



**Should Liberia develop a legal framework on Industrial Agriculture?  
Perspectives from a civil society organization working on the ground**



*“Working For Nature Conservation”*

## Introduction

Although there is a long and often troubled history of large-scale industrial agricultural plantations, such as rubber and palm oil, in Liberia, there is no overarching legal framework or enforcement agency that governs the sector, leaving it open to abuse by domestic and international companies that impact upon the land rights of local communities and deprives government coffers of much needed revenue.

This brief aims to ensure that policy makers are well informed about the realities of industrial agriculture in Liberia. With a focus on palm oil plantations, it brings together national civil society experience of the problems rural communities are facing as they try to protect their lands and livelihoods and provides an outline of the policy process and recommendations so far in Liberia.

The brief outlines the arguments that underpin the need for the development of a legal framework to regulate the industrial agriculture sector, and seeks to recommend solutions that could avoid overlap of concessions or other conflicts over land. Indeed the UN and the Government of Liberia acknowledge in their 2017 Liberia Peace Building Plan that “land disputes, corruption, boundary disputes and concession related tensions continue to be the main triggers of violence”.<sup>1</sup> A robust and enforced legal framework will also ensure that communities impacted by industrial agriculture receive their rightful benefits, and that the Government of Liberia is able to collect the correct revenues and benefit in terms of development and employment objectives being met.

*“Liberia faces serious challenges in developing effective regulatory systems for large-scale agricultural concessions. Agricultural concessions have the potential to contribute to the country’s gross domestic product, employment rates, and economic development. They have been credited with providing significant employment opportunities and improving education systems, housing, health care, and infrastructure around the country. But rural Liberian communities often have not received the benefits from concessions that they expected; many affected communities are worse off after concession construction than they were before the concessionaires arrived. While other developing nations experience similar challenges, Liberia’s extreme poverty and history of civil war combines to make regulation especially difficult, yet all the more important, as continued*

*disputes over land and resources hamper efforts to build a peaceful and prosperous post-conflict society.” — Yale Law School<sup>2</sup>*

## 1 Background and National Context

As of 2013 Liberia had eight industrial agricultural concessions including oil palm and rubber. If fully developed, these concessions would cover ten percent of all Liberia’s land.<sup>3</sup>

Large-scale land acquisition and the resulting land disputes are not new in Liberia, as the history of the 1800s and 1900s tell us; it has been a prominent feature of Liberia’s political, social and economic history. Agents of the American Colonization Society acquired land from Liberians, sometimes violently, in order to resettle freed slaves. The arrival of Firestone in 1920s Liberia was also met with suspicion and hostility as the company successfully negotiated with the Liberian government to acquire one million acres (400,000 hectares, ha) of rich forested land for its rubber concession.<sup>4</sup> This deal gave Firestone the rights to the land for 99 years, at the knock-down rate of six cents per acre per year.<sup>5</sup>

The Public Lands Law, passed in 1956, granted the Government of Liberia ownership over customary lands. This allowed the government to hand out community lands in agricultural and mining concessions, as it gave them the decision-making power over any land that was not held privately.<sup>6</sup> This has meant that customary-owned community lands have been particularly susceptible to being given away to large companies.

The issue of land rights has only recently started to be addressed in Liberia through the establishment of the Land Commission in 2009, and the passage of the Land Rights Law in September 2018, after more than six years of negotiations.<sup>7</sup> This groundbreaking law recognizes customary land rights in Liberia for the first time, affording communities the same rights over their customary lands as is the case for privately owned lands, and the right to self-define. This means that any company wishing to use community-owned lands will be required to negotiate with the community over the rights to use the land, rather than with the government as was previously the case. This is an important step in the right direction, but effective implementation of the law will be the key to its success.

## 2 Community Grievances and issues

This section takes a closer look at the four largest palm oil concessions in Liberia that between them cover over 580,000ha, including all the out grower areas. Each of these concessions has had a number of negative impacts for the communities living on the land that the companies have been granted by the government. A recurrent theme being that communities are often not consulted over the use of their lands by either the palm oil company or the government, resulting in tensions and sometimes violent clashes when the company enters community lands without permission.

### Golden Veroleum Liberia (GVL)

An oil palm concession agreement was concluded between GVL and the government of Liberia on 16 August 2010. This agreement provided a lease for 220,000 ha of land to GVL in Liberia's southern counties: Sinoe, Grand Kru, Maryland, River Cess and River Gee. In addition the concession agreement provides for a further 40,000 ha out grower scheme, where communities are provided with agricultural inputs to grow oil palm on non-plantation land, and are then guaranteed to be able to sell the palm they produce to GVL for an agreed price. The concession agreement also provides for a new port with 100 ha of adjacent land. The term of the agreement is for 65 years; with an optional extension of 33 years conditional on GVL having satisfied required certain key performance indicators.<sup>8</sup> Plantation development first commenced in December 2010 with two nursery sites, and clearing is understood to have accelerated between 2011 and 2014, with a concurrent increase in complaints made against

the company. Different communities have accused GVL of clearing community lands without consent, land grabbing, human rights abuses, destruction of sacred sites, pollution of sources of drinking water, arrest and detention of community people who tried to challenge the company for its wrongful behavior, as well as the illegal dismissal of chief and elders who opposed the establishment of Oil Palm plantation in their area.<sup>9,10,11</sup>

Activists from Tarjuowon district were jailed for trespassing on GVL land, when they went to investigate reports of the company clearing land that they had already refused to give GVL access to.<sup>12</sup> In 2015 a total of 23 community members were arrested in Butaw district and imprisoned in Greenville prison for protesting against the company's refusal to allow them to meet the Chief Executive Officer of GVL during his visit.<sup>13</sup> One community member died in prison, whilst the remaining prisoners were later released without charges, after being coerced by the company and a local government official to drop their complaint against the company.<sup>14</sup>

After a series of complaints submitted in 2012-13 to the Roundtable on Sustainable Palm Oil (RSPO) by local community groups and Civil Society Organizations (CSOs), the RSPO complaints panel conducted an investigation in 2014, eventually finding GVL to be non-compliant with a number of the RSPO principles and criteria. GVL eventually responded by withdrawing its membership of the RSPO, rather than choosing to address the causes of the complaints themselves,<sup>15</sup> bringing further disappointment to the communities impacted by GVL's operations.

### The Roundtable on Sustainable Palm Oil

The Roundtable on Sustainable Palm Oil is a voluntary certification scheme that palm oil producers can sign up to if they want their palm oil to be certified as "sustainable". The RSPO standard include a set of principles and criteria that include legal compliance with relevant laws of host country, observing standards of best practice, environmental sustainability and conservation of biodiversity and responsible consideration of affected communities, employees and new planting procedures.<sup>16</sup> The RSPO is made up of representatives from the palm oil industry (ten seats: palm oil producers, processors, manufacturers and retailers), banks and investors (two seats) and social and environmental CSOs (four seats). In the absence of a national legal framework the RSPO standard is currently the only instrument that communities are able to use to address issues. They can do this by making a formal complaint through the RSPO grievance mechanism. Yet unfortunately the RSPO complaints and enforcement division has proved itself to be woefully inadequate in dealing with grievances in Africa where it doesn't have the staff or infrastructure to investigate complaints independently of the palm oil company, proving unfortunately that it is not an effective mechanism for grievances to be addressed.<sup>17</sup>

## **Sime Darby**

Malaysian owned Sime Darby is another oil palm company that has dispossessed rural communities of their lands by clearing their forests and farmlands to make way for its huge palm oil plantation. The Government of Liberia has signed a 63-year concession agreement with the company, allowing Sime Darby to develop 220,000 ha of land in Grand Cape Mount, Bomi, Gbarpolu, and Bong County into oil palm and rubber plantations.<sup>18</sup> To date, 10,411 ha have been planted in five estates: Matambo, Grand Cape Mount, Zodua, Bomi and Lofa.<sup>19</sup> The company's operations have been characterized by a lack of respect for customary land ownership rights, with complaints lodged with the RSPO accusing the company of clearing lands without the landowners consent or adherence to the principle of Free, Prior and Informed Consent (FPIC).<sup>20</sup>

There have also been violent clashes between the community and Sime Darby personnel. One community member was reportedly brutally tortured by five Sime Darby security staff after he was caught stealing palm fruits due to poverty caused by loss of farmland.<sup>21</sup>

There has been little expansion in recent years due to the need to clarify forests that are of high conservation value or high carbon stock and therefore, under RSPO principles, not allowed to be cleared. However this hasn't stopped the company negotiating proposed Memoranda of Understanding (MOUs) with some communities in the meantime, or operating on lands where formal MOUs have not been signed.<sup>22</sup>

## **Maryland Oil Palm Plantation (MOPP)**

MOPP entered into a concession agreement with the Liberian government in 2011, allowing the establishment of a palm oil plantation for a period of 25 years in Maryland County in South East Liberia. This is 8,800 ha with an additional 6,400 ha permitted for an out grower scheme, a much smaller concession area compared to the other three.<sup>23</sup> The total contract area has been planted, but not the out grower area. Yet, according to local community members, the company is in negotiation with some communities for additional land for expansion. There have also been

accusations of a lack of respect for the customary land ownership rights of local communities, the destruction of farmlands and crops and the pollution of water sources.<sup>24</sup>

## **Equatorial Palm Oil (EPO)**

EPO is a UK-based oil palm company that is majority owned by the Malaysian company Kuala Lumpur Kepong.<sup>25</sup> The company signed two concession agreements in 2008 and holds 88,530ha (of which 25,797ha is dedicated to out growers) comprised of the old Palm Bay Estate in Grand Bassa County and the Butaw Estate in Sinoe.<sup>26</sup> It also includes land available for expansion which is collectively owned and occupied by communities.<sup>27</sup> As part of the concession agreement, EPO was mandated to conduct a land survey of the entire concession area. The survey took place in 2013 and included land that is under customary ownership by the Jogbahn Clan, used for food production and cultural practices. EPO entered onto this land to conduct the survey without the permission of the Jogbahn community, resulting in violent clashes between the company and the community, with several community members being arrested and detained.<sup>28</sup> The Jogbahn Clan expressed opposition to this survey, viewing it as a step towards EPO seizing their land and converting it into an oil palm plantation and unhappy that they were not consulted during the signing of the concession agreement that granted EPO rights to expand the palm oil concession by encroaching onto their community lands.<sup>29</sup> With support from local CSOs the Jogbahn Clan stood united on their decision to refuse EPO to clear their community lands to make way for the concession, eventually meeting with President Ellen Johnson Sirleaf in 2014 who agreed that the company must respect the community's right to accept or to reject the company.<sup>30</sup> EPO has been successful in getting some communities to sign these agreements, and are now clearing those community lands despite the communities regretting their decision to sign away their lands. In other areas such as around the Butaw estate in Sinoe EPO have not been able to get the communities to agree to give away their lands, and communities are working with CSOs to obtain more information on their right to refuse the company.<sup>31</sup>

## Complaints made to the RSPO Complaints Panel

Date	Plantation	Details of complaint
10 Nov 2010 Filed by Green Advocates	Sime Darby	Community complaint that Sime Darby violated their rights by taking their land without their consent. That the company carried on land grabbing.
26 July 2013 Filed by Social Enterprise for Sustainable Development (SESDev)	MOPP	That the FPIC process was flawed.
2 October 2012 Filed by the Sustainable Development Institute (SDI)	GVL	Community complaint that GVL has violated their Human rights. That the company has been involved in land grabbing. That the FPIC process was characterized by flaws. That GVL desecrated sacred and burial sites.
3 October 2013 Filed by the SDI	EPO	Community complaint that EPO has cleared and planted on their customary lands without the free, prior and informed consent of the community. That company surveys on customary lands were carried out without the community's permission.
1 November 2013 Joint complaint filed by Green Advocates, Forest Peoples Programme, SDI and SAMFU.	GVL	Community complaint that GVL has violated their Human rights. That the company has been involved in land grabbing. That the FPIC process was characterized by flaws. That GVL desecrated sacred and burial sites.
14 November 2013 Filed by Kulu United Development Association	GVL	That GVL desecrated sacred and burial sites. That the FPIC process was characterized by flaws. That the company has been involved in land grabbing.

### 3 The Policy Process so far

The lack of regulation governing agriculture is leading to widespread abuse and disrespect for community rights and to escalating conflicts between palm oil companies and affected communities, as illustrated in the previous section. Oil palm companies frequently abuse the terms of their concession agreements and fail to meet their obligations under the RSPO, meaning that Liberian and international CSOs have to work hard to plug the gap in order to ensure that the rights and livelihoods of rural affected communities are respected and that they have a voice in negotiations with the company. However, in the absence of a robust legal framework this is not always possible, and what is urgently needed are policy and legislative reforms to ensure that the industrial agriculture sector performs on its social

and environmental criteria, such as protecting primary forests and endangered species such as chimpanzees, and delivering real benefits to communities such as healthcare and education, in addition to providing local employment, paying fair taxes and contributing to the national economy. This section outlines the steps taken so far towards such reforms.

#### 3.1 TFA 2020

The Tropical Forest Alliance 2020 (TFA 2020) is a public-private partnership that has as its principal goal to reduce tropical deforestation across the globe. Its focus is on four agricultural commodities: palm oil, soy, pulp & paper, and beef products, which account for over half of global deforestation – furthermore, 71 percent of all tropical deforestation between 2000 and 2012 was caused by commercial agriculture, over two-thirds of which was due to illegal conversion from forest.<sup>32</sup>

TFA 2020 was founded in 2012 at Rio+20 after the Consumer Goods Forum committed to zero net deforestation by 2020 for palm oil, soy, beef, and pulp & paper supply chains in 2010, with the mission of mobilizing actors to reduce the tropical deforestation associated with many agricultural commodities. The TFA 2020 consists of 68 partners, including eight governments, 27 private sector companies (including the Consumer Goods Forum, with 400 members), and 33 CSOs.<sup>33</sup>

### The Africa Palm Oil Initiative (APOI)

The first major initiative of TFA 2020 in Africa, the APOI, was announced in September 2014, its initial aim to establishing “a set of framework principles to govern how sustainable palm oil will be produced in West and Central Africa... to develop a

framework that takes account of the ambitious development plans of countries in Africa, while addressing environmental targets for deforestation, land use and greenhouse gases, and also social indicators on issues such as land tenure and the rights of indigenous peoples”.<sup>34</sup> Subsequently, TFA 2020 embarked on a process to encourage African countries to prepare country-level principles, culminating in a 12-point declaration signed by seven African countries on the fringes of the UN Framework Convention on Climate Change Conference of the Parties in Marrakesh in November 2016.<sup>35</sup> Liberia has been a leading member, developing and now seeking to implement its nine principles and actions under the APOI (see box).<sup>36,37</sup>

#### Principles for Responsible Palm Oil Production in Liberia

- Liberia should achieve **zero net deforestation by 2025**. Concessionaires should work collaboratively with other stakeholders, including those with legal land title, to achieve responsible stewardship of land contained within both concessions and the adjacent landscapes.
- Entities commercially producing palm oil in Liberia should be **RSPO members** aiming to produce RSPO certified palm oil, and shall only produce on lands not designated as High Carbon Stock or High Conservation Value, or which have not been deliberately cleared of HCS/HCV to free the land.
- In line with Liberia’s Land Policy, all palm oil companies in Liberia, both local and international, should conduct a **thorough FPIC compliant process** before any agreement with a local community is signed.
- Concessionaires should **support local livelihoods** through an FPIC-compliant social agreement. Quality livelihoods should include gender sensitive employment opportunities, education and literacy, skill training, professional development, and health care.
- **Food security** for communities should be directly taken into account in oil palm development, including access to current and future farmland for growing healthy food, appropriate land use planning and associated community development plans, supported by training and extension.
- There should be a **single, integrated national land use plan**, with appropriate implementation policies and associated mapping resources.
- Liberian palm oil sector should have a **significant sustainable smallholder component** that provides opportunities for increased income, food security, rehabilitation, increased productivity/ efficiency and conservation through access to finance, market and extension services.
- There should be an **out grower framework** that supports the development of trust and constructive working relationships between out growers and concessionaires. It should have robust, transparent and fairly administered governance, capacity development and funding support.
- **Governance**: effective systems and structures which are enforced through rules and regulations at all levels, based on and supported by a robust and transparent system of equitable and gender sensitive engagement and collaboration with stakeholders.

The national implementation of these principles and actions is being led by the government-led National Oil Palm Technical Working Group (OPTWG), with a mandate to implement the TFA 2020 principles through a National Oil Palm Strategy and Action Plan. Funded since 2018 by the United Nations Development Program and the Global Environment Facility, it is made up of

members including government representatives, community members and civil society.<sup>38</sup> Of its 25 members, five are reserved for CSOs and three are reserved for community representatives.

### 3.2 The Yale Law School study

In 2016 the Liberia Governance Commission commissioned the Yale Law School's International Human Rights Clinic to research the gaps in the legal framework that governs Liberia's agricultural plantations, in order to look at possible solutions to the large number of abuses currently happening in the sector.

The Yale study identified the following key issues facing communities impacted by palm oil plantations in Liberia, and made a number of recommendations to address these issues (please also see the recommendations section in this brief, which includes the Yale Law School recommendations).<sup>39</sup>

**Land rights:** Without legal title to their lands, rural communities risk losing their primary means of subsistence and their rights to property, self-determination, and development. Resulting community frustrations risk aggravating conflicts within communities and between communities, governments, and companies. (Since this study was published the Land Rights Law has been passed. If implemented effectively this should reduce the risks of conflict over land).

**FPIC:** Communities are not consulted or given enough information about proposed concessions when concession agreements or community-company agreements are being negotiated.

**Bad Community Agreements:** Community-company agreements, for example Social Agreements and MoUs, are not legally binding and are often vague, meaning that obligations may not be fulfilled by the company, and even clear obligations may not be fulfilled at all.

**Compensation:** Communities do not obtain adequate compensation for their land.

**Government Responsibility:** No one government agency has ultimate responsibility for enforcing the terms of agricultural concessions, creating a regulatory vacuum that allows companies to abuse the terms of their concession agreements.

**Bad Contracts:** Some contracts break Liberian or international law, and thus should be renegotiated.

### 3.3 Civil Society Organizations- Oil Palm Working Group (CSO-OPWG)

The CSO-OPWG was set up in 2016, and is a coalition of civil society partners engaged in the oil palm sector in Liberia. They each provide independent support and advice to communities impacted by palm oil concessions, as well as advocating at the national level on issues relating to oil palm concessions. The CSO-OPWG meets regularly to co-ordinate their efforts and develop joint strategies to protect the rights of local people and monitor company compliance with concession agreements and RSPO obligations.

The CSO-OPWG is also engaging with the APOI, providing representatives for the five CSO seats on the OPTWG. The CSO-OPWG has developed strategies and worked to form part of a national initiative aimed at putting forth recommendations that will enhance the policy reform process for industrial agriculture in Liberia. The aim of the CSO-OPWG is to ensure that there is a unified voice campaigning for legal reforms in the industrial agriculture sector of Liberia with particular focus on the oil palm sector.

In addition to contributing to the multi-stakeholder platforms concerning oil palm, the CSO-OPWG worked to prepare a Declaration on the Agriculture Sector (see box), based on their work with communities, to highlight ten of the most critical issues that must be addressed as part of the reform measures. The declaration was developed in January of 2018 when CSOs met to identify key challenges and issues with regards to community social, cultural, environmental and economic rights, in the sector. CSOs recognize that the agriculture sector has the potential to contribute to food sovereignty and the collective wellbeing of the Liberian people, and note the potential of the sector can only be realized if progressive policies and a robust regulatory framework to govern investments in the sector are in place. They thought to highlight these issues with the hope that the Government of Liberia will build upon this to initiate a process that will lead to the development of a legal framework to govern the sector.

## CSO Declaration on the Agriculture sector

1. **Land acquisition by oil palm companies is not carried out in a manner that enables communities to secure maximum feasible benefits from their land resources.** *Land acquisition is characterized by lack of respect for the rights of land owning communities and often carried out through consultations that are poorly organized and facilitated.*
2. **Communities that have agreements or MoUs with oil palm companies do not have access to timely and satisfactory redress when grievances arise.** *Oftentimes, communities have to rely on grievance mechanisms under international voluntary initiatives such as RSPO.*
3. **The agriculture sector lacks an adequate legal and regulatory framework to govern the operations of oil palm companies.** *Apart from the concession agreement, there is no policy, law or regulation to govern their land acquisition processes and implementation of agreements with communities.*
4. **Non-compliance with Liberia's environmental laws, regulations, and safeguards are not sufficiently penalized.** *Monitoring and reporting on environmental obligations are not done in a transparent manner.*
5. **Community members do not fully understand their rights.** *They engage companies without a full understanding of their rights, especially during land acquisition and during implementation of MoUs/agreements with companies.*
6. **Women's rights and interests are not fully recognized, respected and protected in land dealings between communities and oil palm companies.** *Women's representation and participation in community decision-making processes are treated poorly.*
7. **Limited opportunities for community livelihoods and collective wellbeing.** *In some rural communities there are limited opportunities for employment and economic activities. Others lack schools and health facilities. This puts communities under pressure to negotiate unfavorable deals with oil palm companies in the hope for short-term and immediate benefits.*
8. **Limited CSO and community participation in government and company-led initiatives in the sector.** *This includes limited participation in national initiatives including the TFA 2020 and the Liberia Agriculture Transformation Agenda.*
9. **There is high risk to the security and safety of human rights defenders.** *CSO actors, local community activists and progressive local leaders operate at high risk of being targeted by state and company security services in the course of their work, and local officials are vulnerable to dismissals and humiliation by their bosses.*
10. **The concession agreements with Sime Darby and GVL have provisions that do not comply with Liberian laws and international human rights standards.** *The duration of these agreements violate the statutory limit on duration of government leasing of public land, their security services have the powers to arrest and detain Liberians, and they have the right to restrict freedom of movement.*

## Tentative steps forward

In September 2018 in collaboration with the OPTWG SAMFU was involved in nation-wide outreach with affected communities on the implementation of the TFA 2020 principles, and to gather inputs from affected communities for the development of a legal framework for large-scale agriculture. Consisting of four regional level meetings in addition to university forums, radio talk shows and civil society engagement, the

outreach work brings together community representatives, farmer organizations, students and academia, local and national government agencies, civil society organizations and local government.

At the end of outreach a report and recommendations made at those gatherings has been developed and presented to the relevant institutions and government agencies for review. A community regional head was elected at the end of each of the four outreach activities, and these



individuals will now represent communities at the national level. On 23 November 2018 an OPTWG meeting was held with the Minister of Agriculture to review and acquaint him with recommendations emanating from communities. A call was made during the outreach program that a technical team should be established to carry out an assessment of high conservation value and high carbon stocks in Liberia's forest, and that a Liberia interpretation of RSPO obligations be developed.

## 4 Conclusion

This brief has highlighted the need for a legal framework to be developed to regulate and govern the large-scale agriculture sector in Liberia. Taking a closer look at the problems that rural communities in trying to protect their lands and rights from palm oil companies granted large land concessions by Government, we have seen that a lack of community consultation and a disregard for the rights of citizens living on the land characterizes industrial palm oil operations across the country, resulting in tensions, violence and conflict. We have also delved into some of the initiatives taking place with regards to palm oil in Liberia such as TFA 2020, which whilst important, are not a substitute for a robust, enforced legal framework that ensures large agricultural companies are complying with Liberian law to protect forests, community rights and the correct payments of taxes. However, these initiatives along with ongoing work by CSOs and policy experts are laying the groundwork for the development of an agricultural law for Liberia, to ensure that company obligations to meet environmental, social and fiscal standards are not merely voluntary, but legally binding and enforceable for the good of Liberia and its citizens.

## 5 Recommendations to Government of Liberia

### Pass, implement and enforce, a new law

- GoL, led by the Ministry of Agriculture, must develop a legal and regulatory framework to govern large-scale agriculture in Liberia. The drafting must include communities, CSOs and technical experts in a consultative and inclusive process.
- It should designate one ministry, or an independent panel, as ultimately responsible for enforcing all agriculture companies'

contract provisions and domestic and international obligations, with the power to penalize companies for non-compliance. Or, alternately allocate enforcement responsibilities to one a different ministry or independent panel, on a contract-by-contract basis.

- It must ensure the enforcement agency has a clear and accessible complaint mechanism that communities can use.
- It should build government capacity to enforce the law in plantation areas.
- It should seek additional funding to improve rural development objectives, such as healthcare, roads and education.
- It must ensure that human rights and land rights activists are protected, and not subjected to threats, violence and intimidation, by taking appropriate punitive action against those that threaten environmental and human rights defenders.

### Implement Land Rights obligations, including the new Land Rights Law

- Under the new law, GoL must now legally recognize community title to the lands traditionally occupied by indigenous communities.
- GoL must establish, resource and implement a national level grievance mechanism through which communities can gain redress for past violations of the property rights of communities already dispossessed of their land. Possible remedies could include:
  - Contract renegotiations.
  - Restructuring community-company agreements into leases or other binding documents.
  - Returning the original parcels to those who suffered loss or to their heirs.

### Free, Prior and Informed Consent

- GoL must establish, in a new agriculture law or its regulations, binding procedures by which communities can or cannot provide their free, prior, and informed consent before concession agreements or community-company agreements are signed. Procedures should ensure that:
  - Proposed concessions first undertake human rights and livelihoods impact assessments to provide the government and communities with information about

the benefits and drawbacks of the concession.

- Communities are educated on the community rights enshrined in the Land Rights Law, and on how to put these rights into practice.
- All community voices are heard, making special arrangements to ensure participation of women and other marginalized groups.
- Substantial information necessary for genuine decision making is provided.
- Communities have technical support and legal assistance during negotiations with companies, including mapping their lands.

### **Community-company agreements**

- GoL must ensure community-company agreements are legally binding, by negotiating leases directly with communities.

### **Bad contracts**

- GoL can and should seek to renegotiate concession agreements that constitute significant breaches of the government's and the companies' human rights obligations under international law.

### **Compensation and revenue-sharing**

- GoL, must, through a new agriculture law and its regulations, establish procedures by which communities are assisted in valuing and receiving appropriate compensation for land and crops.
- GoL should clarify responsibility for managing, auditing, and distributing corporate social development funds.



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