

24 February 2023

## **Undermined by violence, a development bank mediation process in the DR Congo requires immediate government action**

Four years ago, nine communities from the Democratic Republic of the Congo (DRC) filed a complaint with the Independent Complaints Mechanism (ICM) of three European development banks financing the oil palm plantation company Plantations et Huileries du Congo (PHC). The complainants were seeking a resolution to a long-standing land conflict with the company and the ICM agreed to proceed with a mediation process.

Since the complaint was filed there has been an escalation in the number of community members who have been imprisoned, beaten, raped and even killed. Most recently, in September 2022, PHC initiated a campaign of repression against the communities, with the aid of a detachment from the national police and the army.<sup>1</sup> Dozens of community people have been arrested and imprisoned for allegedly taking palm fruits from the company's plantations— and there are reports of the company's guards, police and military ransacking people's homes and artisanal palm oil processing equipment, and beating and raping community members.<sup>2</sup>

It is in this context that the mediation process is scheduled to finally begin in March 2023.

The nine communities that filed a grievance under the ICM did so with the understanding that:

- 1) the mediation process would focus on the restoration of their rights and control over the lands that are now occupied and claimed by PHC and that were violently and illegally taken from them under the Belgian colonial occupation; and,
- 2) the consortium of development banks, which at the time exercised control over PHC through ownership, debt obligations and representation on the company's Board of Directors, would agree to pursue the implementation of the resolutions arrived at through the mediation process, particularly when it comes to the return of lands occupied by PHC.

However, when the development banks wrote-off their outstanding loans and fully exited PHC in February 2022, they chose to hand over control to a Mauritius-based private equity firm. These new owners of PHC are making it abundantly clear that PHC's land claims are not up for discussion and that they will use violent force against those who challenge the company's land claims. While the development banks stated that they would follow through with their commitment to the mediation process, they have so far failed to live up to that commitment.<sup>3</sup>

There is no way that the ICM mediation process will achieve a resolution to the land conflict if the development banks and their governments do not take urgent actions to ensure the following:

-the immediate, unconditional release of all community members currently being held in prison and a halt to repression, violence and arbitrary arrests;

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1 RIAO-RDC, "Palm oil company, police and military conduct massive, violent rampage against villagers in the DR Congo," 10 November 2022: <https://www.farmlandgrab.org/post/view/31235-palm-oil-company-police-and-military-conduct-massive-violent-rampage-against-villagers-in-the-dr-congo>. See also this petition from the community of Yakoté from 14 November 2022: <http://farmlandgrab.org/uploads/attachment/lettre-Yakote-12-2022.pdf>

2 RIAO-RDC, "RDC: 50 leaders communautaires emprisonnés depuis octobre 2022 dans les zones de Plantations et Huileries du Congo," 13 janvier 2023: <https://www.farmlandgrab.org/post/view/31324-rdc-50-leaders-communautaires-emprisonnes-depuis-octobre-2022-dans-les-zones-de-plantations-et-huileries-du-congo>

3 "Mediating land rights: The frustrating bottom-up account of the ongoing experience of nine communities in DRC," University of Antwerp, November 2022 : <https://www.farmlandgrab.org/post/view/31236-mediating-land-rights-the-frustrating-bottom-up-account-of-the-ongoing-experience-of-nine-communities-in-drc>

-an independent investigation into the alleged human rights violations committed against the communities by company security guards and detachments of the national police and military forces operating in the PHC plantation areas;

-financial assistance to enable the communities to prepare and to engage legal representation for the mediation process; and,

-a public commitment by PHC that it will honour the terms of the mediation process, which centre on restoring the rights of the communities over their territories.

Responsibility for this situation lies with the governments of the consortium of development banks who spent over \$150 million financing PHC in the name of "development" and divested before having taken any measures to resolve the company's serious legacy of land conflicts. Conflict escalated over the past years, leaving four people dead and scores more imprisoned and injured.

We call on the relevant ministers of the governments of Germany, the Netherlands, Belgium, the UK and France to honour their responsibilities to the communities affected by their investments in the DR Congo by acting to ensure that the measures outlined above are implemented immediately.

Signed by:

Entraide et Fraternité (Belgium)

FIAN Belgium

FIAN Germany

GRAIN

Milieudefensie

Oakland Institute

Rettet den Regenwald

Struggle to Economize Future Environment (SEFE)

Synergie Nationale des Paysans et Riverains du Cameroun (SYNAPARCAM)

The Corner House

World Rainforest Movement