

12 August 2015

## **GVL Response to the Global Witness Report “The New Snake Oil”**

In July 2015, Global Witness (GW) published the above named report and as an important stakeholder to our business, we wanted to ensure you received our full response. We provided our initial response on the same day the report was published. In this, 12 August, 2015, letter and enclosed detailed matrix, GVL provides its responses to GW’s assertions and the recommended actions applicable to GVL. Our colleagues and we will of course make ourselves available if you wish to discuss this matter further.

Firstly, we do wish to thank GW for assessing GVL operations, for its efforts in engaging in Liberia to ensure improved governance, reduced corruption and sound business practices. In line with our *Social and Community Engagement Policy* ([SCEP](#), on our website), we reassert that GVL considers as essential, active engagement with and by NGOs and CSOs so that we meet our commitments to communities and the Government of Liberia and to improve performance. We are working with Liberian NGOs on the ground to achieve this. We invite GW to work with GVL, communities and other NGOs on the ground in Liberia to contribute to responsible and sustainable oil palm development as the country strives to build a viable and enduring economy.

### **GVL response to GW report assertions - overview**

GVL strongly refutes the assertions regarding our operations in Liberia.

GVL did not have sight of the draft report prior to its publication but was presented one month ahead of the report publication with 20 assertions by GW. These 20 assertions were then addressed in detail in GVL’s response to GW. These responses are publicly available on our website: [GVL Information to Global Witness Allegations](#) and is also reproduced below, updated with further comments on the actual report.

After providing our written response, GVL then undertook to meet with GW in London where we ran through our responses. Aside from this brief executive level discussion on the assertions, there was no request for joint review or analysis of the disparate facts in country or in the field in Liberia, which we believe may have led to GW’s disconnect from the facts as we understand them.

While GVL appreciates that, in its’ report, GW has provided a link to GVL’s responses which includes a rebuttal of key allegations contained in its report, we note that GW chose not to investigate further (alone or together with GVL) even when there were clear doubts in the accuracy or representativeness of its accounts of key events, and therefore of the conclusions drawn. GVL’s detailed response was delivered three weeks prior to the report’s publication, yet GW for the most part elected to not incorporate the facts contained in the response, or to correct, modify or qualify the key allegations.

GVL has now reviewed the report further and would like to put on record its observations on the inaccuracies found in the report so that objective readers are able to draw their own conclusions on the actual situation in its area of operations in Liberia. We welcome GW and

other interested observers to come to Liberia to review our operations and community engagement together with GVL and to then make their own assessments.

### **GVL Responses to key assertions**

1. One of the key assertions in the report is that GVL accelerated its conversion activity during the Ebola outbreak in 2014. These allegations are simply wrong. 70% of all land preparation activity in 2014 was undertaken prior to the major outbreak of Ebola in August 2014, and from that point activity was significantly scaled back against our 2014 development plan, in response to the crisis. Importantly, GVL made the decision to retain full employment of 3,400 Liberian employees during this time, in light of the major concerns of Ebola's economic impact at a time when the Government, formal and informal businesses were dramatically reducing employment. All activity that GVL did undertake during this period was done whilst taking necessary Ebola precautions for employees. In addition, as an early and active member of the Ebola Private Sector Mobilisation Group (EPSMG), GVL cooperated closely with other companies, national and international officials and other key stakeholders. We are proud that our significant outreach and Ebola prevention programmes to employees, their families and host communities (totalling 30-40,000 citizens) and which included community briefings, providing latex gloves, protective gear, buckets and disinfectant, Ebola prevention posters and other appropriate literature resulted in an effective Ebola prevention campaign with no known Ebola casualties amongst our entire workforce, their families, or in the communities with whom we work.
2. GW asserts that GVL did not conduct Free Prior Informed Consent (FPIC) in accordance with the RSPO requirements and the benefits to communities of GVL operations have been negligible. We assert that our SOPs, processes and engagements are compliant with the RSPO requirements, as also attested by a senior team of RSPO visitors in June 2014. We believe that while there are always areas for continuous improvement, following the work we did with TFT (through in-field and executive support and oversight) from early 2013 to mid 2014 to restructure and implement a high quality process, GVL's FPIC process quality would benchmark within the top of all RSPO members globally. We acknowledge that not 100% of all citizens would fully understand the impacts (positive or negative) of oil palm development or indeed that 100% would agree to GVL development. It may be easy to find examples of people who do not wish for this kind of development (as one would expect in any democratic society), but from all the facts we have, and as noted also by the RSPO during their visit, the percentage with such views is low and is not representative of the wishes, aspirations and decisions made by the communities at large. We welcome engagement by CSOs and NGOs to improve outreach and education and indeed a pilot project has been agreed with local NGOs.

As to the magnitude of impact to the communities, one only needs to visit the areas and talk to citizens to see these benefits. The project is only 4.5 years old from a zero base (greenfields) start, yet GVL is now the largest employer in the region, employing close to 4,000 Liberians, and the higher wages, rice rations and entrepreneurial/trading activities impact materially on development and prosperity in towns and villages proximate to our operations, benefitting already at least 40,000

community members. GVL upgrades community and county roads (both related to and unrelated to operations), supports and upgrades community schools and clinics, assists with building projects, provides access to community members to GVL clinics and schools. This is in addition to concessionary obligations such as contribution to community development funds, collaboration with communities and government on development of outgrower schemes. It should be recorded that GW's assertion that they could only find "evidence of six toilets" is simply incorrect.

3. The report also makes assertions of coercion and improper dealings by government officials and possibly by GVL employees. These assertions are historical in nature and have been previously investigated, reported and closed. The company conducted investigations at the time these were raised to the RSPO and found no evidence that any GVL employee has been party to any such acts. GVL condemns such behaviour by any party, since it is a violation of freedom of choice, but also since it is bad business, where unwilling community-company partnerships risk undermining the company's long-term success and viability. It is simply in GVL's long-term interests that the vast majority of the community supports the development and as such GVL will never force such decisions on them.

In regards to alleged improprieties in dealings with officials, GVL rejects these assertions and has transparently discussed them. The referenced transactions were above board and market priced, with formal contracts, and withholding taxes declared to the Ministry of Finance and deducted by the company. Should the authorities deem it appropriate to investigate further, GVL will fully cooperate with the process. Our policies on these matters are publicly available on our website.

4. The report provides an account of a violent attack and its aftermath by a group of youths on May 26, 2015 on a GVL farm, and which caused personal injury to GVL employees and resulted in considerable damage and theft of property. The report's account is in material conflict with the information, which GVL has from eyewitness testimonies as well as reports from independent observers, including UNMIL, and from official reports from government agencies and officials. More detail is provided in the attached matrix.

For GVL's more detailed response to the 20 assertions prior to issue of the report and additional points arising from the report, please see the enclosed matrix.

### **GVL response to GW recommendations**

GVL wishes also to comment on the two recommendations aimed at GVL in the report (p7):

1. *That GVL "Assist the Liberian Government in its investigations addressing criminal intimidation and possible corruption. Hold accountable any staff members who have broken Liberian law."*

GVL is and has always been willing to cooperate with the Government in any criminal investigations. It takes any acts of intimidation and/or corruption by its staff members seriously and has advised government officials about the very negative impacts of any intimidation or coercion. We will investigate any evidence which is provided to us and take necessary action against any staff members found guilty of

breaking Liberian law and/or violating company policy.

2. *That GVL “Work with the Liberian Government, NGOs, and the Government’s international partners to ensure that affected communities receive the information and support they need when negotiating MOUs. Open all existing MOUs for renegotiation when such support has been provided.”*

GVL’s current FPIC process ensures that communities are fully informed on matters within the company’s knowledge and experience, including the benefits as well as possible negatives or tradeoffs from commercial palm oil cultivation. Communities are also advised to seek additional information and also legal assistance when considering the palm oil project and when negotiating MOUs. The company complies with the RSPO Principles and Criteria on this topic. In terms of P&C 2.3, indicator 2.3.4 recommends that “Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.”

GVL has maintained an open door policy to work with all stakeholders and NGOs. We are encouraged by the emerging working relationship with a network of local NGOs whereby they will, inter alia, observe GVL’s community engagement processes and provide feedback as part of that process. GVL and these NGOs are considering the details of how this relationship will work and will in due course be providing further information on this. It is important to note that GVL recognizes that this relationship will only be effective if the NGOs maintain the independence necessary to provide properly objective feedback on GVL’s community engagement processes.

GVL firmly asserts that all MOUs signed with communities (these have subsequently been probated by the Ministry of Justice) were and are compliant with the RSPO’s FPIC requirements and the company’s own SCEP. As such, we assert there is no valid basis for GW’s request that GVL renegotiate agreed MOUs.

### **Conclusion and next steps**

We believe that our sustainability and operational processes and their implementation meet and in many areas exceed RSPO, Liberian and industry requirements and standards. Yet we know that we can still do better and will continue to make improvements in our operations and processes. This is our intention, working with communities, RSPO, NGOs and others as appropriate, and following our core principle of continuous improvement. We welcome active collaboration on the ground, working with communities, NGOs, including GW, and partners and appreciate their constructive feedback.

Today, with almost 4,000 employees, GVL is one of the largest employers in Liberia and one of the only employers in the southeast part of the country, a region which is particularly deprived compared with the rest of the country. We are a for-profit business, but expect to invest for another 8-10 years before seeing any initial returns. With such a high risk long term investment in this high risk country, we reiterate that it is simply not good business to apply pressure or implement unbalanced agreements if one hopes to see positive returns on investment in the long term. GVL is making every effort to invest prudently, responsibly and fairly. We already see that our contribution to the education, health and the economies of local communities - where about 40,000 citizens including dependents, are direct beneficiaries - is starting to change lives materially. We remain committed to responsible

investment in Liberia and to working constructively and respectfully with our host communities and stakeholders for many years to come.

We reiterate our appreciation of the role and work that GW is doing in Liberia and other countries, and we invite GW to work with GVL, communities and other NGOs on the ground in Liberia to ensure human rights and community aspirations can be met, and forests protected while contributing to building a vibrant economy with a viable commercial underpinning and prosperity for current and future generations.

Respectfully

David Rothschild and Matt Karinen  
Directors  
Golden Veroleum (Liberia) Inc

*Enc: GVL's Detailed Comments Matrix to Global Witness letter of 18 June 2015 and Global Witness report "New Snake Oil" dated 20 July 2015.*



## Detailed Comments Matrix

GVL information response to Global Witness letter of 18 June 2015  
and Global Witness report “New Snake Oil” dated 20 July 2015

12 August 2015

Ref	GW June 18 statement/ allegation	GVL response
1	<p>After the GVL contract period ends, the company’s plantation will be transferred to the Government, making it unlikely that the communities who own the land on which the GVL plantation is located will ever again be able to manage their land.</p>	<p><b>Based on our policies, the full GVL Concession Agreement (CA), the approved Liberian Land Policy, the current Land Act in front of the Legislature, and our agreements with communities, GVL believes it to be well established and recognized that the land we have worked on so far is community land, and will revert to communities at the end of any agreement periods.</b></p> <p><b>Discussion:</b></p> <p>GVL will only develop land agreed with host communities under the company’s and RSPO’s FPIC process; we respect and recognise community customary ownership of these lands.</p> <p>The GVL Concession Agreement (CA) allows GVL to develop oil palm on Government land and on private land, subject to its other terms and subject to prevailing laws. GVL’s understanding is that in Liberia in general as well as in the GVL CA definition of Government, the traditional and predominant community structure of the Clan is defined as part of Government, thereby recognizing the communities’ customary stake. All GVL community land agreements, achieved through the FPIC process, include approval through the Clans, including their Chiefs, Elders, Youth and Women’s representatives.</p> <p>Section 6 of the Land Policy approved by the Land Commission of Liberia on 21 May 2013 in sets out the basis for identifying and managing community land. This policy guidance precedes the <i>f o r m a l i s a t i o n</i> of the status of community land in the Land Rights Act, which we believe will be tabled in July 2015 to the Legislature with intent to be made into Law prior to the current session’s adjournment. We anticipate this legislation will clarify the community land position further through national law. GVL already conduct our business in accordance with the Land Policy.</p> <p>Therefore, in all GVL land agreements so far, we understand effective ownership to be with the local communities signing agreements with GVL, including through their Clans, as explained above, and through the CLDMAs (Community Land Development and Management Associations, as per the currently established Land Policy and the Land Act currently in front of the Legislature).</p> <p>To be prudent, we should note that the distribution of the plantation assets upon the CA expiration is a matter to be determined subject to the laws prevailing at that future date. From our current</p>

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		<p>understanding of prevailing and tabled policies and legislation, full and explicit recognition of community land ownership will be the expected model also in the future. The Commissioner of the Land Commission on 2 July 2015 confirmed this understanding to us.</p>
2	<p>The GVL concession agreement with the Liberian Government does not contain safeguards required by international law such as protections for community land rights or consultation requirements.</p>	<p><b>We believe that the Concession Agreement (CA) contains significant safeguards in regards of international law.</b></p> <p><b>Discussion:</b></p> <p>The GVL CA specifically requires conformance to international law and “in accordance with oil palm industry standards.” These are defined in the CA as the “generally accepted standards practiced in the oil palm production industry globally.” We are members of the Roundtable on Sustainable Palm Oil (RSPO) and take the requirements of the RSPO Principles and Criteria and associated guidance to be the “generally accepted standards” that we should employ.</p> <p>Regarding international law and human rights in general, the CA explicitly requires conduct in a manner consistent with Liberia’s obligations under international treaties and agreements insofar as those have the effect of law in Liberia (article 31.1).</p> <p>The CA further establishes that the agreement shall be construed and interpreted in accordance with and by those generally accepted international laws as may be applicable and that have the effect of law in Liberia (article 31.2).</p> <p>The CA benefited from the input of internationally recognized law firms on all sides during the drafting process. This process has been commended in international reviews for its quality and the standards of negotiation evidenced in achieving it.</p> <p>Regarding rights related to land, please additionally refer to our comments in 1 above</p> <p>In terms of application of and adherence to protections, we have applied internationally recognized best practice in the way that we classify and identify land, and in the way that we engage and negotiate with communities on land, as well as how we agree and implement Memoranda of Understanding (MOU). Our approach was subject to rigorous scrutiny by an inspection visit by the RSPO in June 2014.</p>



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		<p>We continue to seek ways to improve transparency and engagement, as we note in response to some of GW's later statements. In particular, we have stated regularly that we would welcome direct participation from any NGO that wishes to engage constructively with GVL to improve the way that we engage with communities. In particular, please also note elsewhere about engagements GVL and local NGOs that has been developing since April 2015.</p>
3	<p>Community members in the GVL plantation have submitted complaints to the Roundtable on Sustainable Palm Oil (RSPO). These complaints include allegations of:</p> <ul style="list-style-type: none"> <li>a. The use of intimidation and coercion to force communities into signing MOUs;</li> <li>b. Local Government officials using their position to threaten job security as a way of intimidating community members into consenting to company operations;</li> <li>c. GVL's employment of a much-feared former-warlord who regularly intimidates those not in favour of GVL</li> <li>d. Conversion of community land without obtaining community consent;</li> <li>e. Failure to pay communities the correct compensation for damage and removal of crops;</li> <li>f. Polluting drinking water without providing alternatives; and</li> <li>g. Failure to provide communities with enough information to fully understand the impacts of the plantation.</li> </ul>	<p><b>GVL has duly acted on the recommendations made by the RSPO on a 2012 complaint whereas any subsequent complaints have not been upheld so far by RSPO based on RSPO's rigorous inspection of the facts of the cases. While such subsequent complaints may not have been valid, the company recognizes the concerns that have led to them, and strives to continue working and engaging with all stakeholders to address such concerns.</b></p> <p><b>Discussion:</b></p> <p>A number of complaints have been submitted to the RSPO by several NGOs either on behalf of community members or in their own right.</p> <p>In January 2013, the RSPO Complaints Panel found that one 2012 complaint had merit. GVL has acted on the recommendations. GVL submits a quarterly report to the RSPO where the status of complaints is reported. The reports are publicly available on the RSPO website and are also enclosed.</p> <p>RSPO has so far not upheld any subsequent complaints. In June 2014, the RSPO sent a senior delegation to investigate all complaints against GVL and have found that most of them are unsubstantiated and others are matters of opinion that should be mutually resolved through local dialogue.</p> <p>GVL has itself investigated each known complaint and provided details of the results to RSPO. GVL also has an internal standard operating procedure for grievances, under which complaints or concerns are investigated locally.</p> <p>As the references to complaints in this point are general, we may not be able to provide detailed reports regarding each particular item.</p> <p>Where there are specific issues arising to follow up, we would be pleased to do so, particularly on the</p>

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		<p>ground in Liberia so that direct feedback may be taken as part of our continuous improvement efforts.</p> <p>However, from the type of allegation made in the list, the following items may be relevant:</p> <p>a. <u>“Intimidation and coercion”</u>:</p> <p>GVL does not tolerate the use of intimidation and coercion in its operations and specifically to push communities into signing MOUs or consenting to company operations. This is not only inconsistent with our values and FPIC principles, but it makes for bad business to insist on an unwanted outcome in a long-term partnership.</p> <p>In reality, GVL receives more unsolicited invitations from communities to start operations in their respective lands than we are currently able to take forward. Forced agreements are not only inconsistent with our values and FPIC principles, but, here again, it makes for bad business to insist on an unwanted outcome in a long-term partnership.</p> <p>The company will only invest in areas where we are invited by the overwhelming majority of host communities through the FPIC process. We strive to develop meaningful and mutually respectful long-term relationships, which will benefit both communities and the company. A current list of communities which have invited GVL for development may be found on our website, <a href="http://goldenveroleumliberia.com">goldenveroleumliberia.com</a>. Current GVL is in some stage of engagement with 28 communities in the two counties where the company operates.</p> <p>We have previously investigated these types of claims and provided reports to RSPO dated 26 August 2013, 13 September 2013, 8 November 2013 and 12 March 2014.</p> <p>If there is any evidence of intimidation or coercion, GVL would like to receive it so that we may investigate.</p> <p>b. <u>“Local Government officials threatening job security”</u>.</p> <p>We specifically emphasize to Government members and employees our commitment to the RSPO Principles and Criteria and to the requirements of FPIC. We strive to educate Government employees on how these principles should be applied also by them in their legitimate roles regarding any matters</p>

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		<p>of government business specifically relating to GVL and its engagement with communities and individuals.</p> <p>We are currently aware of two complaint claims that potentially relate to job security. We have investigated these as well as requested the Government to inform us of their understanding of these matters. What we know is the following:</p> <p>(i) An allegation of a town chief being suspended from his job: We are told that a town chief was originally appointed for an abandoned “old town”, being tasked to rehabilitate the town, but failing to do so was given several written warnings over a year and then a suspension notice by a district commissioner. We investigated this matter in early 2014, upon receipt of the allegation, and were shown such warning letters, but also an official notice of cancellation of the suspension by the commissioner’s superior, and payroll records appearing to show that the person continued to receive his salaries to the point where we checked the matter in 2014. We were therefore not able to confirm intimidation specific to GVL.</p> <p>(ii) An allegation of a Government medical clinic aide being dismissed due to opposition to GVL: We are told by community members that this was actually a case of a nurse’s aide being disciplined for gross carelessness in injecting a patient with the wrong substance that caused the patient to be paralysed. It was implied that the person would have made the allegation in order to gain sympathy or reversal of the disciplinary action. We were not able to confirm intimidation in this case either.</p> <p>Please also refer to the mentioned GVL reports to RSPO dated 26 August 2013, 13 September 2013, 8 November 2013 and 12 March 2014.</p> <p>Should there be further evidence or other specific cases, we request the details so that we may investigate or identify the matters.</p> <p>c. <u>“Employment of a warlord regularly intimidating those not in favour.”</u></p> <p>We wish to state categorically that GVL does not employ anyone for the purpose of intimidation nor knowingly allow anyone to carry out illegal acts.</p> <p>We believe this refers to an allegation made against a GVL employee in East Sinoe in July 2013.</p>

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		<p>We are concerned by the term “warlord” being used of any GVL employee, due to the stigmatization of the individual. We are aware of many ex combatants amongst our employees, including combatant troop leaders. Ex-combatants are considered a vulnerable group in Liberia. They lack access to jobs and education and have been stigmatized in addition to suffering from Post Traumatic Stress Disorder. Several aid programs funded by WB, USAID YES I and II, UN, UNDP and Landmine Action have specifically focused on this group and provided job training and integration for ex-combatants. Specifically, an agriculture training programme was carried out in the Panama facility in East Sinoe by Landmine Action for ex-combatants and GVL was requested to participate in finding jobs for them as part of their rehabilitation.</p> <p>We investigated the allegations made in July 2013. We did not find evidence of the intimidation mentioned in the allegation. We were also told that the allegation was made by another ex-combatant member of a previously opposing combatant faction.</p> <p>We did learn that vocal debates had occasionally taken place about GVL. GVL’s Civic and Political Activity policies regulate permitted and banned behaviours for certain employee groups. Senior management, members of the Community Affairs teams and GVL security guards are specifically regulated; however “normal” employees’ behaviours and freedom to express opinions outside of the workplace and working hours are not regulated, whether these be favourable or unfavourable to the company. GVL does not restrict employees’ or community members’ engagement in debate about the company and the impacts GVL investment might have for a community.</p> <p>GVL provided reports to RSPO including on this matter dated 26 August 2013 and 13 September 2013.</p> <p>We have not received allegations of any cases since the July 2013 case.</p> <p>d. <u>“Conversion of community land without consent”</u></p> <p>In response to the 2012 complaint concerning Butaw, the RSPO Complaints Panel found in January 2013 that there is merit in the complaint, as mentioned above. GVL’s process to obtain community consent was deemed to have been inadequate in Butaw District, specifically.</p> <p>GVL engaged The Forest Trust to report on the alleged shortcomings, and upon publication of TFT’s</p>

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		<p>report, adopted all of the TFT recommendations for implementation.</p> <p>Since early 2013, GVL has, together with TFT (formerly The Forest Trust), developed robust Free, Prior and Informed Consent (FPIC) processes and associated Standard Operating Procedures (/SOPs). These have been published on the GVL website for comment as well as for transparency. GVL has also sought assistance in ensuring that these processes are properly applied in the field.</p> <p>In recommendations made for the Butaw case in 2013, the implementation was deemed to have been substantially completed by the end of 2014. In February 2015 GVL and community groups signed a resolution incorporating an 11 point work plan that was intended to lead to resumption of new development sought by the communities.</p> <p>Currently several complaints submitted by NGOs of alleged subsequent failures to obtain consent have not been upheld by the RSPO Complaints Panel, based on complete details of the circumstances and visits to the actual communities.</p> <p>GVL remains committed to continued improvement in our FPIC processes and execution.</p> <p>e. <u>Failure to pay correct compensation for damage and removal of crops:</u></p> <p>Failure to pay correct compensation was alleged in the 2012 complaint regarding Butaw. GVL had been implementing the Ministry of Agriculture’s then valid compensation rates table. The TFT Butaw report recommended a new, more clear and transparent crop compensations tabulation format, which was implemented.</p> <p>The Ministry of Agriculture has in the meantime updated the crop compensation rates and methods. However, the new rates and their calculation pose further issues of interpretation and applicability. GVL has therefore beginning 2013 implemented a no-conversion policy, under which GVL will not propose or accept for development any land that carries planted crops.</p> <p>Please also refer to GVL responses to RSPO/SDI/SESDEV dated 16 October 2013 and to RSPO dated 8 November 2013.</p> <p>Therefore, since 2012, no new wrongful crop compensation issues should have arisen. We would wish</p>

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		<p>to jointly investigate any new specific cases that may be known to you.</p> <p>f. <u>Polluting drinking water without providing alternatives:</u></p> <p>In response to a 2012 complaint concerning Butaw, GVL engaged TFT to report on the alleged shortcomings, and upon publication of TFT’s report, adopted all of the TFT recommendations for implementation.</p> <p>This included further measures to counter disturbances to water flow in streams during farm works and a program to construct wells and pumps in all affected communities. The well building programme in Butaw for affected or potentially affected communities was completed in the subsequent dry season (wells must be constructed during the dry season to ensure they provide water in dry periods). The implementation was reported to RSPO in detail, in our quarterly updates.</p> <p>Please also refer to GVL response to RSPO/SDI/SESDEV dated 16 October 2013.</p> <p>GVL currently proactively construct wells if there is a considered risk of water disturbance from an upcoming agreed development. New standards and practices have also been implemented regarding water channels and bridging works.</p> <p>We do not have information on subsequent, specific unresolved water concerns since 2012.</p> <p>g. <u>Failure to provide communities with enough information to fully understand the impacts of the plantation.</u></p> <p>We recognize the challenge to fully describe plantation impacts to communities, in a manner that is truly understood.</p> <p>We engage in an extensive programme of written, verbal and case information dissemination. Written documentation is provided in several forms, including copies of the Concession Agreement, copies of draft MOUs, simplified Q&amp;As on the concession agreement and GVL operations focused on matters that affect communities. Verbal discussions are carried out in English and local dialects (Sapo, Kru and Grebo and their variants) in community visits, and through local community radio programs and announcements.</p>

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		<p>Additionally, the independent consultants carrying out Environmental and Social Impact Analyses and the High Conservation Values Assessments, and developing the Management Plans, carry out interactive processes with the communities. We have found that site familiarization visits by community delegations to our now existing farms in Sinoe and Grand Kru , appear to be one of the best methods of providing real understanding of plantation impacts.</p> <p>We have discussed this also in GVL responses to RSPO/SDI/SESDEV dated 16 October 2013 and to RSPO dated 8 November 2013.</p> <p>We do believe that more can be done to provide information and ensure that it is better understood. We strive to do this ourselves, but also welcome feedback. We are investigating ways to engage local civil society organisations (CSOs) in this process so that communities may feedback indirectly if they prefer.</p> <p>We are currently considering suggestions made by FPP’s 2015 report on similar matters. We have also received recently an analysis commissioned in 2014 by Global Witness on a 2013 GVL ESIA. The ESIA studies are conducted by an independent consultant in accordance with Liberian and RSPO regulations. However, we have inserted the received feedback into the terms of reference of new studies that are to be commissioned. We do welcome further feedback and suggestions.</p> <p>Further implementation of new and additional approaches is expected upon the availability of the RSPO 2015 revised guideline on FPIC.</p> <p>- - -</p> <p>To note, GVL has, since 2013, invited local and international NGOs/CSOs to visit GVL operations and to give constructive feedback to GVL on how it might improve its community engagement. On 30 April 2015, GVL met four local NGOs for the first engagement forum. It has been provisionally agreed that some or all of these NGOs may observe GVL engagement in two pilot areas so that they may provide feedback on the ground and in real time as to how GVL conducts its community engagement processes and how it may improve on these.</p> <p>Arising from the same forum, GVL and the NGOs have agreed on a visit protocol to visit and/or travel through GVL estates and visit communities on GVL estates. This protocol, which will be formalised</p>

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		<p>after its initial trial, gives NGOs the opportunity to make such visit without the participation of GVL once the visit has been notified by the concerned NGO(s) and confirmed by GVL.</p>
4	<p>During the June 2014 RSPO investigation, RSPO staff stayed in GVL housing and toured the plantation in GVL jeeps accompanied by GVL staff, compromising their ability to make a balanced assessment of the situation.</p>	<p><b>GVL did not in any way influence the outcome of the investigation.</b></p> <p><b>Discussion:</b></p> <p>Prior to the RSPO investigation visit to Liberia, the RSPO sought and initially obtained the help of UNMIL to provide logistics support including transport and accommodation. However, UNMIL was not able to provide the planned assistance. RSPO then sought GVL’s assistance as a last resort, to which GVL complied. No objections were raised at that time.</p> <p>As part of the agreed program, RSPO conducted investigation meetings with NGOs and stakeholders without GVL’s presence. In all communities, specific visits and meetings were scheduled and conducted without GVL. In some communities RSPO met separately with factions “opposing” and “supporting” GVL. In other communities, the communities themselves decided to hold joint meetings.</p> <p>The arrangements were with the full and prior knowledge of the complainants and there was no protest prior to and during the investigation visit.</p>
5	<p>GVL and some local Government officials are together waging a fierce and sustained campaign to quash opposition to the plantation through coercion, intimidation, and manipulation in direct violation of the FPIC principles enshrined in GVL’s own policies and commitments.</p>	<p><b>GVL is not itself nor together with anyone making use of coercion, intimidation nor manipulation. GVL is completely opposed to such tactics.</b></p> <p><b>Discussion:</b></p> <p>This is a serious allegation. If there is indeed is any evidence that GVL employees or contractors were doing this, we request GW to pass any such details to us so that we may investigate.</p> <p>GVL holds the view and has made it clear that its long-term commercial success is most likely to be assured if it works constructively with communities as our long-term hosts and demonstrates it is operating in compliance with national and international regulatory requirements and other appropriate standards. This includes compliance with the RSPO FPIC guidelines.</p> <p>Please also refer to related responses in point 3 above.</p>



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6	<p>GVL has a close-standing relationship and significant private financial arrangements with Senator Milton Teahjay. GVL is currently renting a house belonging to Teahjay in Unification City (Sinoe County) as an office, for an annual rent of US\$ 18,000. This rent appears to be substantially higher than that paid for other properties in Sinoe. A June 2015 survey of four Greenville properties, adjusted for size, showed that annual rents were US \$5,500 – a difference of US\$ 12,500. Otherwise put, GVL is paying over 300 per cent higher rent than is paid for comparable buildings.</p>	<p><b>GVL has an appropriate and proper, arm’s-length relationship with Senator Milton Teahjay. This includes in relation to renting a Unification City house on a properly commercial basis from Senator Teahjay, where no other buildings are available.</b></p> <p><b>Discussion:</b></p> <p>The rental details have been provided by GVL in accordance of our information practice. The rental payments were transparently reported to the Ministry of Finance revenue account and withholdings tax was deducted in full compliance with the relevant law.</p> <p>GVL rents premises where it's cost effective or construction of its own quarters has not yet been completed. Currently the company rents 14 properties for use as housing, offices and for mixed purposes. The landlords are diverse. To our knowledge, 1 of the 14 is owned by a politician and another previously rented (given up in 2013) was previously owned by a politician.</p> <p>A house referred to in Tarjuowon, Sinoe County consists of 7 bedrooms and is used to house the Nurses who staff the community clinic operated as a community support service, as well as community staff. As a practical matter, there is normally no safe, secure, sanitary, or structurally sound housing of any size near our areas of operation. We have no or very limited choice.</p> <p>In this case the house is actually the only one of acceptable quality and with the necessary conveniences available anywhere in the district. By rental charge, it appears to be 3rd lowest among the properties GVL rents.</p> <p>The comparison to Greenville rentals is not practical. Due to Greenville being approximately 65 kilometres away, on very bad quality roads especially in the rainy season, we do not believe at all that Greenville would be either a valid alternative or a valid comparison of rental levels. In the case of Tarjuowon, this particular community has two houses of acceptable quality and facilities, both owned by the same landlord.</p> <p>The community in question is part of the GVL social agreement due to their proximity to the farm being developed and the fact that numerous company employees come from there. The community clinic and school are supported and staffed by GVL.</p>

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		<p>We consider the rental quite economic to us: our alternative is to construct our own building on rented land, with this option being significantly more expensive in comparison.</p> <p>Due to cost, GVL does not plan to construct its own premises in the community outside areas where it directly operates, and will likely continue to be interested in rental at reasonable cost for the appropriate quality.</p> <p>The rental payments are transparently reported to the revenue service and withholdings tax deducted in full compliance with the relevant law.</p> <p>It is worth noting that other international companies and agencies have also had to rent property from appointed or elected government officials due to the shortage of suitable alternatives. Reiterating our comments in point 4 above, as recently as June 2014, RSPO also found that they were unable to source suitable accommodation and facilities from independent sources.</p> <p>We would actually welcome any proposals for suitable and available housing in these areas.</p>
7	<p>From 2010 to 2013 GVL also rented the house of his predecessor, former-Senator Mobutu Nyenphan. According to GVL, the company's annual rent was US\$ 35,000, including a US\$ 3,500 tax paid to the Ministry of Finance.</p>	<p><b>GVL has had an appropriate and proper, arm's-length relationship with Senator Mobutu Nyenpan. This included renting a Greenville City house from Senator Nyenpan, as the best suited housing in Greenville city in 2010 and until 2013.</b></p> <p><b>Discussion:</b></p> <p>The rental details have been provided by GVL in accordance of our information practice. The rental payments were transparently reported to the Ministry of Finance revenue account and withholdings tax was deducted in full compliance with the relevant law.</p> <p>We believe that the rental was appropriate in relation to the quality and facilities of the house and to other alternatives available from 2010 to 2013. Particularly, the rental criteria included fully furnished three bedrooms equipped with working bathrooms, generator, safe wiring and air conditioning, satellite television, fully equipped kitchen with stove, freezer and refrigerator, fully enclosed fenced yard and garage. It is located in a non-mosquito prone area with direct access to paved road. Rental requires the landlord to hold a valid land deed.</p>

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		<p>If a comparable house was available for the proposed rental benchmark of USD \$5,500 annually, subject to unspecified adjustments, we would be very interested in considering it for our upcoming needs. From 2010 to 2013, we did not see such houses and prices on the market in Greenville.</p> <p>The rental was economically favourable to the company in relation to constructing our own housing on rented land for use of 3 years.</p> <p>Please also refer to information in item 6 above.</p>
8	<p>The Liberian Anti-Corruption Commission should investigate rents paid to Teahjay and Nyenphan for potential corruption risks, especially with regard to Section 12.50 of Liberia's Penal Code, which prohibits bribery of Government officials and politicians.</p>	<p><b>Should the authorities decide that there are grounds for an investigation, GVL would fully cooperate.</b></p> <p><b>Discussion:</b></p> <p>Through 2011 until today, GVL has duly filed the rental payments to the Ministry of Finance. The tenancy agreements were and are in full compliance with relevant legislation. GVL has readily made information on these rental agreements available when requested.</p> <p>GVL absolutely does not condone any form of bribery - it strongly rejects any such allegations and denies participation in any form of bribery whatsoever.</p>
9	<p>In June 2014, a community member working for a local NGO approached individuals maintaining a checkpoint during an RSPO inspection. GVL security forcibly took his camera and his phone containing the evidence that he had collected as part of the investigation. He was then severely beaten and left with a swollen eye and coughing blood. Rescued by a representative from TFT, the NGO worker was taken to a nearby jeep, which was promptly surrounded by GVL security staff holding machetes and demanding that they must give up the</p>	<p><b>In June 2014, community members in Tarjuowon had erected a checkpoint to stop a Monrovia lawyer and tell him that he is not welcome. A GVL and a TFT staff member convinced community members at the checkpoint to defuse the situation. We believe that the incident was an unfortunate example of the community feelings and suspicions and urge all parties to refrain from any intimidation.</b></p> <p><b>Discussion:</b></p> <p>This incident happened during the RSPO inspection team visit in June 2014. A checkpoint was erected and manned by members of the community who wanted to stop the delegation in order for their elders to meet with Counsellor Alfred Brownell from Green Advocates. It should be noted that various rural communities members often erect their own checkpoints. As GVL understands, the community members wanted to tell Counsellor Brownell they did not want him to try to stop GVL development in that area. It has also been reported that the community did not welcome anyone working with</p>

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	<p>evidence they had collected or they would set the cars on fire. The GVL security also made violent threats to the men that: “Liberians and your family will miss you. Stay away from Tarjuwon, this is our land and we want GVL to operate on it to alleviate the suffering of the Tarjuwon people. You will never work in Tarjuwon or in Liberia again. Any project you present we will go after it.”</p> <p><b>Additional detail found in Pg 16 of the GW Report of 20 July 2015:</b></p> <p>On 16 June, and accompanied by company managers, NGO representatives, community members, and the independent consultants TFT, the inspectors were returning from a plantation area when they were stopped at a checkpoint. <i>The GVL managers and RSPO officials were allowed through the checkpoint, leaving the others behind...</i></p>	<p>Monrovia-based diaspora members who were said to have taken \$L80,000 of community funds, and wanted this to be known.</p> <p>GVL employee Mr. Flomo Molubah and TFT’s Elie Tamekou, intervened to appeal to the members of the community to let the delegation pass and to defuse the situation.</p> <p>The version of events described by GW in the allegation is contrary to the events the RSPO team recorded. It is also contrary to the testimony to RSPO of the TFT representative Mr. Elie Tamekou on the incident states:</p> <p>“During the Sonouah incident, given that the situation was very tense Mr. Flomo and I were trying our best to ease tensions and prevent anybody from being injured.</p> <p>The SesDev staff was pushed from his motorbike, but Mr. Flomo intervened immediately and stopped those who did that. He told me that his camera was stolen, but I don’t know whether the motorbike was destroyed because when the road was opened, somebody was riding the same motorbike in front of our car.”</p> <p>Subsequently in 2014, members of KUDA, the Kulu United Development Association, wrote a complaint to RSPO, where this incident was referred to having been carried out by a number of named “GVL thugs”. The named Tarjuowon individuals wrote to RSPO complaining in turn about the defaming of their names and denying the allegations.</p> <p><i>To the additional detail (in italics), contrary to what was reported, the last vehicle in the convoy had GVL manager Mr Flomo Molubah, travelling together with TFT’s Mr Elie Tamekou and visiting GVL advisor Mr Alwi Hafiz.</i></p>

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10	<p>GVL’s MOUs gain communities nearly nothing and demonstrate that the company’s FPIC process is flawed as they have been signed in a climate of fear and intimidation, agreed without sufficient information provided to communities, and have not been negotiated by the communities.</p>	<p><b>GVL signs agreements with communities typically after a long and careful process of 12-24 months, with numerous negotiations and considerations. We have investigated all allegations of intimidation but have not found evidence to suggest such intimidation. Currently, a proposal is being discussed with local Liberian NGOs to participate in monitoring community engagements in two new development areas.</b></p> <p><b>Discussion:</b></p> <p>Please also note that responses 3 and 6 above reflect on similar or linked allegations. These are serious allegations and GVL would like to request access to any evidence which supports the allegations.</p> <p>The RSPO delegation in 2014 met with communities – in many instances with no GVL presence, at the explicit request of the NGOs and complainants – and indicated in their report that they did not see evidence of intimidation by GVL. (Refer to para 9.6, pp 53-54)</p> <p>GVL has never had to seek land. All the land it has negotiated to date for development has been offered by the local communities who want GVL to work with them to provide development, employment, education opportunities and other benefits.</p> <p>Communities do gain significant and long lasting benefits. We are by far the largest employer in the five South Eastern counties. We pay five times that national average wage, as well as providing a monthly rice ration, free medical treatment and are building free schooling and housing to our employees who are by agreement drawn mainly from the local communities. In Butaw alone GVL provides free schooling for nearly 650 elementary aged students.</p> <p>We believe we have robust processes and SOPs in place, which ensure that communities are properly engaged and informed, and are able to reach agreement with us in a free and open manner. We also recognise that there is always room for continuous improvement.</p> <p>We continue to welcome civil society organizations and NGOs who are prepared to work with us in a constructive manner to develop how we engage with communities and how communities internally consider their opportunities. We are glad to note that we are pursuing a proposal being discussed with local Liberian NGOs to put in place an arrangement for them to monitor our community engagement on two pilot projects, from the commencement of engagement through to the signing of the MOUs and on to implementation.</p>

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11	<p>Some of the intimidation levied against community members has been part of a sustained attempt to ensure that communities sign the MOUs.</p> <p>a. A Town Chief from Tarjuwon District was fired after he refused to attend the signing ceremony for the MOU to confer his consent, believing – along with others in his community – that the agreement was not in the best interests of his people.</p> <p>b. Another community member from Tarjuwon has stated that: “GVL forced some of our people to sign a provisional MOU, through the influence of national government, the Ministry of Internal Affairs. There are no jobs or sources of livelihood in Sinoe other than farming and hunting. Many influential people are employed with the Ministry, so the high-level officials from the MIA threaten [lower MIA staffers] with their jobs if they don’t sign. They were put under duress to sign a document but they don’t even have knowledge of [what is contained in] that document.”</p>	<p><b>As a business, GVL has zero tolerance of the use of intimidation by its own staff. GVL also works to inform Government employees and officers on the principles and application of the Free, Prior, Informed Consent approach and specifically that the consent be truly free. Where possible and where relevant to GVL’s work, we also investigate as far as possible any reports or allegations made about Government employees. We have previously investigated and reported to RSPO on one case, whereas three cases have not been previously brought to us. We have now investigated them where possible:</b></p> <p><b>Discussion:</b></p> <p>On the general matter, please also see Responses 3, 6 and 10 above.</p> <p>With regards to the specific allegations:</p> <p>a. <u>Town Chief alleged firing</u></p> <p>While GVL cannot comment on the decisions of government officials, the case specified appears to be the same as in item 3(b). Please refer to 3(b) details. GVL understands that the official was suspended for job performance reasons, but that the suspension was then lifted and the official continued on the payroll.</p> <p>b. <u>Forcing to sign through national Government</u></p> <p>As in point (a), GVL is unable to comment on allegations of conduct of government officials. We have not previously heard this particular statement. However, we believe our FPIC processes are such that community members have the necessary information to make their own decisions in a free manner.</p> <p>The GVL Tarjuowon MOU was widely read out and discussed in draft form and subsequently circulated in printed form in the communities. We do not have knowledge of any non-public document signed by Ministry of Internal Affairs staff with GVL.</p>

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	<p>c. Community members from both the Tarjuwon and Numopoh communities stated that top county officials, Milton Teahjay and Romeo Quioh, oversaw the signing ceremonies for their MOUs. In light of Teahjay’s track record of intimidation, it is difficult to see how community members could feel free to reject the District’s MOU. In the Numopoh MOU meeting, armed police from the ERU, allegedly invited by Romeo Quioh, were in attendance, undoubtedly adding to the intimidating and threatening atmosphere.</p> <p>d. The Numopoh MOU was also reportedly not read aloud to the community, but despite this 768 community members who could not read, or sign their own names – 97 percent of all signatories – placed a thumbprint on the agreement to confer their consent.</p>	<p>c. <u>Alleged presence of armed police or ERU at Numopoh MOU signing</u></p> <p>This allegation has not previously been reported to us. The Numopoh MOU was signed on April 28, 2014 and according to the GVL delegation’s observation, there was no police or ERU presence.</p> <p>Present on that day were UNMIL Civil Affairs representatives Rolin Sala and Roosevelt Morris, as well as NGOs SAMFU and the Sinoe NGO Network. None have reported concerns with the community event. It may be noted that the road to the old Sinoe Rubber Plantation passes through Numopoh. Our observers report that the UNMIL Police &amp; a Liberian ERU joint team passed in vehicles on the road without stopping, on their regular patrol of the Sinoe Rubber Plantation.</p> <p>In June 2014, RSPO visited the Numopoh community without GVL or Government presence, but supported on that visit by the United Nations Civil affairs representatives and members of the NGO SAMFU. It was reported by RSPO and SAMFU, both, that the Numopoh community supported the GVL MOU and that there was no need to pose further questions to GVL based on the community’s confirmation.</p> <p>d. <u>Numopoh MOU allegedly not read</u></p> <p>Allegations of there being no public reading of Numopoh’s MOU have not been previously reported to us.</p> <p>Actually, after a one year overall process, a month was spent reading the draft MOU at grassroots level in towns and villages. After the final draft was agreed with the community MOU negotiation committee and GVL, a further meeting as per the request of the MOU committee was held to read the final draft to citizens.</p> <p>After the meeting the committee with the consent of local community wrote to GVL and selected a day for the signing of the MOU. On the signing date the MOU was read, comparing the final draft with the one printed for signing.</p>

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12	<p>Communities were not given adequate information about the plantation’s impacts, including information on the effects of chemicals the company will use on drinking water or projections on whether the plantation will have positive or negative impacts on community livelihoods in the future. Nor were communities provided with any research on the livelihood outcomes of possible alternatives to the GVL plantation, and were instead presented with a false binary choice between “development” if they accept the concession or “no development” if they reject the palm oil plantation. Given that the GVL plantation will wholly change the lives and livelihoods of nearby communities for a period that is, essentially, forever, it is not credible to suggest that communities have sufficient information to make informed decisions about whether or not (or under what circumstances) they want GVL, and thus whether or not they want to negotiate an MOU with the company.</p>	<p><b>The FPIC process undertaken by GVL requires the community to be informed of all foreseeable impacts – positive and negative – before making a decision.</b></p> <p><b>Discussion:</b></p> <p>In the overall process, ESIA and NPP consultants hold independent consultative sessions with communities and other stakeholders, including without company participation, specifically to discuss impact topics.</p> <p>Impacts are documented in the Environmental and Social Impact (ESIA) and HCV assessments and mitigation strategies formulated in iterative processes. Summaries are shared and discussed with the communities and published on the RSPO website as part of the NPP process.</p> <p>During the FPIC process, the results of the assessments are further recapped and the potential impacts of the development are discussed with the concerned communities.</p> <p>In particular, our FPIC and the embedded Participatory Mapping process works to ensure that communities plan for suitable current and future farming lands for their own needs, and for alternative uses. We enclave land for this important function before we make any decision with the community on the land we might use for palm oil development</p> <p>GVL believes that it does not have the necessary expertise to explain all alternatives to GVL plantations and that this is where NGOs or CSOs – which have unrestricted access to these communities – can play a constructive role.</p>



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		<p>In all cases, it is also in GVL’s long-term interests that the vast majority of the community supports the development and as such GVL will never force a decision on them. We are aware that, in our negotiations with communities in our initial stages of operation in Liberia that our understanding of community decision-making processes was not as thorough as it might have been. This was indicated in the RSPO January 2013 CP decision. As explained earlier, we have worked with TFT to put in place SOPs and processes that we believe have established a significantly more robust FPIC process.</p> <p>Communities also call upon the expertise and education of their members who have moved to Monrovia and elsewhere. Those ‘diaspora’ community members speaking for their communities include senior civil servants, business people, lawyers, religious leaders, university professors and others. GVL asks communities to identify diaspora members to get involved at an early stage so that they do have access, through their own community connections, to people they trust through these community links and who are able to advise them. GVL welcomes the communities involving diaspora members and others in these discussions, although we recognise that the final decision is that of the community that uses the land and they must make the ultimate decision on how their land is utilized.</p>
13	<p>In almost all respects the terms of each of the MOU’s are substantively the same, and are also the same as those contained in a “Consultative Draft” MOU produced by GVL. This suggests that the terms of each MOU have been pre-determined by GVL. Indeed, community members from Numopoh District reported to Global Witness that they drafted their own version of an MOU, outlining the benefits that they required in return for the lease of the land. Although the MOU was sent to the company, they believe that it was intercepted by GVL workers and did not reach the company for consideration and none of the communities requirements were incorporated into the final MOU.</p>	<p><b>GVL has developed model MOUs to ensure that all agreement elements can be widely and well in advance considered by community members, in language that is as clear and as straightforward as possible. GVL will also be fully ready to consider other agreement alternatives and texts. Community negotiators do typically have their own proposals and important items checklists, which are often checked and negotiated in relation to the GVL alternative. Some communities use trusted lawyers or reviewers, which we fully support.</b></p> <p><b>Discussion:</b></p> <p>GVL provides a draft MOU for communities to consider and thereafter propose changes as this is considered the preferred way by most communities. As a matter of good practice, this draft MOU was developed so that communities could make reference to a model MOU in determining what they want to include in their own.</p>

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		<p>Communities' wants and needs should be assessed through comprehensive community consultation before any reference is made to the model MOU. In addition, local NGOs have been invited to comment on the model MOU and also to suggest improvements or alternatives to it. The existence of this draft has been commended by several local NGOs and CSOs as providing a practical framework for negotiation. It is increasingly well understood as one possible basis for discussion and not as a rigid template.</p> <p>All MOUs are published on the GVL website and any community can access the MOUs others have signed as a reference.</p> <p>GVL is surprised about the allegation regarding the Numopoh agreement. In fact the Numopoh communities did make several detailed proposals and discussions were held over a period of more than 1 year to formulate the MOU.</p> <p>GVL meets regularly with the community as well as with diaspora members. None of these have ever made mention of a separate draft that they may have been produced. We believe that, should the representatives of the community have had any blocked inputs into the MOU, they would have certainly raised these in discussions with senior GVL counterparts at the time in discussions and would not have signed the final MOU.</p> <p>GVL takes the allegation seriously and would like to request more details on the alleged interception by GVL workers so that we could conduct our own investigation. We welcome a mutual review of this matter with GW.</p>

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14	<p>The MOUs that have been signed contain terms so vague that they mislead community members, who believe that they will receive a number of benefits by agreeing to the concession. During interviews conducted between 2012 and 2015, community members told Global Witness that the most important “benefit” GVL could provide was employment. However, on this point the MOUs contain little detail, promising jobs but failing to state for how long people will be employed, what workers will be doing or how many people the company will hire. Similarly, the frequently stated hope by communities that GVL would bring medical facilities will also be difficult to enforce: the MOUs may promise health care, but do not specify the quality of this care or, in many cases, a timeline for its provision.</p>	<p><b>GVL and communities work to be as specific as possible in the MOU terms. The MOUs are also designed to be annually reviewed for performance against targets and are written as “provisional” in their first signing to allow some flexibility for possible mutual fine tuning including on the developable areas offered.</b></p> <p><b>Discussion:</b></p> <p>Some items are not always possible to identify precisely at the outset. It is our and communities’ mutual experience that practical aspects may change during implementation - for example the exact number and location of development hectares typically evolves, and this leads to changes in the timing and number jobs, for instance.</p> <p>In this case, the baseline ratio of jobs to land in the oil palm sector is about one to every 5-6 ha of land under development. This is an internationally recognised benchmark. In practice GVL employs more people than this ratio suggests it should: over 3,700 when just under 10,000ha was planted by the end of April 2015.</p> <p>GVL, with the agreement of the communities have drafted ‘Provisional’ MOUs so that elements which are not clear at the point of agreement can be agreed upon later. This practice has been criticised by some stakeholders. We have invited suggestions as to alternatives that address these concerns as well as our desire not to restrict our commitments to communities only to those we can absolutely confirm at the moment we sign the MOU.</p> <p>GVL has never stopped communities from having their own legal representation and indeed consistently informs communities that this is their right during the FPIC process. Some communities have actively utilized trusted legal advice. We welcome NGOs/CSOs to play a bigger role in this to provide the necessary assistance to the communities.</p>
15	<p>In fact these “benefits” are almost entirely for employees only. In terms common to all MOUs (and replicating requirements GVL already has under its</p>	<p><b>GVL believes that the MOUs and our actual work in an area provides significant and broad benefits to the community, particularly with the aim of focusing on those community members who are located nearest to the land the community has designated for GVL.</b></p>

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	<p>2010 contract with the Liberian Government) only GVL employees will have free access to GVL medical facilities and schools. Non-employees will have access to GVL clinics, but must pay for them, and children of non-employees may have access to GVL schools, but only if the company decides there is enough space for them.</p>	<p><b>Discussion:</b></p> <p>As example, GVL believes that building schools and health facilities in areas where existing communities have access to none today would be beneficial to these communities, even if it cannot guarantee free access to these facilities to everyone, particularly those areas of the community that may not be involved with the designated land. As GVL operations develop, the capacity of the health and educational services provided will also increase to serve more people.</p> <p>While we can provide the facilities, building and rehabilitating schools and clinics in communities outside farms will be useful only when they are properly staffed and run. This is the responsibility of the government. We are aware that their resources to do this are limited at the moment and would welcome ideas as to how to improve the effectiveness of such physical assets to the community.</p> <p>We also believe that as jobs are created and people start to have disposable incomes, commerce and other economic activities will develop. This, along with infrastructure like roads which will be built will facilitate economic development which will ultimately benefit the communities.</p> <p>Community members do get free access to GVL’s schools where space is available, free access to clinic services on our farm clinics, and in certain locations, GVL funds and supplies community clinics and provides support to community schools.</p>
16	<p>Community members in Sinoe County reported that some people working for GVL were serving as sub-contractors, working for a GVL “employee” and thus not themselves on GVL’s employment rolls with full contracts. It is unclear if such subcontractors would get the “benefits” such as education and clinic access GVL has promised to its employees.</p>	<p><b>GVL has a structured payroll system for salaried employees and separately employs entrepreneurs and contractors (individuals or groups), but is not aware of any subcontractors working for GVL employees.</b></p> <p><b>Discussion:</b></p> <p>Please see response 15 above.</p> <p>Regarding any GVL employee carrying out a subcontracting operation, we would like to request details of any such cases so that we may conduct investigations.</p> <p>GVL is actually specifically encouraged to provide business opportunities to local Liberian businesses, such as builders, furniture makers and haulers. Employees of other businesses or entrepreneurs are as a</p>

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		<p>rule not eligible to GVL’s own employee benefits. However, where contracts are made with groups from local communities, the members would as a rule be eligible for GVL health care benefits.</p>
17	<p>Each MOU is very clear about what GVL gains from the agreement. Each MOU specifies the number of hectares that the company can convert to plantation, although the specific locations cannot be deciphered by a community member, or anyone else for that matter, as the maps attached to the MOUs are of very poor quality. Additionally, each MOU asserts that the community has relinquished all usage rights for the plantation land, and states that the MOU will be probated so as to give it force of law binding not only current community members, but also their heirs and assigns.</p>	<p><b>The MOU is the result of many steps involving repeated engagement with each community and designated community representatives. Community mapping is carried out in the field, starting as participatory mapping and then proceeding to GPS-mapping, always with community members’ direct participation and discussion of the ground features. Finally, prior to development commencing, the specific lands are again demarcated and marked with a community team, through walking. Maps printed in distributed copies of the MOU are for records purposes and not meant for field use, while large scale PM and GIS maps are available separately.</b></p> <p><b>Discussion:</b></p> <p>The overall land discussion, selection and designation process in our experience, takes up to two years. Part of the process is participatory mapping with the community. By the time the MOU is finalised and agreed, besides what is contained in the MOU, this process of engagement provides a level of assurance that the community and its representatives have a good understanding of what is agreed upon.</p> <p>Planted land typically takes up a minority of the community land, with conservation areas, present and future farmland reserves and community palm oil areas taking up the majority. In the case of Sinoe, for example, approximately 40% of developable land on average has been developed for oil palm to date.</p> <p>The MOUs are not perpetual but have a fixed time periods that are aligned to the palm tree economic life.</p> <p>The notarization and probation of MOUs are carried out in order to assure the agreements are legally binding, mutually, in accordance with FPIC recommendations. Notarization and probation is also a standard practice of land-related transactions and agreement in Liberia.</p> <p>GVL has been rigorous in ensuring that the only land to be developed is that which has been agreed by communities and clearly demarcated through a participatory mapping process. Nevertheless, in some cases, after MOUs have been agreed and signed, and sometimes after significant land development has taken place, communities have asked GVL if they might reconsider which land they have agreed to</p>

Ref	GW June 18 statement/ allegation	GVL response
		<p>develop. GVL has undertaken a further demarcation exercise in accordance with the community's revised wishes.</p>
18	<p>With little support available to communities, during the height of the Ebola crisis GVL signed a number of MOUs in rapid succession. Between 15 August and 21 October 2014 when the spread of Ebola was rapidly accelerating, GVL signed an additional four MOUs covering 13,394 ha.</p>	<p><b>There were no known cases of Ebola amongst any of our partner and MOU communities. Communities specifically requested GVL to carry out work normally, in order to maintain employment and benefits, and well as to continue to sign already negotiated MOUs. The communities of Tartweh and Nitrian specifically requested on September 10, 2014, that GVL proceed to MOU finalization without delay.</b></p> <p><b>Discuss:</b></p> <p>In accordance of community wishes, GVL continued to work on MOUs together with taking necessary Ebola precautions, which included community briefings on the dangers of Ebola, providing clean water, latex gloves, protective gear, buckets, informational handouts, Ebola prevention posters and other literature, prevention videos, as well as disinfectant in order to minimize the chances of an Ebola outbreak in the area.</p> <p>As explained in point 17, the FPIC process is lengthy one. The MOUs signed during the period specified were the culmination of extended engagement with the communities which began months and years prior the start of the Ebola outbreak.</p> <p>Communities feared that GVL may abandon Liberia because of the crisis. GVL made a conscious decision to maintain our commitment to working together with communities and operate as normal as possible during the crisis to alleviate this fear. Other companies and NGOs that withdrew staff or cut back operations partially or wholly have equally been criticised for not trying to retain normal operations.</p>
19	<p>At a time when people were avoiding any physical contact and public gatherings, GVL held a series of large community MOU meetings. On 11 October, the same week that Liberia marked its 2,400th death from Ebola, GVL held a meeting at which 519 people from the Tartweh and Drapoh</p>	<p><b>GVL did not hold any large meetings in Ebola infected areas. Throughout the Ebola epidemic, no known cases of Ebola amongst any GVL employees, their families and no local cases in any of our partner and MOU communities. GVL continued community engagement, under Ebola precautions which were utilized to educate the communities about the epidemic.</b></p> <p><b>Discussion:</b></p> <p>Please also see point 18 above.</p>

Ref	GW June 18 statement/ allegation	GVL response
	<p>communities came together to sign their MOU, granting the company more land than it had received from any other agreement. During this time people were panic-stricken and in a desperate situation, in addition to being deprived NGO support – the only available independent advice available to them. Therefore the conditions for genuine FPIC to be obtained did not exist, and any MOU negotiated during this time must be renegotiated.</p>	<p><b>The communities of Tartweh specifically requested on September 10, 2014, that GVL proceed to MOU finalization without delay.</b></p> <p>We believe that the 519 people referred in the allegation are the signatories listed in the Tartweh Drapoh MOU which we have made available on our website. No such gathering of 519 people was conducted.</p> <p>We had one substantial gathering in Tubmanville, the largest habitation in the area, which included about 100 people, conducted on community request and under careful precautions. At the same time the company maintained steady employment throughout the Ebola period. We employed approximately 3,000 persons throughout this period. They came to work on sites involving 200 to 1,000 employees, always with suitable precautions being in place. We applied the same precautions with the Tubmanville community meeting as we did with our employees throughout the Ebola period.</p> <p>The other signatures from the 519 were provided by individual villages and towns based on separate town/village meetings under similar precautions.</p> <p>No Ebola panic was experienced in GVL’s partner communities, or in the counties of Grand Kru and Sinoe where GVL operated. Initially from May 2014 and specifically from July 2014, GVL and the communities established joint information and precaution programs, which are believed to have contributed to the very low impacts of Ebola in Sinoe and Grand Kru counties. Ebola cases only emerged in the unregulated mining communities between the two counties. No local cases appeared in our partnership and MOU areas throughout the Ebola era. Two suspected cases appeared later, were quickly quarantined, and did not result in any infections.</p> <p>Furthermore, GVL has been told that its efforts, together with several private sector organisations, in providing aid to the government and communities through the Ebola crisis, and not abandoning the communities during this time, was recognised and appreciated by the communities.</p> <p>GVL was an active participant in a private sector group established to help manage the response to Ebola, educate employees and communities and ensure continuity of operations. The company remains proud of the fact that no case of Ebola was recorded among any of its employees or from within its host communities.</p>

Ref	GW June 18 statement/ allegation	GVL response
20	<p>Between April and December 2014 GVL quickly accelerated its conversion of community land into plantation, clearing 5,358 ha. During this nine-month period GVL cleared approximately the same area of land as it had cleared in the three years since its operations began in January 2011. Having gained additional community lands after signing four MOUs during the Ebola outbreak, GVL has continued to increase its expansion in 2015, and has cleared an additional 1,932 ha in the first five months of the year alone.</p>	<p><b>The increased land development pace in 2014 was in line with long-term mobilization, preparation and planning and resulted from the large number of community invitations that we have received and have been processing for many months and in some cases, years (noting that we are still unable to respond to many in a timely manner) combined with our upgraded FPIC methodology.</b></p> <p><b>Discussion:</b></p> <p>From early 2013, with the assistance of TFT, we completely upgraded our FPIC procedures and community engagement, with the result that new, mutual agreements were concluded in late 2013 and throughout 2014, including also all Liberian and RSPO regulations being consistently met.</p> <p>The rate of development was entirely consistent with the availability of land as well as the broad rate of development envisaged in Appendix 6 of the CA.</p> <p>The Ebola outbreak slowed that process down, yet GVL believed that it was important that communities and indeed the country get a vote of confidence that the Ebola crisis would abate with the necessary actions and that normalcy will resume.</p> <p>One of the best assurances GVL could give is to continue to build its business and to provide meaningful work to members of the community by continuing its program of planting.</p>



Ref	GW Report dated 20 Jul 2015	GVL response
21	<p>Pg 12: In 2014, a team of RSPO inspectors conducted an investigation into GVL’s operations and found evidence of the alleged wrongdoing outlined in the communities’ complaints. Nonetheless, the RSPO complaints panel recommended that GVL be allowed to continue its operations.</p>	<p>The report quotes a letter from Mr Ravin Krishnan of RSPO to complainants dated 22 Apr 2015 as basis that the RSPO inspectors “found evidence of the alleged wrongdoing”. Neither the letter nor the underlying detailed report from the June visit, in fact, assert this for any of the complaints received after the initial Butaw complaint in 2012, following which GVL undertook a major restructuring of its FPIC and environmental processes. Subsequent complaints were considered to be substantially without merit.</p> <p>The complaints submitted to RSPO have not, in the main, been upheld by the RSPO Complaints Panel, based on complete details of the circumstances and visits to the actual communities in June 2014 by the RSPO as contained in its full report completed in January 2015.</p>

Ref	GW Report dated 20 Jul 2015	GVL response
22	<p>Pg 16: In late May 2015, this environment of fear and suppressed community frustration appears to have come to a head in a day of violence during which 37 community members were arrested and at least two were assaulted by Government police. According to eyewitnesses interviewed, on 26 May GVL workers and community members – frustrated over low wages and other grievance – held a sit-in on a road in the Butaw section of the GVL plantation, barring passage by car of high-ranking GVL and Government officials. These officials promptly summoned the Liberian police, who fired tear gas and attacked the protestors. In the ensuing melee, community members damaged GVL property and the Government ordered additional police to Butaw, including the specially-armed Emergency Response Unit (ERU). According to community members interviewed, in the following days Government police ransacked nearby community residences and arrested another seven people. As of the date of publication it is understood that 27 of the 37 arrested community members remain in detention.</p>	<p><b>According to the information generally available, the GW version of events appears to contain material inaccuracies. Following is an account which is garnered from the testimony of eye witnesses, government agencies and UNMIL personnel.</b></p> <p>A) On May 26, approximately 30-40 strong group blocked GVL farm’s rope-gates and prevented entry of GVL employees. Police were called and responded with 5-6 unarmed officers.</p> <p>B) Government officials arrived to inspect the situation, including a female cabinet member, Minister of Gender who was on a tour of the Sinoe county. The Minister of Gender departed after arrival of the chief mediator, Deputy Minister of Internal Affairs. Her vehicle was stoned by slingshots on departure by the gate blockers. They then rushed the unarmed few police officers, who released their single canister of tear gas and retreated into the farm, regrouping at the GVL management housing compound.</p> <p>C) At the housing compound, a group of approximately 35 persons, armed with stones, cutlasses and slingshots, rushed the 2nd gate and the approximately 10 strong group of unarmed police, Government members and UN personnel. To avoid injuries or mutual clashes, no resistance was offered by the police, UN personnel, GVL watchmen or GVL civilian employees.</p> <p>D) Pressed upon by the attackers, GVL, UN and unarmed police personnel escaped to a number of vehicles or to the forest behind the housing to escape. A GVL female manager chased by youths was rescued by the UN Sinoe Chief who took her into her vehicle. GVL’s Liberian managers were chased, one hiding for the rest of the day in the forest. One GVL driver was stoned on the chin by an attacker, and remains under treatment today (8 August 2015), unable to speak. One GVL manager was caught, held hostage for a number of hours, threatened by beheading and beaten by the attackers, until located by the President of the GVL Worker’s Union who guarded him until UN reaction force arrived to the rescue several hours later.</p> <p>E) The known hospitalized or injured casualties only included GVL employees, including the driver and the kidnapped and beaten manager.</p> <p>F) The attackers caused considerable damage to the GVL management housing unit, company vehicles and infrastructure, and stole and looted company and personal property from the housing complex, and from locked storage. Stolen items included computers and phones, TV sets, rice rations</p> <p>G) Photographic evidence of the attack was recorded, clearly identifying numerous attackers in the act. The photographs are being treated as evidence for use at any possible trial.</p>