

Environmental Rights Action



**Friends of  
the Earth  
United States**

30 November, 2015

## **Regarding Palm Oil Land Conflict and Community Consultation in Cross River State, Nigeria**

In July of this year, Friends of the Earth groups in Nigeria and the United States published the report [Exploitation and Empty Promises: Wilmar's Nigerian Land Grab](#), which raises serious concerns about human rights, equity, and development justice in regards to PZ-Wilmar's purchase of roughly 30,000 hectares of land in Nigeria's Cross River State to develop oil palm plantations. This land acquisition is part of Nigeria's implementation of its commitment under the G8 New Alliance for Food Security and Nutrition.

Following the release of Friends of the Earth's report, Wilmar International issued a public response in which the company states that "many of the allegations are rehashed from earlier reports to which Wilmar has responded or in which the issues raised have been addressed," and that "There are misleading facts in the report which Wilmar will clarify, as well as areas [Wilmar] Group acknowledges that can be improved and assures that corrective actions will be taken accordingly." The company's response also included letters from individuals within the project area in Cross River State, expressing disagreement with Friends of the Earth's findings.

The fact that there are divergent viewpoints within the affected communities regarding the short and long term impacts of large scale palm oil operations is not at issue; indeed, internal divisions and conflicts within and among communities are common characteristics of infrastructure and 'development' projects such as Wilmar's operations. What is at issue is the fact that broad community consent has been neither solicited nor given.

On October 7, 2015, ERA-Friends of the Earth Nigeria held a meeting in Cross River State to discuss the response from the company and the conflicting statements issued by local community members. Participants in the meeting have issued the communiqué that follows. The communiqué makes clear that, while Wilmar appears to have conducted some consultations and to have come to some agreements with local chiefs, neither of these activities constitute a legitimate process of Free Prior and Informed Consent.

As the UN FAO definition, quoted in our report, states, "Respect for FPIC guarantees indigenous peoples and local communities a voice *at every stage of development planning and implementation for projects that may affect their wider rights*. This includes the right of indigenous peoples and local communities to determine what type of consultation and decision-making process is appropriate for them. *Obtaining initial consent may be only the first step; throughout the project's operation, the ongoing participation of communities, participatory monitoring and robust verification are required for FPIC to be upheld.*"<sup>1</sup>

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<sup>1</sup> UN FAO. "Respecting free, prior and informed consent: Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition." 2014. At: <http://www.fao.org/3/a-i3496e.pdf>.13

Further, the company stated that many concerns raised in the report have been resolved through the RSPO complaints process, and through the courts in Cross River State. We take this opportunity to note that the RSPO is not the legitimate authority in this instance, nor does it represent the interests of the impacted community members. Similarly, while a local lawsuit that sought charges of “unlawful acquisition of farmland; non-compliance with applicable municipal laws and regulations...and failure to reach an agreement with host communities” was struck out by the court, this does not obviate the need to review and resolve ongoing community claims for justice and equity.

### **Testimonies from impacted community members regarding PZ Wilmar’s palm oil concession in Cross River State**

The organizers of the October 7 meeting in cross River State asked two fundamental questions of participants:

- Did you give your free, prior, informed consent to the land purchase and initiation of operations by PZ Wilmar?
- Did you participate in the development of or see a copy of an Environmental Impact Assessment (EIA) conducted by PZ Wilmar?

Following, we give a few of the responses.

#### **Did you give your free, prior, informed consent to the land purchase and initiation of operations by PZ Wilmar?**

"There was never a time we were given an opportunity to decide on their coming into the community....there was no free prior and informed consent. They sold our estate without any of us knowing. Nobody consulted us. They brainwashed our elders to betray us. Wilmar's workers union is not happy, they are made to leave home at 4 am to work for a resumption time of 5am daily." -- **Fidelis Bassey, male, Mbarakom Community**

"I was once lost but now I am found. I was given 50,000 naira not knowing that I was selling my future away. We need...to be able to mobilize against Wilmar." -- **Oko Emmanuel, male, from Uwet Community**

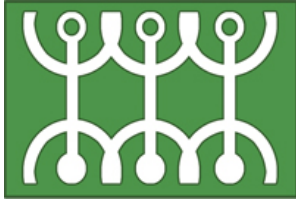
"We have no schools, no scholarships. After the meeting at Akamkpa, I met with some key persons in my community and we agreed that before any land purchase is done in my community, due process must be followed." -- **Ekpe Samuel Otoim, male, Biase Idoma village**

#### **Did you participate in the development of or see a copy of an Environmental Impact Assessment conducted by PZ Wilmar?**

All the community representatives playing host to Wilmer and present at the meeting unanimously said that they do not have any record of an EIA document, let alone one that community people participated in.

"We only heard of it, but we were not involved in the process, and when we demanded for the report, we were asked to pay a certain amount of money"-- **Mfamosing, Ndinganne, Ekung Anaku, Akamkpa, Uwet, Biase/Ibiae, Mbarakom, Aniengeje & Abiati Communities.**

*What follows is the communiqué from the meeting of October 7, issued by Environmental Rights Action/Friends of the Earth Nigeria.*



**Environmental Rights Action**

**7 October, 2015**

**Communiqué at the advocacy meeting on the influx of Oil Palm Expansion in Cross River State:  
The case of Wilmar Oil Palm Expansion in Cross Rivers State**

The influx of oil palm companies and their expansion in Cross River State has generated concern amongst impacted communities and civil society groups in Nigeria. Following this trend, an advocacy meeting focusing on the focusing on the influx of Oil Palm Expansion in Cross River State for communities impacted by PZ Cussons/Wilmar land grab in Cross River State. The meeting was held at Marian Hotel, Calabar, Cross River State on 7th October 2015.

Participants at the advocacy meeting were drawn from Wilmar oil palm plantation impacted communities such as Betem/Ehom, Akpet and Idoma communities from Biase local government area and Mbarakom/Uwet/Njagachang and Mfanosing/Aningeje from Akamkpa local government area all in Cross Rivers State. The advocacy meeting also had in attendance civil society actors, members of the academia and the media.

**Observations**

It was observed that Wilmar signed an MOU in 2011 with the state government wherein it was agreed that community assistance programs such as road construction, provision of primary and secondary schools, health centres, portable water electricity and employment will be provided. Many communities insist that although they have been told that an MOU exists, they have not seen it and do not know the content of the MOU – especially how it affects their community. Other communities allege that Wilmar has made promises to them such as paying at least N50,000 (Nigerian Naira) for the least paid worker on the plantation, employment of at least 20,000 workers and the building of a refinery. Wilmar has failed severally to keep any of these promises as many workers earn a mere N10,000 or less and far below the national minimum wage of N18,000.

It was further observed that Wilmar has been working to divide communities; in the perception of the communities, the company has captured the elites, some state government officials and chiefs, leading to the divergence of views between the elites and chiefs on the one hand and the ordinary people in the community on the other. As a result, and in one instance, a letter was written by some chiefs from Mbarakom community supporting Wilmar's position that:

- Wilmar had provided clear opportunities and processes where all communities were allowed to give or withhold their Free, Prior and Informed Consent (FPIC) to the actions and activities they are undertaking on community land;
- Wilmar further claims that it carried out an Environmental Impact Assessment (EIA) process and that this document has been published and was made available to all communities or that access to the document was provided.

However, testimonies given by numerous community members argue, to the contrary, that Wilmar's activities have negatively impacted the communities and caused conflicts. The Chairman of the Mbarakom Community forest watch, Mr. Fidelis Basse, stated that the letter sent on behalf of the community clearly shows that the company has captured the elites in his community. The general community was not consulted before the document was authored. He also claimed that the document represents the interest of chiefs and elites benefitting directly from the company and not the men, women and youths who were not consulted.

## RESOLUTIONS

- Wilmar must desist from deliberately dividing the community as this will lead to conflicts among community members and between different communities.
- We must continue to remain united and support each other to stand firm in mobilizing, resisting and taking action to protect our lands and properties as well as fight off the attempt by Wilmar to divide the communities and cause conflict in the communities. Civil society and the media should be effective partners in this process and we should increase collaboration between civil societies and the media on one hand and impacted communities.
- Local governance structures must be run on the basis of accountability, transparency and effective consultation at the community level to prevent elite capture by Wilmar.
- Government of Cross River state should set in motion the process to review the MOU allegedly signed between the state government and Wilmar on behalf of the communities and ensure that all impacted communities and civil society groups are part of the review process and that the process is open, transparent and inclusive.
- There should be a clear grievance redress procedure communicated to the communities with clear reporting processes and structures known to the community people to prevent the build-up of anger in the communities against multinational corporations from dispossessing local communities of their lands and destruction of livelihoods.
- Intimidation of local communities and voices of dissent must stop. The militarization of local communities and the invitation of the army into local communities in the guise of providing protection for Wilmar's estate must end, noting that there have not been any violent demonstrations by any of the communities. *Protest is a right and should be protected.*
- Wilmar did not provide opportunities and processes to enable communities give or withhold their Free, Prior and Informed Consent. The agreement that forms the basis for the so-called Wilmar consultation was made directly with government without the knowledge and input of the affected communities. Wilmar has similarly not provided the communities' access to the Environmental Impact Assessment document that they claimed they have done and has also failed to prepare a summary of the report which can be translated into the local languages to ensure better comprehension in the community. There are no copies in the affected communities.
- The payment of N 7,000 to workers on the plantation and making them work from 6am to 4pm everyday picking palm fruits is slave labour and this must stop immediately and proper wages negotiated with the women who work the fields 10 hours daily.

- END -

Appendix: Consent forms


ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I FYO David Eyo of Ukoma Village Community  
who was interviewed by ERA of EA/FoEN on this day  
of \_\_\_\_\_ 2015 on issues relating to the land acquisition is on  
behalf my economic and welfare

Hereby authorize \_\_\_\_\_ of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Signature and Date

7/10/2015 


ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I Prince Paul O. Asuquo of Akankpa Community  
who was interviewed by \_\_\_\_\_ of EA/FoEN on this day of  
07/10 2015 on issues relating to Activities of workers  
and other Quarry Company operating in Akankpa

Hereby authorized ERA Friends of the Earth Nigeria of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Signature and Date

  
07/10/15

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ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I Mr Emmanuel Okon of Uwet Community  
who was interviewed by ERA of EA/FoEN on this day of  
07/10 2015 on issues relating to Wetland and Land  
Grabbing in my Community

Hereby authorized Environmental Rights Action of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Signature and Date [Signature] 7/10/2015

ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I Attong Attong IBIN of Etom Village Community  
who was interviewed by ERA of EA/FoEN on this day  
of 6/7/15 2015 on issues relating to LAND GRABBING AND  
THE IMPACT OF Wetland in our Communities  
and the State at Large

Hereby authorize Attong Attong IBIN of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Signature and Date [Signature]


ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I Ekpe Samuel Otoi of Idona Village Community  
who was interviewed by ERA of EA/FoEN on this day of  
2015 on issues relating to The land grabbing issue  
between my community and willmar

Hereby authorized Ekpe Samuel Otoi of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Signature and Date

7/10/2015 

ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA

FIELD CONSENT FORM

I MERCY EKPE ITTA of MFAMOSING Community  
who was interviewed by ERA of EA/FoEN on this day  
of 07/10 2015 on issues relating to WILLMA AND LAND  
GRAFTING IN MY COMMUNITY

Hereby authorize ENVIRONMENTAL RIGHTS ACTION of ERA/FoEN to  
publish my interview for campaigns on land grab and for educational purposes.

Omoko 7-10-2015  
Signature and Date

