

Earthworm Foundation's Deep Dive Grievance work Okomu Oil Palm Company

Investigation of allegations relating to OOPC

Public summary of EF Findings and
Recommendations

June 28, 2024



CONTEXT

Okomu Oil Palm Company (OOPC) is an independent, duly registered public listed company in Nigeria in which Socfin has a majority shareholding. The Socfin group published its Responsible Management Policy in March 2017 and subsequently became a member of EF. This Responsible Management Policy, which was revised on March 30, 2022, is articulated around the following pillars: (i) commitment to local and rural development in Africa and Asia, (ii) commitment to employees and communities, (iii) commitment to our planet and (iv) transparency.

Despite the progress made so far in implementing its responsible management commitments, Socfin continues to receive environmental and social grievances from the international media and NGOs, even in cases where the Socfin group believes that it has published analysis and documented responses.

In order to better understand the allegations made by ReAct Transnational and the International Alliance of local communities of Socfin Plantations, Earthworm Foundation was engaged by SOCFIN to carry out investigations on OOPC's operations. Socfin has pledged to develop an action plan to credibly respond to any allegations supported by evidence.

The work at OOPC is part of a broader piece of grievance investigation that Earthworm Foundation is undertaking across Socfin operations, which is split into two main phases:

- ✓ **Phase 1**, March to June 2023: Investigations focused on grievances raised against Salala Rubber Corporation (SRC) in Liberia and SOCAPALM Dibombari in Cameroon.
- ✓ **Phase 2**, beginning in August 2023: Additional investigations into the grievances raised regarding Socfin operations SAFACAM and SOCAPALM (Edéa, Mbongo, and Mbambou) in Cameroon, LAC in Liberia, SAC in Sierra Leone, OOPC in Nigeria, and Socfin-KCD and Coviphama in Cambodia.

This report presents the synthesis of findings from the OOPC investigation, and recommendations for action by Socfin. EF contracted Translantic Development Limited (TDL), a leading Environmental, Social and Governance (ESG) service provider, to conduct a field visit to investigate the allegations raised against OOPC, substantiate or refute the claims with evidence, and provide recommendations based on the findings

in the project area. However, this report is an EF report and the recommendations are our own.

METHODOLOGY

The investigation consisted of desk review of grievances and allegations as well as a field visit. The field visit was conducted by TDL from 28th November to 7th December 2023 with the following objectives:

1. To obtain a better understanding of the allegations against OOPC regarding land grabbing, unemployment, and environmental pollution and other issues.
2. To collect evidence about each grievance to determine whether it is founded or unfounded.
3. To understand progress made to date by OOPC, to develop policies and systems for prevention of the type of allegations raised.
4. To develop recommendations for how to responsibly address allegations supported by evidence, and how to prevent similar incidents in the future.

1. Literature review

In the field, the team reviewed petitions, reports, publications, press cuts, and other documentation provided by OOPC and host communities. This included:

- Newspaper reports
- Company policies and procedures
- Free, Prior and Informed Consent process and agreements
- Crop compensation paid to farmers by A & Hatman/ Okomu Oil Palm Company Plc
- Shortlisted applicants for Office clerk position
- Vacancy advertisement
- OOPC workers and contractor information
- Water testing and analysis reports
- Picture of the trench in AT/P
- Video of runoff during heavy rains
- Car entry register
- Picture of military signpost
- Incidence report (attack on patrol team and theft of radio)
- Satellite imagery



2. Meetings and discussions

In order to collect information in relation to the various allegations, TDL exchanged with the following actors:

2.1. OOPC management and workers

At OOPC, the TDL team met with the management team, the security teams, the sustainability team, and the plantation team.

2.2. Local civil society organizations

A public announcement at the start of phase 2 of the investigation was made on the Earthworm Foundation website to enable stakeholders to contact the investigation team via the following email address: socfin.investigation@earthworm.org. The EF team also solicited contacts of local stakeholders from our civil society contacts.

During the investigation the TDL team met with one of the public advocates from the Okomu Kingdom (one of the grievance raisers) to discuss and get his view on the various allegations; this was also an opportunity to discuss constructive solutions.

2.3. OOPC's neighbouring communities

The TDL team contacted and informed OOPC's neighbouring communities about the investigation to get their consent to do interviews and collect evidence. TDL visited the following 22 communities:

- Near OOPC Main Estate: Okomu, Oweike, Agbede, Ijaw Gbini, Markilolo, Gbelebu, Agbado, Maridoti, Udo, Marioghinoba (AT&P).
- Near OOPC Extension 2: Agbanikaka, Owan, Urhiere, Odiguetue, Odighi, Oke, Irhue, Ekpan, Umokpe, Orhua

The engagement with neighbouring communities was conducted using Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs). This process included:

- KIIs with Traditional Leaders in Main Estate, and Extension 2 OOPC Host Communities
- FGDs with Members OOPC Host Communities
- KII with other community stakeholders and aggrieved persons

3. Field visits

Field visits enabled TDL to cross-check information gathered during the document review and interviews. The following facilities and activities were visited by the TDL team:

- OOPC operations (plantations and facilities)
- Host communities
- Community projects supported by OOPC (including cassava mill, borehole, classrooms, town hall, market stall, and sanitary pavilion)

Summary of Findings against Allegations

N°	Allegations relating to OOPC's operations	Status	Observations / evidence
1	Issues of land grabbing resulting in displacement of local people	Unfounded	<ul style="list-style-type: none"> • According to community leaders, the community protested as they felt that their land was being taken by the company. The issue was escalated to the state government who confirmed that OOPC had rights over the land and had not encroached into the community land. • Communities reported a cordial relationship with OOPC. • The acquisition of the site for the Extension 2 plantation by OOPC did not result in involuntary resettlement, as the site was occupied previously by two companies at different times. • OOPC was not affected by the Edo State government’s revocation notice of 5th November 2015, as the notice was issued to another company, Iyayi Brothers Ltd and it does not in any way affect OOPC. Furthermore, the revocation order was not signed. • Engagement with EdoGIS (Edo state geographic information service) indicated that OOPC is in the process of recertification of the land, and all the documentation is up to date including payment of rent.
2	Forced Eviction/ Burning	Not determined	<ul style="list-style-type: none"> • During discussions with representatives of communities, they recounted instances where the company's security personnel entered their areas, shot at them and set their houses ablaze. According to a chief from the Ijaw Gbini community, the motive behind the destruction was the company's suspicion that they were responsible for stealing oil palms. • OOPC denied these allegations and there is no substantial evidence to show that the alleged attacks were carried out by OOPC. OOPC emphasized that they were not aware of the existence of the Ijaw Gbini community. As a result of a petition to the President by a member of the Okomu Kingdom, OOPC attended an investigative panel in 2021 organised by the Edo State Government, to defend themselves against the allegation, but have not heard from the panel since then.



N°	Allegations relating to OOPC's operations	Status	Observations / evidence
			<ul style="list-style-type: none"> The evidence provided by the community is inconclusive, as it is difficult to determine whether the burning activities were orchestrated by OOPC. This allegation requires further investigation (see recommendations)
3	Destruction of protected forest reserves/ biodiversity	Unfounded	<ul style="list-style-type: none"> Stakeholders from local communities denied knowledge of the report or incident. Satellite imagery supports OOPC's account that they have not cleared forests since their Responsible Management Policy was published. A Recovery Plan is in place for HCV areas inside the OOPC operations which were destroyed by others. High Conservation Value (HCV) studies were done by OOPC and there is a monitoring system in place for HCV areas.
4	Destruction of farmlands without adequate and fair compensation leading to loss of livelihood	Unfounded	<ul style="list-style-type: none"> Community interviews indicate that everyone affected was compensated. OOPC claimed that the previous landowners fully compensated those affected by the land acquisition exercise; the compensation register list was made available for consultation to the field team.
5	Pollution of water and medical issues caused by agrochemicals used by the plantation	Unfounded	<ul style="list-style-type: none"> Only one community expressed ongoing concerns about water pollution. OOPC are required by the Ministry of Environment (FMEnv) to test the effluents from their facility on at least, a quarterly basis and the results of the analysis were made available to the field team. Water sample test results from the four quarters of 2022 and 2023 were reviewed; surface water and groundwater showed negligible contamination. Data from the monitoring well showed no significant level of contamination. The investigation team identified illegal logging activities and oil bunkering along the river with physical evidence of pollution changing the colour of water along some sections of the river. Those activities are not linked to OOPC's operations.



N°	Allegations relating to OOPC's operations	Status	Observations / evidence
6	Lack of employment opportunities resulting in insufficient income to cover essential needs such as education and healthcare expenses	Unfounded	<ul style="list-style-type: none"> • OOPC sends circulars to communities to inform them of job openings and the requirements. In 2023, OOPC sent 16 notices of vacancy to the communities. • Although most of the job applicants are from Udo, no evidence of discrimination was found as Udo has a higher population and is closer to OOPC. • OOPC has a policy and procedure on the employment of community indigenes, which has been discussed with the respective communities
7	Issues of intimidation using of soldiers/police/military forces: mistreatment by security forces on the plantation, beatings and harassment	Partially Founded	<ul style="list-style-type: none"> • Community representatives provided accounts of harassment by security personnel, including reports of beating and confiscation of equipment. These incidences had not been raised as a grievance to OOPC by the parties involved. • According to OOPC, there is no presence of military on the concession. The Nigeria Police Force has an independent satellite police station at the company's main estate gate, which provides services to all surrounding communities and the company. • To be able to face security challenges related to the context, OOPC utilizes unarmed private security guards and works with the Edo State Security Network within the concessions under the auspices of the law. • Some incidents are linked to exploitation of natural resources in High Conservation Value areas within the concession. There is a lack of understanding on High Conservation Value in communities along the riverine areas; this indicates a gap in stakeholder engagement.
8	Community members suffering injuries due to the use of guns by Socfin security	Unfounded	<ul style="list-style-type: none"> • OOPC security guards are not permitted to carry weapons and we found no evidence to suggest this was not being implemented. • Although a member of the community was shot by the Nigerian Police during a protest against OOPC, there is no evidence of any injuries or deaths associated with OOPC or their Security apparatus. • No complaints of shootings, maltreatment or dehumanizing, have been reported to the company.



N°	Allegations relating to OOPC's operations	Status	Observations / evidence
9	Access blocked to roads; access blocked to houses by big trenches	Partially Founded	<ul style="list-style-type: none"> Some community members mentioned that they cannot access their communities after 9.00pm and this creates a major challenge for travellers who after travelling long distances must sleep at the gate till 5.00 am when the gates are re-opened. As a result of the road being blocked, community members now experience extended travel times to reach their destinations. While passing through the plantation on motorbikes, the investigation team was not restricted. However, security personnel requested money of the investigation team, which suggests that this is common practice within the plantation. OOPC explained that the trenches were dug to control theft and open defecation in their plantation, they also explained that the access route that was affected by the trench was located within OOPC's property. The vehicle logs are available at different gates, which enable OOPC to keep records.
10	Arrested under false allegations, arrest of community member	Not the responsibility of OOPC	<ul style="list-style-type: none"> These allegations are related to criminal issues which have been resolved between the parties and the relevant authorities.
11	Unmet Corporate Social Responsibility promises	Unfounded	<ul style="list-style-type: none"> According to the riverine communities, they have been neglected in terms of community projects. OOPC has carried out a tangible number of CSR activities in the host communities and appears to be one of the important drivers of development in these communities. Projects to be done are selected with the communities in an annual basis, and documented. There is no evidence that OOPC has not met its agreed commitments. Complaints about unmet CSR are likely borne out of the need for more projects to meet community demand, as there is very little government presence in most of the communities.



Recommendations

Below are the recommendations related to allegations.

ALLEGATIONS	RECOMMENDATIONS
<p>1. Forced Eviction/ Burning</p>	<p>1.1 Further investigation should be carried out by police to ascertain the genuineness of this allegation. 1.2 Dialogue between communities, state government, security agencies and OOPC for final resolution of these grievances.</p>
<p>2. Issues of intimidation using of soldiers/police/military forces: mistreatment by security forces on the plantation, beatings and harassment</p>	<p>2.1 Consider integrating existing communities’ security approach into company security operations. 2.2 OOPC to establish mechanisms to protect whistleblowers who come forward with information about misconduct by security forces. 2.3 OOPC to sensitize any security forces on international standards and conventions on Human Rights and report all cases of clashes with community members to OOPC. 2.4 Establish regular channels of communication between the company, security forces, and the local communities. 2.5 OOPC to conduct community stakeholder engagement to understand OOPC boundaries and restricted areas</p>
<p>3. Access blocked to roads. Access blocked to houses with big trenches</p>	<p>3.1 OOPC to place warning signs near the trenches. 3.2 OOPC to regularly monitor the condition of trenches, alternative routes, and any infrastructure designed to address access issues to prevent deterioration and ensure ongoing safety. 3.3 OOPC to identify and establish alternative routes that can be used when primary access roads are blocked. Ensure that these alternative routes are well-maintained, safe, and easily accessible for residents, emergency services, and essential service providers. 3.4 OOPC to grade alternative route in AT&P community and complete culvert. Investigate and address the issue of erosion. 3.5 OOPC to study the possibility (in consultation with communities) to extend the closing time of the gate. 3.6 OOPC to ensure that security agents do not demand/ request money from people who pass through the plantation. 3.7 OOPC to put in measures to remove restrictions at the gate during emergencies (such as medical emergencies) to allow communities access through the plantation. 3.8 OOPC to train security officers on human rights, conflict resolution and community health and safety.</p>
<p>4. General recommendations</p>	<p>4.1 Implement community-based conflict resolution programs to address disputes and grievances before they escalate to legal action. 4.2 OOPC to provide sensitivity training for security personnel to ensure they approach community members with respect and cultural understanding.</p>



ALLEGATIONS	RECOMMENDATIONS
	<p>4.3 Encourage individuals to come forward to report cases without fear of retaliation. Communities should be re-sensitized on Grievance Redress Mechanism.</p> <p>4.4 Form community watch committees that collaborate with local law enforcement to monitor and report on security-related issues.</p> <p>4.5 OOPC should develop a procedure to regulate the activities of sub-contractors to ensure their actions are in line with company's policies.</p> <p>4.6 Resolve grievances with the riverine communities by seeking the services of an external mediator, e.g. state government, to prevent future issues for the company. Unresolved grievances can escalate to protests, riots, and destruction of properties and lives.</p> <p>4.7 Strengthen stakeholder engagement not just for community leaders but community members, local authorities and environmental groups as well. Consultations should be done whenever new activities with potential community impacts are anticipated.</p> <p>4.8 Develop a documentary on OOPC operations, host communities and CSR projects to restore the public image of OOPC and sensitize communities on company operations.</p> <p>4.9 OOPC to improve transparency and communication about CSR project selection and implementation</p> <p>4.10 OOPC to actively involve the community in the planning and decision-making process related to CSR initiatives.</p> <p>4.11 OOPC to conduct regular impact assessments to evaluate the effectiveness and outcomes of CSR projects.</p> <p>4.12 Regular Community Engagement by OOPC to explain the employment policy of the company.</p>



Conclusion and priorities

This in-depth assessment of allegations relating to OOPC operations involved consulting various stakeholders, conducting field visits, and compiling statements, documents and evidence to define the status (founded or unfounded) of each allegation. The mission also made it possible to identify actions in progress or planned that could contribute to resolving the substantiated allegations.

Generally, OOPC has a good relationship with most of the host communities and has carried out several projects and interventions in most host communities, although the riverine communities appear to have been neglected in terms of community projects. The main areas of concern for most communities remain employment opportunities in OOPC and the fact that communities with internal conflicts do not enjoy as many projects as the other host communities.

The involvement of stakeholders and in particular engagement of the riverine communities in the construction of solutions remains a fundamental factor. With a view to continuing the transformation process already initiated several years ago, the following priorities have been identified:

1. Community engagement, in particular with riverine communities.
2. Improve the grievance mechanisms, with safeguards for whistle-blowers.