CERTIFICATION AS FALSE SOLUTIONS:
Okomu PLC's Claims to Certification Standards?

By Tony Erha and Godwin Uyi Ojo
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Acknowledgment

This policy brief was written by Tony Erha (ERA Field Monitor/Volunteer and Godwin Uyi Ojo, PhD, Executive Director, Environmental Rights Action/Friends of the Earth Nigeria).

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Any error is that of the authors and not the associates and supporter
1.0 Introduction

Certification schemes have been touted as remedy to address deforestation and the sustainable production of palm oil. On paper, the Roundtable on Sustainable Palm Oil (RSPO) Certification provides for sustainable oil palm production. In reality, RSPO certification is false solution because it fails to address the issues of deforestation, environmental and social impacts associated with large scale oil palm production.

This policy brief highlights the pitfalls of RSPO certification scheme and exposes the false claims of complying to certification standards by Okomu Oil Palm PLC operating in Edo State, Nigeria. It draws attention to how certification can be manipulated as license to conduct large scale deforestation and displacement of local communities, hence the need for policy makers to address this challenge in the development process.

In the attempts to give a false clean bill of health to its contemptuous environmental practices and landgrabbing for oil palm plantation expansion, the Okomu Oil Palm PLC, with its operations in Edo State, Nigeria, usually flaunts ‘Certification’ with the intents to justify it.

Okomu PLC, a multinational plantation firm based in the state, from Socfin Group in Europe, is in at least 13,750 hectares landgrabbing cases within two high rainforest reserves of it operations in the state. In Okomu Forest Reserve, where it primarily has extensive plantations and operational headquarters, Edo state government revocation order in November, 2015 indicted the firm of confiscating about 5,000 ha and lately another parcel of land 8,750 ha which it has also seized from poor communities of the Owan forest zone. Okomu PLC soon rolled in the bulldozers to destroy biodiversity, farm crops and medicinal herbs thereby impoverishing the poor community folks.

Aside the revocation order on the land by the Edo State Government, Okomu PLC also fouled the explicit directives by the Federal Ministry of Environment (FMEnv), issued on the 8th January, 2014 and 22nd September, 2016 after the company commenced operations on the said revoked lands. FMEnv insisted that Okomu PLC abide by a mandatory Environmental Impact Assessment (EIA) process, before the EIA Certification might be issued to the firm, in due course, if it met the criteria. The company violated the initial steps to ‘certification’ on the lands by disobeying the official revocation order and the EIA benchmarks, yet professes to uphold certification principles (See the Nigerian Observer, 2017). The Federal Ministry of Environment approves EIA for Okomu Oil Palm PLC. But the company by-passed the same criteria such as no to deforestation and community free, prior, and informed consent. However, failures by the both governments to serve deterrence on the Okomu PLC’s impunity, calls for concern, as to whether the governments are fully abreast with the certification complexities or that the limitations are borne out of official laxity.

Given the shortcomings by the government, who supposedly see to Certification rules, the forest communities, following site visits and interviews of respondents, attested to being totally ignorant and deficient of the sophisticated certification and its processes. Yet, although Okomu PLC often mentions the Roundtable on Sustainable Palm Oil (RSPO), it however, plays hide and seek with its true certification status and leaves all a guess work.
2.0 Okomu PLC’s claims and government’s allegiance to Certification Standards

Okomu Oil Palm Company PLC asserts to have been given some certification in the category of International Organization for Standardization (ISO), through Bureau Veritas' as follows:

- S18001 Certification: was awarded to it in November, 2016, and
- OHSAS 18001: Occupational health and safety management systems.

Nevertheless, Okomu PLC's certification status with the main Roundtable on Sustainable Palm Oil (RSPO), is vague, but the company is hesitant declaring its true standing. But, Edo State, the first host-government to Okomu PLC, expresses its committed to entrenching certification standards, through its usual public statements. Also, the Federal Ministry of Environment (FMEnv), main environmental overseer and enforcer of the Environmental Impact Assessment (EIA) certification in the country. But, it hardly lives up to its acclaimed duties of environmental monitoring. ⁴

2.1.0 Is Okomu PLC RSPO Certified?

Okomu PLC is not amongst the over 3,500 companies, who are worldwide members of the RSPO. It has no RSPO certification. Still, it publicly claims to uphold RSPO certification procedures in its operations, whereas this does not amount to direct RSPO membership. It does not also suggest the certification of its plantations and socio-economic gauges. Evidently, the company was part of RSPO meetings.⁴ The company is not certified by the RSPO, however, Socfin, its mainstream shareholder firm, who controls its majority shares, is duly certified and is RSPO member. On Socfin’s website there are some certifications Okomu PLC has in Nigeria, but are not directly linked to RSPO certification, covering its acclaimed 36,000 hectares plantation. Okomu PLC is not known to have formally applied to be a member.⁵
To be a registered member of RSPO and merits its certification, some of the indicators, principles and criteria, are stated thus:

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<th>Principles &amp; Criteria</th>
<th>RSPO NEXT Additions</th>
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<td>No Deforestation</td>
<td>Ban on cutting primary forest and High Conservation Value (HCV) areas New Planting Procedure (NPP); and subject to impact assessment and verification by Certification Bodies.</td>
<td>The company must have a public policy of no deforestation, based on a landscape level assessment. Must show evidence of managing protected areas that haven’t been planted on.</td>
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<td>No Use of Fire</td>
<td>Ban on using fire to clear land unless an assessment has demonstrated that it is the least environmentally damaging.</td>
<td>Companies must have plans and procedures to prevent, monitor and combat fire on plantations and around them.</td>
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<td>No Development on Peat</td>
<td>Extensive planting on peatland should be avoided.</td>
<td>No planting on peatland of any depth.</td>
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<td>Green House Gasses (GHG)</td>
<td>New plantation developments should be designed to minimise net greenhouse gas emissions.</td>
<td>Monitor, manage and reduce GHG emissions and publicly report the progress annually.</td>
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<td>Respect for Human and Labour Rights</td>
<td>Free, Prior and Informed Consent (FPIC): No new plantings are established on local peoples’ land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent.</td>
<td>Members must develop outreach programmes on sustainability, legal rights and market access for their smallholder suppliers.</td>
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<td>The employer respects the rights of all personnel to form and join trade unions and to bargain collectively.</td>
<td>If there is no definition of a Decent Living Wage in a given country, companies must engage with workers and establish a mutually agreed compensation package.</td>
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Source: [http://www.rspo.org/certification/rspo-next](http://www.rspo.org/certification/rspo-next)
2.2.0 Which areas of RSPO Certification has Okomu PLC fulfilled?

Obviously, Okomu PLC has failed in adhering to most of the rules of RSPO certification. It succeeded in deforestation and clearing (still clearing and planting) on and beyond the land areas it continues to grab since 1999 in Okomu forest reserve a significant part of its new Oil Plantation Extension II.

(a) Non Usage of Fire for Land clearing: The plantation company has not violated this RSPO rule.

2.3 Failures of Okomu PLC to meet Certification Standards


(b) Okomu PLC violated the directives by the Federal Ministry of Environment: that an all-inclusive Environmental Impact Assessment (EIA) study be conducted, via a letter its Minister wrote on 8th January, 2014 (Ref: FMEnv/EA/EIA/2712/Vol.1/82), to Okomu PLC’s Managing Director. The letter specified in paragraph 2 that; “After the conclusion of site verification exercise, the Environment Ministry has placed the Owan rainforest land under ‘Category One’”, where an EIA is mandatory.

A follow-up letter to the same Okomu PLC’s Managing Director by the Environment Minister, dated 22nd September, 2015,(Ref: No. FMEnv/EA/123:271?Vol.1/28), Interim EIA Approval” for 3 months validity was given the company for the preliminary development activities on the project only; and that the EIA should be carried out to its logical conclusion, and with continuous consultation with relevant stakeholders.

(c) No Free, Prior and Informed Consent (FPIC) before the EIA: As an afterthought, Okomu PLC emerged with a questionable EIA draft report, without the prior notice and consent of the impacted forest communities of Owan forest zone, only in June 2016, whereas it commenced bulldozing, destruction of farmer’s crops and historical sites, planting on the land etc., since February, 2014 (about three years) before the FMEnv directives. It also carried out force eviction of villages in Okomu forest enclave.

Patrick Erhunsee, Vice-President, Unique Club of Oke-Irhue, based in Lagos, said at Oke-Irhue on 18th January, 2017; “I have taken time to read all through the voluminous EIA draft by Okomu Company... The report had distorted accurate historical accounts of the area as well as some other primary relevant information. If Okomu Company and its so-called professionals who conducted the EIA draft could commit such glaring misinformation, it therefore means that most parts of the EIA report are a scam. Such a document cannot be accepted as a valuable archival document for public reference”.
Okomu PLC does not respect the Rights of all Personnel: to form or join trade unions and to bargain collectively, where most of its workforce is underpaid and are on contract, an outlawed labour engagement rule, which causes frequent industrial unrest therein. Eviction and denial of community access is frequent.

Sunny Ajele, a local from Makilolo of Okomu forest community testified. “The company (Okomu PLC) then locked the community in; they cut off access to the market. In order to get to the market, we had to make a huge detour, through another state in order to leave the area because they had us locked in. The straight route to Benin City takes about 1 hour 30 minutes. Having to take the route through Ondo State, it is a whole day journey.”

Over 40,000 Jobs Creations for Impacted Communities and others. Okomu PLC boasted of moves to create over 40,000 jobs, with 4,000 jobs already created in its newest Extension II plantation in Owan forest zone. But, the job positions the company provided were unskilled cheap labourers from Niger Republic, Mali, Chad, Ghana and neighbouring countries. It was no doubt a gimmick to draw favour from the state government of Governor Godwin Obaseki, who gave a tall electioneering promise of creating 200,000 jobs in the state, for four years.

Shortly after, the army of cheap and casual labourers, were soon thrown out of job, only for most of them to constitute security risks, with incessant armed robbery, kidnapping, killings and farmers/ herdsmen crisis in the Odighi and Odiguetue axis, proximal to the office location of the Okomu PLC’s newest extension II.

“After seizing our land by force and with the support of some powerful individuals, why will government believe the lies by Okomu Company that our people do labourer’s jobs in their cursed plantation? Working in the plantation is another enslavement. More so, our people cherish to work on their farms and do not work for others as labourers”. Pa Uwudia Akpezokun, an Elder of Oke-Irhue (28/3/2018)

Flouted the RSPO’s ban on cutting primary forest and High Conservation Value (HCV) areas: Okomu PLC violates New Planning Procedure (NPP), with destruction and continuous threats to the endangered Okomu National Park adjacent to Okomu PLC's old plantations. Its newest extension in the Owan forest zone of high biodiversity concentration had earlier been reserved for conservation. Today, bulldozers have moved in which is resulting in massive deforestation.

Failures of Corporate Social Responsibility (CSR) activities: Its CSR activities in the two different impacted forest communities are ‘make believe’, where projects are exaggerated, nonexistent, abandoned and initiated behind the host communities.

“The ultra-modern Market Okomu Plc. said it has constructed for the Odigwuetue community is nothing than three little abandoned open stores. The borehole constructed for the community only worked for few days and has long broken down. We do not deserve that kind of poor amenities” Joseph Obuele, in Odiguetue Community (on 19th January, 2017)
The Nigerian Observer's report of March 16, 2018, titled “Oba of Benin Challenges Management of Okomu Oil PLC on Corporate Social Responsibility”, stated that the foremost traditional ruler in the state, amongst other things, challenged Okomu PLC on the need to improve on their corporate social responsibility in its host community. (https://nigerianobservernews.com/2018/03/oba-of-benin-charges-management...)

3.0 Why the claims by Okomu PLC to Certification?

Okomu PLC flaunts and invokes certification as alibi to justifying its grabbing of the forest reserves, whereas Certification is not a solution but false solutions, as hereunder enumerated:

(a) Certification, especially RSPO, is a non-binding mechanism that is hardly enforceable, particularly in developing countries like Nigeria, whose relatively weak institutions are often unable to enforce extant environmental laws.

(b) It can hardly guarantee transparency and accountability in environmental and forest governance, improvement in EIA certification process and synergy with host communities.

©) Although certification’s mandate is broad, yet it has no legal status and arbitration and cannot be adjudged as fairly, due to flaws in the processes. Rather, it is non-governmental, voluntary and legally non-binding.
4.0 Needed: Community-based Forest Management Systems

Due to the failures of Certification and government’s mechanisms to guaranteeing transparency and accountability in forests and environmental management, local communities should manage their forests, while consider the followings:

· Before and during the colonial government, who ceded forest management to the indigenous government of the present-day Edo State, local communities owned and best managed and protected their forests.

· The local forest-bearing communities have traditional institutions, knowledge and belief system to promote more effective conservation and sustainable forestry because they depend on forests and its resources.

· The forest fortunes have greatly dwindled due to the seizure of functions by government; poor forest management strategies; seizure of forest control and payment of royalties to local communities (the original forest owners).

· The local community people are more aware of their ecosystem, interaction methods and equitable knowledge and benefits sharing.
5.0 **Findings and Conclusions**

Okomu PLC actually employs barefaced landgrabbing and harmful environmental practices in the Okomu forest reserve and Owan forest zone in Edo State, Nigeria. Okomu PLC has not obtained RSPO although it claims to fulfil such conditions for certification permits to justify its awkward position.

Okomu PLC, although attained certification in some other areas, is not a member and not certificated by the Roundtable on Sustainable Palm Oil (RSPO).

While Certification, particularly, that of RSPO, may be very broad in formulations and notions, is a non-binding tool which is scarcely enforceable, mostly in developing countries like Nigeria, where comparatively fragile institutions are always unable to enforce existing environmental laws. Therefore, Edo State and Federal government of Nigeria are found wanting in getting Okomu PLC to obey their land revocation order and directives on the Environmental Impact Assessment (EIA) certification. And where government is not fully abreast with the complexities of Certification or ill-equipped to regulate it, the poor host communities of Okomu and Owan forests, who are at the mercy of Okomu PLC’s slipshod operations, knows nothing about it, either.

This report showcases some testimonies of the very impacted community folks, about the infringement of their rights, through Okomu PLC’s careless operations.

Where Certification and government cannot guarantee transparency and accountability in environmental and forest governance and free the local forest-bearing communities (the primary forest-owners) from the menace, a realistic Community Forest Management approach is summarily envisaged.

5.1 **Recommendations:**

5.1.1 **To Okomu Oil Palm Company PLC**

(a) Comply with, immediately, the Edo State Government Revocation Order
And stop the brazen penchant for being above the laws of the land.

(b) Halt environmental and rights violations and evictions of communities in its areas of operation and halt using any form of armed military personnel to molest and intimidate the people;

(c) Stop all forms of oil palm plantation expansion that are detrimental to community farmlands, biodiversity hotspots and historical sites;
Respect communities free, prior, and informed consent in development process and any land acquisition affecting them;

Follow the due process of the mandatory EIA, with the full involvement and participation of local people and the public;

Settle all outstanding cases of compensation arising from destroyed crops and farmlands.

5.1.2 To Government

(a) Safeguard the rural land and livelihood rights and compel Okomu PLC to return the lands to the communities, its original owners;
(b) Guarantee the enforcement of Edo State Revocation Order and Gazette of November 5, 2015, through legal actions against Okomu PLC and others;
(c) Provide relief measures and food cushioning to displaced farmers suffering from land dispossession by Okomu PLC.

5.1.3 To Communities/CSOs

(a) Increasing synergy between the civil societies organisations (CSOs) and the communities to stop CSR as an instrument of community division and disharmony and to speak with one voice;
(b) Conduct their protests and all forms of resistance against Okomu PLC's expansion in a nonviolence manner to avoid breakdown of law and order;
(c) Should conduct documentation of the extent of damage to crops and human rights violations by Okomu Oil operations;
(d) Ensure a litigation to bring Okomu PLC to justice and to compensate for destroyed crops and farmlands.
Endnotes

1 Source: Okomu Oil Palm Company Plc, Nigeria.  http://www.okomunigeria.com/about

2 NIPC to commence fresh phase of certification in Edo, Delta, Akwa-Ibom
https://www.premiumtimesng.com/.../262407-nipc-to-commenc.e.


5 http://www.socfin.com/en/locations/country/nigeria Apparently SOCFIN-OKOMU is however somewhere “in the process” of becoming RSPO certified, but not clear where exactly in the process.

6 Okomu Oil Palm Company – destroying communities for oil palm expansion
https://farmlandgrab.org/23245 (Accessed again March 10, 2018)

7 Okomu oil extension II: Model for future expansion in Nigeria

8 https://www.naija.ng/818425-panic-fulani-herdsmen-invade-another-community.html#818425 (Accessed again on May 12, 2018)

9 (http://edojobs.gov.ng/) (http://dailypost.ng/2018/03/14/edo-govt-recruitment-explains-apply/...)

10 (Edo Communities protests herdsmen attacks. The Nation..http://nationonlineng.net/edo-communities-protest-herdsmen... (Accessed March 10, 2018)

11 Okomu National Park - NIGERIA NATIONAL PARK SERVICE
www.nigeriaparkservice.org/?p=152
Environmental Rights Action (ERA)/Friends of the Earth Nigeria is a Nigerian advocacy group dedicated to the non-violent defence of the human ecosystem in terms of human rights. It was founded in January 1993. ERA/FoEN is the Nigerian chapter of Friends of the Earth International (FoEI). ERA is also the coordinating NGO for the Oilwatch International as well as the host of the secretariat of the Africa Tobacco Control regional Initiative. ERA is also the coordinating NGO for the Nigerian Tobacco Control Alliance. The organization’s committed struggles for environmental human rights has won it recognition through awards such as the Sophie Prize (1998) for excellence and courage in the struggle for environmental justice and the Bloomberg Award for Tobacco control activism (2009).

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