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## Nigeria: Wilmar, RRDC, and the Calaro/Ibiae Oil Palm Estates

Over the past nine months, a high-stakes confrontation has taken place in Cross River State of Nigeria, home to Nigeria's last remaining primal tropical rainforests. The controversy has revolved around the activities of Wilmar International, a Singaporean multinational which describes itself as "the world's largest processor and merchandiser of palm and lauric oils". The company has been taken to task by a Calabar-based NGO, the Rainforest Resource and Development Centre (RRDC), for what the latter says are blatant violations of human and environmental rights as well as local and national laws.

Wilmar operates 19,712 hectares oil palm estates in the Calaro, Ibiae and Biase area of Cross River State, part of a joint venture with PZ-Cussons. The company is geared towards acquiring 50,000 hectares of community lands for the expansion of its plantations in the State in the next few years. The plantations were launched to much fanfare in November, 2012. Speaking as President Jonathan's representative at the opening ceremony, Agriculture Minister Akinwunmi Adesina declared that the Calaro-Ibiae and Biase Oil Palm Plantations represented "an important milestone in our national investment drive that will stimulate economic diversification...."

This lofty hope is oblivious of the real and ongoing human and ecological cost of the venture. According to RRDC, under its executive director, Odey Oyama, Wilmar's claim to the Ibiae lands is contestable, given that the area comprises lands owned by local farmers. Equally crucial is the fact that at the Wilmar concessions in the Kwa Falls axis, the oil palm estate also lies within the bounds of established forest reserves namely, the Oban Hill Division of the Cross River National Park, and the Ekinta Forest Reserve.

In November 2012, RRDC made representations to the Roundtable on Sustainable Palm Oil accusing Wilmar of starting operations - without compliance with the legal provisions regarding the Environmental Impact Assessment (EIA) - on lands acquired without having complied with the legal stipulations on land use. RRDC also accused the company for several failures including for not having reached an agreement with landlord communities, unlawful acquisition of land leased to CARES ; and non compliance with applicable municipal laws and regulations.

RRDC highlights that those issues pertain to the core principles of RSPO, of which Wilmar is a member. In view of these issues, RRDC suggested to the RSPO that Wilmar be urged to suspend its activities and endeavour to assuage the concerns of aggrieved parties. Responding to the RSPO in respect of the allegations by RRDC, Wilmar submitted a four-page denial of the NGO's claims, declaring that it had tried to resolve all outstanding issues pertaining to its purchase and operation of the estates in Cross River. For RRDC, any private company that takes on community lands without compliance of legal provisions is actually engaging in land-grabbing. Wilmar has continuously made reference to agreements with indigenous communities, but no copy of such agreements has ever been tendered. RRDC believes that in a constitutional democracy such as the one presently

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operating in Nigeria, no government agency has the power to bypass the due process of law, nor to grant guarantees which amount to exempting private enterprises from compliance with the due processes of the law.

According to Wilmar's environmental advisers Ibara Environs Consultants, the company had carried out environmental impact assessments on both its plantations, as statutorily required. In a letter issued on its behalf in November 2012, by Ibara Consultants, the palm oil giant insisted that it "recognizes the value and importance of managing its mills and plantations such that the present multiple needs of the society are met without compromising the ability of future generations to meet their own needs and enjoy the same resources we have today". In spite of the fulsome rhetoric by Wilmar, RRDC argues that the company does not possess any authentic EIA certificate nor had it presented evidence of compensation to local communities, or copies of gazettes in which its acquisitions were recorded.

In January 2013, a stakeholders meeting was convened at the Ministry of Justice of Cross River State of Nigeria and was attended by a delegation of the Cross River State Government, representatives of Wilmar, representatives of the indigenous communities, and RRDC. Strangely, the discussions were diverted from the substantive issues presented by RRDC to RSPO, while the Executive Director of RRDC was condemned as a wicked man who does not want Wilmar to conduct business in Nigeria (notwithstanding the fact that the issues in contention pertain to RRDC's insistence that Wilmar must comply with the laws.)

### **RRDC in court with Wilmar**

Following the inability of the parties at the stakeholders meeting of January 15, 2013, to resolve the matters previously raised by RRDC and placed before RSPO, RRDC was compelled to place the matter before a court of competent jurisdiction within the Federal Republic of Nigeria for appropriate interpretation. Furthermore, RRDC stresses that there is no evidence to suggest that the transfer of the land belonging to indigenous committees complies with the Laws of the Federal Republic of Nigeria.

In the weeks following that January meeting, Mr Oyama suffered sustained harassment from the police in Calabar, who invaded his home, by forcing their way uninvited (and absolutely without a warrant) on Sunday January 27, 2013. By reason of such police harassment, Mr. Oyama had to go into hiding for his own safety, and his case was taken up by international environmental protection organizations like Friends of the Earth International (FoEI). Mr Oyama maintains that, on the one part, the police harassments arose as a consequence of his advocacy against Wilmar and its Calaro-Ibiae/ Biase plantations, and also the stand of RRDC over the plantation estates which Wilmar intends to commence operations in Cross River State without evidence of compliance with local and federal laws.

In a letter dated 13th March, 2013, Wilmar finally submitted 20 hard copies of the draft EIA report dated June 2013, for Biase/Ibiae Oil Palm Plantation to the Honourable Minister of the Federal Ministry of Environment for public display and panel review. It is thus evident that the claims made on behalf of Wilmar by their consultants (Ibara Consultants) in November 2012 were not genuine. Furthermore, following preliminary studies made by RRDC it has also become evident that the report is deficient in many respects, for instance, the page that is supposed to contain the Map of the concession area of study is blank. Thus one wonders how an EIA report that does not contain the map of the concession area could be authentic.

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