infringing on someone else's farm? These elements are important to understand and to document prior to starting the work because they will influence:

- The area that is necessary for farmers to carry on their activity;
- The nature of the mitigation measures that are needed to balance the impacts of the sudden reduction of slash and burn farmland;
- How land can be shared without conflicts among community members when the company and the communities agree to set aside areas for farming in a given town.

There is also little information about the nutritional baseline (calories available per individual / day) and the origin of those calories prior to the start of the project. In order to prevent any food security issues – and because the palm plantation will significantly affect farmland - it is

important to have information about this specific topic prior to launching the project and monitor that information closely as the project evolves. This information doesn't exist.

Finally, as new workers will also be moving into Sinoe as GVL employs more, people, there will be an impact on the overall demand for food in the area. The company provides 25kg of rice per worker, which is a mitigation measure that can prevent food crises, but further understanding of the nutritional habits and close monitoring of the evolution of food prices is required to ensure that the right measures are taken to ensure food security in the long term.

5.2 Skills gap: GVL social skills need to be strengthened

5.2.1 No previous experience of FPIC implementation

The current Social team hasn't had previous experience in carrying out FPIC processes. While the team has overall communication and leadership skills, it is not familiar with ensuring best practice in Free Prior and Informed Consent, which involves as much listening as talking.

This inexperience and the fact that the team didn't receive the appropriate training is an important reason in the difficulties that are being observed in implementing a robust FPIC process.

5.2.2 Lack of procedures

The existing documents illustrate that the current process covers four phases:

- Socialization of the project to communities during a general meeting. Attendance sheets and pictures are created as documentation
- Outreach meetings that are carried out with community members, who then sign a letter to formalize the invitation for GVL to come.
- Visits from the GIS team (often together with the Community Affairs Officers) to survey the farms that are declared by the farmers. Maps of the surveyed farms are produced.
- Farmer receives compensation for the surveyed farm. A compensation agreement is signed and a picture of the farmer with the money in its hand is taken to prove how much money he received.

However, there is currently no written procedure to describe how the FPIC process should be carried out. The lack of written procedures is leaving to the interpretation of each surveyor the responsibility of carrying out the activities on the ground. For example, there is no internal document that indicates that the farmer should be present when the survey is carried out to ensure his or her full participation. As a result, complaints are raised by farmers who say they were not present when the surveyor came to the village and that someone else from the community guided the surveyor.

GVL's focus and rigor are put on obtaining and documenting the compensation, but there is little emphasis and rigor put on how the process of obtaining the consent.

5.2.3 Absence of Terms of Reference

There are no written terms of reference for the Community Affairs Team members. They told us that “we go out to convince the communities”, indicating that the way they understand their role is not in line with the one they should play in a FPIC process, which should be to listen and ensure communities are giving their free consent and are allowed to say “no”.

5.2.4 Difficulties with managing direct conflicts

Most of the conflict with communities are handled by the senior management, who has to spend time dealing directly with individuals. It is the Community Affairs team who should be the team in charge of directly dialoguing and progressing towards conflict resolution.

5.3 Time gap: Enough anticipation and time must be given to the FPIC process

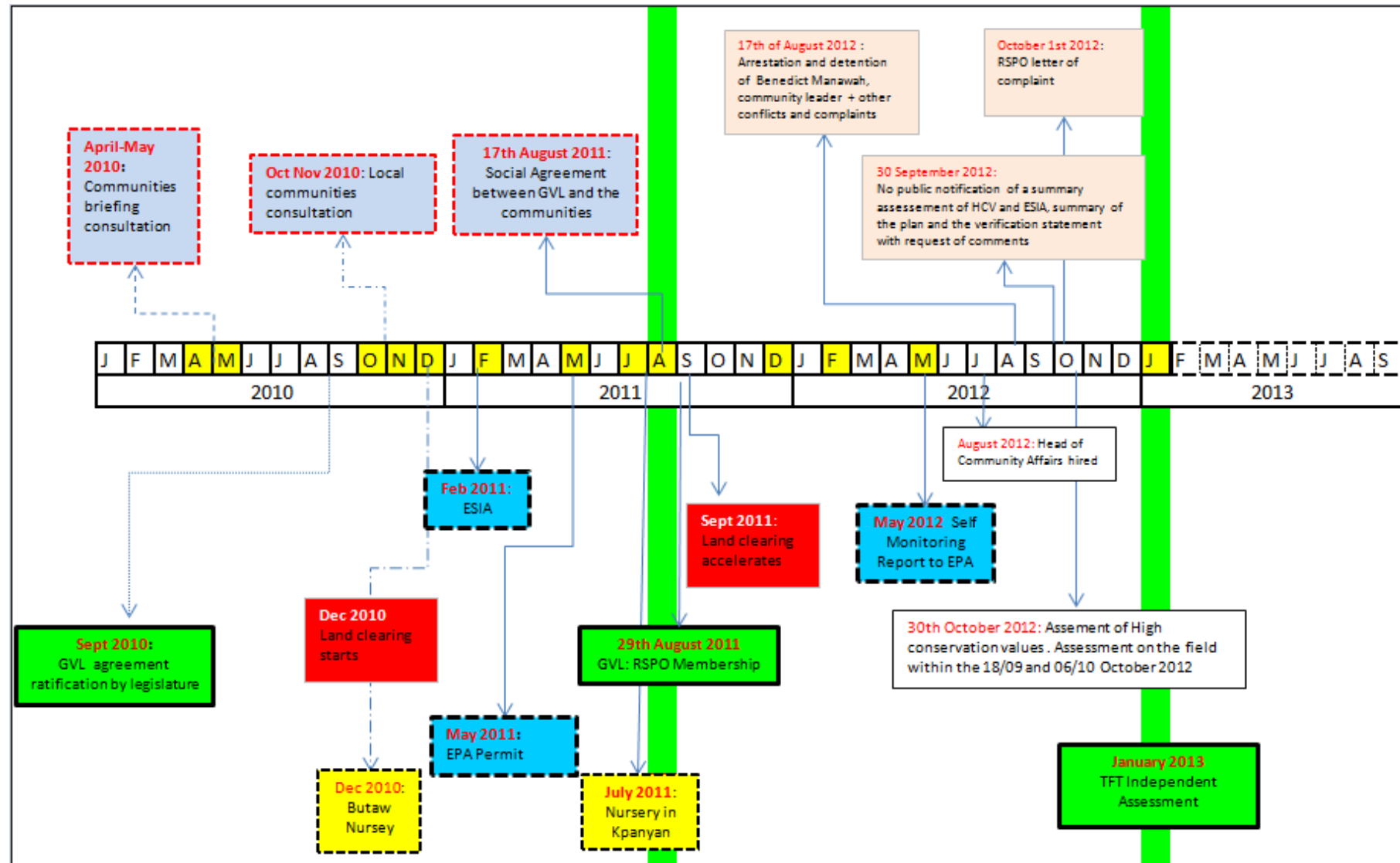
5.3.1 History

Figure 1 below outlines GVL's timeline and key historical events in the company's development. It shows:

- GVL had held numerous outreach meetings, starting from May 2010 for Sinoe overall and September 2010 for Butaw communities.
- Land clearing started around 20 days after the social agreement was signed between community representatives and GVL, which limited the time available for community leaders to share the agreement within each community.
- The land around 16 towns was then cleared during the following 24 months (through December, 2012). We understand that the operation and the farm survey process progressed sequentially from town to town, leaving on average one month for each town to approve the project and conduct all the survey exercises. We could not get the exact dates at which land clearing occurred for each town, so this is an estimate. However, testimonials from both communities and the Community Affairs Team do support this assessment. One month between the outreach visits from the Community Affairs team and the land clearance is a very short time and hardly adequate to ensure informed consent.
- The Head of Community Affairs only joined in July 2012, which means the team carrying out FPIC (has prior to this recruitment) relied on the general manager and junior staff members. It is therefore only during the last six months of 2012 that the social team was supported by a dedicated manager to carry out the FPIC process.



- Finally, while the Liberia EPA required ESIA/HCV assessment was initially completed in February 2011, the RSPO assessor-approved revalidation of the HCV assessment was only completed in October 30th 2012. It is likely that some of the recommendations included therein could not have been taken into consideration for land clearings which had already taken place.



5.3.2 Analysis

The sequence of events clearly shows that the company is moving forward at a pace that did not allow the adequate incorporation of key elements of the HCV assessment or of Free, Prior, and Informed Consent. As the Community Affairs Team was being strengthened in August of 2012, clearing had already happened and the machines were moving to new areas. The Team was thus left with complaints and issues arising in areas that had already been cleared as well as the need to gain consent for new areas scheduled to be cleared, creating considerable pressure on the Team.

Even when events occur in their proper sequence, the time needed to digest the information from the HCV assessment, to share the HCV information with communities, to better understand communities' needs and dialogue, and to adapt to the traditional decision making process in each village is not being allocated. In the FPIC process *proper planning and time allocation* is crucial to:

- Internally structure a team that can cope with the complexity required during the implementation of a FPIC process;
- Understand the way rural communities live;
- Let communities absorb the information that is received from the company;
- Let communities make their choices and decide without time pressure;
- Demarcate the land in a participative way; and
- Formalize the agreement.

5.4 Coordination gap: Increased coordination is needed between the social/environmental planning departments and the operations

5.4.1 Operations first, environmental planning later

Ordinarily, before clearing the land, the environmental department should identify and demarcate riparian areas, HCV areas, and slopes, and incorporate that information into the operational map. While it has been done in the field for some aspects (cemeteries and some buffer zones) and on paper in the EMS, this sequence of events does not seem to be systematically occurring in that order. As an example, buffer zones around rivers, taking into account natural curves and bends are not effectively maintained everywhere: Figure 3 (page 33) above illustrates this. The map shows some efforts at protection, for instance the existence of uneven areas that have not been developed along the river, but given its uneven size and width, they have likely been protected by the machine operator on the spot as clearance was progressing.

It appears that in Kpanyan, proper buffer zones have been already planned on the map according to the river course; hence this would indicate that environmental planning may be

dictating operational plans going forward. There remains conflicting evidence, however, as to whether environmental planning drives operations, or the opposite.

Overall if we read the Environmental Management Plan, it says exactly how buffer zones will be managed. It highlights that the intention is to maintain the buffers but that there is a strong need to better coordinate the environmental department with the operations in order to ensure that plans are being implemented.

5.4.2 The “square block” syndrome

As is typically done in palm oil plantations in Asia, the GVL operational team has developed a grid defining blocks of plantation area. These blocks are bordered and interconnected by roads on each side to facilitate the harvesting and transportation of fresh fruit bunches. At GVL, each block is designed to be 300 meters width by 1000 meters long.

We call the desire to systematically make square blocks that we observed in GVL the “square block” syndrome. The example found in Jayrenneh town is particularly illustrative of it. We visited one area where riparian areas and farms were destroyed, two bridges were built, and a river diverted, all in order to make square blocks.

GVL explained to TFT the operational advantages of designing square blocks and insisted on the fact that in most cases, the square block would include the land demarcated by the farmer of the community to be conserved as HCV or farmland. We understand that it may be the case but we also understand that it creates a plan that doesn't welcome mosaic / isolated farmlands or areas that would go outside the initially allocated block(s).

For us it illustrates the general trend of the way the information circulates between the departments within the company: from operations to environment/social. If the information flow was going the other way (as it should be with environmental and social departments informing the operations in advance), the social team would have demarcated the area together with communities in advance and created a map of the farmland and conservation areas to be conserved that would certainly not be linear. Then square blocks can eventually be allocated. But looking at the map below (Figure 4) which is a forecast of future areas to be allocated/set aside to towns where FPIC process has not yet happened we mostly read square blocks that have been designed in advance.

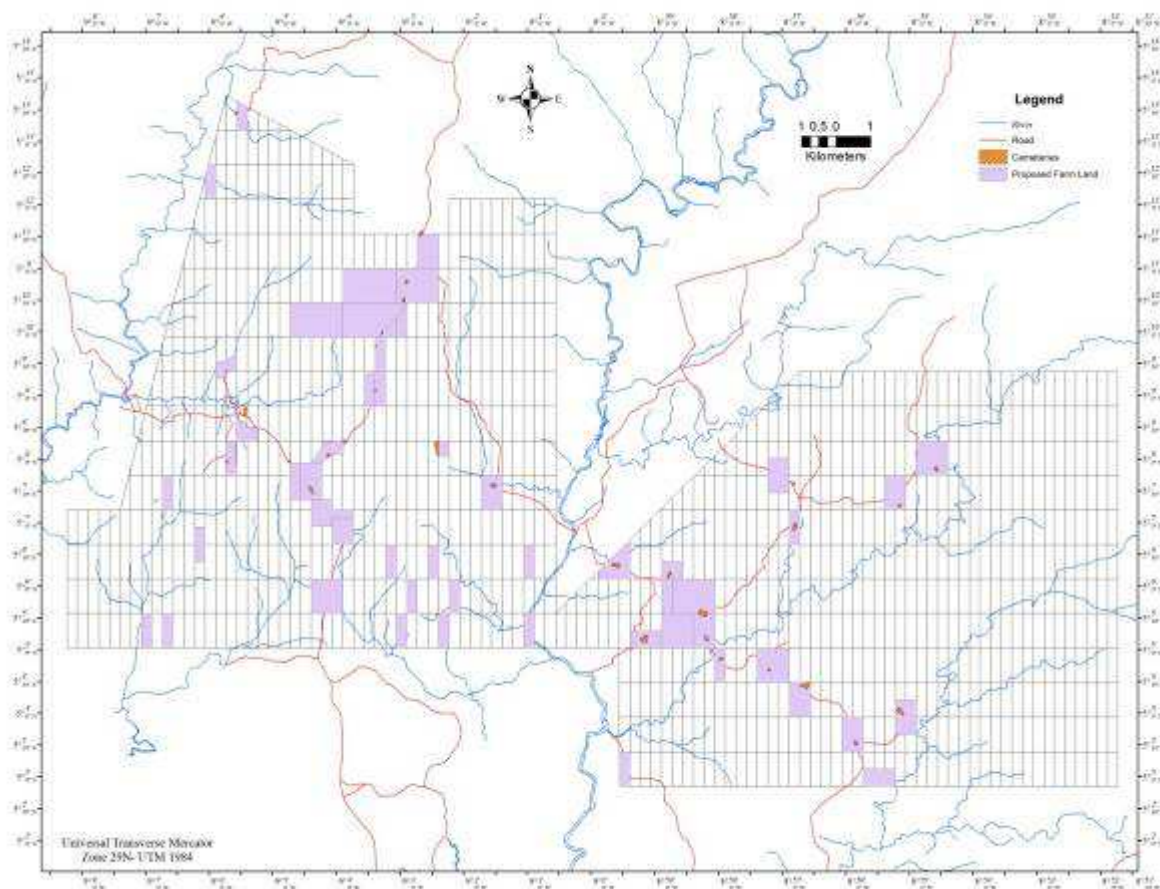


Figure 4 : Planned set aside land for communities

5.4.3 Limited internal feedback loop

As environmental and social issues arise, complaints are dealt with in an isolated way by each department. Both social and environmental issues are seen as “normal collateral damages” of such an operation. While it is true that any operation will have the inevitable collateral damage, it is important to have a system to minimise them. In GVL, because the environmental and social departments are not coordinating enough with the operational department, there is no feedback loop that could turn the issues and complaints that arise into lessons for the company to improve its overall processes.

It also appears that the GVL operational team has not been made aware (from management through to operators) of the implications of GVL’s commitment to RSPO. Each team member has his or her own individual perception of what should be done to respect environment and respect of social conservation values, but there does not appear to be a shared company value system that ensures that RSPO principles are adopted in a consistent way throughout the operation.

6 Recommendations: How to move forward

Generally speaking the recommendations will aim to bridge the four major gaps that have been identified through our analysis:

- **Information gap**
- **Skills gap**
- **Time gap**
- **Coordination gap**

Recommendation 1: Address, on a case-by-case basis, every complaint that is linked to drinkable water and damages to grave sites

Dealing with the water issue is a priority because it is directly linked to people's health. While some of the cases have already been addressed, the report highlighted that some communities are still without drinking water (see the table of the various cases presented in part 3 of this report). As GVL's operations are the direct cause of the problem, an appropriate mitigation solution needs to be implemented in priority. In most cases it will be the construction of a well.

Another major concern is the damage that has been done to the 4 gravesites. An appropriate solution needs to be found for each case. GVL should ask each affected community/family to propose appropriate measures to be taken, for instance an appropriate ceremony to celebrate that the material damage has been repaired. These should be addressed in priority as a sign of respect towards the affected families.

Recommendation 2: Seek immediate support for the existing social team

The current social team needs immediate support to conduct further dialogue with communities on the ground. GVL should therefore seek the help of external specialists to temporarily receive advice and support on community engagement. This recommendation is about immediate next steps to be undertaken by the social team. Long term recommendations are formulated below.

Recommendation 3: Mitigate the impacts on watercourses

The rainy season will start in Liberia at the end of March / beginning of April. If current damages to rivers are not immediately addressed, it is likely that water concerns will intensify and the rivers' full functionality will be seriously affected. Moreover, it is likely that the fish population, which is an important source of protein for the population, will be considerably affected.

The environmental department should identify key areas of intervention and recommend to the operational department the appropriate mitigation measures. Training and monitoring of the operational team on how to handle these mitigation measures in the field are also needed.

Recommendation 4: Company and communities to review the past land acquisition process (in each town) and find an agreement about how to go forward

Communities have the right to give or withhold their FPIC in relation to proposed developments that will impact on community lands. Communities must also be treated as legitimate owners of their customary lands and natural resources, whether or not these have already been acquired, cleared and/or planted by GVL. Because GVL's FPIC process wasn't robust enough, GVL and communities will need to review where those communities' customary lands are, and discuss whether (or not) the oil palm plantation can go ahead on that land, and if so, under what conditions."

Recommendation 5: Enhance the ESIA / HCV studies

As highlighted in this report, ESIA and HCV studies should be enhanced to further understand and document the way of life of local communities in order to best anticipate and manage the impact on people, specifically the importance of "Old Towns", farming habits, nutritional patterns, and non-timber forest products.

Such studies should be carried out in a participative manner with communities and should include specialist skills in rural social sciences. As they are being produced, the results should be fed into the environmental and social management plan in order to have them implemented by the social team.

Recommendation 6: Strengthen the capacity of the social/community outreach team

In order to enhance and implement a robust FPIC process, GVL should seek skilled professionals who have experience implementing FPIC on the ground, preferably in an African context, and can hit the ground running.

Recommendation 7 : Update communities about the social agreement that was signed in 2010

GVL should update communities about progress and deliverables related to the social agreement. According to discussions with communities GVL should also look at whether there is a need to update/adapt the content of the social agreement to the evolving needs of the communities.

Recommendation 8: Empower the environmental/social team and enhance the functional link between the environmental/social department and the operational department

We recommend GVL senior management to implement the mechanisms that are needed to ensure an efficient way for the environmental and social team to feed their findings and recommendations into the operational departments and to make sure that operations are carried out as planned. (Need to implement a robust environmental and social monitoring system).

Recommendation 9: Review the land and crops compensation system

The compensation structure previously implemented by GVL is not fully adapted to the mixed cropping system and communities do not understand how live trees are being taken in account. We recommend undertaking a review of the land and crop compensation system.

This review is twofold:

- Preliminary meetings before land survey, onsite methods of survey (what is surveyed and with which local community members (owner, witness, etc.)), local authorities to involve (e.g. Department of Agriculture); and
- Documentation related to compensation: compensation form (formulation, maps, crops compensated, rate of compensation, calculation methods, photographs or not? etc.)

Recommendation 10: Review and improve all SOPs relating to FPIC

The team recruited under Recommendation 4 must review and improve all GVL SOPs relating to FPIC. These include the initial engagement process, conducting land survey, the compensation process, documentation, conflict resolution, complaints procedure, records etc. It also will be important to specify the government's role in the FPIC process.

Recommendation 11: Train the operational team on the ground further on the environmental requirements and raise awareness among other departments about the environmental and social commitments / requirements made by GVL.

Recommendation 12: Build long-term capacity within communities to interact effectively and as directly as possible with GVL.

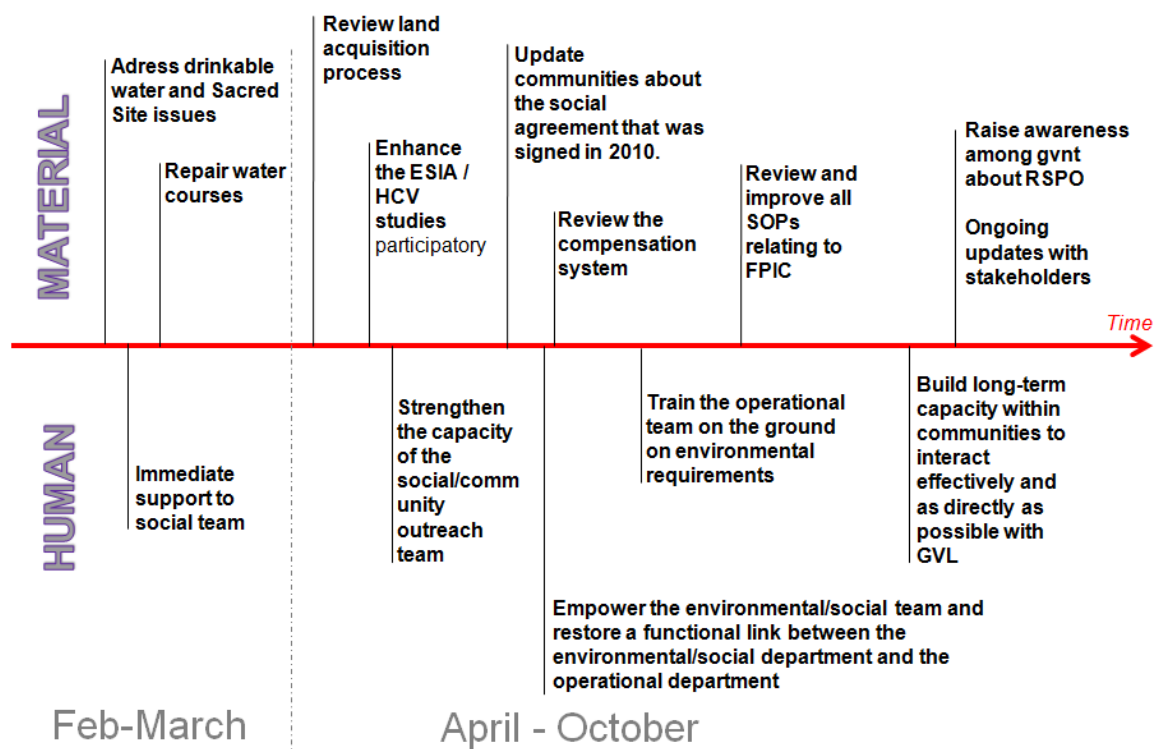
It is vital for GVL to help communities be organized and be able to conduct constructive dialogue with the company that can lead to mutual agreement. The dialogue between the communities and the company needs to be as direct as possible.

Recommendation 13: Raise awareness of government authorities regarding RSPO requirements in order to improve their understanding on what are the RSPO requirements and what they imply in the Liberian context.

Recommendation 14: Set up a communication system on the field and have ongoing update with stakeholders (Government of Liberia, communities, NGO, RSPO, etc.)

This can be done through a strong documented monitoring system covering the entire GVL activities.

A suggested timeline for implementing the recommendations is presented below.



7 Looking forward

The Independent Assessment has looked back at what has happened in the past. The findings are cause for concern and need to be addressed. The recommendations are structured to ensure better application of FPIC processes in the future.

The overall message coming from the communities is that they do want GVL to be present in Liberia and particularly in Butaw and Kpayan. Everyone wants development and appreciates the fact that there are jobs, roads and signs of coming development. But people want to input in the discussion with GVL to agree together on how the development happens.

TFT believes that GVL has a huge opportunity to “get it right” in Liberia and to establish itself as the model oil palm plantation company for development in Africa, or anywhere else for that matter. There are concerns around the approach taken to date in GVL, yet there appears to be recognition that practices need to change and improve; indeed actions on the ground show that change is happening. It is critical that this change is not cosmetic but rather that it runs deeply in the company’s mindset and the company’s approach to all operations. FPIC is not a box to tick but rather an on-going process, and it must be predicated on a deep respect for the communities with which the company interacts. With good FPIC processes, communities will reciprocate with respect, which will open up many opportunities for plantation development in Liberia and elsewhere.

It is true that the number of seriously affected individuals has not yet been high, however our findings indicate that it could quickly increase as the operation progresses. We recommend that GVL dedicates its energy to implement the proposed recommendations as quickly as possible, as this will help the company to build solid dialogue with local communities and a strong business in Liberia.

Everything is possible if a good, open, humble, trust-based dialogue can be developed and maintained. TFT believes that all parties can come to the table in that spirit if the recommendations contained in this report are considered and followed up.

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Annex 1: Mission Planning













Accompanist	Location	Activities
January 10, 2013		
None	Paris	Meeting with FPP, GVL directors, GAR
January 12, 2013		
None	Monrovia	Meeting with Alfred Lahai Gbabei Brownell of Green Advocates International
None	Monrovia	Meeting with <ul style="list-style-type: none"> ▪ Robert L Nyahn, Forest and Human Right Responsible of SAMFU ▪ Silas Kpanan'Ayoung Siakor, Sustainable Development Institute ▪ Korsohn Silikpoh, Social Entrepreneurs for Sustainable Development.
January 13, 2013		
None	Monrovia	Departure from Monrovia to Butaw
None	Butaw	Arrival in Butaw District Briefing meeting with GVL.
None	Butaw	Meeting with GVL management in Butaw
None	Butaw	Meeting with Social team
January 14, 2013		
None	Greenville	Meeting with Superintendent
None	Butaw	Meeting with Sinoe Forest Forum (cf. attendance list)
None	Butaw	Meeting with Mr Rollin Blaise Sila UN Civil Affairs officer
GA	Pluoh	Meeting with community representatives Green Advocats and Butaw Concerned Citizen Committee (BCCC)
January 15, 2013		
None	Butaw	Working session with Mr. Wlemus, Community Relations an Legal Affairs and Mr. Molubah, Specialist Biodiversity and HCVF
GA	Butaw	Field visit in Klah's town
GA	Butaw	Field visit in Saklaboh
GA	Butaw	Field visit in Farley
GA	Butaw	Field visit in Toe
GA	Butaw	Field visit in Tugbeh's town
GA	Butaw	Field visit in Soweah
January 16, 2013		
GA	Butaw	Field visit in Sletuzon's town
GA	Butaw	Field visit in chea's town
GA	Butaw	Field visit in Pluoh
GA	Butaw	Field visit in Plussonnie

GA	Butaw	Field visit in Jaryanneh's town
January 17, 2013		
None	Butaw	Meeting with the Operations HR manager
None	Butaw	Meeting with the Communities relations affairs Manager
None	Butaw	Meeting with Worker's Union.
None	Butaw	Meeting with Sinoe County Forest Forum.
GVL	Butaw	Field visit in Grisgby's Farm
GVL	Butaw	Field visit in Ceador
January 18, 2013		
None	Butaw	Meeting with GVL employees
None	Butaw	Meeting with Environmental Monitoring and Management Department
GVL	Butaw	Field visit in Koon's town with a GVL employee to present evidence on a desecrated gravesite
January 19, 2013		
GVL	Butaw	Presentation and discussions about the first key findings for Butaw District to GVL top managers
January 21, 2013		
GVL	Kpanyan	Viisit in Kpanyan Office and meeting with the local team
GVL	Kpanyan	Meeting with Mr Pascal Keigbeh, President of the Nemopoh Citizen Welfare Committee
GVL	Kpanyan	Field visit in Johnnie's Town
GVL	Kpanyan	Field visit in Deedo's town
January 22, 2013		
GVL	Kpanyan	Field visit in Otis village
GVL	Kpanyan	Field visit in Wlowoken
January 23, 2013		
None	Greenville	Meeting with Sinoe Superintendant
None	Greenville	Meeting with Mr Rollin Blaise Sila, UN Civil Affairs Officer, Sinoe Human and Natural Resources Rights movement, Natural Institute for Public Opinion
January 24, 2013		
None	Monrovia	Flight from Greenville to Monrovia
None	Monrovia	Meeting with Senators for Sinoe and Grand Kru (Mr Peter Sonpon Coleman and Mr Joseph Nyenetue Nagbe) and three Honourable Representatives (Mr George Wesseh Blamoh, Mr Jeremiah W. N. McCauley and Mr Matthew G. Zarzar)

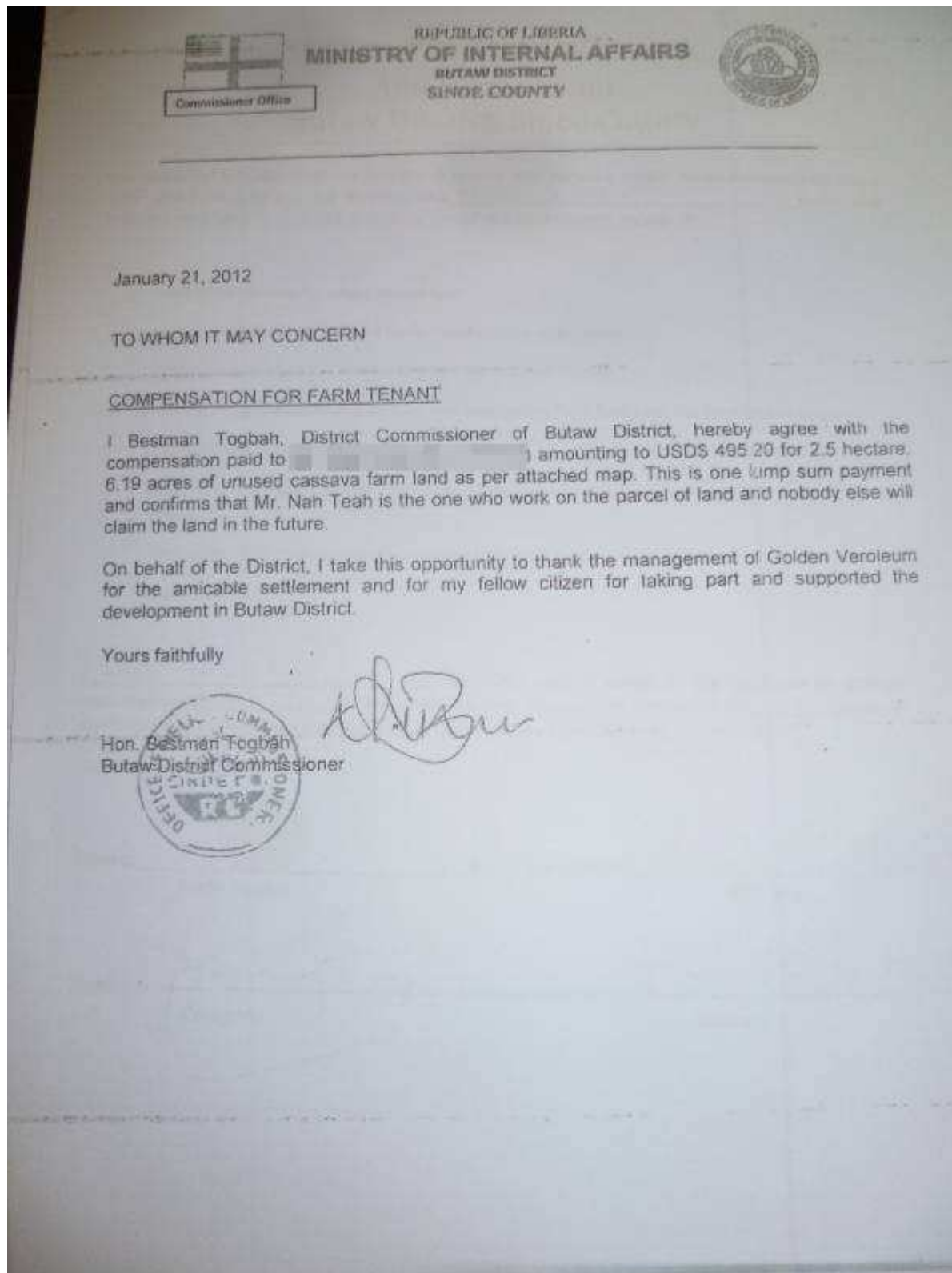
None	Monrovia	Meeting with GVL's top Directors Meeting with GVL's VP in charge of Public Relations with national Administration
January 25, 2013		
None	Monrovia	Meeting with Her Excellency Florence A. Chenoweth, Minister of Agriculture
None	Monrovia	Meeting with Green Consultants
January 28, 2013		
None	Monrovia	Meeting with GVL employee
None	Monrovia	Meeting with GVL employee
None	Monrovia	Meeting with GVL employee
January 29, 2013		
None	Monrovia	Meeting with Ms Freida M'Cormack and Mr Richelieu Wollor, UN Civil Affairs officers

Annex 2: List of complainants to RSPO

Golden Veroleum Affected Communities in Sinoe County
 Committee name A-BLOTEH (Butaw, Du-Wolee/Nyannue Township and Nimopoh, Kpanyan Districts)
 Sinoe County
 Republic of Liberia

NAME	Township/Location	Position	Contact Numbers	Signature
1. C. KOPA SEBEH	Du-WOLEE & NYANNUE TOWNSHIP - Kpanyan	CHAIRMAN	0776008753	
2. Abel B. Doe, Sr.	✓ ✓	SECRETARY	0886-647731	
3. Cecelia Sebeh	Du/Wolee ✓	Member	-	C. S.
4. Ebiyeh Teah	KOBAYAN	Member	-	S. Tj
5. Stephen B. Briaume	Du-wolee Nyannue	Member	0880664452	
6. Roosevelt K. Deedo	Nimopoh County, Du	Advisor	0886266848	
7. NATHAN CLARKE	Du-Wolee Nyannue	Financial Secretary	077048794	
8. Mark N. Patten	Town. Butaw Dist	Member	0880816970	
9. Sora M. Kansauro	Nimopoh County	Member	0886 284188	
10. RUDOLPH TEAH	CHEA TOWN Butaw	Member	0830651396	
11. SOVEN TEAH	SOWEAT Butaw	Treasurer		
12. Twiah Taplah	Du-wolee Nyannue	Chaplain	0880546616	
13. C. Teah	Sanklitch, Butaw	Co. Chairman	0886636908	
14. Henry Tarjannah	Jakpenchitan	member		

Annex 3: GVL's current compensation forms



Agreement Between Golden Veroleum (Liberia) Inc. And Farm Tenant Butaw District, Sinoe County

This Agreement is hereby made this 21th day of _____ 2013 between Golden Veroleum(Liberia) Inc, herein after called the company, and Mr./Mrs./Miss _____ herein after called the Farm tenant, whereby it is mutually agreed on a compensation package of;

- USD 50.00 Per Acre for empty cleared land
- Additional USD 30. 00 Per Acre for farmland planted with Cassava
- Additional USD 40.00 Per Acre for farmland planted with Rubber.

Upon receipt of the compensation and handing over possession of said farm land, the farm tenant agrees:-

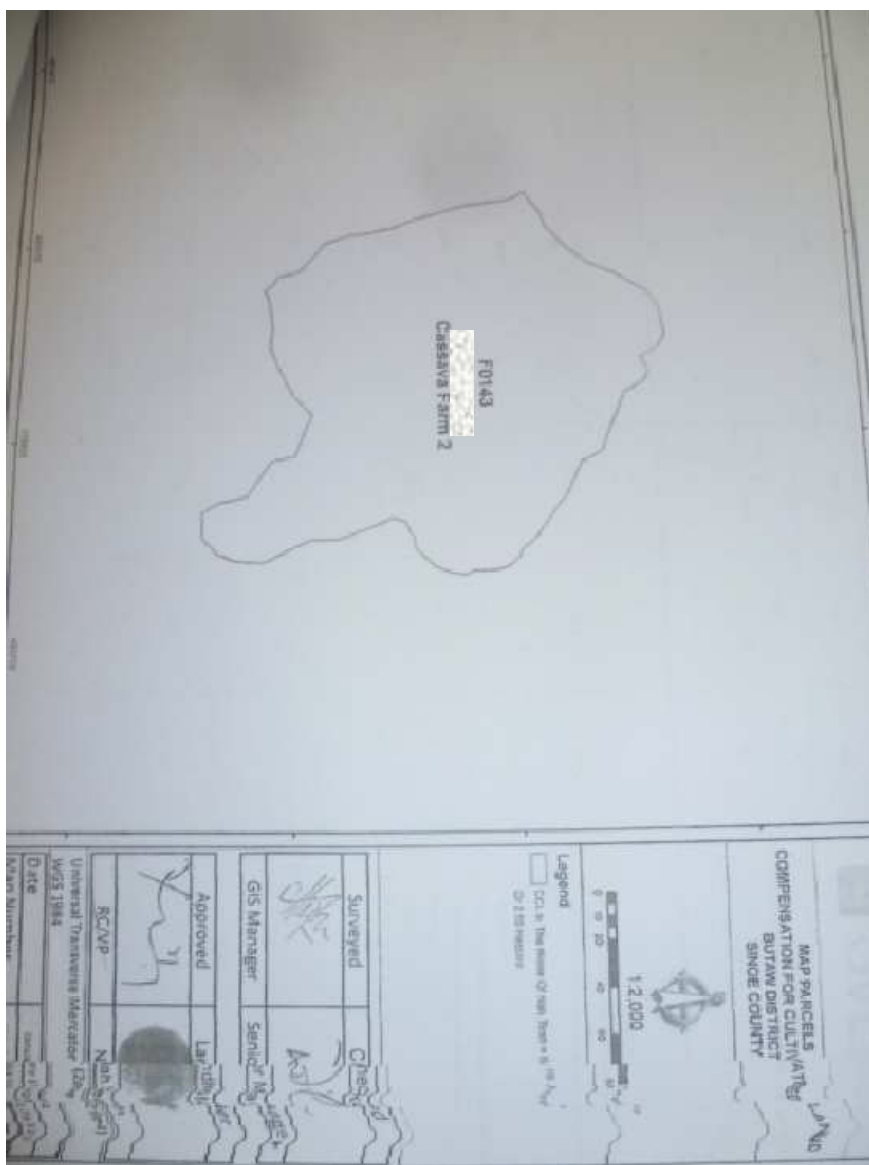
- to forfeit all rights to the said farmland of size 6.14 acres, as detailed in the attached Map.
- That he is not entitled to any further claims for compensation or rights to the said farmland in the future.
- not to interfere in any way on the company plans for future oil palm plantation development on the said farmland.

I, _____, do hereby confirm receipt of the compensation package amounting to USD 415.30 in view of handing over possession of farmland of size 6.14 acres, as detailed in the attached Map and further agree not to make any future claims on the said land.

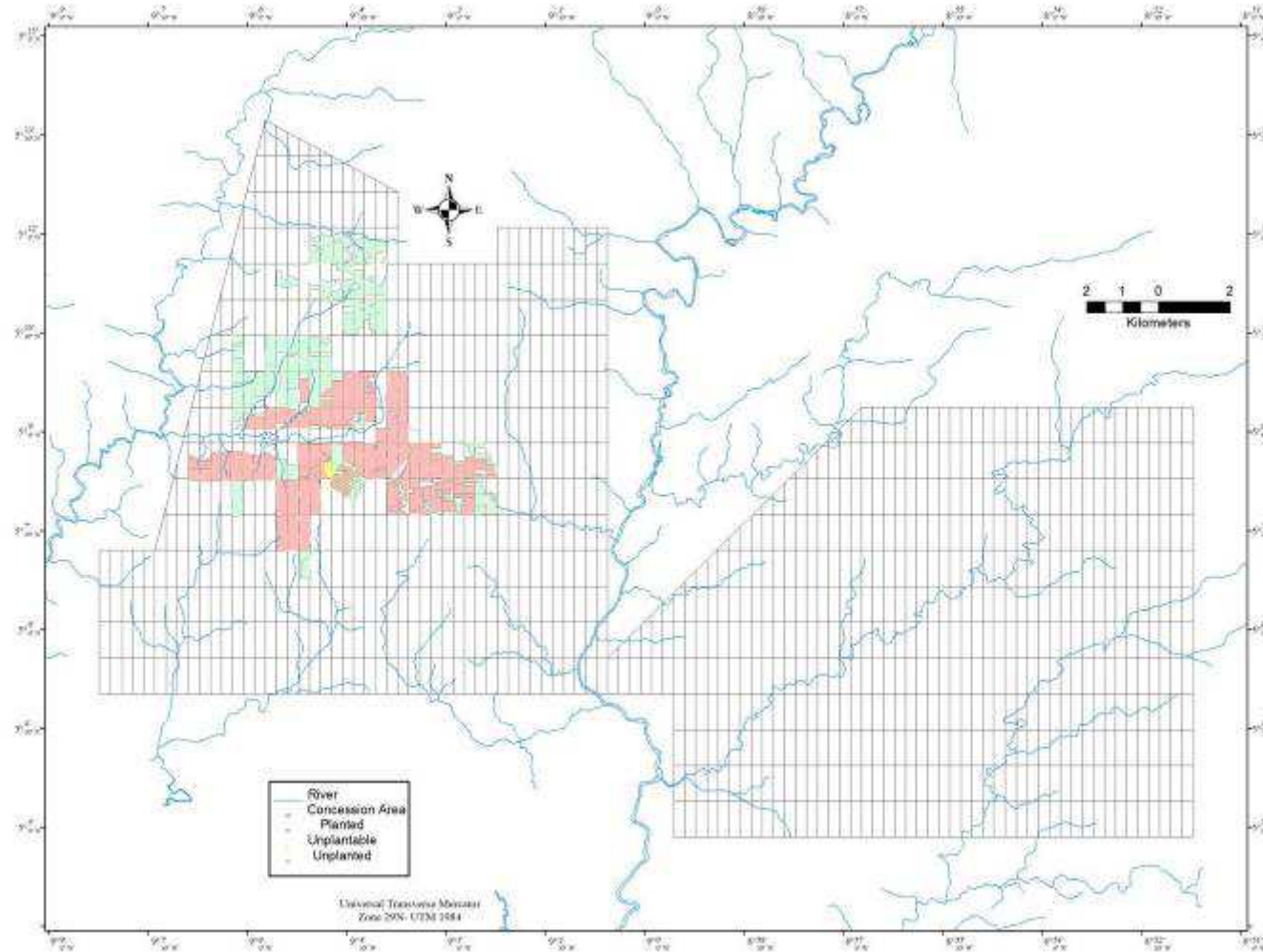
Hereby agreed and signed:

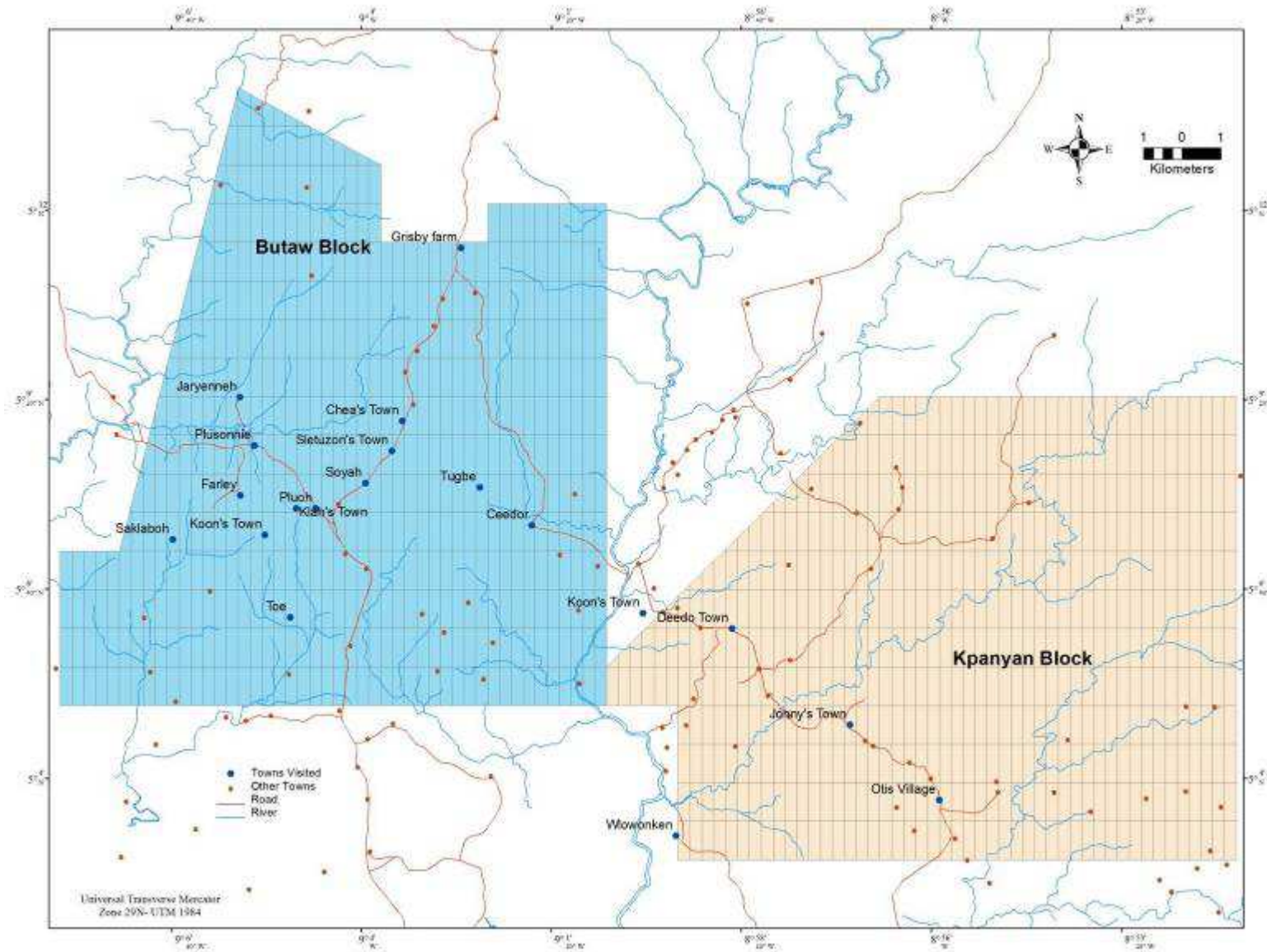
Signed: _____ in the presence of _____
Farm Tenant Witness:

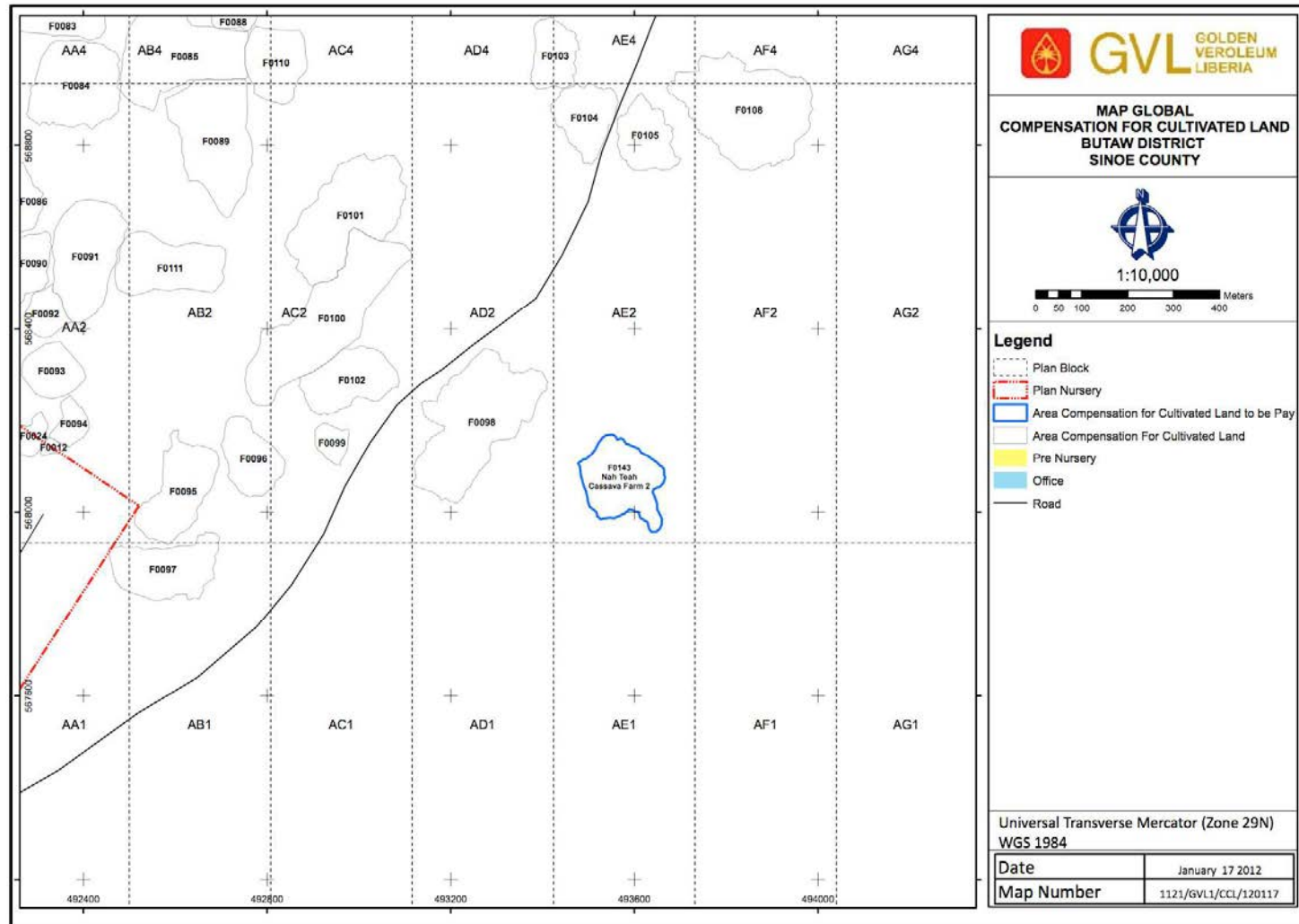
Signed: _____ in the presence of _____
Company Witness



Annex 4: Useful maps







Annex 5: List of verifiers

Verifier #1	Evidence of a social survey to identify local communities that live in or near areas of proposed concession / plantings
	Social survey information is presented in the ESIA report but there are gaps in the social data that is available.
Verifier #2	Land tenure study or survey showing the company has sought to understand local systems of land ownership (especially where lands are mainly held by custom or under informal tenures and not through statutory land titling)
	The complementary ESIA deals with the land tenure, but very superficially (e.g key issues such as the financial aspects of land transfer are not treated).
Verifier #3	Minutes or reports of meetings with local communities to identify which institutions they are choosing to represent themselves
	There has not been any meeting to deal with that matter. GVL has relied on the village chiefs for community representation.
Verifier #4	Evidence or letter of agreement showing company has accepted the self-chosen representatives as representing the communities
	There is no letter that formally signifies the acceptance of self chosen representatives. On agreements can be found townchiefs/chairman, youth and women representatives.
Verifier #5	Participatory maps showing the extent of customary lands
	An overall comprehensive map has not been developed. GVL has maps showing HCV areas, sacred areas, individual farmers plots when they have been surveyed.
Verifier #6	Survey lists of land owners, based on both customary rights mapping and land cadastres
	There exists lists of farmland owners, especially when the area is considered by the company for their operations. But there is no comprehensive listing of land title owners (lack of registry in Liberia).
Verifier #7	Participatory ESIA's
	The ESIA does exist, but it was not fully participatory. The final consultations lasted 1 day which is not sufficient to gather feedback from communities
Verifier #8	Participatory High Conservation Value Assessment
	The HCV Assessment exists, but it was not fully participatory. Moreover, it does not consider key issues such as old towns (HCV6) or thatch collection (HCV5).
Verifier #9	Evidence (letters etc.) showing that communities were provided participatory maps, SEIAs and HCV assessments in a timely fashion prior to negotiations
	There are pictures or meetings where communities are looking at material like maps but those were not participatory, their understanding by communities was limited and there wasn't enough time given prior to negotiation.
Verifier	Evidence that neighbouring communities (not those directly involved) have endorsed

<p>#10</p>	<p>boundaries of land claims of affected groups</p> <p>Development maps have been shared but there is no evidence that the boundaries of the various land claims have been formally endorsed and documented. The latent conflict between Nemopoh and Nyannue clans in Kpanyan will be an opportunity for GVL's to pay attention on neighboring community issues.</p>
<p>Verifier #11</p>	<p>Evidence that the affected communities have endorsed the maps and the findings of the SEIA and HCV assessments</p> <p>No documentary evidence.</p>
<p>Verifier #12</p>	<p>Evidence (eg signed agreement, letter of intent or Memorandum of Understanding) that the self-chosen representatives have agreed a process for FPIC-based negotiation</p> <p>There is a signed social agreement but it does not provide evidence that the communities have agreed for FPIC based negotiation.</p>
<p>Verifier #13</p>	<p>Drafts of negotiated texts showing there has been iterative engagement with the communities involved</p> <p>Reports of meetings between GVL and local populations are available but drafts of agreements are not available.</p>
<p>Verifier #14</p>	<p>Signed agreement of acceptance by self-chosen representatives of negotiated outcome.</p> <p>There is a social agreement signed by the representatives of the communities. The question is are they self chosen representatives?</p>
<p>Verifier #15</p>	<p>Documents showing lists of rights-holders who are entitled to compensation or other agreed benefits and payments</p> <p>GVL has records of the land and crop compensations that have been paid.</p>
<p>Verifier #16</p>	<p>Evidence that agreed compensation, payments and benefits have been made to these rights-holder</p> <p>The compensation forms are the evidence of compensation, payment and benefits but it doesn't prove that it has been mutually agreed. Payments were fixed in advance, partly on the base of the law, but mostly by internal decision. (see paragraph about compensation in the report)</p>
<p>Verifier #17</p>	<p>Evidence of that benefit sharing payments are being made and/ or other elements in signed agreement</p> <p>The payment of the compensation money is proven by a picture of the farmer with the money in his hand.</p>
<p>Verifier #18</p>	<p>Documents showing company has legal rights to operate in the area</p> <p>The concession agreement and the Environmental Protection Agency permit are available. Compensation records are also a proof of legal operation.</p>
<p>Verifier #19</p>	<p>Standard Operating Procedures and/ or other documents which show that the company has a mechanism to address and resolve disputes</p> <p>Conflicts are currently dealt by meetings with the management. There is no clear mechanism (SOP) to solve conflicts.</p>

Verifier #20	Signed agreement or other proof that communities accept the conflict resolution mechanism
	No conflict resolution mechanism accepted by communities.

Annex 6: Documented cases per community

Illustration	Case notes
 <p>Local farmer on the foundations of their house/old town</p>	<p>Town's name: <u>Klah's Town</u></p> <ul style="list-style-type: none"> • Land clearing without their concern. • During the land preparation: <ul style="list-style-type: none"> – One house destroyed – Oranges, Cocoa, Cola tree, Banana, Breadfruit and rubber destroyed during the land preparation • GVL says there was no house and that the site wasn't identified during survey but only identified during land preparation. The farmer supervised the fencing of the grave. • TFT didn't find any documentation to reflect the discussion process that may have happened between the company and the community member. <p>GPS coordinates</p> <ul style="list-style-type: none"> • Fenced gravesite with no buffer zone: 29 N 490906 567057 • Gravesite half protected: 29 N 490919 566942
 <p>Palm tree within a gravesite</p>	<p>Town's name: <u>Koon's Town</u></p> <ul style="list-style-type: none"> • Old town ignored during land preparation and planting • Gravesite desecrated with palm tree planted on it. • GVL says the farmer was compensated for the farmland and thought his authority over the land was clear. <p>GPS coordinates</p> <p>Desecrated gravesite: 29 N 490135 566357</p>

Illustration	Case notes
 <p data-bbox="108 1014 863 1043">Board at the center of dissensions between GVL and Saklaboh</p>	<p data-bbox="890 311 1203 340">Town's name: <u>Saklaboh</u></p> <ul data-bbox="914 389 1377 1025" style="list-style-type: none"> • Insistence of GVL to obtain community's land: several meetings held so far • Arrest of a local farmer allegedly because of palm cutting in GVL plantation • No GVL employee in the community • Gravesites marked as "GVL/HCV Cemetery" • Rubber farm destroyed without community's consent • A local farmer, owner of the destroyed farm has refused the compensation offered by GVL • GVL says no rubber farm had been identified and that machines were stopped when the farmer raised concerns. <p data-bbox="890 1037 1107 1066">GPS coordinates</p> <p data-bbox="890 1077 1150 1137">Destroyed farm Land: 29 N 488641 566904</p>

Illustration	Case notes
 <p data-bbox="108 1160 625 1193">Adaptation measure to replace creek water</p>	<p data-bbox="890 315 1235 344"><u>Town's name: Farley Town</u></p> <ul data-bbox="911 356 1378 1048" style="list-style-type: none"> • April 2012, Creeks and swampy areas (rice farms) damaged Rubber farm, plantain and pineapple destroyed during land clearing operations • Some land cleared without owner's consent • Survey done without the farm's owner • Promises made by the company 7 months ago have not been implemented. • Currently, drinking water is collected in Plusonnie (45 minutes walk), twice to thrice per week, or from a rusty sheet metal • GVL says that they were not informed about a rubber farm during survey process and that the company is waiting the top of the dry season to build a working well. <p data-bbox="890 1093 1107 1122">GPS coordinates</p> <p data-bbox="890 1133 1378 1193">Damaged swamp and drinking water : 29 N 489723 567251</p> <p data-bbox="890 1200 1342 1229">Destroyed farm: 29 N 489728 567207</p>
 <p data-bbox="108 1845 817 1874">Plantain regrowth in a farm destroyed before compensation</p>	<p data-bbox="890 1240 1129 1270"><u>Town's Name: Toe</u></p> <ul data-bbox="911 1281 1378 1514" style="list-style-type: none"> • Destruction of cassava, banana, plantain farm • Field Survey after land clearing • GVL says that the farm was not identified in survey by GVL's mistake and land clearing encroached on the farm <p data-bbox="890 1559 1117 1588">GPS coordinates:</p> <p data-bbox="890 1599 1142 1659">Destroyed farm land: 29 N 493925 567047</p>


Illustration	Case notes
	<p>Town's name: <u>Tugbeh Town:</u></p> <ul style="list-style-type: none"> • Creek destruction during land clearing operation leading to water problem in the town. "Now, we walk for almost an hour to have drinkable water". • Farmlands destroyed during land clearing. The amount received for compensation is considered insufficient by a local farmer. • GVL is running a Pump project in Tugbeh. The project paused on the 10th December 2012. GVL said they would finish to build the well in early 2013 during dry season. <p>GPS coordinates Damaged drinking water: 29 N 495766 567774</p>


Illustration	Case notes
 <p data-bbox="108 882 775 911">Damaged creek –drinking water along a destroyed farm</p>	<p data-bbox="890 315 1251 344">Town’s name: <u>Sowear Town</u></p> <ul data-bbox="914 356 1378 1391" style="list-style-type: none"> • A road crosses the Soweer cemetery and the grave was damaged by vibrations of the bulldozer. 15 cement blocks, 3 bags of cement, iron and sand were provided to the community to repair the destroyed grave. • People are concerned about how much space will be left for farming. • Some farm demarcations are not respected. Survey was made without the farm owner, represented by a family member. • Creek destruction • Farms with crops cleared (Rubber, cassava, rice, breadfruit, Cola tree, Oranges, etc.) without the full consent • Farm survey after land Clearing • Road crossing just behind the houses • Communities said they have unsuccessfully tried to meet with the manager many times for their concerns. • GVL says the cemetery had been identified in the HCV study and building material provided but repairs not yet performed. • GVL says the town uses water from the well to drink in dry season. <p data-bbox="890 1400 1107 1429">GPS coordinates</p> <ul data-bbox="890 1440 1378 1680" style="list-style-type: none"> • Cemetery partly brushed: 29 N 492853 567956 • Damaged creek and destroyed farm: 29 N 492959 568062 • Destroyed farm right near the village: 29 N 493020 568109 • Old town: 29 N 493020 568109



Illustration	Case notes
 <p data-bbox="108 958 703 987">Lady complaining about the old town's destruction</p>	<p data-bbox="890 320 1278 349">Town's name: <u>Slatuzon's town</u></p> <ul data-bbox="914 360 1377 689" style="list-style-type: none"> • Old town scattered during the war and abandoned by the family member. • Nobody was present during land clearing. • No cemetery because they said they shared the same with Sowear town which is nearby • GVL says they didn't know about this town.
 <p data-bbox="108 1559 863 1615">Chea's town: more than 4km from the village and potential conflict with neighboring community</p>	<p data-bbox="890 999 1235 1028">Town's name: Chea's town</p> <ul data-bbox="914 1039 1377 1715" style="list-style-type: none"> • Arrest of a local farmer by the authorities • Rubber farm with pineapple has been cleared. • The farm allocated by GVL is more than 4km far from the village • Potential conflict with neighbouring communities on the area allocated • Damaged creek • GVL says that it has no connection with the arrest of the local farmer and that the farms were surveyed and compensated with them. • GVL says the farmland set aside for Chea Town was decided by the community. • There is no document to reflect how farmland area was discussed between GVL and the communities. <p data-bbox="890 1727 1107 1756">GPS coordinates</p> <p data-bbox="890 1767 1342 1796">Destroyed farm: 29 N 492806 570399</p>


Illustration	Case notes
 <p data-bbox="108 1151 485 1176">Sacred tree with no buffer zone</p>	<p data-bbox="890 315 1150 340">Town's name: Pluoh</p> <ul data-bbox="914 356 1377 1014" style="list-style-type: none"> • Shrine damaged around the nursery site. • Creek destruction around the shrine • Communities agreed the GVL installation, but they don't appreciate the way activities are conducted • Sacred tree with no buffer zone around • GVL says shrine and sacred tree were protected on verbal agreement with the farmer, a formal ceremony was held and 300\$ were given for the ceremony. The farmer didn't ask for any buffer zone around the shrine. • TFT could not find any documented record about the case, payment and discussions. <p data-bbox="890 1061 1107 1086">GPS coordinates</p> <p data-bbox="890 1099 1270 1124">Sacred tree without clear buffer:</p> <p data-bbox="890 1137 1142 1162">29 N 491882 567772</p>


Illustration	Case notes
 <p data-bbox="113 875 778 902">Rubber regrowth in a farm cleared before compensation</p>	<p data-bbox="890 309 1222 336">Town's name: <u>Plussunnie</u></p> <ul data-bbox="914 387 1377 1126" style="list-style-type: none"> • The main information provided by GVL's representatives is that the Government owns the land. • Farm land demarcation wasn't done with full consent • Communities ask for additional pump in the town • People didn't want to be photographed during the compensation process • Increasing price of local commodities because it becomes scarce. • Arrival of foreigners in the village seeking job in GVL: about 100 more people since GVL's arrival • Rubber farm before survey and compensation • GVL says that they will review survey and compensation dates. The company says that it repaired 1 of the 3 pumps. <p data-bbox="890 1173 1107 1200">GPS coordinates</p> <p data-bbox="890 1211 1307 1238">Farm cleared before compensation</p> <p data-bbox="890 1249 1142 1276">29 N 489120 568589</p> <p data-bbox="890 1288 1326 1314">Affected creek: 29 N 489918 568969</p>

Illustration	Case notes
 <p data-bbox="108 730 863 790">Creek damaged at the same time with sugar cane farm, and before compensation</p>	<p data-bbox="890 315 1214 344">Town's name: <u>Jaryenneh</u></p> <ul data-bbox="914 356 1377 920" style="list-style-type: none"> • Was not aware of the land clearing operation. Surprised by the bulldozer noise the land and destroying the crop. • Farm (coconut, palm oil tree, sugar cane, rubber) destroyed without consent • Creek destruction • Sugar machine destroyed • Because of water destruction GVL intends to build a pump in the town. For the moment, GVL provided drums and purifying tablets to treat the water before drinking • GVL says the sugarcane machine was covered by bush and will be repaired. <p data-bbox="890 969 1107 999">GPS coordinates</p> <p data-bbox="890 1010 1347 1039">Damaged creek: 29 N 489394 570137</p> <p data-bbox="890 1050 1347 1079">Damaged creek: 29 N 489106 569939</p> <p data-bbox="890 1090 1377 1144">Destroyed sugar cane farm: 29 N 489116 569844</p>
 <p data-bbox="108 1722 424 1751">Meeting in Grisby's Farm</p>	<p data-bbox="890 1155 1251 1184">Town's name: <u>Grisby's farm</u></p> <ul data-bbox="914 1196 1377 1854" style="list-style-type: none"> • No damage • Allowed GVL to develop palm oil in Grisby farm • No complaint after land clearing operation • Communities have done an internal consultation and they agree together to leave one side of the village for the GVL palm oil. • No clearing operation before compensation. • No creek destruction in the village. • No complaint record about farm or land demarcation because people gave their consent • No negotiation for the compensation process. • Quite full employment in the village.





Illustration	Case notes
	<p>Town's name: <u>Ceedor</u></p> <ul style="list-style-type: none"> • Communities have been in touch with GVL and they want development • No negative impact identified in the village since GVL operates • No land survey at this stage • GVL promised fertilizer to farmers in accordance with an upcoming smallholder scheme • Individuals said that GVL doesn't value cash crop (rubber, palm tree, etc.) per unit and this would be an important lost of income if the farm is cleared.
<p>Ceedor: farmer town and delicate prospects for FPIC</p>	<p>Town's name: <u>Johny's Town</u></p> <ul style="list-style-type: none"> • Nearly everybody in the village work with GVL and can keep their farms at the same time • One hand pump built by GVL and two more pumps will be built • No one currently drinks creek water • Compensation was done after survey. • GVL is supporting two teachers of the primary school. • People testify that the presence of GVL is helping them gradually (accessibility and transport facilitation) • GVL provides medication for all the communities free of charge
	
<p>Meeting in Johnnie's town</p>	

Illustration	Case notes
 <p data-bbox="108 1111 675 1137">Pegs planted in the town land allegedly by GVL</p>	<p data-bbox="890 309 1289 336">Town's name: <u>Wlowoken Town</u></p> <ul data-bbox="914 349 1377 976" style="list-style-type: none"> • Community says nobody from GVL has visited the village • They say GVL should come and discuss with them • They complain that their town has been surrounded with pegs by GVL for the survey. • Nobody works with GVL in the village One school in the village • The community expectation: be involved in Land demarcation and the development program/draft of social agreement • GVL says it hasn't developed in this town and that there is no intention to do so. GVL says the pegs could have been planted by KBI (nearby Gold Mine). <p data-bbox="890 1025 1106 1052">GPS coordinates</p> <p data-bbox="890 1061 1206 1088">Peg: 29 N 500927 557944</p>
	<p data-bbox="890 1149 1273 1176">Town's name: <u>Moses's village</u></p> <ul data-bbox="914 1189 1377 1547" style="list-style-type: none"> • The community says: GVL should come and discuss with us. • They complain that their water has been temporarily spoiled • TFT verified upstream and found that buffer zones in Kpanyan have to date be respected. It is possible though that during nursery establishment in Kpanyan, some turbidity of the water has happened.