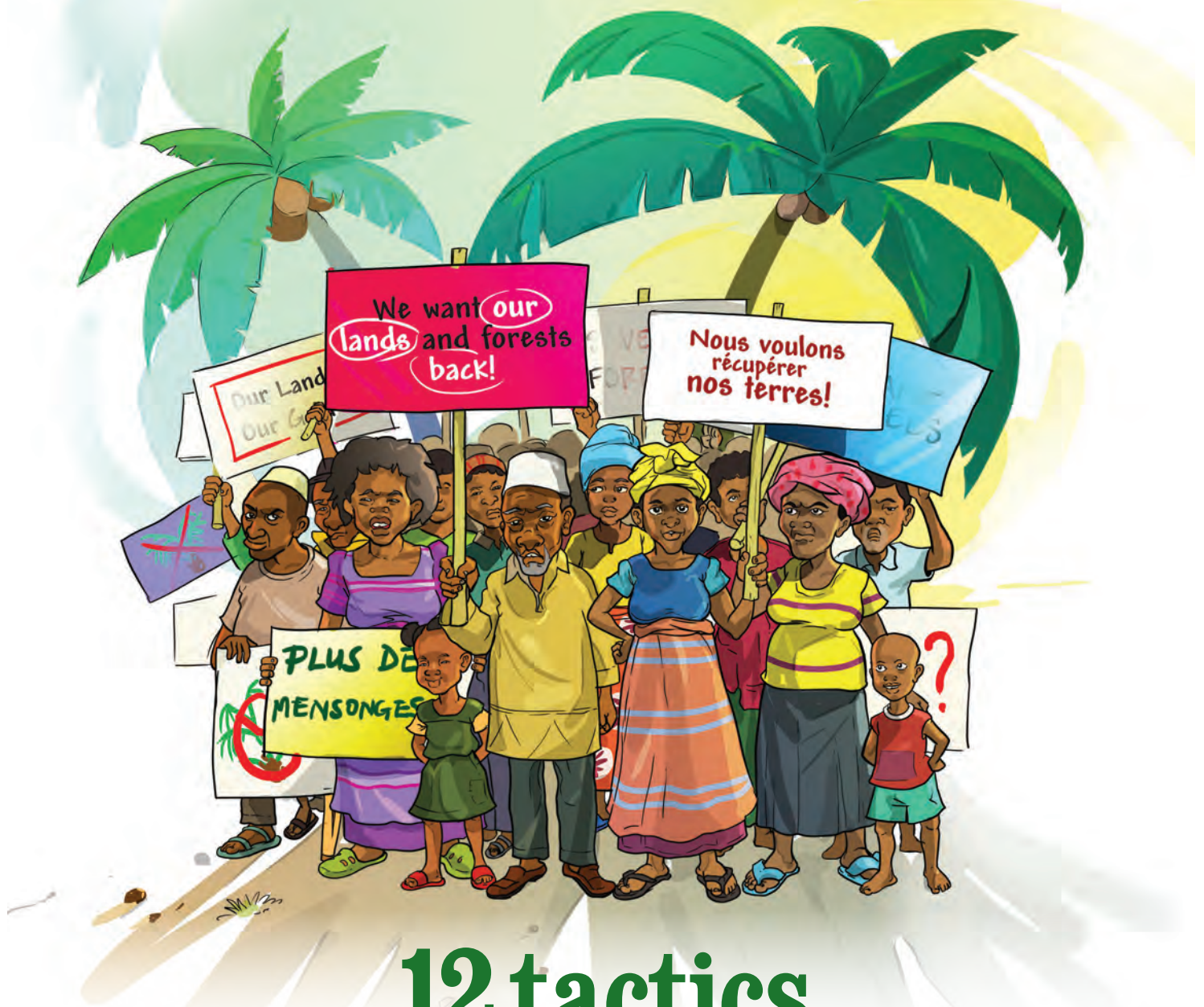


Promise, Divide, Intimidate, Coerce



12 tactics
palm oil companies use
to grab community land

Promise, Divide, Intimidate, Coerce

12 tactics

**palm oil companies use
to grab community land**

Published by Daraja Press

<https://darajapress.com>

On behalf of *World Rainforest Movement, GRAIN*
and an alliance of community and local organisations united against
industrial oil palm plantations in West and Central Africa,
including *RADD* (Réseau des acteurs du Développement Durable, Cameroun);
SEFE (Struggle to Economize our Future Environment, Cameroun);
Synaparcam (Synergie Nationale des Paysans et Riverains du Cameroun);
Muyissi Environnement, Gabon; ERA (Environmental Rights Action);
and *Community Forest Watch*, Nigeria.

ISBN print: 978-1-988832-27-2

ISBN ebook: 978-1-988832-28-9

Illustrations: Alex Kwizera

Cover design and typesetting: Kate McDonnell

Redistribution of the material presented in this work is encouraged provided that the original text is not altered, that the original source is properly and fully acknowledged and the objective of the redistribution is not commercial gain.

Acknowledgments: We are grateful to *Bread for All* from Switzerland; *Japan Fund for Global Environment* and the other funders who support our work for making this publication possible. We are also thankful to Téodyl Nkuintchua Tchoudjen from Cameroon, for his contributions to this booklet.

Contents

Introduction	1
Companies come prepared to take over the land: communities must prepare to resist.....	1
The importance of a community speaking with one voice	2
Tactics that companies use to obtain access to community land	5
Tactic 1 Secure approval and support from high-level government officials.....	7
Tactic 2 Secure support from local elites and people trusted by the community.....	11
Tactic 3 Co-opt or pressure chiefs into making community land available for the company's plantations.....	16
Tactic 4 Promise employment, improved roads, schools, health facilities	22
Tactic 5 Organise community meetings to create the appearance of community consent	29
Tactic 6 Silence local opponents of the plantation project.....	35
Tactic 7 Exclude and marginalise women	40
The violence against women that companies never talk about.....	43
Tactic 8 Forge signatures, falsify documents and withhold copies from villagers	46
Tactic 9 Use fraudulent land certificates and land surveys to take control of community land	51
Tactic 10 Promise improved food security but create food insecurity	56
Tactic 11 Promote smallholder contracts as an opportunity to 'get rich planting industrial oil palms'	61
Tactic 12 Use partnerships with conservation NGOs and 'Sustainable Palm Oil' labels to create a 'green' image	67
RSPO-certified conflict palm oil	69
Companies behind the expansion of industrial oil palm plantations in West and Central Africa.....	72
1 Who is behind the company?.....	73
2 Who is funding the company and its expansion plans?	75
3 Who will the company sell its palm oil to?.....	77
4 Palm oil companies are not charities	77
To find out more.....	83

Introduction

Oil palm plantation companies use very similar tactics wherever they operate to try and take over the land of communities. Knowing that they can count on high-level politicians and state authorities for support, the companies routinely make promises they do not intend to keep, try to silence and marginalise opposition to their plans and divide communities.

Where necessary, they coerce, intimidate, harass and even have opponents to their activities killed. Villagers, especially in remote places, often think such violence, intimidation and land grabbing¹ is only happening to them. Community representatives may initially believe the plantation company's promises because they are unaware of community experiences elsewhere.

The reality, however, is that violence is an inseparable part of the industrial plantation model and that the tactics companies use to take community land have been fine-tuned through decades of experience around the world.

Companies come prepared to take over the land: communities must prepare to resist

When a company arrives in a community, it comes prepared. It will have already identified the land that has fertile soils and good access to water. It will probably have already paid consultants to study the communities in

¹ Land grabbing describes process of companies, governments, and individuals taking control over large areas of community land, through purchasing or leasing large areas of land used by communities.

the region, so the company knows where to expect resistance and where it may be easier to trick a community into agreeing to the company's plantation plans.

The company has probably already held conferences in expensive hotels in the capital to promote industrial oil palm plantations, claiming its plantations will contribute to 'sustainable development,' and to 'feeding the world'. The company will have met with high-level government officials to negotiate land leases or concessions, advantageous tax deals and exemptions from regulation.

In most cases, the company will already have secured promises to land from these high-level officials, or at least the company will claim it has governmental approval when presenting its plan to the community.

The exact ways that a company operates will differ from one place to another, but the pattern is similar everywhere. **When it arrives to present its plantation project to a community, the company already has a plan in mind for how to get the land it wants**, whether communities want the company plantations on their land or not. **This is why it is important that communities prepare to resist** company attempts to take control of their customary land as early as possible.

The importance of a community speaking with one voice

This booklet describes the main tactics companies use to get their hands on community land. It considers questions such as:

- **How do companies trick communities into agreeing to give them control over their land?**
- Why are empty promises made by the company about generating local employment or health and education facilities so effective in convincing communities to allow them onto their land?
-

- **What can communities do to stop the theft of their land**, and the destruction of the local water springs, creeks, rivers, forests and other places that are affected by the plantations?
- What can communities do in situations where the company has already taken their land?
- And, why do projects promoted by some companies and governments in which peasant farmers grow oil palm under contract for the company result in debt and poverty for participating farmers?

It can feel overwhelming for communities that are struggling alone against a powerful plantation company. Communities may find a way to resist a tactic used by the company, and then suddenly the company will shift to another tactic.

When a company encounters resistance, it will always look for new ways to undermine the community's unity of opposition so that it can proceed with building its industrial plantations on the community's land. That is why it's important for communities to seek alliances with other communities in the same situation, to exchange experiences and learn from how others have responded to these tactics. These exchanges will help communities strengthen their struggles.

There are almost always moments in a resistance struggle when community members will feel they are failing, and many will be tempted to give up. Seeking alliances with other communities helps to persevere and find new ways to resist and organise to prevent the corporate take-over of community land.

One lesson from all these struggles is the importance of a community speaking with one voice. Keeping a community united requires hard community organising work so that as many people as possible in the community are informed and feel involved. It requires men to actively involve women, elders and youth in discussions and decision-making because resistance will be stronger the more community members there are who feel they are part of it.

The community also needs to provide support to those who are most at risk of violence and intimidation. Staying united is necessary to guard against the actions of companies who know that they have little chance to take over the community's land when the community truly speaks with one voice. **Corporations will do everything they can to try and break this unity**, even very dirty tricks, such as spreading rumours to discredit community leaders who are opposed to the company's plans.

This booklet is not a step-by-step manual that, if followed, will stop a company from setting up a plantation on community land. The objective of this booklet is to support communities who want to strengthen their resistance and better prepare themselves to stop corporations from setting up industrial oil palm plantations on their land.

If a community is aware of community experiences elsewhere, it can more easily recognise company tactics. A community can then discuss different responses early on, so that when one way of resisting the company's plans fails, the community can persevere and try a different way, while being prepared for new tactics that the company might use.

We hope these descriptions of company tactics will inspire others to plan, prepare, and keep their communities united and to build alliances with neighbouring communities and regional or international networks.

A few words on terminology. When we use the word 'plantations' we mean industrial plantations that put large areas of land under company control, not the small plots of a few hectares that families have established throughout West and Central African countries to produce traditional palm oil and which are also sometimes referred to locally as 'plantations'.

Another term used in this booklet is 'smallholder contract farming' or 'out-grower schemes'. These are arrangements in which companies contract local farmers to grow oil palms for them on community land. Companies often use such arrangements to increase the area of land under their control. While families are not required to give up their land under these arrangements, the contracts they sign with the company can

contain clauses that may lead to the family lose its land to the company if it cannot fulfil the contract obligations – something which happens regularly.

And finally, another term used in this booklet with many different meanings and expressions throughout the region is the word ‘chief’. We have opted to use the term ‘traditional chief’ in most cases. Where we use the word ‘paramount chief’, we refer to the position within the local state administration held by a representative of the chiefdom.

The booklet is a work in progress. We welcome feedback and suggestions for change.

GRAIN and WRM

Tactics that companies use to obtain access to community land

Palm oil companies know that large-scale plantations covering thousands of hectares generate conflicts and many other serious problems for communities. They know that the enormous area of land, including farms, forests, water springs and river banks that they are about to cover with oil palm seedlings, is already used by communities.

Wherever a company establishes an industrial oil palm plantation, there are many people who will no longer be able to use that land as they did before. For the community, these changes are negative, and not the positive development that companies claim.

Companies also know that the large amounts of chemicals they use on their plantations will affect the forest, farmland and water used by communities. They also know that the plantations will cut communities off from each other and interfere with the cultural and spiritual use of the land. Even if their homes are not displaced by the plantations, families will feel increasingly ‘fenced in’ by the plantations and often leave one by one as the impact of being surrounded by plantations becomes unbearable.

The companies also know that they have no real intention to fulfil the promises they made to communities in the process of acquiring their land. They know that the expansion of oil palm plantations is always a story of conflict with communities. It destroys forests, peasant farming and the livelihoods that forests provide for the communities. But the companies will not speak about this reality because they know that if they did, communities would not agree to let the company establish the plantations on their land.

To ensure that the expansion of their plantations proceeds smoothly, companies therefore use a number of tactics to undermine or diminish community opposition and to promote the idea that the plantation will bring 'development' and good jobs to the community.

The following section describes some of the tactics that companies use. Many of these tactics aim to break the unity of the community whose land the company wants. This is because unity is the most valuable strength a community has when faced with a company that is trying to take control of its land.

Tactic 1

Secure approval and support from high-level government officials



In West and Central Africa, many governments have adopted the story told by development agencies and businesses that ‘plantations bring development’. As a consequence, many governments in the region try to attract foreign investors by promising better land, at cheaper rates and with less regulation than neighbouring countries. They also promise that they will issue concessions and the necessary licenses quickly and ensure there is no ‘community trouble’. Companies use this competition between countries to demand ever more favourable conditions, threatening that if they do not get the conditions, they want they will take their projects to a neighbouring country.



When a company arrives in a region or a country, it has already investigated where the best land for growing oil palms is located. It has also already determined who the key government people are who can approve or reject the company's request for land, and it knows the connections they have to local political and business elites in the areas where the company wants to set up its plantations.

Once it decides to invest in a country, the company will contact at least one high-level government official. This person might be invited to a conference organised by the palm oil industry where the company will arrange to meet with him or her. The company will present its demands for access to land and the 'favourable investment conditions' the government must provide for a 'secure investment' by the company. The government official will then offer or be asked to arrange meetings with ministers – usually against a 'fee' that is hard to distinguish from a bribe. The

company may even request a meeting with the president of the country, so the company can present its plantation proposal and secure approval for land or support for the plantation project from the highest levels of state power. Following such initial contacts, the government may even set up investment programs aimed at attracting foreign palm oil companies.

The president or the relevant minister will eventually approve the company's project and instruct other government officials to assist the company with the necessary licenses and local meetings. The company may also offer ministers or high-ranking government officials shares or a position in the company, to show that there will be **personal benefits** if the plantation project proceeds smoothly.

The company may also provide lucrative contracts for certain works to companies owned by influential businessmen and politicians who have close links to key ministers or the President. In the case of an oil palm plantation company in Sierra Leone, for example, one of the owners of the law firm that the company used to register the lease contracts it signed with local chiefs holds one percent of the company's shares. The businessman is also the Deputy Speaker of Parliament and Chairman of the Parliament's Mines and Minerals Committee.²

Plantation companies know that once a minister or the president supports their plans, lower-level government officials and traditional leaders will be less likely to oppose them. Even if they disagree with the plans and know it will be harmful for the community, these local and traditional authorities might feel that nothing can be done because all the higher-ups in government, all the way up to the president and ministers have already given their approval. 'Olam, that's the President's project'³ is how community members in Gabon describe a massive plantation project that the company Olam has set up on their customary land.

Yet, although the approval and support from high-level government

² See: <https://www.grain.org/article/entries/5048-feeding-the-one-percent>

³ From Fern and WRM (2013): Étude sur l'impact des plantations agro-industrielles de palmiers à huile et d'hévéa sur les populations du Gabon. Page 27. http://wrm.org.uy/wp-content/uploads/2013/04/Etude_sur_l'impact_Plantations_palmiers_a_huile_et_hevea_sur_les_populations_du_Gabon.pdf

Tactic 2

Secure support from local elites and people trusted by the community

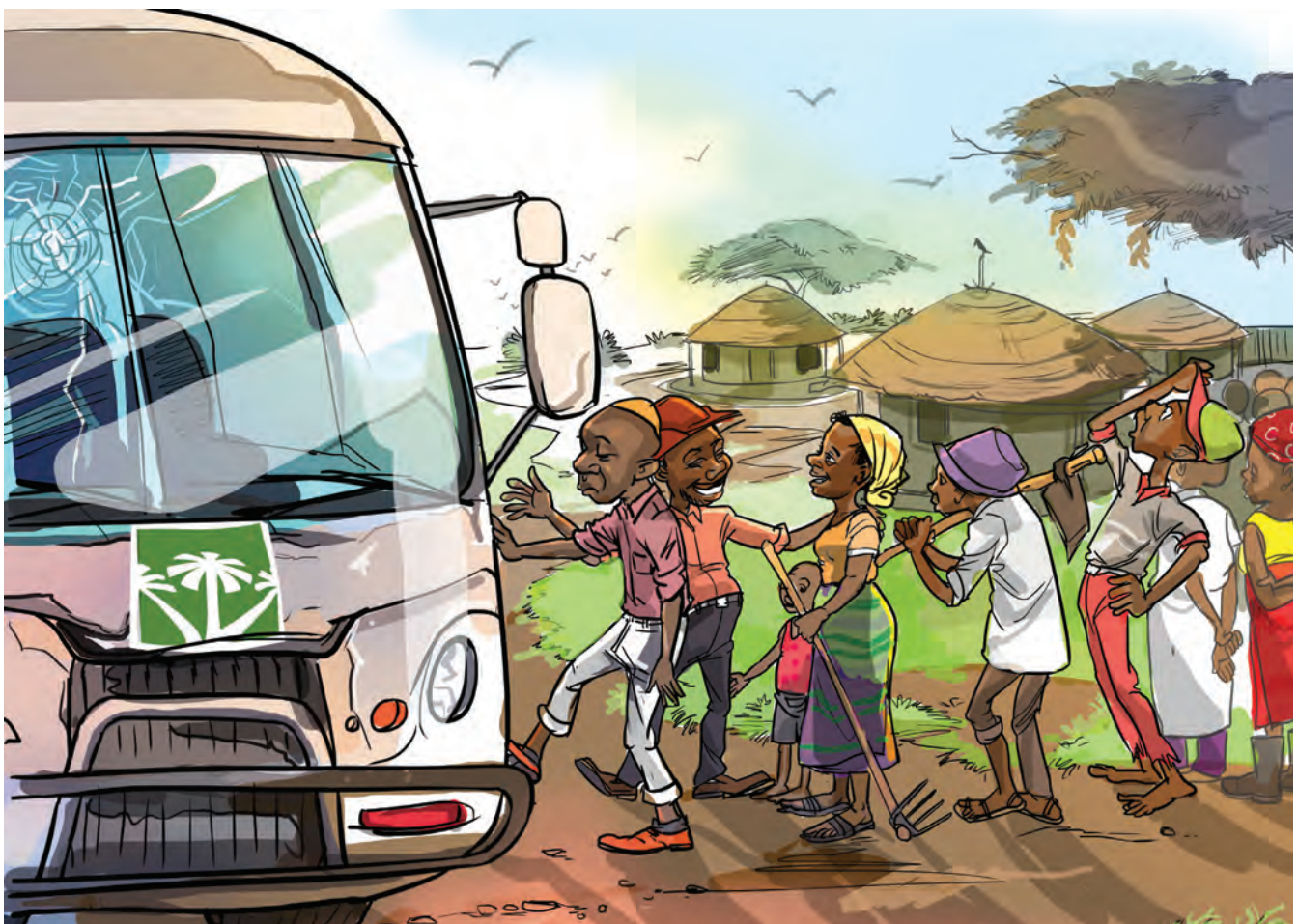


The company will also have met with politicians, government officials or influential business people at the local level before it meets with villagers.

The company needs the **support of these local elites** if it wants to overcome community opposition to its industrial plantation project. They can also become important contacts for the company, alerting

it about rising anger in the communities or informing the company about who the key ‘troublemakers’ in a community are.

The company may invite these local contacts and informants to visit some other country where the company also has plantations and introduce them to its local contacts there. Of course, the company will have made sure that their future local contact will not see much of the conflicts that exist at that location. The people that the visitors meet will instead tell stories about the benefits the company brought to the local economy, and in particular to those people who support the company’s plantation plans. Back home, the local government official, businessman or politician will understand what is expected of him (it is usually a man). He will speak in beautiful words about the company’s plantation he visited in order to convince key community leaders to support the company’s plantation project.



Sometimes, a local politician who has become a company informant has a small company himself that will receive contracts from the company once the plantations are up and running. His business might be awarded a contract for the transportation of workers to the plantations or for the collection of fruit bunches and their delivery to the mill. He may become a local contractor for security guards patrolling the plantation area, or the company might use the local businessman as subcontractor to hire day labourers. Very rarely do villagers or community cooperatives receive such local service contracts; they are almost always given to outsiders or local elites who support the plantation company.

The company may also set up several local committees. These are usually described in the company brochures as 'community committees.' In reality, they tend to be dominated by local politicians and businessmen who support the company. These committees might be responsible for administering funds for community projects or may have influence over who from the villages and nearby towns gets local employment on the plantation. Sometimes, traditional chiefs are also invited to join such committees. The company hopes that by involving the chiefs in these 'community committees', they will not defend community interests with as much determination as they would otherwise when conflicts with the company start to increase. Almost always, the members of such committees are paid an honorarium or per diem for attending meetings. These payments are sometimes difficult to distinguish from a bribe – money for their acceptance of the company plantations. Traditional leaders or community activists who don't take the envelopes with money handed out at the end of such meetings may not be invited back.

If the company needs to sign lease agreements with local communities or needs the approval of a community to set up its plantation, it may use people known to the community to introduce the plantation project. The company may send a 'son of the soil' to encourage the community to support the plantation project and provide the land the company is asking for. The person could have been born in the community or a nearby village but moved away for schooling or business and now has some connection to the company. Known and trusted by the community, this person will often be able to convince community members to believe

All the meetings are in effect under company control. There are management committees for so-called community benefit projects headed by local politicians or a governor. If a community representative is part of the committee, they understand that they are expected not to contradict the state authorities. And it's the company that covers the expenses of such committee meetings. Unsurprisingly, committee members are paid well at each committee meeting.

the promises made by the company where the company itself would have failed to gain community support.

In Côte d'Ivoire, companies have used local people who are trusted by the communities to acquire land on the companies' behalf, and then sign it over to the company at a later stage. These local agents for the company are paid according to how much land they can get from the communities, a system that incentivises the local agent to misuse the community's trust to maximize his own profit.

In Sierra Leone, a plantation company used the help of paramount chiefs to pressure communities into accepting lease agreements. Community members explained how at one meeting where a lease was signed, women and youth were not allowed to speak. Community members also explained that, at the meeting, the community only agreed to provide the company with a small portion of their land. Only later did they come to know that the lease agreement covered the entire land of the community. According to community members who were present at the meeting, only the paramount

chief as well as a member of parliament and ‘the white people’ who were also in attendance, knew that the agreement involved all of their land, not just the small portion they were agreeing to in the meeting.⁴

NOTES

⁴ For more information, see: <https://www.grain.org/article/entries/5048-feeding-the-one-percent>

Tactic 3

Co-opt or pressure chiefs into making community land available for the company's plantations



The company will arrange meetings with traditional chiefs after it has met with ministers or even the President, as well as the local political and business elite. Usually, the company people will mention early on in such meetings that their plantation project is supported by a minister or by the President. A government official might even attend the meeting. The company will usually invite the traditional chiefs to meet outside the village, often in the city, without the knowledge of the wider community, where the company may pay for the chiefs to stay at an expensive hotel, with wining and dining included. Traditional chiefs often find it difficult in these circumstances to reject the company's plantation project, especially if they are told that it is supported by ministers or the president.

Often, the company will meet each traditional chief individually rather than organise a joint meeting of all the chiefs from the areas affected by its plantation project. The company knows that it is easier to convince the chiefs and get their cooperation if it meets with them individually.

At the meeting, the company will present its plans as a big opportunity for the chief to increase his standing in the village. He will be told that by supporting the project he will help bring 'development', employment, health and education services or improved roads to the communities. These are services the government should be providing. But in reality, these basic public services are lacking in most rural areas in West and Central Africa, and companies exploit this absence of the state, especially in remote rural areas. In the private meetings with village leaders, the company may also promise to negotiate a generous social contract or a memorandum of understanding (MOU) or a community protocol with those villages that support the company's plantation project. In these agreements, the company may promise to provide or help the community with some basic infrastructure, such as roads, health centres and boreholes. Yet, even if the promises are made in writing, they are often not fulfilled or only partially fulfilled. Boreholes that are constructed may break down and not be repaired by the company. A health centre might be built but then the company will not supply it with medicines or nurses.

It is therefore crucial that community members insist that before the company leaves, the community has copies of any documents that were signed or that were part of the discussions with the company. This should be insisted upon before the meeting starts. If the company still tries to claim that it cannot provide a copy to the communities, one possibility is for someone from the community to at least take a photo of all the documents that are signed and presented, so the community has at least some record of what was agreed to.

Another tactic that companies use against chiefs who resist their projects is to try and use their influence with government officials to have the chiefs removed from power. In Guinea, paramount chiefs are both traditional leaders and represent the local level of government. The largest oil palm plantation company in the country pressured the government to remove a paramount chief who opposed its plantation project and to replace him with another paramount chief who was supportive of the project. Following the change, the army was sent in to destroy family farms and to help set up the plantations. In the process, another chief opposing the plantations was killed, dozens of people were arrested, and many local people fled to neighbouring Liberia.

In places where the company operates an out-grower scheme in addition to its own plantations, it may try to break a chief's opposition to its plans by convincing a few of the more influential families in a village to incorporate their fields into the company's out-grower scheme.

A company might also offer small amounts of compensation to communities that agree to provide them with land for its plantations, while threatening to give nothing to communities that refuse to give up their land. The company may also offer larger sums of compensation for those villages or families who are the first to agree to the company's compensation package. In the case of resettlement, the company may try to break community unity against the plantations by promising better land at the location of resettlement to those who are the first to accept the compensation and resettlement offer.

At the initial meeting with traditional chiefs, company representatives will usually offer gifts. These gifts can be hard to distinguish from bribes: they are presented in private meetings with the company, usually without the knowledge or presence of other community members, and community members may never be informed about these 'gifts'. At these private meetings, the company might also promise better-paid employment for the chief's family members once the hiring of local company staff starts. Or the company may promise that the land which the chief's immediate family depends on for food production will remain outside the oil palm plantation. The company may even promise to renovate the king's or community head's palaces, or offer some regular payments, with the intent of dividing the communities.

Communities who have witnessed their leadership being co-opted by plantation companies say that if there is one piece of advice they can share with communities that are not yet surrounded by plantations, it is this: do not let your traditional leadership meet the company in private meetings or outside the village, and make sure they never sign any documents in such private meetings. It is also important to make it publicly known that such documents signed in private meetings without their consent will not be accepted by the community.

Many communities have experienced their leadership sign documents that they do not even understand in such meetings. They have also seen how, after private meetings with the company, their chiefs began to put personal or family interests before the interests of the community. The communities then realized how important it would have been to insist from the beginning, in a very public and direct manner, that any commitments made by traditional chiefs or community leaders in private meetings with the company, and without village members present, are not acceptable.

Where persuasion tactics fail, and a traditional chief opposes the plantation despite the gifts or bribes that the company may offer, the company will switch to intimidation and harassment. A government official or local politician might start to pressure a chief to cooperate with the company. The government might threaten to stop basic services to

the villages opposed to the company's plantations. Or the government might step in and pressure community leaders to sign documents that falsely state that their communities are in favour of the plantations.

In the Democratic Republic of the Congo, for example, a vice-governor 'invited' village leaders and chiefs to a meeting in the provincial capital to sign an agreement with an oil palm plantation company that is in conflict with their communities. Armed and uniformed officers were present during the 10-day 'meeting' at which the chiefs were put under pressure to sign a 'Memorandum of Understanding' with the oil palm company. After signing the document, none of the leaders were given a copy to take back to their communities. However, the European 'development' banks financing the plantation project were immediately sent copies. Some village leaders were even afraid to return to their villages to explain what they had signed, fearing the reaction of fellow villagers who had for years opposed the signing of such documents without a fair process of negotiation.

Months afterwards, the communities had still not seen a copy of the document their chiefs and village leaders had signed. Not even the chiefs had a copy. This is not unusual and is part of the company's tactic; they rarely provide copies of the signed documents to communities. This puts communities at a dangerous disadvantage because the company can always say that what the community is demanding was not included in the agreement, even if it was.

The trouble with compensation: it's never fair but families still have a right to be compensated

Compensation is a very tricky issue. Companies do not pay compensation because they think that is the right thing to do. They will usually insist that they are under no obligation to provide compensation because, in their view, the government owns the land and is supporting the project. They will also ignore community members who insist that the community has customary rights to the land and instead claim that what counts for the company is the government's view on this issue and that it is merely showing 'good will' by offering compensation. For the company, compensation is another part of the strategy to take over community land, and the compensation that companies offer is therefore never fair or sufficient.⁵ At the same time, families are entitled to compensation if their land is taken. But all the company is offering is a 'take it or leave it' package, which puts pressure on community members to accept the meagre compensation offered by the company or risk getting nothing at all. This dilemma always arises when companies talk about compensation, and the company exploits it to get its hands on community land.

*'We did not have a choice in the matter. The company was here, the government had given them the land, they were ready to clear our farms and destroy our crops – what more could we do. The situation was that either we take whatever amount they were giving us or they take the money back and still clear the land anyway'*⁶

5 For more information, see Silas Kpanan'Ayoung Siakor (2012): *Uncertain Futures. The impacts of Sime Darby on communities in Liberia*. <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/liberia-uncertain-futures-the-impacts-of-sime-darby-on-communities/>

6 Silas Kpanan'Ayoung Siakor (2012): *Uncertain Futures. The impacts of Sime Darby on communities in Liberia*, page 35. <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/liberia-uncertain-futures-the-impacts-of-sime-darby-on-communities/>

Tactic 4

Promise employment, improved roads, schools, health facilities



Most industrial oil palm plantations in West and Central Africa are located in regions where the state is failing to provide basic public services such as decent roads or health and education facilities. Companies exploit this situation: they promise employment and improvement of roads; or they might promise to build or upgrade health centers, dispensaries and classrooms. The most powerful – empty – promise is to generate local employment.

Rarely will a company ever put any of the promises that it makes to communities into writing. In those few cases where a company signs a written agreement and provides a copy to the communities, the wording is usually vague, without specifics on timelines, amounts of money to be contributed or the number and types of jobs that the company will provide. Importantly, the agreements almost never specify any consequences to the company for violating the agreement and not fulfilling its promises.

Years later, a community may still be waiting for the company to fulfill its promises even though it is surrounded by oil palm plantations built by the company on its most fertile land. The reality is that most companies forget about the promises they have made as soon as they secure control over the community's land. Communities will be kept waiting for years for promises to materialize, but the companies will start clearing their land, preparing the soils and getting the oil palm seedlings into the ground as soon as they get the community signatures. They will move fast to set up the plantation because they know that once the trees are in the ground, communities will have much more difficulty to stop or reverse the full implementation of the project. And where communities are left without a written copy of the company's promises, it is easy for the company to claim that it never made them.

In some cases, a company may build a classroom or a health center soon after they first come to the community – or they might start construction but never finish the work in the end. Such activities do not cost the company a lot of money and they provide a welcome photo opportunity during an inauguration ceremony. The company can use the photo in reports that



it sends to the foreign banks that provide it with loans. Such photos are also important for brochures that the company distributes to customers overseas who want to believe they are buying from a 'socially responsible' enterprise that 'brings development' to communities. There will almost always be a big placard in the photo showing that the company has donated a health center. The photo will not show that health center is not supplied with medicines or staff or that most villagers cannot access the

health facility because the fees it charges for people who are not full-time employees of the company are too high for them to afford. The classrooms displayed in company brochures may actually be empty because neither the state nor the company will provide salaries for teachers or teaching materials. Yet, even if such buildings are unused, companies will insist in their negotiations with the government that they pay less tax because they already provide local infrastructure and services.

Promises for better roads can also turn out to be a double-edged sword. For example, a company might change the course of roads that communities traditionally use and then restrict community access to these 'improved' roads by claiming that these are now the property of the company. The improved 'company roads' might be closed off with guarded gates so the company can control who enters and who leaves the villages. A common complaint from communities is that they have lost their right to freely come and go as they wish on their own land because company security guards control access to the roads.

The promise of employment turns into disappointment, anger and conflict

Promises of jobs and employment are often what makes chiefs and community leaders initially support a company proposal for oil palm plantations. But these promises almost always lead to disappointment, anger and conflict.

Disappointment because, after the initial phase of clearing and planting, there are usually very few jobs for community members. It is also extremely rare for local people to be hired for management positions. Companies often defend hiring outsiders with the claim that villagers do not have the skills needed. Often this claim is wrong: the reality is that companies rarely invest in programs to train local people for management positions. This is particularly frustrating for the younger community members whose families have struggled to put them through school, and yet, the plantation company will hire people from outside the plantation area even for lower management positions.

The promise of employment results in anger because the few jobs that are offered to local community members are usually poorly paid and only for short-term contracts. The work is also often dangerous because it involves the application of chemicals at the nurseries or in the plantations without protective clothing or because it is the back-breaking work of harvesting and collecting fruit bunches. Furthermore, the daily quota that harvesters and collectors need to fulfill is often set so high that it is difficult for workers to achieve, and, as a result, workers regularly have

‘It is absurd, I have to pay to get a job, and after a few months, the subcontractor tells me the job is over and if I want a new contract, I have to pay again’

their wages reduced or even lose their entire day’s wages because they do not meet the quota. Workers will therefore often rely on family members to help them so that they can meet the daily quota.

Exploitation can be even worse when companies use subcontractors to hire labourers on short-term contracts. Workers in oil palm (and rubber) plantations across the region report that they might have to pay a ‘fee’ to the subcontractor to be given a short-term contract. For women, the exploitation can go even further, with subcontractors offering jobs or only paying wages in exchange for sexual favours.

In many cases, people are forced to accept these working conditions because the company has taken over so much land that there is no land left for families to produce their own food. Work in the plantations becomes the only option they have to earn the money they now need to buy food or cover other basic family expenses. Many families will no longer be able to send their children to school.

The promise of employment also becomes a source of conflict because the company will use this promise to break the community’s unity against its plantation plans (see also Tactic 5). The company, for instance, may

decide to hire only young men for some of the better jobs. These young men are thus likely to support the company's expansion plans to protect their jobs even if the chiefs and community leaders oppose these plans. By favouring these young men – who may depend less than women and older men on access to community land to grow their food – the company is able to cause conflict within the community. In Gabon, for example, a company hired young men to work at its nurseries while there was an on-going conflict with the communities over the use of community land. Afraid to lose their jobs, the young men became strong supporters of the company's plantation plans while many village women and elders opposed these plans because the plantations would take over the land they used to grow their food.

Conflicts are also common between workers and villagers in cases where the company hires mainly workers from outside the local communities, sometimes even from other countries. This is the case in Gabon, where an Asian oil palm company brought in workers from Indonesia and Malaysia to work on the company plantations. In addition to not providing local employment, the workers did not speak the local – or even national – language, making it difficult for villagers and workers to communicate.

The disappointment, anger and conflicts that arise from the company's failure to provide jobs and decent working conditions are compounded by numerous negative impacts from the plantations: the pollution of water springs and rivers, the destruction of forests, the restrictions on access to forests and loss of access to agricultural land, and the increase in prices of local staple foods. The numerous negative consequences far outweigh any benefits to the community from the few jobs and minimal social infrastructure that the company may provide.

While the entire community will lose access to the farmland, forests and creeks that provided food and livelihoods before the land was taken over for plantations, only a small number of people from the community will be employed by the company. This can create tension within the community and undermine the ability of the community to resist together because a few people will argue that they have employment and benefits that they did not have before. The company will remind the few people it

has hired that their jobs are at risk if the community continues to oppose the company's plantations.

It will also use the voices and images of these few local workers to make it appear that the entire community supports its plantations and thus counter international criticism against its plantations. In Gabon, for example, a long report on national TV portrayed 'a day of a worker on OLAM's oil palm plantations'. A woman in a management position (a rare situation in most oil palm companies) was shown talking about how her life had changed so positively since OLAM came and set up its plantations.

***'Maybe there are some benefits but the damage is much bigger than the benefits; they are buried under the damage that the plantations do.'*⁷**

At the end of the day, even if companies were to fulfill the promises they make to communities, the benefits they get from governments, such as tax breaks and other kinds of subsidies, add up to much more than what they may spend on fulfilling their promises to communities for classrooms, health facilities and jobs. This is even more so because most structures the companies build are cheap and of poor quality. For example, they install water pumps that barely work, provide foul water, fall dry for part of the year, and cannot be easily repaired by the communities if they break down.

⁷ Comment from participant at a meeting in Mundemba, Cameroon in 2016, on expansion of industrial oil palm plantations in West and Central Africa.

Tactic 5

Organise community meetings to create the appearance of community consent



Conflict is unavoidable when a company takes over hundreds or thousands of hectares to set up oil palm plantations on land that villagers already use to cultivate their food. But banks that provide money to the plantation companies and international buyers of palm oil do not want to be connected with 'conflict palm oil'. So, plantation companies have come up with ways to create the impression abroad that a community supports the oil palm plantation even if this is not the case.

Community meetings play an important role in a company's efforts to present itself as a 'responsible' company. These meetings can be organised by the company or by private consultants hired by the company. The company may say that the meetings are part of a 'social and environmental impact assessment'. The meetings may take place before the company destroys village forests and fields for its plantation or they may take place after the company starts to clear land for its plantations and conflicts with the communities have broken out. But these meetings almost always take place after the company has received the necessary government permits for its plantation. Therefore, the community does not really have the option to say 'no' to the plantation project at these meetings. However, the message the company wants to give to its banks and its international buyers is that the community participated in and supports the decision to have the company's oil palm plantation on their land. Statements from villagers in favour of the plantations will be recorded in the meeting notes that the company will produce. These statements will often be used in brochures the company distributes abroad. But objections and concerns mentioned in the meeting will be ignored and will go unrecorded. If the meeting is held before a conflict has broken out, the company will usually provide food, drink and dance or bring gifts (beverages, rice, etc.) to this sort of meeting.

People might also be made to believe that the meeting is about some community project the company promised to finance, such as water boreholes, a health centre etc. When asked if they are in favour of the project, they might vote 'yes' by raising their hands, thinking the vote is about the community project rather than the plantation. Often, someone from the company will take a picture at the moment many in the room raise their hands, and the company may use the picture later to claim those in attendance supported the plantation project.

If the village meeting is held when conflicts have already broken out, the company usually arrives at the meeting accompanied by security guards, police or government officials to demonstrate its authority over the community. It may have arranged for plantation and mill workers or those working at the company nursery to come and speak out in favour

of the company. Sometimes workers are requested to come during their work time and the company will arrange the transport to the meeting even if workers are not from the immediate community, or they may be paid extra to attend. Sometimes workers are pressured to come or risk losing their jobs. The meeting venue may also only be announced at the last minute (at least to those who oppose the company plantations) or the place of the meeting may be changed at the last minute. The company may also choose meeting places that are difficult to reach for those opposed to the company's plantations.

For the company, the main purpose of these meetings, whether the atmosphere is relaxed or tense, is usually not to resolve a conflict with the community, or to enter into a real discussion about the community's concerns about the company's plans. The company has no interest to discuss the negative impacts the plantation will cause to village life. In fact, those community members who want to raise critical points or demand information that the company does not want to give, are often not given the floor to speak at such community meetings. Nor will the company mention that its plantations have caused conflicts with other communities who were dispossessed of their land and who had their water sources polluted by chemicals used in the plantations and at the mill.

For the company, one of the main purposes for such a village meeting, especially if conflicts have already broken out, is to capture photos of many people in the room raising their hands and looking happy, as if they are in favour of the plantations. The company may also have to show proof that it is consulting with communities in order to comply with requirement of green labels (see Tactic 11).

Meeting participants will thus typically be asked to add their names and signatures to an attendance list – often on a piece of paper with no title or date. While this may be a genuine attendance list, companies are also known to have attached such lists to other documents in which the company claims to have community support for their plantation. In reality, many who sign the list might oppose the company plantation

and be unaware that what they are signing could be more than just an attendance list. In Cameroon, for example, a state official from the Ministry of State Property encouraged community members prior to a meeting between villagers and a palm oil company ‘not to hesitate to sign any documents that shall be presented.’ At the meeting, an attendance list was signed by all the participants. The notes from the meeting that were prepared by a state official who was present at the meeting included ‘a recommendation to the Head of State to allocate the land concession.’ State officials would later refer to the attendance list signed by villagers as proof that they supported this recommendation. But the community members who signed the attendance list never even saw the notes from the meeting and were never told that their signatures would be used to claim that they supported a recommendation to hand over their land to the palm oil company.⁸

If the company has called the meeting to sign an agreement with the communities, they will usually not leave a copy of the agreement with the community. If asked to provide a copy, they will promise to provide a ‘clean copy’ later. But the copy will never arrive, leaving the community without any proof of what was agreed. They may also refuse to allow community members to take photos of the documents and attendance lists so that it can deny any future claims by the villagers that it committed to specific community demands. It is therefore important that the community insist that they be provided with copies at the end of the meeting of any document they sign or at least be allowed to take a photo of it. Taking photos of the attendance list makes it harder for the company to manipulate such lists after the meeting.

8 See also CED and RELUFA (2013): Dispossessed at all costs? <https://rightsandresources.org/wp-content/exported-pdf/201310dispossessedatallcosts.pdf>

When consultation is manipulation and consent is a mere token

'There has never been free and prior community consent for a company's oil palm plantation. Each time a company holds a public consultation to obtain the free consent of communities, it has already received the government's approval to occupy the land for which it is consulting the communities. The company may even already be setting up tree nurseries'

Companies are increasingly using the words 'consultation' and 'consent' over the past decade. What they call 'consultation' is not a true consultation because those who oppose a project or raise critical questions are not allowed to speak, or their interventions are not recorded in meeting minutes. And when a company claims that it will have 'Free, Prior and Informed Consent' (FPIC) before it starts setting up its plantations, this is mainly a message for its international financiers and buyers (see also Tactic 11). FPIC includes the right for communities to say 'No', to withhold their consent. But when a company arrives in a village claiming to seek 'community consent', it already has the consent and approval of the government. All the community is asked to do, really, is validate a decision taken elsewhere over the use of their customary land.

The company is often not even present at such 'community consultations' but will instead send a private consultant. This allows the company to avoid having to respond to questions from or provide information to the communities while still being able to make it appear to its banks and buyers that it is a responsible company that respects community rights. In some cases, a small number of people may be selected from various communities and invited to attend a seminar at a city center or town hall where a company lawyer will present documents about the company's plantation project. This small group of hand-picked' villagers and the local company contact, usually a local politician or businessman, will then be

asked to sign a document as ‘representatives’ of their community showing that they consent to the project. Sometimes, people will sign these documents without a clear explanation of what it is they are signing.

A community organiser working with communities affected by a large industrial oil palm plantation in Central Africa says that community consultations organised by plantation companies are in reality ‘information campaigns organised to placate international organisations’. She says: ‘Unfortunately: 1) the government has already attributed the land where the village is located or that are next to the village; 2) the local politician from the ruling party has already been corrupted and is mandated by the government to defend the interests of the company; 3) the weak local authorities are obliged by higher powers to support the company; 4) the traditional chiefs receive benefits from the company; 5) some jobs have already been given in the company’s nursery to village youth to get their support; and 6) the company has made numerous promises about development. Everything has been carefully organised so that no one in the village will oppose the project. Thus, free, prior, informed consent (FPIC) is just a lie.’

‘Once a company gets this so called FPIC, it then puts in place systems for communications, complaints and conflict management based on writing that the community members (most of whom are illiterate) cannot put into practice. These systems, which the communities cannot use, only benefit the company. The communities are left to silently suffer the environmental and social damages from the plantation because they cannot communicate through the written word.

Tactic 6

Silence local opponents of the plantation project



Some people in a community are more outspoken than others about their opposition to the company's plantation plans. They often become the public face of community resistance to the company's plantations. The palm oil company will quickly try to single out one or a few of these individuals, and brand them as 'troublemakers who want to block development'. The company might claim these people are using the community for their own interests or that they are merely instruments of foreign NGOs who want to prevent development in the country.

The company will try to find out as much as possible about the individual(s) it has identified as the most visible, skilful and active local opponent(s) to its plans. It may recruit some youth from the villages to work as informants. For example, it may provide a young person with a motorcycle in return for information on who is mobilising against the company's oil palm plantation project and for any gossip about them. If it does not find compromising information, it may even fabricate a story or spread false rumours to discredit the strongest local opponents.

As with the traditional chiefs, the company will try to both co-opt and intimidate. Often, company security guards or people later found to have links to the plantation company will start to harass, bully and even beat up leaders of the local resistance. These leaders may find their property vandalised or they may notice vehicles passing by their homes regularly just to let them know that they are being watched. They might receive untraceable phone calls and callers may threaten them, telling them to be 'careful'. Slandorous rumours about them may start to spread. They might be threatened with arrest if they continue to mobilise community resistance. Their family members might be offered jobs with the company, but only if they stop opposing the company's plantations. The family will then put pressure on their relative, claiming that his or her opposition to the company's plantations is depriving others in the family of employment opportunities.

One palm oil company in Cameroon tried to break opposition to its plantation expansion plans by ceasing to buy from smallholder farmers who had historically sold fruit bunches to the company but who were opposed to further expansion of the company's plantations. Local authorities even appeared and confiscated machines that the small producers used for their own palm oil production.

Local people know that the company is behind these acts of bullying, manipulation and intimidation. But the company will be careful to conceal its connections to any of these activities, making it difficult for the communities to prove that it was involved.

Another way that companies try to silence local opponents is by organising a meeting, or getting local authorities to call a meeting, where only a small number of those invited are people opposed to the company's plantation plans. At the meeting, these opponents will be accused of obstructing progress for the whole community. For instance, a local authority supporting the company's plans may call a meeting to which mostly company representatives, government officials and local business people and others who support the company's plantation plans are invited. In such a situation, pressure on the one or two people rejecting the company's plantation plans will be very high, especially if military or police officers are also present.

The company may also get local authorities to create administrative hurdles for community groups that oppose its plantations. If a local group wants to register as a community organisation or union, for example, the local administration might deny the registration if those applying for it are known to oppose the company's plantation plans. Without such an official registration, community groups will find it more difficult to obtain funding, permissions to hold rallies, etc.

Palm oil companies often try to co-opt some local NGOs, or, if that does not work, they may even secretly form new local NGOs. The role of such local NGOs is to undermine local resistance and to prevent the company's conflicts with communities from affecting its international image. The company will use statements, interviews and publications made by these local NGOs, which it secretly controls, to discredit and contradict community accounts of conflicts. These fake NGOs can even be used to spread false rumours about the activists who are truly working to defend the interests of their communities.

Sooner or later, the company will try to buy off the key people opposing its plantation plans. They will be invited separately to private meetings, often under the pretence that the company wants to discuss the concerns opponents have about its plantations. Such a conversation is usually proposed when the individual is attending a meeting outside the village. Money is likely to be offered or proposals will be made to help send his

or her children to college or university. A house in the city might even be offered, away from the local conflicts, as long as the person accepts to stop mobilising against the company's plantations. 'You could close this door and never look back', one company representative told an activist he was trying to bribe.

The company may record these kinds of meetings or conversations without the knowledge of the person opposed to the project. Sometimes the company representative might suggest that they take a 'picture to remember the good meeting we had' and then use the picture later to discredit the opponent and suggest he or she is working with the company even if that is not the case and even if he or she refused any bribes or favours that the company offered.

Those individuals and their immediate family members who are branded by the company as 'troublemakers', will have to endure tremendous pressure. To help them and to keep the community's struggle against the company's plantations stay strong, it is important that both the individual and the community take precautions.

For example, the more people they are who are seen as leaders of community resistance, the better. If different people speak at public meetings or rallies, it will be harder for the company to single out one or two individuals. If the mobilising seems to be centralized with one or two people, it is much easier for the company to undermine community resistance.

Those who are most exposed to bullying, harassment and intimidation need to be reassured that their immediate family will be taken care of should anything happen to them. Making connections with human rights organisations can be important, especially where threats to a person's well-being or life are involved.

Finding out about legal support for human rights defenders is also important where the person risks being arbitrarily arrested or being dragged through the courts by a company. Some community activists who have spearheaded community resistance to corporate oil palm

plantations have been fined large sums based on fabricated charges. Without legal and financial support, such court cases can be devastating both for the individual and for community resistance, even if the charges never result in convictions. Human rights organisations might be able to provide some legal and financial support in such situations and to bring international attention to the case.

NOTES

Tactic 7

Exclude and marginalise women



In West and Central Africa, much of the work that goes into traditional oil palm cultivation and processing is done by women. Palm oil is the most important product obtained from the tree, but women also use the fruits and other parts of oil palm trees to produce a wide variety of products. Much is therefore at stake, particularly for women, when an oil palm plantation company arrives, either to set up large-scale industrial oil palm plantations or to convince families to plant 'improved' oil palm seedlings on their land and sell the oil exclusively to the company (as smallholder, see Tactic 11). These industrial plantations, whether large or small, will inevitably become a threat to traditional oil palm cultivation and use. In this context, resistance against industrial oil palm plantations is also a women's fight for the economic independence that traditional oil palms provide.

Because women stand to lose the most when oil palm plantations expand onto land used by the community, they are often more sceptical towards a plantation company's promises. They will also sometimes hesitate to spend time in community meetings because they know the 'game's is fixed'. When they do get involved, their concerns tend to go beyond the use of the land. How will the influx of plantation workers, most of them single men from outside the area, affect community life, and in particular, the life of the youth of the community? How might the plantation increase the risk of alcohol and drug abuse, and the violence that such abuse incites? Companies know that women will bring up such issues, and that is one reason why they prefer to speak only to the men in the village, and to exclude the women.

By excluding women from decisions about the plantation project, the company increases the marginalisation that women already experience in public discussions and decision-making in most regions where oil palm plantations are expanding. In Central and West African countries, this continued exclusion of women from land use decision-making – and often, from holding land – also plays into the hands of oil palm companies: women are rarely present in the meetings where decisions are made about whether to support or reject the plans for an oil palm plantation. As a consequence, the particular concerns and objections that women have about the creation

of a new plantation or the expansion of an existing plantation on community land are rarely considered when chiefs and male community leaders decide whether to support or reject a company's plantation proposal.

As the impacts of the oil palm plantation project become apparent, women are often the first to protest and resist. When women start to speak out against the company and the negative impacts of the plantations, companies make use of the cultural roles assigned to women to marginalise their protests. They will comment to chiefs and family members that a 'woman's business is in the house and cooking, not criticising the company'. They will try to make male family members feel ashamed and embarrassed that their wives, daughters or sisters are taking action. The company will direct its comments mostly to male family members who were involved in the decision to accept the company's plantations, or men who have found employment in the plantations. It will use these men and the cultural stereotypes about a 'woman's place' in the community to suppress the opposition of women to the plantation. As a result, the whole family, and sometimes a big portion of the community, will put pressure on women to stop their protests against the company.

One way for women to ensure their voice is heard in community discussions is for women to organise and come together to discuss their concerns and to then present these together in community meetings. Such meetings allow women not only to discuss the impacts that plantations have on them but also to strategise on how to ensure their concerns are heard inside the community. In Sierra Leone, a two-day meeting of women from communities affected by oil palm plantation projects was held without any male participants. The women were able to talk openly about their experiences and to discuss what actions they, as women, can take to defend their communities. The meeting resulted in a strong statement in which all of the women committed to struggle to take their land back from the palm oil companies and to rebuild traditional oil palm cultivation and processing in their communities.

Such organising to ensure the inclusion of women in community decision-making is crucial because community resistance will be less powerful without strong participation and leadership from women.

The violence against women that companies never talk about

The sexual violence, abuse and harassment that women suffer because of large-scale plantations is rarely mentioned. Even during community meetings or in NGO reports, there is often only passing mention about this violence and abuse that occurs in and around oil palm plantations. Usually, the shocking extent of this reality only comes out when women meet among themselves. In these conversations, it becomes clear very quickly that sexual violence and abuse are an integral part of the large-scale plantation model.

During a women's workshop held in 2008 in Brazil, to discuss impacts of industrial tree plantations, a peasant woman from the Brazilian state of Rio Grande do Sul commented that: "Those who come from outside harass the women when they walk outside, and this happens every day. We are not free to walk alone anymore. For us women, plantations have created a situation of fear, violence and sexual harassment."⁹

A woman from Honduras who lives in a village affected by oil palm plantations says: "The foremen, sometimes they harass the female workers so that they have relations with them and then in return give them better work. But because we struggle for our rights, they forced us to give up our job. I had my daughter at school and I had to take her away, and I had my son at school and I had to take him away, because they forced us to give up our jobs."¹⁰

Plantations can generate more alcohol and drug-related violence and abuse against women as well, particularly on weekends and pay-days when there tends to be more alcohol and drug use, especially among plantation workers.

9 WRM (2009): Women raise their voices against tree plantations: Testimonies from Brazil, Nigeria and Papua New Guinea. Video. http://www.wrm.org.uy/Videos/Women_Voices.html

10 Bajo Aguán: grito por la tierra <http://wrm.org.uy/videos/bajo-aguan-cryfor-the-land/>



In West and Central Africa, there is another type of violence that arrives with the plantations: security guards and police working closely with the company will enter houses in and around the plantation at will to search all the rooms and cupboards for palm oil. Women report cases of guards even pushing the food being cooked on the stove onto the floor because palm oil is used in the dish. The guards will accuse the women of using oil from palm fruit stolen from the company's plantations. Even when a woman insists that the oil is derived from fruits from her own palms or from family plantations, the guards will confiscate the oil. Sometimes women are beaten or abused by the guards who accuse them of taking palm fruit from the company. A woman in Cameroon was severely beaten when she refused to give up palm oil from her family's oil palm grove that she was transporting from the village to her house in the nearby town. Her car was stopped when driving on the road through the company plantations, which is the only road from the village to the main road and has been used by the villagers long before the company arrived. At a women's workshop in 2017 in Sierra Leone on the impacts of industrial oil palm plantations, women reported that rates of imprisonment have increased significantly since the company arrived. Many women are arrested after company guards accuse them of 'stealing' fruit from the company's oil palm plantation. They explained that the situation is dire, because there is no place to grow food. So, women and children sometimes enter the plantations to collect fruits or even other products from the palm trees, for example leaves to be used as a shelter. They say that it's risky 'but what can you do if you have no other option to survive than collecting the fruits from the ground.'

Company representatives and government officials never talk about such violence against women when they come to introduce the company's plantation plans to a community.

Tactic 8

Forge signatures, falsify documents and withhold copies from villagers



Falsifying documents and forging signatures are serious offenses. Yet, companies get away with using documents containing forged signatures of village representatives in many places where they set up their oil palm plantations. There are many accounts from chiefs and community activists of how they found out that their names and signatures were on plantation company meeting lists even though they had not attended the meetings. There are also numerous cases where the signature on an agreement, supposedly signed between the company and a traditional chief or a community leader, turns out to be forged. When community members in Sierra Leone, for example, were shown a contract the paramount chief had supposedly signed with a palm oil company, the chief and villagers confirmed that the signature on the contract was not his. It had been forged. Community members in Gabon also found out that their signatures were included in meeting documents even though they had not participated in the meeting.

Oil palm plantation companies routinely fail to provide villagers with a copy of signed documents. As it is very difficult for chiefs or community leaders from remote communities in West and Central Africa to follow what plantation companies operating in their communities tell their overseas financiers and palm oil buyers, the communities will not know – if the company is presenting them with false documents to show it has the consent of the communities. The company will therefore rarely be found out for using documents with forged signatures, and banks and buyers of the company’s palm oil tend to show little interest in investigating whether the documents presented to them are credible. They are usually satisfied when shown a signed document that they can point to in their reports as proof that the company has provided all the documentation necessary for them to approve a loan or to buy the palm oil. The company therefore knows that it will usually get away with presenting documents with forged signatures or false information. Palm oil companies implementing contract production with local communities can also use false information to get control over community land. In these ‘out-grower’ or smallholder schemes, community members sign contracts with the palm oil company in which they commit to grow oil palms on their land and to provide all

the fruit exclusively to the company (see Tactic 11 for more information about these schemes). When recruiting villagers into such smallholder plantation programmes, a palm oil company will often take advantage of the confusion and ignorance that villagers have about contracts and laws to trick them with false calculations and promises. At village meetings, for example, company representatives will show calculations that make it seem like the community or the farmer signing up for a smallholder plantation contract will get rich if they provide the company with their land, when in reality farmers participating in these schemes will soon end up in debt.

Many villagers approached by palm oil companies to sign contracts for such smallholder plantation programmes are illiterate or do not understand the technical language of a contract. Yet, the company makes no attempt to ensure villagers in such a situation are provided with legal advice that is independent from the company before they sign contracts that give the company control over their land. On the contrary, it will exploit the situation and not explain the details of the contract or the risks for the villagers. It will try to get their signatures as quickly as possible and then leave immediately after without providing the villagers with copies of the contract.

‘Clearly, this program is a scam to make us lose our land, through contracts that are hard to understand, and even hard to obtain copies of.’¹¹

It is common for companies to withhold copies of contracts and agreements from the communities or villagers who sign these documents. But they also routinely fail to provide communities with copies of lease agreements they sign with national governments or the land certificates that identify the exact boundaries of the areas covered by the lease

¹¹ WRM Bulletin 231 (2017): The Seed of Despair: Communities lose their land and water sources due to OLAM’s agribusiness in Gabon. <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/the-seed-of-despair-communities-lose-their-land-and-water-sources-due-to-olams-agribusiness-in-gabon/>



agreements. Without copies of such maps and contracts, communities are at a big disadvantage. A company might, for example, falsely claim that a certain parcel of land is part of its lease agreement and start destroying food crops or forest to prepare the land for planting oil palms, even though the area is really not part of the agreement. In one case in Cameroon, a person working with an oil palm plantation company managed to give a copy of the lease agreement to a member of the affected community. ‘The agreement

does not specify the area of the land concerned, nor the locations of any of the sites that were supposedly granted,' said the community member after looking at the agreement for the first time. But when the company showed up in the villages, it insisted that the land had been legally granted as part of its oil palm plantation lease. Before the community was given a copy of the lease agreement, it had no documentation to expose the company's lies about its rights over their land.

NOTES

Tactic 9

Use fraudulent land certificates and land surveys to take control of community land



Another tactic used by palm oil companies is to manipulate land survey processes that demarcate the boundaries of community, public and company land, or to use fraudulent and often hastily issued land certificates and other land documents.

When a company presents its plantation project to the community it will often claim that there will be enough land left for the community to use for its own needs. In the different villages, the company might say that it will ‘only’ need 50 hectares on one side of the river and another 100 hectares on the other side. But because many communities measure their land differently from the way the companies do – communities use natural boundaries, whereas companies use hectares or acres – they

may not realize that these two plots of land, which add up to 150 hectares, in fact cover almost all the land the villages have.

A company might also divide its land concession into small plots so that it can extend or renew its lease rights without the complex approval process that is typically required for large land leases. Land certificates or title documents for smaller plots of land can usually be issued by a regional or provincial registrar or surveyor's office while certificates for larger areas of land usually require approval and validation of higher-level government officials, such as the Minister of Lands or the president.

Local land registry officials can be bribed to issue land certificates without the necessary documentation. There are cases where land certificates were issued without the affected community even being aware of the company's plans to set up plantations on their land. In other cases, a mysterious local company, often linked to a local politician, might arrange fraudulent land certificates or acquire several small plots of land from community members. The local company will then sell these land titles to a larger palm oil company. That larger company will then deny any involvement with the initial fraud and demand that the government guarantee its rights to the land to protect



its investments in the country. Sadly, most governments will do exactly what the company demands.

As explained in Tactic 8, palm oil companies routinely refuse to provide copies of such crucial documents to communities, be they smallholder contracts, Memorandum of Understanding, lease agreements or survey maps and land certificates. In most countries, these are supposed to be public documents, but the companies treat them as if they were secret documents that belong only to them. Without access to these documents, the communities are vulnerable to the company's manipulations and its use of fraudulent land certificates. It also makes it hard for communities to challenge the company's land claims in court or at the international level. Without access to the land certificates and survey maps held by the company, it will be difficult for them to prove to the courts or the financiers of the plantation company that the company is violating its lease agreement or has falsified other land documents. There are cases where palm oil companies try to take control of community land by violating the boundaries of its plantation concession that are specified in its lease agreement. Companies often get away with these actions because the affected communities do not have copies of the lease agreements and associated maps and because the company, together with local government officials, uses intimidation and manipulation to make villagers feel insecure about the legal status of their community land.

*'The [government officials] had proposed a five-kilometer buffer zone, which communities already considered to be insufficient. Today, company plantations are less than two kilometers away from our huts.'*¹²

12 WRM Bulletin 231 (2017): The Seed of Despair: Communities lose their land and water sources due to OLAM's agribusiness in Gabon. <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/the-seed-of-despair-communities-lose-their-land-and-water-sources-due-to-olams-agribusiness-in-gabon/>

Companies have also exploited boundary disputes between villages. They encourage one of the villages to agree to a plantation contract that covers disputed land even though the other village opposes the oil palm plantation. The company may also expand its plantations on land that are jointly used and managed by several villages after only signing an agreement with one of the villages. When conflicts inevitably break out, the company will carry on with the construction of its plantations, saying the disputes are for the villages to resolve and have nothing to do with the company.

Sometimes, government authorities work together with an oil palm company in the land survey process, for example to set the boundaries of a community forest concession near the area targeted by the company for its plantations. Government officials might have encouraged communities to apply for such a community forest concession, with the argument that this will secure their title to the land. What they fail to tell them, however, is that such community forest concessions are usually issued only for a very small portion of the community's overall land, while the majority of the community's land are then included in the oil palm concession. This allows the oil palm company to boast that it has helped communities to secure legal title for their community forest while in reality, it used the community forest concession process to take control of a large part of the community's land.

Companies can also manipulate the land tenure process to take away a community's land by getting a government official to agree to change the status of forested community land to a forest. In many countries in West and Central Africa, this change in the land category takes control over the land out of the hands of the community. The oil palm company then burns the forest or drains the land. Once the forest has been destroyed, the company will apply for permits to convert the previously forested area into industrial oil palm plantations.

And finally, companies might even ignore court rulings preventing them from occupying certain land and go ahead with surveying work, regardless. This is of course only possible if the company has the overt

or tacit support of government officials. One such example is an oil palm company in Cameroon, where a community won a High Court case against the company that was trying to take control of the community's land. The company simply refused to comply with the ruling and instead it sent in agents to survey and mark the land where the community was to be relocated. The company was sending the community a clear message that it was going to take the community's land without its consent and in violation of the High Court ruling.

Another routine violation of the land survey process occurs when companies send in surveyors without giving prior notice to the communities. It is often the case that community members only find out about a company's plans to take over their land for an oil palm plantation when they happen to see surveyors on their land. In most West and Central African countries such covert surveying is illegal, and the land laws require community opinion to be noted and assessed by the surveyor before a land certificate can be issued. Yet, in countless cases, this requirement for community consultation is violated or community objections are not recorded, and the land certificates are issued to the palm oil companies despite these violations of the law. Where communities object, companies will often use intimidation and exploit ambiguities that often exist over the legal status of community land, telling community members that the land belongs to the government and that they have no legal rights to the land.

NOTES

Tactic 10

Promise improved food security but create food insecurity



One of the official goals of an oil palm plantation programme in Gabon, a ‘partnership’ between the government and a foreign palm oil corporation, is to increase food security.¹³ The programme is called GRAINE. The palm oil company running the programme promised communities that its oil palm plantations would only take up a small part of their land. They also said that participation in the programme would boost community food

¹³ See: WRM Bulletin 231 (2017): The Seed of Despair: Communities lose their land and water sources due to OLAM’s agribusiness in Gabon. <http://wrn.org.uy/articles-from-the-wrm-bulletin/section1/the-seed-of-despair-communities-lose-their-land-and-water-sources-due-to-olams-agribusiness-in-gabon/>

production. However, after they signed the contracts, the communities realised that they were obliged to plant oil palms – not staple food crops – on most of their land.

In one of the affected areas, 42,000 hectares of fertile land has been converted to oil palm plantations, while food crops (banana, cassava, tomato, pepper) now cover only 8,000 hectares. This program promised to increase food security for the participating villagers, but it has generated serious local food insecurity in order to boost the company's exports of palm oil from Gabon. At the national level, it is also hard to see how the programme contributes to food security given that Gabon still has to import more than 60 per cent of its staple foods at a cost of between 250 and 300 billion CFA per year.¹⁴ Communities that joined the programme are trapped in what one community member described as a situation where the villagers 'are losing and even dying a slow death.'

Elsewhere, companies setting up oil palm plantations may promise to leave some land around the villages for people to grow their food crops. In their glossy company brochures for their overseas financiers and palm oil buyers, the company may present this as their voluntary contribution to 'improving local food security'. In many countries, however, keeping oil palm plantations a minimum distance away from villages and hamlets is a legal requirement. Companies are being deceitful when they present their actions as acts of corporate generosity. They would simply be complying with the law if they respected the mandatory buffer zones around villages. In most cases, however, their plantations come right up to the edge of people's homes, leaving no space whatsoever for villagers to grow their food. The situation is even worse for those villages that are entirely surrounded by oil palm plantations. Often, families living in villages within a company's plantations have no land to grow food. The company may even prohibit them from growing food crops, as it wants to force the villagers to work in the plantations for low wages. In these cases, villagers – often women – need to walk long distances, often many kilometers, to find land where they can grow foods to feed their families.

14 Michael Moukouangui Moukala (2017): Projet Graine : Ces plantations de l'espoir <http://gaboneco.com/projet-graine-ces-plantations-de-l-espoir.html>



The truth is that industrial oil palm plantations create food insecurity by depriving communities of the land they need to grow foods to feed their families.

Another way in which industrial oil palm plantations increase food insecurity is by depriving villagers of access to forests inside the plantation concession or by cutting off access to forests that are only reachable by passing through the plantation area. Communities depend on these forests for food, herbs and medicinal plants. In the DRC, for example, villagers living in the vicinity of industrial oil palm plantations say they can no longer find caterpillars – a major source of protein for them. For women, this also often means that they can no longer gather the herbs and medicinal plants from the forest that their families depend on.

During the past decade, more and more villagers are being denied access to forests within plantation concessions has increased in the past decade or so. There are two main reasons for this. First, certification schemes like the RSPO (see Tactic 12) require palm oil companies to set aside what they call ‘high conservation value forests’ or ‘high carbon value’ forests. Companies often prohibit villagers from entering these forest areas that it declares to be ‘high conservation value forests’ or ‘high carbon value’ forest. The second reason has to do with the palm oil industry’s response to climate change. Palm oil companies contribute to climate change by cutting down forests for oil palm plantations. This large-scale destruction of forests releases a lot of carbon dioxide. And too much carbon dioxide in the air causes the climate to change in unpredictable ways.¹⁵ The palm oil companies say that it is possible for them to keep expanding their plantations without damaging the climate. How do they want to do that? From 2020, they claim they will only be selling what they call ‘deforestation-free’ palm oil’.¹⁶ This does not mean that they will stop destroying forests to set up their industrial oil palm plantations. What it really means is that they will declare more of the forest areas inside their concessions to be ‘high carbon value’ forests, and they will then deny villagers access to these forest areas with the argument that this forest area needs to be protected in order to protect the climate. For this ‘protection’ scam, companies can even receive financial compensation from international climate change programmes.¹⁷

15 For more information on why REDD is a risk to forest-dependent communities and how some of the largest corporations benefit from REDD, see WRM (2013): 10 Things Communities Should Know About REDD. <https://wrm.org.uy/books-and-briefings/10-things-communities-should-know-about-redd/>

16 For more information, see GRAIN and WRM (2015): How REDD projects undermine peasant farming. Report by GRAIN and WRM. <https://www.grain.org/article/entries/5322-how-redd-projects-undermine-peasant-farming-and-real-solutions-to-climate-change>

17 For more information, see WRM (2017): What do forests have to do with climate change, carbon markets and REDD+? <https://wrm.org.uy/books-and-briefings/what-do-forests-have-to-do-with-climate-change-carbon-markets-and-redd/>

Companies destroy markets for locally produced palm oil

A large portion of the palm oil produced on company plantations in West and Central Africa is for export. In those few cases where the oil from the industrial plantations is sold on the local or domestic market, the companies and the banks financing them boast that they are improving food security by reducing the country's dependence on palm oil imports. But the more important impact from this production is that it destroys the market for local palm oil. When companies dump large quantities of industrial palm oil on the local market, they usually undercut prices for local, small scale palm oil producers. Even though the oil the companies sell is of lower quality, the low price makes it hard for local producers to compete. Small producers who grow traditional varieties for local use as well as industrial varieties under contract with a company are often not allowed to continue production of the traditional variety. These small producers may also lose their local market due to the company dumping oil at a very low price on the local market and they may become labourers on their own land, producing oil from industrial oil palm varieties exclusively for the company and under conditions imposed by the company (see Tactic 11).

NOTES

Tactic 11

Promote smallholder contracts as an opportunity to ‘get rich planting industrial oil palms’



Many palm oil companies do not only rely on large, industrial oil palm plantations to expand their production and supply. They also resort to smallholder or out-grower programmes in which thousands of individual peasant farmers or community cooperatives are signed up to grow oil palms for the company. One example is the GRAINE programme

in Gabon, mentioned under Tactic 10. Similar programmes have also been introduced in other countries in the region, such as Sierra Leone. Villagers who sign up for these programmes commit to cultivate industrial oil palms exclusively on part or all of their land for one company. The villagers must grow the oil palms according to the conditions dictated by the company. These smallholder contracts are not ‘negotiated’.

Palm oil companies promote these smallholder programmes as a contribution to ‘rural development’ and ‘food security’ (see Tactic 10). They also sometimes claim to be ‘sharing the benefits of the palm oil boom’ with rural communities through such smallholder programmes, or they claim that these programmes are a way for peasant farmers to ‘get rich planting industrial oil palm’.

The advantages *for the companies*, however, are what are really driving their interest in smallholder programmes. Here are some reasons why companies are interested in such programmes:

It has become nearly impossible for palm oil companies to secure an agricultural lease covering thousands of hectares without major conflicts with and resistance from the affected communities. This has made it more difficult for these companies to convince banks to provide them with loans for plantations.

- The global food corporations that buy their exported palm oil – companies like Unilever or Mars – increasingly demand ‘conflict-free’ palm oil, to avoid their brand being connected with large-scale land grabs. Palm oil from contract farmers who grow oil palms on their own land is usually not considered ‘conflict palm oil’ by these large food corporations. On the contrary, it is seen as a ‘positive contribution to local rural development’, and therefore easier for the palm oil company to make sales overseas.
- In more and more countries, national governments make the involvement of communities in industrial agriculture programmes a condition for issuing agricultural leases covering thousands of hectares to (foreign) palm oil companies.



- Sometimes, companies promote smallholder contracts to avoid paying compensation to villagers who occupy land that a company wants for its oil palm plantation.

For all of these reasons, oil palm plantation companies are promoting what they misleadingly call ‘partnerships’ with villagers who own land, or with community cooperatives. But the conditions in the contracts show that this is a very unequal ‘partnership’, where the advantages are all with the company and the risks are all with the villagers.

How the company's promise of 'getting rich planting industrial oil palms' ends up making peasant farmers landless on their own land

When a company comes to a village to promote a smallholder or out-grower scheme, it will usually be accompanied by government agriculture advisers. In its presentation to the community, the company will exaggerate how much a farmer can earn if he or she signs up to the programme. It will also try to lure villagers into signing a contract by claiming that they only need to commit a small parcel of their land to the smallholder programme, and that they can still use the rest of their land for food crops or that they can plant crops among the industrial oil palms. This is rarely true. The profit calculation that companies present to villagers when they introduce their programmes are often based on growing conditions that most participants in the programme will not be able to meet. The calculations are likely based on growing conditions where the soil fertility is better than in the local area and where large amounts of fertilisers were used that the villagers will not be able to afford. As a result, most villagers will end up having to commit most of their land to growing industrial oil palms just to try and pay back their debt to the company, with no land left to grow their food.

For women, the workload often increases dramatically if their household enters into a smallholder programme. To meet the contract requirements and try to pay off the growing debt owed to the company, women have to spend increasing amounts of time looking after the industrial oil palm seedlings. They have less time left to collect food in the forest and grow food crops (if they have any land left for that). *'Apart from the responsibility in the house, there's also the work outside of the house, from morning until the afternoon and once home there are still more house chores that must be done,'* is how a woman trapped in a smallholder contract described the situation.¹⁸

¹⁸ Dewy, P. et al. (2010): The oil palm plantation weakens the situation of women. Sawit Watch and Women's Solidarity for Human Rights, Bogor.

Companies will often advance a loan to farmers to cover the initial costs of joining the smallholder programme, claiming that the loan can easily be paid back once the palms start producing. More often, however, villagers find themselves trapped in debt owed to the company that they are unable to pay back. If villagers demand a renegotiation of the contract, companies may threaten to stop buying from them. When they then start to process the mature fruits themselves, the company might get local authorities to come in and confiscate the equipment used to produce palm oil. It will claim that this processing is a violation of the smallholder contract that was signed with the company, in which the farmers agreed to sell their fruit exclusively to the company. What is advertised by the company as beneficial for both parties, or a 'win-win' deal, thus turns into a situation where the company gets all the benefits and the villagers take on all the risks.

In Indonesia, the country in Asia that is the world's second-largest producer of palm oil, such smallholder programmes have been in place for many decades. There, many farmers have become indebted, and many have lost their land because they were unable to pay off debts they had amassed with the palm oil company. The companies operating in Indonesia often take the farmer's land titles until the farmer pays off his or her debt to them. When farmers cannot pay back their debts, they are left with little choice but to hand over their land titles to the company. *The smallholder programme thus makes them landless on their own land.*

In Gabon, families who participate in the GRAINE programme might face a similar risk. Participating families are promised a land title, which is a promise that has convinced families to join the programme. But the legal status of the title is very weak, and the company takes the title as a guarantee when it signs the contract with families. If families are unable to produce the volumes demanded in the contract or if they cannot comply with some other clause in the contract, the company can claim the land title, and the peasant farmer who joined the programme hoping for a better future may end up losing his or her land.

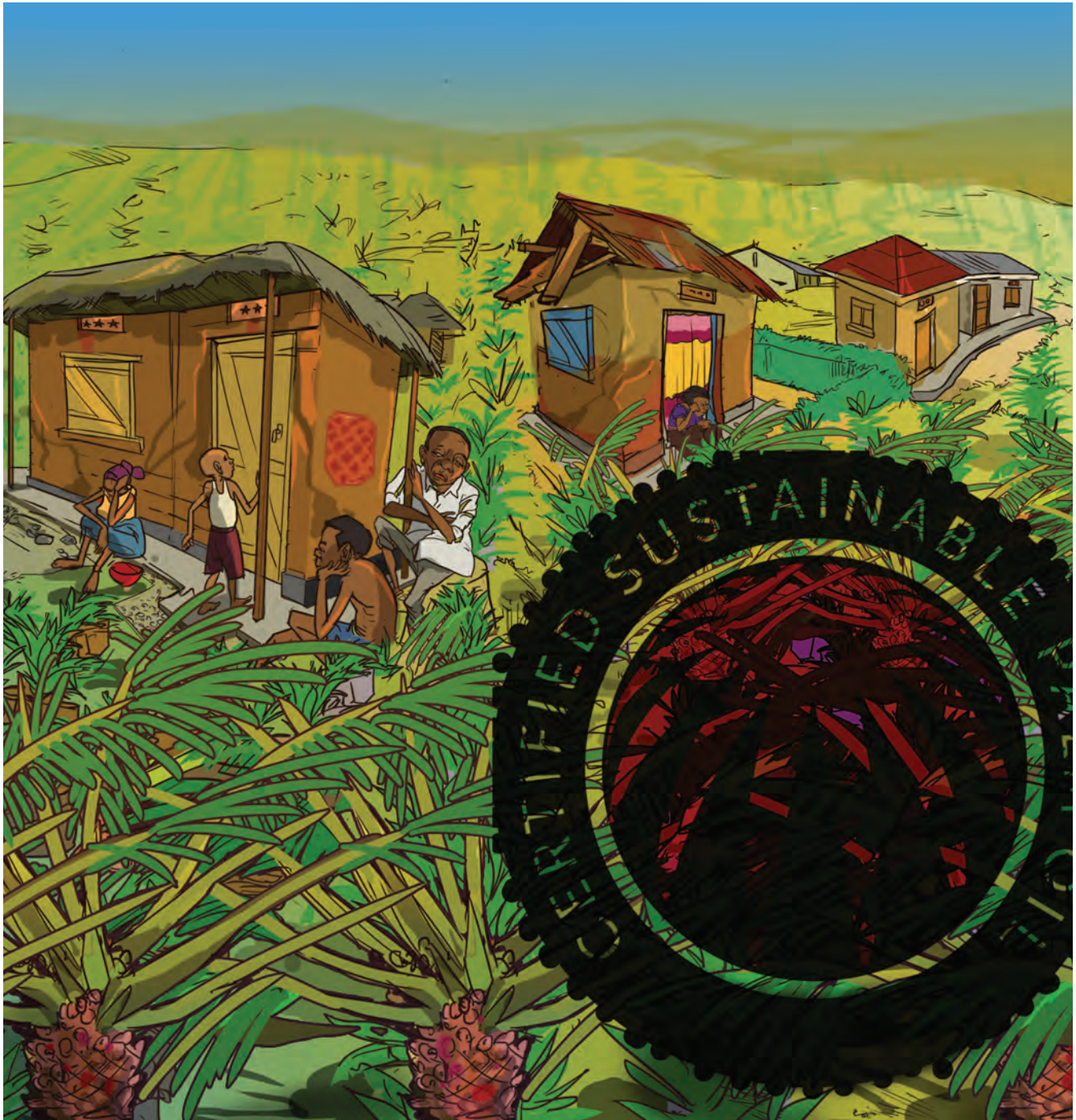
Some palm oil companies have used the land title documents they received from peasant farmers as part of their smallholder programme

to obtain bank loans. Banks demand some security before they provide a loan. In some cases, palm oil companies have offered villagers' land titles as security without the knowledge of the villagers. This means that if the company does not pay back the loan, the bank will take over the land titles and recover its loan by selling the land. At least one case is known where villagers lost their land titles to the bank this way.

NOTES

Tactic 12

Use partnerships with conservation NGOs and 'Sustainable Palm Oil' labels to create a 'green' image



Many palm oil companies have started working with big international conservation NGOs (non-governmental organisations), like the World Wildlife Fund (WWF), to divert attention away from the conflicts they cause. Typically, these partnerships are connected to an initiative called the ‘Roundtable on Sustainable Palm Oil’ (RSPO). This ‘RSPO’ is essentially a club of the largest corporations in the palm oil sector (buyers and producers) and some conservation NGOs. They have negotiated a list of standards called ‘RSPO Principles and Criteria for Sustainable Oil Palm Production’. A palm oil company can hire what is called an ‘audit company’ to assess if the company is managing its oil palm plantations in compliance with these Principles and Criteria. If it is judged to be in compliance, the company receives a certificate and can advertise that it produces ‘sustainable palm oil’.

The RSPO label, however, has been given to many companies that have violated the RSPO criteria. Some received RSPO certification despite serious land conflicts with communities. Others were known to have taken over land without the consent of the affected communities or to be violating the RSPO labour standards. The RSPO label makes all such conflicts invisible to overseas buyers and enables the company to present itself as a ‘responsible’ palm oil company offering green, ‘sustainable’ palm oil – and thereby increase its sales. When challenged about the conflicts its oil palm plantations are causing, a company with an RSPO label will reply: ‘Look, we have been RSPO certified. This label is internationally recognized, and our plantations have been shown to meet the RSPO standard.’ In reality, conflicts on the ground continue, whether the company is RSPO-certified or not.

The RSPO’s bias towards companies can be seen in its (lack of) enforcement of the requirement that companies demonstrate they have the ‘free, prior and informed consent’ of communities where their industrial plantations occupy community land (FPIC, see also Box Tactic 5).¹⁹ In reality, communities in West and Central Africa are usually only informed about a

¹⁹ See this document for detail of how the RSPO explains FPIC (in English only). <https://rspo.org/news-and-events/announcements/free-prior-and-informed-consent-guide-for-rspo-members-2015-endorsed>

company planning to set up a plantation on their customary land *after* the government has already promised a land lease to the company. National government officials will generally not have consulted communities before giving approval for such a lease, as we have discussed in Tactic 1. If the lease was approved before the company first meets with a community, a community cannot possibly provide ‘prior’ consent because the company has already obtained assurance from the national government that it will have access to community land long before the company sought any approval from the community. For RSPO, this has not proven an obstacle to certifying palm oil companies in West and Central Africa.

RSPO-certified conflict palm oil

RSPO first started to certify palm oil companies in Indonesia, the country that is among the largest global palm oil producers. One of the companies that was given an RSPO label is called PT Asiatic Persada. The company is connected with Wilmar, the biggest palm oil company in the world and a member of the Executive Board of the RSPO. Asiatic Persada has been involved in the eviction of communities from their land at gunpoint. The homes of men, women and children were destroyed without warning or a court order. These are serious abuses of human rights, and yet, the company was RSPO-certified.²⁰ Many similar examples exist of palm oil companies that are implicated in serious human rights and labour rights violations and who nonetheless were certified by the RSPO as producing ‘sustainable’ palm oil.

RSPO also helps companies access bank loans that they need to expand their plantations, because many banks will request such a label as a condition for approving a loan to a palm oil company.

20 Forest Peoples Programme (2011): Human rights abuses and land conflicts in the PT Asiatic Persada concession in Jambi: Report of an independent investigation into land disputes and forced evictions in a palm oil estate. <https://www.forestpeoples.org/en/topics/palm-oil-rspo/publication/2011/human-rights-abuses-and-land-conflicts-pt-asiatic-persada-conc>

There are two requirements of the RSPO that are most often used by palm oil companies to silence community resistance and to restrict community access to forests.

1) Complaint mechanisms

Like many banks that lend money to palm oil companies, the RPSO also has set up a mechanism where communities can file complaints and it requires that companies also have their own 'complaints mechanism' for communities and workers to register grievances.

Most communities who have tried to use these RSPO grievance mechanisms have given up in frustration or been deeply disappointed by the eventual result. Their experience is that the procedures are heavily biased towards the company. For example, the documents are written to make it easy for the companies and difficult for the community. The process often drags on for a very long time and costs a lot of money. It can take a lot of energy and resources away from those most active in community resistance without resulting in a satisfactory resolution of the conflict in the end. Most of the time, the process does not resolve the conflict because it does not consider the larger, fundamental question of who holds rights to the land, and tends only to focus on narrow technical aspects of the certification process.

In the end, the complaints mechanism almost always recommends more dialog between the company and the communities. To tell a community to go back to dialog with a company that uses many of the tactics described in this booklet is perhaps the clearest sign of the RSPO's failure to appreciate the ways in which palm oil companies deceive and swindle communities out of their land.

While the process leaves communities more frustrated and disillusioned, the companies use these mechanisms to present themselves as responsible and open to the concerns of communities.

2) “High-conservation value” and “high-carbon value” forests’

As mentioned in Tactic 10, large food and palm oil companies are responding to demands that they reduce greenhouse gas emissions that are caused by the destruction of forests for the expansion of oil palm plantations. But the response of these companies focuses only on forests that they call “high conservation value” or “high carbon value” forest. Palm oil companies work with certain conservation NGOs to map where these “high conservation value” or “high carbon value” forests are located within a company plantation concession. The same NGOs, usually in partnership with a local NGO, are then contracted to manage the forests that they have deemed to be “high conservation” or “high carbon” value. Community use is usually not permitted in these areas.

Communities use a very different criteria to value forest. For a community, a forest is first and foremost a part of a territory that includes the community. ‘All forest is “high value” forest’, said one villager from Indonesia.

But communities rarely get to identify the “high conservation value” or “high carbon value” forests. That decision tends to be made by some outside consultant or NGOs who negotiated their “high conservation value” or “high carbon value” criteria and definitions with the company and the certification schemes. Communities are usually not even aware that such mapping of “high conservation value” or “high carbon value” forests is being carried out on their land. They often only find out when the company declares that the community cannot enter the forest anymore because it has to be protected “to save the climate” or “to protect biodiversity”. In this manner, “high conservation value” or “high carbon value” forests become another instrument for the company to deny community members access to the land within its concession, and to present itself as a green and responsible company.

In the DRC, communities are engaged in a long-standing struggle with a palm oil company that took control of their land without their consent. They are demanding that the company start to address this injustice

by handing back the vast forest areas the company holds as part of its leases but has never used for palm oil production. The company and the banks that have been providing loans to the company have so far denied this community demand. They claim that they cannot give forest back to communities because this would jeopardise the company's RSPO certification!

Protest banner against Herakles oil palm plantations



Companies behind the expansion of industrial oil palm plantations in West and Central Africa

Communities can more effectively resist a palm oil company if they know some basic things about it. The information may not be easy to find, but it is worth trying to find out as much as possible about the company.

- Is it a big company that has been in the oil palm plantation business for a long time, with plantations in other countries?
- Is it some obscure new company with no history in the palm oil business that wants to get access to land for other purposes and only pretends to want to run an oil palm plantation?
- Who is providing the money that the company needs to set up the plantation?
- Who does the company plan to sell its palm oil to?
- What is the experience of communities affected by the same company's oil palm plantations elsewhere?

- How can you get in touch with them to find out about their experience with this company?
- Is there already a network of communities affected by the particular company that your community could get in touch with for information, exchange and support?

These are only some of the questions that can help a community get a picture of the company and where to look for allies and support in the struggle against the corporate take-over of community land for industrial oil palm plantations.

1 Who is behind the company?

One important detail to find out is who the real owners of a company are. It may be a big foreign company that controls hundreds of thousands of hectares in different countries. Its oil palm plantations will probably have caused conflicts with communities in those other countries. Maybe communities affected by the same company in different locations have already formed an alliance that your community can get in touch with or they may be interested in exchanging experiences with others affected by the same company.

The foreign corporation may have set up a national company like Golden Veroleum, the Liberian subsidiary of the large corporation Golden Agri-Resources (GAR). GAR controls over 450,000 hectares of oil palm plantations worldwide, including in Indonesia. The name of the national company may sound local and conceal the involvement of the foreign owners.

Cameroonian company SOCAPALM, for example, is owned by Socfin, a Luxembourg-based company that is owned by the French businessman Vincent Bolloré and his Belgian business associates. The Bolloré Group has numerous companies and projects across Africa and Asia, some extending back to colonial times.

Another example is the Sinar Mas Group, one of the largest companies in Indonesia. In Liberia, Sinar Mas received concessions over more than 200,000 hectares through a company it controls called Golden Veroleum

Inc. Belgium-based SIAT Group and the Malaysia-based Sime Darby are other examples of large palm oil corporations that operate massive oil palm plantations in West and Central African countries.

Knowing that these corporations are behind a local palm oil company can help communities make contact with other groups in other places that are also struggling against these multinational corporations.

Since 2008, a second group of companies has become interested in obtaining industrial oil palm plantation concessions. These are companies that have very little or no experience in the palm oil business or agriculture in general. They are usually interested in agriculture concessions as a way to invest their money until more lucrative opportunities arise. While they wait to sell their concessions for more than they paid, they may prevent communities from entering the land and raid it to take out valuable timber, even though they never mentioned the intention to log when they applied for the oil palm concession. This is what the company ATAMA Plantations has done in the Republic of Congo.²¹

Another example is the New York-based company Herakles Farms. The company behind Herakles, Herakles Capital, has no experience in managing oil palm plantations. Yet, in 2009, Herakles secured a controversial concession contract for oil palm plantations in Cameroon.²² In 2010, the agreement between the government and the corporation became public, but it was not very clear who was behind the project: the name stated in the concession agreement was different from the name that the government and company officials used locally, which was SGCSOC, a company registered in Cameroon. Only after some time did it become clear that the company that applied for the concession, SGSOC, belonged to Herakles Capital. *'It was as if they were trying to hide the true identity of the corporation,'* a local activist explained.²³

21 Nina Kiyindou, OCDH. Republic of Congo (2017): ATAMA Plantations is today a source of discontent for local communities and the entire nation. WRM Bulletin September 2017. <http://wrm.org.uy/articles-from-the-wrm-bulletin/section1/republic-of-congo-atama-plantations-is-today-a-source-of-discontent-for-local-communities-and-the-entire-nation/>

22 Oakland Institute (2013): Backroom bullying. <http://afjn.org/documents/2016/09/backroom-bullying-the-role-of-the-us-government-in-the-herakles-farms-land-grabbing-in-cameroon-by-oakland-institutes.pdf>

23 <https://www.grain.org/article/entries/5037-communities-lose-out-to-oil-palm-plantations>

For companies without a history in the palm oil industry, applying for agriculture concessions in forest areas is an easy way to take out commercially valuable timber from the oil palm concession area without having to apply for a logging license. In Papua New Guinea (PNG), in Southeast Asia, for example, logging companies routinely acquire agricultural leases for oil palm plantations on forested land. But as soon as they've cut down the trees and taken the timber, they leave. Herakles Farms also logged and sold timber from its oil palm concession area in Cameroon.

Often companies will sell the agriculture concession to other companies once the timber has been taken out. In this way, they profit from both the timber and by selling the right to set up an oil palm plantation for a higher price than what they paid.²⁴ The palm oil companies that buy these concessions where the land has already been deforested can then claim that they are not involved in deforestation and that their palm oil is 'deforestation-free'.

2 Who is funding the company and its expansion plans?

It costs money to set up new oil palm plantations and apply for the necessary concessions and licenses. Companies are therefore dependent on banks, for example, to provide them with money. These banks prefer to provide loans to large companies for industrial oil palm plantations rather than support many small peasant farmers because it is simpler and more profitable. Among the banks financing oil palm plantation expansion are also public banks, so-called 'development banks', like the African Development Bank and the World Bank. They lend millions of dollars each year to companies for oil palm plantation projects.

Most of the banks that fund plantation companies have made commitments to respect community rights. They may therefore request that the companies they are financing show that their plantations will not harm local communities or cause deforestation or pollution. But how can the companies do that when large-scale industrial oil palm plantations are always harmful to communities, always disrespect their customary

²⁴ <https://www.grain.org/article/entries/5039-cash-crop>

rights to the land and always restrict access to land that the communities have been using for generations?

Banks usually do not provide companies with all of the money at once. So, knowing which banks the oil palm company that is trying to take their land is getting its money from can help a community put pressure on them to stop funding the company.

Sometimes these banks also become partial owners of the company managing the oil palm plantation.

In the Democratic Republic of Congo, for example, the British development bank CDC (which is owned by the UK government) took a majority ownership of Feronia, a company listed on the Toronto stock exchange in Canada. In 2009, Feronia bought the plantations company Plantations et Huileries du Congo from the global food company Unilever even though Feronia had no experience whatsoever in the palm oil business. Despite this lack of experience, the company has been able to raise tens of millions of euros from European 'development' banks like the CDC to supposedly reactivate the oil palm plantations they bought from Unilever. This is despite the fact that the management of these oil palm plantations has left the communities living inside the concession area without land and in misery for over a century, since Unilever first took their land under Belgian colonial occupation. All of the 'development' banks that are funding Feronia have policies that require the company to respect community rights.

Knowing that these banks fund Feronia therefore is one way for communities to expose the banks for violating their own policies. What many communities have found out, however, is that these banks will often take the side of the company, which they have a stake in. A company's investors will often try to ignore community demands or find some community members – real or fake – to contradict the community demands, so the bank can continue to present its funding of the oil palm plantations as 'supporting community development'.

3 Who will the company sell its palm oil to?

Palm oil has become the most popular vegetable oil in industrial food production. This industrial food production is dominated by a small number of multinational food companies such as Unilever, Nestlé and Mars. Palm oil has become important for them because it is cheap and can be used in many of the products these companies make, like biscuits, chocolates, instant food and other popular non-food items such as shampoo, soap and detergents. Palm oil is also increasingly used as a fuel for vehicles, generators and power stations.

Most companies are very aware of the harmful impacts of industrial palm oil production. But they want to maintain access to this cheap vegetable oil, which is so important for their production. At the same time, they don't want to become targets of consumer campaigns that could damage their reputation. That is why most of them have made public promises claiming that the palm oil they are using will be 'sustainably produced' and that is not destroying forests or causing conflicts. To keep selling their products, these companies promise the palm oil they use is 'sustainable' or 'deforestation-free' or 'conflict-free' – even when in reality, it is not.

The communities affected by the expansion of industrial oil palm plantations know that these pledges will not bring changes to how palm oil is produced or stop the conflicts and negative impacts they face, unless there is public pressure.

Knowing who the buyers of the palm oil are and what public commitments they have made, can help a community find allies to expose the gap between the public promises made by palm oil buyers and the reality for communities whose land has been occupied by oil palm plantations. Together with these allies, the communities can expose how the companies violate their own promises.

4 Palm oil companies are not charities

The palm oil companies that are setting up oil palm plantations in Africa are not charities – even if they try to create this impression when they first visit a community. The priority of these companies is to maximize

the profit they can make so they can pay high returns to the company owners and investors and set up even more oil palm plantations. In order to do that, the companies will aim to reduce costs wherever possible: they will want to take the most fertile land so the production in their plantations is high. They will also pay as little tax as possible and often negotiate deals with national governments, so they will not pay any tax at all for several years.

And no matter what they say in their brochures and promises to communities, 'development' for the communities affected by their oil palm plantations is not a priority for the company. Their priority is maximizing profits for their shareholders and expanding their production. They might finance the odd community project, so they can show pictures of their 'community engagement' in their reports to the banks that finance them and to the customers that buy their palm oil. But most promises the company makes for employment to community members, health care, better roads, education (all services the state has a responsibility to provide to its citizens) will be forgotten once the company has secured access to the community land it wants.

Environmental damage and exploitation of workers are trademarks of large oil palm plantations

Environmental destruction and extremely poor working conditions with low wages and hazardous work are the norm, not the exception in industrial oil palm plantations. This is fundamental to the plantation model: the lower the wages a company pays to its workers, the lower the costs of production and the higher the profit that can be paid out to the owners of the palm oil company. High-level managers at the palm oil company, by contrast, are usually paid outrageously large salaries and bonuses that are often linked to how much profit a company will make, not how well it treats plantation workers or communities affected by its plantations. This model explains why wages for plantation workers across the oil palm plantation industry are extremely low and environmental damage from the plantations is high: Production costs are kept low and profits to the company owners are maximized.

Destruction of forests

Expansion plans for oil palm plantations in West and Central Africa often include land that is still forested – these forests provide food and medicines and are important for hunting and fishing. When companies set up oil palm plantations, they either destroy these forests or the forest becomes inaccessible to communities because the company will restrict access. This may also affect community access to places of worship and ritual. They may be destroyed by the construction of the oil palm plantations or might now be located inside the concession area, inside what the company calls ‘high conservation value’ forest areas that community members are not allowed to enter.

Use of large amounts of chemicals

Any large-scale monoculture requires the use of poisonous pesticides and chemical fertilisers in order to maximise the yield and deal with the risk of insect damage that these monocultures generate. Oil palm companies often say they use small amounts of chemicals per hectare. However, even this so-called ‘minimal’ use per hectare adds up to large quantities over thousands and thousands of hectares. In the Asian country Indonesia, for example, an oil palm company uses five types of chemical products against weeds. It applies about 7 to 8 litres of these poisons per hectare every three months. On an area of 50 thousand hectares, this means 350 to 400 thousand litres every three months, and between 1.4 and 1.6 million litres a year. This adds up to a vast quantity of toxic, dangerous products. And much of that will end up in rivers and eventually, groundwater.

Often, this is the same water used by a community. The water they depend on is thus contaminated with toxins that are dangerous to their health. Massive use of fertilisers on the plantations also increases the nitrogen content in local water sources. This causes algae to bloom on the water surfaces, which then leads to a decline of fish and other aquatic life.

The mills where fruit bunches are processed also use and pollute the water. Nearby rivers and streams that people use for drinking water, bathing and washing clothes, become polluted with what is called Palm Oil Mill Effluent (POME). When the plantations expand, effluent pollution increases along with the volume of fruit bunches processed at the mills, often to the point where the water is not safe for drinking anymore.

The millions of trees in the plantations themselves also use huge amounts of water which can cause water shortages for the communities who use the same water sources. Companies also often divert the course of rivers or open up drainage canals in order to regulate the optimal flow of water in the plantation areas. This diversion of water almost always is done at the expense of local community needs and affects their access to fish and drinking water.

Exploitation of plantation workers

Even though palm oil companies always claim that their industrial plantations will create many jobs, the reality is that a typical oil palm plantation requires only one poorly paid worker for every 2.3²⁵ hectares. That is less than the employment generated by peasant farming and traditional oil palm cultivation.²⁶ What's more, workers are usually poorly paid (if they are paid at all), they are hired on temporary contracts and the work they are hired for is back-breaking and hazardous. In addition, workers – many of whom are migrant workers rather than people from local villages – often become trapped in a spiral of debt because the company pays wages late and deducts high fees for dubious services. This leaves workers exposed to loan sharks who provide short-term loans at prohibitive interest rates. Without payment of their wages, workers are left with no choice but take out such pay-day loans to feed themselves or their families.

25 UNEP, 'Oil palm plantations: threats and opportunities for tropical ecosystems,' December 2011. http://www.unep.org/pdf/Dec_11_Palm_Plantations.pdf

26 See for example, Ricardo Carrere (year): Oil palm in Africa. Page 7-8

Poor working conditions and low pay combined with hazardous work

Oil palm companies are increasingly paying workers by output rather than by the hours worked. Workers' wages are then dependent on the number of seedlings planted, trees pruned, or volume of fruit bunches picked and collected, etc. Workers must achieve an extremely high quota to be paid the full wage, particularly if they work as collectors of mature fruit bunches. Often, only the youngest and strongest workers are able to meet these quotas, and many will do so at great cost to their health. For many plantation workers it is impossible to reach the daily, weekly or monthly quota, so they get other family members to work alongside them without pay.

There are important advantages that companies get by paying workers by output rather than fixed wages. With payment by output, the responsibility and risk are shifted onto workers. The company effectively turns them into mini-entrepreneurs at day-labourer's wages. But unlike entrepreneurs, workers have little control over their work and do not partake in the profits of the company; they only get the risks, not the benefits.

Another form of exploitation used by oil palm companies is to deduct money for benefit schemes, such as pension schemes, from worker's monthly wages but then to not place this money into the state or private funds that manage the schemes. Unless workers check with the government authorities responsible for these funds, they may not find out until the day they retire that the company has stolen their retirement contributions over the years or even over decades. By then, the company may no longer exist, or it may have been taken over by another company that claims it is not responsible for the actions of the previous company. In the DRC, for example, workers who had worked on the company plantations for decades and had seen money deducted from their wages during all this time, were left without a pension and were unable to return home to their families

after decades of work on the company's oil palm plantations. Women working on oil palm plantations in Cameroon have similar sad stories to tell about the company refusing to pay the pensions that workers are entitled to.

Oil palm plantation companies may also hire workers in ways that divide communities and break community opposition to its plans to expand its plantations. The company might, for instance, hire some young men from villages where there is strong community resistance to the company. The company will try to get these young men to become strong advocates for the company, undermining local resistance because they want to secure their employment, even if at very poor conditions and with low pay.

To find out more

Letter from the Collective of Women affected by monoculture oil palm from Gabon to FAO

<https://wrm.org.uy/other-relevant-information/letter-from-the-collective-of-women-affected-by-monoculture-oil-palm-from-gabon-to-fao/>

Declaration: No to abuse against women in industrial oil palm plantations

<https://wrm.org.uy/declaration-no-to-abuse-against-women-in-industrial-oil-palm-plantations/>

Mundemba Declaration: Women and the expansion of oil palm plantations and industrial palm oil. April 2016.

<https://wrm.org.uy/other-relevant-information/mundemba-declaration-women-and-the-expansion-of-oil-palm-plantations-and-industrial-palm-oil/>

Port Loko Declaration: Women say 'We want our lands back!' August 2017.

<https://wrm.org.uy/actions-and-campaigns/port-loko-declaration-women-say-we-want-our-lands-back/>

WRM (2012): 13 Replies to 13 lies about oil palm monoculture plantations.

<https://wrm.org.uy/wp-content/uploads/2018/04/13-mentiras-eng.pdf>

GRAIN (2014): Planet Palm Oil.

<https://www.grain.org/article/entries/5031-planet-palm-oil>

Le Palmier de l'Espoir.

<http://www.palmespoir.org/index.php/synaparcam>

Informative Magazine Trait d'Union.

<http://www.palmespoir.org/index.php/telechargements/category/2-trait-d-union-mag-archives>

Recueil de recettes nutritives, médicinales, artisanales des palmiers à huile traditionnels

<https://wrm.org.uy/books-and-briefings/recueil-de-recettes-nutritives-medicinales-artisanales-des-palmiers-a-huile-traditionnels/>

Oakland Institute (2013): Backroom Bullying. The Role of the US Government in the Herakles Farms' Land Grab in Cameroon.

<https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/backroom-bullying-final.pdf>

Rainforest Foundation UK (2013): Seeds of destruction: Expansion of industrial oil palm in the Congo basin potential impacts on forests and people.

<https://www.rainforestfoundationuk.org/media.ashx/seeds-of-destruction-2013-english.pdf>

WRM (2013): Oil Palm in Africa. Voices from the communities.

<https://wrm.org.uy/videos/oil-palm-in-africa-voices-from-the-communities/>

Forest Peoples Programme and SawitWatch (2011): Ghosts on our own land: Oil palm smallholders in Indonesia and the Roundtable on Sustainable Palm Oil.

www.forestpeoples.org/topics/palm-oilrspo/publication/2011/ghosts-our-own-land-oilpalm-smallholders-indonesia-and-roundt

Frontline Defenders. Front Line Defenders helps protect human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Front Line Defenders provides rapid and practical support to human rights defenders at risk. <https://www.frontlinedefenders.org/>

European Instrument for Democracy and Human Rights (EIDHR). The Instrument provides under certain circumstances support to human rights defenders. https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/democracy-and-human-rights/human-rights-defenders_en

NOTES

Oil palm plantation companies use very similar tactics wherever they operate to try and take over the land of communities. Knowing that they can count on high-level politicians and state authorities for support, the companies routinely make promises they do not intend to keep, try to silence and marginalise opposition to their plans and divide communities.

Where necessary, they coerce, intimidate, harass and even have opponents to their activities killed. Villagers, especially in remote places, often think such violence, intimidation and land grabbing is only happening to them. Community representatives may initially believe the plantation company's promises because they are unaware of community experiences elsewhere.

The reality, however, is that violence is an inseparable part of the industrial plantation model and that the tactics companies use to take community land have been fine-tuned through decades of experience around the world.

They **promise, divide, intimidate and coerce.**

Here are **12 tactics palm oil companies use to grab community land.**



Published by Daraja Press (<https://darajapress.com>) on behalf of World Rainforest Movement, GRAIN and an Alliance of community and local organisations united against industrial oil palm plantations in West and Central Africa, including RADD, SEFE, Synaparcam of Cameroon, Muyissi Environnement of Gabon and ERA/Community Forest Watch of Nigeria



WORLD RAINFOREST MOVEMENT

ISBN 978-1-988832-27-2



9 781988 832272