

## **INDEPENDENT COMPLAINTS MECHANISM (ICM)**

### **Report on the Conclusion of the Dispute Resolution Process**

19 August 2024

#### **DEG Complaint 18-002**

#### **Plantations et Huileries du Congo SA (PHC) – former Feronia Democratic Republic of Congo**

**Seynabou Benga**

**Inbal Djalovski**

**Michael Windfuhr**

Members of the Independent Expert Panel

#### **Recipients:**

**Company** – Plantations et Huileries du Congo (“PHC”, formerly known as Feronia)

**Complainant** – Réseau d’Information et d’Appui aux ONG en République Démocratique du Congo (“RIAO-RDC”) on behalf of 263 individuals from nine villages in Boteka and Lokutu, two of the sites of the PHC.

**Involved communities and their representatives** – in Boteka: 17 villages of the one *groupement*, in Lokutu: 63 villages of seven *groupements*

**Lender DFIs** – DEG and FMO

This Report is based on information provided to the Independent Expert Panel (IEP) by the Complainants, the lenders, the client Company and other relevant parties. This document is not given, and should not be taken, as legal advice, and is not intended to be used as proof for its content in a court of law.

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## About the Independent Complaint Mechanism (ICM)

The Independent Complaints Mechanism (ICM) aims to provide complainants with an effective, fair and credible tool to facilitate the resolution of disputes. At the same time, it assists Netherlands Development Finance Company (FMO), Deutsche Investitions- und Entwicklungsgesellschaft (DEG) and PROPARCO in implementing and adhering to their own environmental and social policies and procedures.

The ICM is supported by an Independent Expert Panel (IEP). The IEP is fully independent from DEG, FMO and PROPARCO. It reviews complaints from communities and individuals affected by DEG-, FMO- and/or PROPARCO-financed operations and decides whether a complaint is admissible. In case a complaint is admissible, the IEP processes the complaint in line with the ICM procedures and reports on the outcome of such process.

For more information about the ICM, please visit

- DEG's website: [www.deginvest.de/icm](http://www.deginvest.de/icm)
- FMO's website: [www.fmo.nl/icm](http://www.fmo.nl/icm)
- PROPARCO's website: [www.proparco.fr/icm](http://www.proparco.fr/icm)

## Summary

The mediation process was finalized in March 2024 with an agreement of all parties to the mediation after two mediation rounds in February / March 2023 and January / February 2024. Parties at the mediation tables are the company Plantations et Huileries du Congo (“PHC” or “Company”), representatives from the local communities in Boteka and in Lokutu, and Réseau d’Information et d’Appui aux ONG en République Démocratique du Congo (“RIAO-RDC” or “RIAO”), the NGO from the DRC which had originally filed the complaint signed by 263 individuals in the end of 2018 on behalf of these affected persons.

All parties, including RIAO, have agreed and signed the mediation outcomes from 2023 and 2024 at the end of each mediation session. The agreements can be found in Annexes 8.4 and 8.5. In the beginning of March 2024, the Independent Complaints Mechanism (ICM) mediation team shared the draft Report of the last meetings with all parties to obtain feedback before finalizing and publishing the Report. This final Report on the Conclusions of the Dispute Resolution Process takes on board feedback given since then.

While the Complaint was lodged at the end of 2018, it took until the beginning of 2020 for the parties to provide their consent to participate in a mediation process. A mediation process requires the support from all parties and is a voluntary process. The process was interrupted because of (a) the Covid-19 pandemic, as access to the DRC was only possible again in 2022, and (b) a new ownership of the company from whom the ICM needed to obtain renewed consent to take part in the mediation in 2022.

The mediation process that took place since then can be divided into three steps:

- (1) In May, August and November 2022, the ICM mediation team was present in both locations, Boteka and Lokutu, to discuss with all parties, how a mediation table could be organised, who should be represented and who should be the representatives, while still ensuring a manageable number of participants. Based on these discussions, a framework agreement was reached between the local communities and the company as well as with RIAO. The ICM noted that some parts of the communities felt appropriately represented by RIAO while others did not. During the process, the local communities continuously indicated that any agreement reached could not be merely between RIAO and the Company, but between the entire communities and the Company to achieve the overall objective to create peace locally. The agreement concerning the representation of the communities was reached in August 2022 and constituted a first breakthrough in the process. Following the agreement on representation, the ICM mediation team organised trainings in conflict resolution and mediation techniques with all potential participants of the mediation table in 2022.
- (2) In 2023, two mediation tables were organized by the ICM, one in Mbandaka for the Boteka plantation and a second one in Kisangani for the Lokutu plantation. A first mediation agreement was reached at both locations, covering the concerns of the parties as identified during the mediation tables in both locations. It covered the issues of (1) Community

participation, (2) High financial compensation demands (in Boteka), later declined because of missing evidence, (3) Physical abuse and roles of police and industrial guards, (4) Organized theft, (5) Community participation in social projects prepared by PHC, and (6) Mechanism of exchange between PHC and the communities. The agreement was signed by all participants including RIAO (both local RIAO representatives and the president of the organisation). All outcomes were final except on the issue of land rights. For this issue, an agreement was reached in both locations that two land commissions shall be set up with representations of the local communities, RIAO, the company, the land cadastre offices, and a representative of the governor of the two provinces, to note all irregularities related to plantation borders and open issues concerning the land titles used by the company. The ICM provided financial support to local communities and RIAO to participate in the work of the land commission. Moreover, both the local communities and RIAO hired self-chosen legal expertise that was financed by the ICM to be properly advised throughout the process. The final Reports on the conclusions of the two land commissions for each of the two sites were presented at the mediation table in January 2024.

- (3) In 2024, the ICM reconvened one meeting for Boteka (in January in Kinshasa) and one for Lokutu (at the end of January and early February in Kisangani). During these meetings all parties were represented. The two meetings were used to (1) take stock of recent developments in the other areas of agreement from 2023 (with very positive developments) and (2) receive the reports from the land commissions presented in both locations by the land cadastre officials. A consensus agreement was reached (available to all parties), bringing the mediation to an end for all issues identified in 2023. All parties agreed to put in place a permanent concertation committee for both sites (Boteka and Lokutu) to allow all parties to periodically discuss open issues and all matters in their relationships. The ICM mediation team agreed to assist in setting up the first concertation committee meeting in August 2024.

The reports of the two commissions did not indicate whether or not the communities of the two localities had been involved in the process of acquiring titles of the plantation from the outset, and this was the subject of lively discussions between the two parties - but in the end, both sides agreed in a peaceful atmosphere that the community representatives should go back to the field to consult with their members to gather some requests from communities for common interest to submit to PHC to settle this matter amicably and maintain peaceful and harmonious relations in the future.

These community requests will be presented to PHC during the first meeting of the concertation committee at the end of August 2024 in the form of additional support from the company to the community. In exchange, community members have agreed to collaborate peacefully with PHC regarding the land titles of the two localities (Boteka and Lokutu) recognized by the DRC government and for which PHC pays its royalties regularly. In the case of Lokutu, it was also recommended that the land registrar/cadastre or his team returns to the field to measure the boundary stones that were not visible in certain areas of the plantation, to avoid confusion in the future. PHC will respond to these community requests after review at the concertation committee meeting, the date of which will be set during the August 2024 meeting.

As a follow-up to the last meeting held in January 2024 in Kinshasa (for Boteka) and in January/February 2024 in Kisangani (for Lokutu), the MIP attended a meeting in June 2024 to discuss with community members the community requests collected from the communities to be presented to PHC. Advice was given on how best to present these requests in a mediation process.

The MIP intends to participate in the first meeting of the concertation committee in August 2024 with all parties, and in the years to come will continue to monitor the implementation of the mediation agreements through an annual visit to the sites and will publish yearly monitoring reports.

The ICM is grateful for the support and trust in the mediation process, and it congratulates the parties for the results achieved.

## 1. The Complaint

### 1.1 Summary of the Complaint

On 5 November 2018, the Complaints Office of the *Deutsche Investitions- und Entwicklungsgesellschaft mbH* (DEG) received a complaint (“Complaint”), dated 5 November 2018. It concerned the DEG-financed operation Plantations et Huileries du Congo SA (“PHC” or “Company”), at that time a subsidiary of Feronia Inc., a company listed at the Toronto stock exchange. The Complaint was lodged by a non-governmental organisation (NGO), RIAO-RDC (Réseau d’Information et d’Appui aux ONG en République Démocratique du Congo) and its chairperson Mr. Jean-François Mombia Atuku (“Complainant”) on behalf of 263 persons from nine villages out of all villages in Boteka and Lokutu, which are two of the three locations of the PHC plantation. The Complainant provided proof of representation by enclosing to the Complaint signatures of the 263 represented individuals (“Complainants”), including notables and other community leaders from communities and groups from the two plantation areas.

The Complainants claimed that they have been negatively impacted by the DEG-financed operation and that this was a result of a failure to comply with DEG’s policies. The Complainants requested that the Independent Complaints Mechanism (ICM) facilitate a “dispute resolution that involves external mediation”<sup>1</sup> in relation to the various identified issues, rather than carry out a compliance review of DEG’s compliance with its policies.<sup>2</sup> While the operation is financed by the Dutch Entrepreneurial Development bank (FMO) and other European Development Finance Institutions in a consortium, and although FMO is also part of the ICM, the Complaint was directed to DEG as consortium leader.

The Complaint covered three areas of concern:

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<sup>1</sup> Complaint of November 2018, p. 11. See Annex 8.1 for the detailed Complaint.

<sup>2</sup> According to the ICM Policy, a Dispute Resolution Process aims “to assist in finding a resolution for the issues underlying an Admissible Complaint. This process may include information sharing, fact-finding, dialogue and mediation. A precondition for Dispute Resolution is that all relevant parties are willing to participate in such a process.” ICM Policy, p. 3.

- (1) The legitimacy of the land titles of the plantation and access rights to part of the plantation sites: According to the Complaint, PHC claims concession rights over 107,000 hectares of land, of which around 25,000 ha are currently managed by the Company as an industrial palm oil plantation. The Complainants claimed that communities in the area are unaware of the boundaries of PHC's land claims and that the land validation process carried out after the granting of a loan facility by the above-mentioned consortium of development banks in 2015 demonstrated some irregularities pertaining to concession contracts. The Complainants claimed that there have been breaches of the communities' customary land rights. They further claimed that they are deprived of their use of their customary land, forests, water sources and related natural resources, which will lead to poverty and extreme food insecurity.
- (2) The Complainants alleged that members of the Complainants' communities have been subject to regular harassments, grave physical and human rights abuses by PHC security guards and the local police.
- (3) The Complainants argued that they were not provided with sufficient information by PHC and the concerned development banks and thus do not have a level playing field in negotiations with PHC. They claimed that this 'knowledge gap' and the absence of legal support and affordable legal aid is contrary to standards developed in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests adopted by the Food and Agricultural Organization (FAO) council in 2012. The Complainants are of the view that DEG, as well as the other investors, have failed in their due diligence assessment and failed to put in place appropriate remedial actions. Moreover, they claimed that recent concession contracts developed in 2015 after the granting of the loan facility were done without the consent or consultation of the affected communities.

In light of the above, the Complainants alleged that IFC Performance Standard 1 on Assessment and Management of Environmental and Social Risks and Impacts, Standard 5 on Land Acquisition and Involuntary Resettlement and Standard 7 on Indigenous Peoples are not met by the project.

## **1.2 Decision on Admissibility**

On 7 January 2019, the ICM published a Notice of Admissibility declaring the Complaint admissible. The Independent Expert Panel ("IEP" or "Panel") decided that the admissibility criteria were met. Namely, the Panel was satisfied that:

- DEG has an active financial relationship with the client.
- there is an indication of a potential relationship between the DEG-financed operation and the alleged impacts; and
- the complaint relates to substantial direct or indirect and adverse impacts or risks.

Prior to declaring the Complaint admissible, the Panel verified, through telephone interviews, that several persons on the lists that were enclosed to the Complaint, are indeed represented Complainants who sought RIAO-RDC's representation.

### 1.3 Preliminary Review Phase

Under the terms of paragraph 3.2.3 of the ICM Policy, the Panel is required to conduct a preliminary review of the issues raised by the Complainants. As part of the Preliminary Review, the Panel addressed the following three aspects:

- (a) The Panel decided to verify the Complainants' identity, to understand the size of the represented group and to assess whether RIAO-RDC has been appropriately authorized to represent them.
- (b) The Panel assessed the concerns raised in the Complaint, including the alleged harm, and verified the relationship to the project funded by DEG. Furthermore, the Panel assessed whether parties would be prepared to address the issues through a Dispute Resolution Process.
- (c) The ICM assessed previous and ongoing attempts to resolve the dispute and any known barriers to resolution.

The ICM issued its [Preliminary Review Report](#) on 22 November 2019, which is available on DEG's ICM webpage.

As part of the Preliminary Review, in 2019, the Panel conducted two site visits to the plantation's locations in Boteka and Lokutu. During these visits, the Panel met with representatives of the Company in Kinshasa and different key persons from local government (in Kisangani and Boteka), churches and other civil society organisations in Kinshasa, Mbandaka, Boteka, Kisangani and Lokutu.<sup>3</sup>

The Panel was able to confirm that RIAO-RDC was authorized by a group of Complainants as their representative. In some villages the Complainants are merely a few individuals while in other locations the whole village community is represented. In Boteka and Lokutu, RIAO-RDC organised meetings with community representatives from several of the nine villages in which Complainants reside. Due to logistical and communication challenges, as well as time constraints, the Panel could not meet with all the Complainants who signed the Complaint but was able to start a discussion about a potential mediation with smaller groups of Complainants. The participants of the meetings confirmed their wish for a mediation. The Panel was able to visit three of the nine villages in Boteka and in Lokutu. In two of those villages, the Complaint was supported during the village meeting. In one of the villages, where the village gathering was organized by local leaders, many people were not aware of the process.

During the site visits, the Panel recognized that there are individuals and village representatives in the area of Boteka and Lokutu who have not filed a complaint with the ICM but claim that they have been harmed by the Company. They expressed interest in participating in a future mediation process.

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<sup>3</sup> For more details, see ICM, Preliminary Review Report on Complaint 18-002 (PHC), 22 November 2019, available at [https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/ICM-Preliminary-Review-Report-DEG-complaint-18002-PHC\\_191122\\_final\\_EN-2.pdf](https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/ICM-Preliminary-Review-Report-DEG-complaint-18002-PHC_191122_final_EN-2.pdf).



At the same time, they underlined that they do not want to be represented by RIAO-RDC. In particular, the village chiefs made clear that a mediation without inclusion of the larger community would undermine the effectiveness of a mediation settlement and would lack legitimacy. In their view, such outcome could result in increased divisions and conflicts between the communities. They sought to broaden the participation beyond the narrow group of affected people who have filed the Complaint with the ICM. In the exchange during one of the public meetings in Boteka, RIAO accepted the idea that a broader participation of villages would be helpful. Likewise, the Company indicated that a more inclusive mediation approach would be required to effectively address the issues raised. It was not inclined to participate in a mediation process restricted to the Complainants only.

Based on the findings of the Preliminary Review, the ICM Panel concluded the Preliminary Assessment phase in November 2019 and recommended that a Dispute Resolution be conducted with the involvement of the broader community and its representatives as well as with the Complainants and the NGOs representing them.

## 2. The Dispute Resolution Process

### 2.1 Timeline of case developments

Timeline of case developments	
5 November 2018	<ul style="list-style-type: none"> <li>Complaint filed with DEG</li> </ul>
7 January 2019	<ul style="list-style-type: none"> <li>Case declared admissible</li> </ul>
23 May to 3 June 2019	<ul style="list-style-type: none"> <li>Site visit of the ICM to the Democratic Republic of Congo (DRC): Kinshasa, Mbandaka, Boteka, Kisangani and Lokutu</li> </ul>
18 August to 2 September 2019	<ul style="list-style-type: none"> <li>Site visit of the ICM to the Democratic Republic of Congo (DRC): Kinshasa, Mbandaka, Boteka, Kisangani and Lokutu</li> </ul>
22 November 2019	<ul style="list-style-type: none"> <li>Preliminary Review Report issued</li> </ul>
6 December 2019	<ul style="list-style-type: none"> <li>A mediation outline proposed by the Panel was sent to the Complainant and the Company</li> </ul>
2020	<ul style="list-style-type: none"> <li>The Panel had planned to conduct site visits in order to prepare the mediation. Due to COVID-19 travel restrictions as well as a new Ebola outbreak in Boteka, the Panel was unable to carry out any site visits in 2020.</li> </ul>

3 February 2020	<ul style="list-style-type: none"> <li>The Company agreed to the mediation outline during a meeting with the ICM in The Hague</li> </ul>
March - November 2020	<ul style="list-style-type: none"> <li>Restructuring of the Company</li> </ul>
23 November 2020	<ul style="list-style-type: none"> <li>Announcement of closing of restructuring of the transaction with new ownership</li> </ul>
2021: <ul style="list-style-type: none"> <li>Restructuring of the Company</li> <li>Corona – Travel restriction</li> </ul>	<ul style="list-style-type: none"> <li>Update of the proposal for a mediation outline to be sent to the Complainant and the Company</li> <li>Get agreement of the Complainant and the Company to start the mediation, that can include external parties</li> <li>Mobilisation of a team of mediators (local and international)</li> <li>Preparations for the mediation</li> </ul>
2022	<ul style="list-style-type: none"> <li>Renewed agreement of all stakeholders to participate in the mediation and to agree to a process of selection of participants to the mediation table</li> <li>Travel to Lokutu (28 May to 3 June 2022) and Boteka (November 2022)</li> <li>Selection of participants for the meditation tables.</li> <li>Training sessions with participants on mediation and conflict resolution techniques</li> </ul>
March 2023	<ul style="list-style-type: none"> <li>First Mediation Table in Mbandaka for Boteka 13 to 17 March 2023</li> <li>First Mediation Table in Kisangani for Lokutu 19 to 24 March 2023</li> </ul>
Jan / Feb 2024	<ul style="list-style-type: none"> <li>Second Mediation Table for Boteka in Kinshasa 29 and 30 January 2024</li> <li>Second Mediation Table for Lokutu in Kisangani 1 and 2 February 2024</li> </ul>
June 2024	<ul style="list-style-type: none"> <li>Report of communities to PHC and the ICM about their demands to the concertation committee related to the land issues: 24 and 25 June 2024</li> </ul>
August 2024	<ul style="list-style-type: none"> <li>First meeting of the concertation committees → Finalisation of implementation plan 26 and 29 August 2024</li> <li>Formal closure for the mediation 30 August 2024</li> </ul>
2024 / 2025	→ Start of the implementation period by the stakeholders
2024 / 2025	→ Start of the monitoring phase by the ICM

## 2.2. Overview of the process

While the Complaint was lodged in the end of 2018, it took until the beginning of 2020 for the parties to provide their consent to participate in a mediation process. A mediation process requires the support of all parties and is a voluntary process. Unfortunately, the process was interrupted because of (a) the Covid-Pandemic (access to the DRC was only possible again only starting in 2022) and (b) a new ownership of the company from whom the ICM needed to obtain renewed consent to take part in the mediation (a consent was obtained in 2022).

The mediation process that took place since then can be divided into three steps:

- (1) In May, August and November 2022, the ICM mediation team was present in both locations, Boteka and Lokutu, to discuss with all parties, how a mediation table could be organised and who should be represented while still ensuring a manageable number of participants. An agreement was reached between the local communities and the Company as well as RIAO on the way forward. The ICM noted that some parts of the communities felt represented by RIAO while others not. During the process, the local communities continuously indicated that any agreement reached could not be merely between RIAO and the Company, but between the entire communities and the Company to achieve the overall objective to create peace locally. The agreement concerning the representation of the communities was reached in August 2022 and constituted a first breakthrough in the process. Following the agreement on representation, the ICM mediation team organised trainings in conflict resolution and mediation techniques with all potential participants of the mediation table in 2022.
  
- (2) In 2023, two mediation tables were organized by the ICM, one in Mbandaka for the Boteka plantation and a second one in Kisangani for the Lokutu plantation. For both sites Ground Rules for the Mediation were formulated and signed by all participants (see Annex). A first mediation agreement was reached at both locations, covering the concerns of the parties as identified during the mediation tables in both locations. It covered the issues of (1) Community participation, (2) High financial compensation demand, later declined, because of missing evidence (only in Boteka), (3) Physical abuse and roles of police and industrial guards, (4) Organized theft, (5) Community participation in social projects prepared by PHC, and (6) Mechanism of exchange between PHC and the communities. The agreement was signed by all participants including RIAO (both local RIAO representatives and the president of the organisation). All outcomes were final except on the issue of land rights. For this issue, an agreement was reached at both locations that two land commissions shall be set up with representation of the local communities, RIAO, the Company, the land cadastre offices, and a representative of the governor of the two provinces where the two sites are located, to note all irregularities related to plantation borders and open issues concerning the land titles used by the Company. The ICM provided financial support to local communities and RIAO to participate in the work of the land commission. Moreover, both the local communities and RIAO offered to nominate a self-chosen legal expertise that was financed by the ICM to be properly advised throughout the process. The final Reports on conclusions of the two land commissions for each of the two sites were presented to the mediation table in January 2024.

(3) In 2024, the ICM reconvened one meeting for Boteka that took place in January in Kinshasa, and one for Lokutu that took place in the end of January and beginning of February in Kisangani. During these meetings all parties were represented. The two meetings were used to (1) take stock of the developments in the areas of agreement from 2023 (with very positive developments) (see documents attached in Annex 8.4 and 8.5), and (2) receive and discuss the reports from the land commissions presented in both locations by the land cadastre officials. A consensus agreement was reached (available to all parties), bringing the mediation to an end for all areas identified in 2023. All parties agreed to put in place a permanent concertation committee for both sites (Boteka and Lokutu) to allow all parties to periodically discuss open issues and all matters in their relationships. The ICM mediation team agreed to assist in setting up the first concertation committee meeting in August 2024.

The reports of the two commissions did not indicate whether or not the communities of the two localities had been involved in the process of acquiring titles of the plantation from the outset, and this was the subject of lively discussions between the two parties - but in the end, both sides agreed in a peaceful atmosphere that the community representatives should go back to the field to consult with their members to gather some requests from communities for common interest to submit to PHC to settle this matter amicably and maintain peaceful and harmonious relations in the future.

These community requests will be presented to PHC during the first meeting of the concertation committee at the end of August 2024 in the form of additional support from the company to the community. In exchange, community members have agreed to collaborate peacefully with PHC regarding the land titles of the two localities (Boteka and Lokutu) recognized by the DRC government and for which PHC pays its royalties regularly. In the case of Lokutu, it was also recommended that the cadastre or his team returns to the field to measure the boundary stones that were not visible in certain areas of the plantation, to avoid any confusions in the future. PHC will respond to these community requests after review at the next meeting of the concertation committee, the date of which will be set during the August 2024 meeting.

### 3. Delays in the Commencement of the Mediation

The Panel originally aimed to formally start the Dispute Resolution Process in 2020, by holding the necessary discussions with the Complainants, the Company and other External Parties.<sup>4</sup> It had

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<sup>4</sup> According the ICM Policy, an **External Party** is defined as “[a]ny natural or legal person that is not a party to the financing agreements between DEG and the Client (non-exhaustive examples: customers of the Client, individual persons or groups, workers, non-governmental organizations representing affected persons). ICM Policy, p. 3 available at ICM Report on the Conclusion of the DRP / 19 August 2024 / DEG Complaint 18-002

planned for (i) two or three extended travels to the affected sites in 2020, and (ii) the selection of a mediation team composed of one or two experienced mediators from the DRC and one internationally experienced mediator.

Thereafter, however, the process was significantly delayed for two main reasons: (i) Restructuring process and new ownership of the Company. The process took up to the beginning of 2022. The new management and ownership agreed to proceed with the mediation with the intention to foster a peaceful relationship with the communities, and (ii) COVID-19 restrictions. Due to the worldwide travel restrictions caused by the COVID-19 pandemic, the Panel had to postpone all case-related travel.

The ICM Panel made this information publicly available via an interim report published on the ICM's webpage on 19 March 2021.<sup>5</sup> In addition, a new Ebola epidemic broke out in the area of Boteka in June 2020 resulting in a ban of all national and international travels into the affected area. In this particular case, remote communications with the relevant actors and their representatives, especially with affected community members and leaders, was not possible at the early stage of the process, which required intensive and inclusive communications with all relevant stakeholders. The travel ban to the DRC was lifted in 2022 and the ICM restarted the mediation process immediately.

## 4. Selection of Participants and Representatives and Capacity Building in Dispute Resolution

### 4.1 Agreement on representatives at the mediation table

In 2022, the ICM mediation team conducted three field visits in May (Lokutu), August (Lokutu), and November (Boteka) to further study the allegations raised in the Complaint and particularly to identify participants from each of both locations to attend the mediation table. It was during the visit of August 2022 in Lokutu and of November 2022 in Boteka that parties successfully agreed on a selection of their representatives to attend the mediation tables in Mbandaka for the Boteka site and in Kisangani for the Lokutu site.

For Boteka, community members decided to select one representative of each of the 17 villages of the *groupement* of Monkosso, plus the chief of the *groupement* and his deputy, to attend the mediation table in Mbandaka. They also agreed that one RIAO representative, one member of the civil society from Mbandaka, one member of the local NGO GASHE which is active in Boteka, and the priest of the catholic church of Boteka attend the mediation table as observers.

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[https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/170101\\_Independent-Complaints-Mechanism\\_DEG.pdf](https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/170101_Independent-Complaints-Mechanism_DEG.pdf)

<sup>5</sup> See ICM, Interim Report on Complaint 18-002 (PHC), available at <https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/Interim-Report-2021.pdf>.

PHC agreed to attend the mediation table in Boteka with six representatives and among them two observers.

For Lokutu, community members decided to select community leaders from each of the seven *groupements* of Lokutu, among them one local chief as their representatives to attend the mediation table in Kisangani. They also agreed on the participation of three members of the civil society of Lokutu, RIAO representatives, and three observers selected by RIAO.

PHC agreed to attend the mediation table in Kisangani with six participants and two observers. In both locations, the parties agreed to hold the two mediation tables during the first quarter of 2023.

#### **4.2 Trainings in Lokutu and Boteka on mediation and conflict resolution techniques for the identified participants**

Immediately after the selection of participants in August and November 2023, the mediator held a training on mediation and conflict resolution techniques for all the identified participants in each of the two locations to better prepare them to engage in a negotiation process. Participants from both parties attended the trainings in Lokutu and Boteka. The training content provided the participants with:

- A refresher on the mediation code of conduct to ensure all parties understand, commit and comply to it.
- Understanding of the voluntary nature of the mediation and confirmation of participation in the mediation table in each location.
- Negotiations principles with an objective to achieve a mutually satisfactory outcome.
- Techniques how to support and keep a peaceful atmosphere before, during, and after the mediation dialogue itself.

At the end of the trainings all parties in both locations were enthusiastically committed to engage peacefully in the mediation.

A total of 25 participants in Boteka attended the training in November 2022, and a total of 28 participants attended the training in Lokutu in August 2022.

## **5. Mediation tables and Outcomes in Mbandaka and Kisangani (2023)**

Two mediation tables took place, one in Mbandaka for the Boteka plantation, between 13 and 17 March 2023, and one in Kisangani for the Lokutu plantation between 20 and 24 March 2023. Participants in both mediation tables (1) reconfirmed the list of participants, (2) agreed on the issues that need to be discussed, (3) presented and discussed options for solutions, and (4) agreed on a set of solutions to be implemented by both parties. The two mediation tables were launched by the governor in each location and their representatives participated in the discussions as observers to ensure the support of local authorities for the mediation process. Additionally, the governors in each

of the two provinces agreed to monitor and follow up on the implementation of final outcomes of the mediation.

### **5.1. The mediation table in Mbandaka (for Boteka)**

The mediation table for the Boteka site took place in the Hotel Nina River in Mbandaka. The formal opening ceremony was held by the governor of the province of Equateur, Mr. Bobo Boloko Bolumbu. The governor highlighted the interest of the province that the Company prosper, while at the same time acknowledging that communities should benefit and recognizing the need to overcome the conflicts on the ground. He wished the mediation table success and designated one member of his staff to be present during the entire mediation process.

At the beginning of the first mediation day, participants confirmed the list of participants, i.e., representatives of the two parties which were selected in November 2022 (Complainants and PHC), RIAO as signatory of the Complaint (on behalf of the Complainants) and observers. In addition, all participants adopted a Ground Rules for the mediation. Respective documents were signed by all participants.<sup>6</sup>

A total of 36 participants took part in the mediation table, including members of the community, PHC and observers (a national deputy, a provincial deputy, two representatives of the governorate, members of civil society including a religious leader and lawyers from both parties).

During four and a half days of work, participants exchanged views in plenary and group discussions, and received guidance by the mediator with regards to mediation principles, conflict transformation techniques, and adopted the ground rules for the mediation.

Participants agreed to discuss the following six points identified by the two parties (communities and PHC) as their concerns in relation to the original three themes (see chapter 1.1) of the mediation: (1) Land, (2) Community participation, (3) High financial compensations demand, later declined because of missing evidence (see below), (4) Physical abuse and the roles of the Police and Industrial Guards (“GIs”), (5) Organised theft, and (6) Participation in social programmes: how to improve community involvement.

#### ***Outcomes***

At the beginning of the 2<sup>nd</sup> through 5<sup>th</sup> mediation day, all participants agreed and signed the interim results of the previous day. The results of the mediation table were read in French, translated into Lingala by the mediator, discussed, agreed upon, and signed by all participants. After signature, the final Mediation Agreement was shared among all parties. The complainants and RIAO, as well as PHC, participated in an official closing ceremony in Mbandaka on Friday 17 March 2023.

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<sup>6</sup> All documents produced during the two mediation tables were signed in four copies: one for the complainants, one for PHC, one for RIAO and one for the ICM. The Governors received a copy of the signed final mediation agreement.

At the end of the mediation process, the two parties reached the following agreements on the six issues (see Mediation Agreement in Annex 8.4 for more details):

**(1) Land:** The land issue was raised by the community requesting that the Company return land used by it for its plantation, for plots that the community considers to be outside of the plantation boundaries and part of their villages (estimated at more than 185 hectares).

- *Result of the mediation:* An ad hoc technical committee has been set up to go out into the field and check the plantation boundaries in the various villages to identify any alleged overruns and to clarify other conflict about the use of the land that might exist.

**(2) Community participation:** The community felt that it was not informed in advance of any planning activities and not involved in identifying projects initiated by PHC.

- *Result of the mediation:* Reactivate existing mechanisms for exchanges between PHC and community members (i.e., the conflict management committees, social clause management committees) with a view to fostering ongoing dialogue so that community members can easily address their concerns or grievances to the Company.

**(3) Financial compensation:** The community considered that, according to the information provided by RIAO, the company should pay to the community an amount of € 288,000,000 that it had allegedly received from the development banks for community development.

- *Result of the mediation:* As no evidence was provided on this subject, it was decided to defer this point to the second mediation meetings in 2024 until evidence of payment of this amount to the Company was provided by RIAO, which brought up this information. Because in meetings in 2024 no evidence could be shown, the issue will not be taken up on the implementation frame.
- *The demand was later declined because of missing evidence*

**(4) Physical abuse and roles of police and industrial guards:** The community felt that it has been and still is a victim of physical abuse by the police and the Company's industrial guards.

- *Result of the mediation:* PHC will make efforts to facilitate, if possible, the release of those currently under arrest. It will write to the public prosecutor to request the release of those arrested and pay bail for their provisional release and will discuss
- the issue as far as possible with the governor. Community representatives were asked to provide the names of those still under arrest and their commitment of no recidivism or submission of complaints against the Company. The national Member of Parliament present in the room promised to support this initiative.

**(5) Organised theft:** PHC has expressed its concern about the organised theft of its palm products from its plantation, which significantly reduces its production.

- *Results of the mediation:* Four concrete proposals of support by PHC were adopted, i.e., (1) community awareness campaigns to combat theft, (2) set up canteens to sell palm oil and basic necessities at reduced prices, (3) income-generating activities for members of the community (as far as possible) which will be developed by PHC, and



(4) community leaders will help to identify the main thieves of the Company's palm fruit with a view to combating theft in their respective communities.

**(6) Improving community participation in social projects proposed by PHC:** The community felt that it was not involved in the selection and monitoring of PHC's social projects and not informed of the schedule for their implementation.

- *Results of the mediation:* Community will participate in the selection of projects and the monitoring of implementation; PHC will support the training of community members based on expressed needs and will share the annual timetable for implementing social projects for the community.

At the end, community representatives at the mediation table requested to ICM a financial support, which was provided to them for one hundred US dollars (USD 100) per community representative, to enable them to return to their respective communities to disseminate the results of the mediation.

All these proposals to be discussed regularly in the exchange mechanisms between the Company and the community (to be revitalised).

## 5.2 The mediation table in Kisangani (for Lokutu)

The mediation table was opened by the Vice-Governor of the province of Tshopo, Mr. Paulin Lendongoliya Lebabonga. He mentioned the interest of the Government of Tshopo to support the development of the Company in the province, while guaranteeing a fair development of the communities at the same time. He highlighted the need to avoid local conflicts and to find ways to discuss openly all conflicting issues.

At the beginning of the first mediation day, participants agreed on the list of participants, i.e. representatives of the two parties (Complainants and PHC), RIAO as signatory of the Complaint (on behalf of the Complainants) and observers. They also agreed on the Code of Conduct (ground rules) for the mediation. Respective documents were signed by all participants.<sup>7</sup>

A total of 35 participants took part in the mediation table, including members of the community, PHC and observers (a representative of the governorate, members of civil society including church leaders and lawyers from both parties).

During four and a half days of work, participants exchanged their views in plenary and group discussions, with mutual respect and sometimes through heated debates. They were guided by the mediator in relation to mediation principles, conflict transformation techniques, the "triangle of a sincere dialogue", and the "common ground approach".

Participants agreed to discuss the following six points as their concerns in relation to the original three themes (from the complaint of the mediation: (1) Land – information and transparency, (2)

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<sup>7</sup> All documents produced during the two mediation tables were signed in four copies: one for the complainants, one for PHC, one for RIAO and one for the ICM. The Governors received a copy of the signed final mediation agreement.

Physical abuse and human rights violations against the community, (3) Theft, aggression and defamation against PHC, (4) Mechanism of exchange between PHC and the community, (5) Social projects and support for the local community, and (6) Restitution of the mediation table.

### **Outcomes**

As in Mbandaka, all participants in Kisangani agreed and signed the interim results of the previous day at the beginning of the 2<sup>nd</sup> through 5<sup>th</sup> mediation day. The results of the mediation table were read in French, translated into Lingala by the mediator, discussed, agreed upon and signed by all participants. After signature, the final Mediation Agreement was shared among the Complainants, PHC and RIAO in an official closing ceremony held in Kisangani on Friday 24 March 2023.

At the end of the mediation, the parties reached the following agreement on the six concerns identified by participants (see Mediation Agreement in Annex 8.5 for more details):

**(1) Land – information and transparency:** The issue of land was raised by the community, who felt that PHC had been occupying its land for several years. The community would like to see and have access to PHC’s land titles, so that it can be given back any areas that may have exceeded its titles. PHC, for its part, is asking the community to recognise its right to use the concession which was legally granted to it by the State.

- *Results of the mediation:* A joint technical commission to be set up to check the boundaries of the plantation in all seven *groupements* to identify any alleged overruns and find out the conditions of acquisition. This commission will use the basic documents obtained through the Governorate, namely the Company's land titles, which will help the commission to verify the exact boundaries of the Company's concession and to ascertain on site whether there are any overgrown areas to be returned to the community. A preparatory committee has been set up to prepare the commission's Terms of Reference, identify its members based on recommendations made during the mediation, and submit the budget for the commission's work to the ICM for funding shortly after the mediation table.

**(2) Physical abuse and human rights violations against the community:** The community felt that it has been and still is a victim of physical abuse by the police and the Company's industrial guards.

- *Results of the mediation:* PHC resolutely committed to respecting human rights, in particular by implementing and enforcing its code of conduct and Company policies, including by prevention of action of employees, and eventually disciplining employees who breach the Company policies vis à vis perpetrators of human rights violations among its agents, including the industrial guards. It encourages communities to report any cases of physical abuse or human rights violations to the Conflict Management Committee for appropriate action.

**(3) Theft, aggression, and defamation against PHC:** PHC is concerned about organised theft of its palm products by members of the community which is significantly reducing its production.

- *Results of the mediation:* Several measures to be adopted, i.e., reinstallation of the commercial service by PHC involving members of the community with a view to raising

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the community's economic level (setting up canteens to sell palm oil and other basic necessities to members of the community), community awareness-raising activities (educational talks, radio broadcasts, using church events to fight against theft in the communities etc.), guidance of industrial guards by the communities so that they do not take part in the theft of PHC products, support activities for young people (sports activities, computer courses etc.), community commitment to report cases of theft among community members and industrial guards.

While freedom of expression is constitutional in the DRC (Art. 23 of the Constitution of the DRC). All parties should respect at the same time the limits presented in laws. This balance should guide criticism against the Company using fact checking before any publications.

**(4) Mechanism for exchange between PHC and the community:** The community felt that there was no exchange framework currently in operation that would enable community members to discuss their grievances with the company, or to discuss in advance the social projects initiated by the Company.

- *Results of the mediation:* PHC to reactivate and operationalise on a regular schedule the two exchange frameworks that currently exist, namely the Conflict Management Committee and the Social Clauses Monitoring Committee. PHC's Communications Department to help to ensure ongoing communication with the Community (via Internet, community radio programmes etc.).

**(5) Social projects and support for the local community:** PHC has social projects in favour of the community, but the community felt that it is not sufficiently supported with useful information on these projects nor on the schedule for their implementation.

- *Results of the mediation:* PHC's various ongoing projects in the fields of health, education, houses building, and road rehabilitation were appreciated by the community. The community was also pleased with the new projects that PHC plans to implement, in particular the development of partner plantations for community members, seed production, increasing biogas-based electricity, and the PDC and PDL projects. It was agreed by the parties that the schedule for the project implementation shall be shared with the community and jointly monitored.

**(6) Restitution of the mediation table:** The community representatives asked ICM to provide necessary resources to ensure that the mediation resolutions are disseminated in their respective communities.

- *Results of the mediation:* Provision by the ICM of one hundred US dollars (USD 100) per community representative present at the mediation table, for a total of 19 people, to enable them to return to their respective communities to disseminate the results of the mediation.

In conclusion, the signature of the two mediation agreements and the official closing ceremonies in Mbandaka and Kisangani formally marked the conclusion of agreements within the framework of the

ICM-facilitated mediation of the DEG Complaint 18-002 in relation to PHC (former Feronia). While pending further discussions on the plans to implement the results of the mediation, these agreements were mutually agreed upon and concluded. They form an important milestone in the ICM Dispute Resolution Process.

It was agreed at the end of the two mediation tables that ICM will support the parties in the follow-up process to facilitate in the elaboration of an implementation plan for the mediation agreements, and that the ICM will subsequently monitor the implementation plan.

## 6. Follow up Meetings and Outcomes (January - February 2024)

### 6.1 Report from the land commissions

The parties agreed during the mediation in Mbandaka and Kisangani in 2023 to set up *ad hoc* committees to work on land issues for each of the two locations. Two land commissions were formed which were financially supported by the ICM to carry out the fieldwork and produce reports.

The land commission in Boteka was comprised of a governor representative, a member of PHC, a land expert for PHC, a community land expert (GASHE representative), a community member per locality, two members of RIAO, the *administrateur de territoire of Ingende*, a member of the civil society, the *chef de division du cadastre*, and the *conservateur des titres fonciers*. The main task of the commission was to verify whether PHC had gone beyond the boundaries of its plantations in comparison with its legal titles overtaking community lands in each of the nine localities of the *groupement* of Monkosso. During the visits, the land commission looked at all boundaries of the plantations together with community members in their respective localities. Members of the land commission travelled to Mbandaka to consult the land titles of the plantation at the regional government offices to compare them with the boundaries of the plantations visited.

The land commission in Lokutu was comprised of a governor representative, two members of PHC, a land expert for PHC, a community land expert, two RIAO representatives, seven members of the community representing the seven *groupements* of Lokutu, three *administrateurs de territoire* of Lokutu, the *chef de bureau du cadastre*, the *chef de division du cadastre*, and the *conservateur des titres fonciers*. The main task of the commission was to verify whether PHC had gone beyond the boundaries of its plantations in comparison with its legal titles overtaking community lands in each of the seven *groupements* of Lokutu and to verify in which conditions those titles were acquired. The work started in July 2023 and ended in November 2023. Some members of the commission travelled to the city of Isangi and others to Kisangani to consult PHC's titles before the production of their report.

The reports of the two commissions did not indicate whether or not the communities of the two localities had been involved in the process of acquiring titles of the plantation from the outset, and this was the subject of lively discussions between the two parties - but in the end, both sides agreed

in a peaceful atmosphere that the community representatives should go back to the field to consult with their members to gather some requests from communities for common interest to submit to PHC to settle this matter amicably and maintain peaceful and harmonious relations in the future. These community requests will be presented to PHC during the first meeting of the concertation committee at the end of August 2024 in the form of additional support from the company to the community. PHC will respond to these requests after consideration at the next meeting of the concertation committee, the date of which will be set during the August 2024 meeting.

At the end of the land commission work, reports of the cadastres confirmed that **6543,67 hectares** of the surface area of the plantation in Boteka are officially recognized, and for which PHC regularly pays its royalties to the state of the DRC.

It was impossible for the cadastre to compare land titles after 2015 with the land titles of before, because the cadastre office has no formal files of the land titles before 2015. The title from 2015 is granted by the government and confirmed by the cadastre team.

Only in one village in the locality of Besombo a difference could be documented between the old titles from 1995 and the new one from 2015. The surface area on the 1995 titles was 580ha 80ares 94centianres and on the 2015 titles the surface area is 1204ha 10ares 25centiares representing a difference of 623ha 29area 31centiares. Independent from that finding the *chef du bureau de cadastre* confirmed the correctness of the current size of land titles of PHC in Boteka.

The cadastre's report in Lokutu does not provide a precise total surface area for the plantation ("*approximately 63,000 ha land area*") but has indicated that, for the seven *groupements* (Bolesa, Bongemba, Bolombo, Bokala, Yanongo, Mwingi, and Mwando), no exceeding lands were observed in each of these localities. PHC holds titles of 63,618 hectares, 76 ares and 50 centiares for which they regularly pay royalties, and which are recognized by the government. Based on the cadastre's report presented during the meeting in Kisangani, the report recommends that an official measuring of some boundary stones which are not visible in certain areas and demarcation of the plantation where still needed should be done to avoid any future confusion. (see in Annex 8.5 the cadastre reports for Boteka and Lokutu). According to the presentation of the cadastre official, the land taxes that the Company currently pays for Lokutu are calculated based on an estimated not a precise figure.

While the community in Lokutu was also claiming that historically all land was belonging to the communities, the cadastre official explained that all land in the DRC belongs to the state and that the state is handing out concessions that must be regranted after 25 years. PHC currently has valid concessions from 2015 with titles recognized by the DRC government.

## 6.2 Outcomes

The January 2024 meeting in Kinshasa for the Boteka site and February 2024 meeting in Kisangani for the Lokutu site with all parties represented allowed to (1) take stock of the developments on the five areas of the agreement of 2023 (with very positive developments) and (2) receive and discuss the reports from the land commissions presented in both locations by the land cadastre officials. A consensus agreement was reached (available to all parties), bringing the mediation to an end for all six areas identified in the 2023 mediation meetings. All parties agreed to put in place a permanent

concertation committee for both sites (one for Boteka and one for Lokutu) to allow all parties to periodically discuss open issues and all matters in their relationships. The ICM mediation team will assist in setting up the first concertation committee meeting in August 2024.

To set up the concertation committee, a small committee, to be supported by ICM, was established to develop the ToR of the permanent concertation committee proposing its mandate, frequency of the meetings and the number of its members. Members of the permanent concertation committees are members of the top management of PHC, representatives of the communities and their experts, RIAO, and the civil society.

The parties expressed their willingness to find a long-lasting solution for the two locations and to create a new spirit of cooperation. Each of the two meetings ended in an atmosphere of happiness with the community of Boteka singing a local song to support the Company and with group photos in both meetings. The process will be successfully completed if all parties cooperate in the implementation of its results and refrain from acting against the consensus they have reached. All parties have had the opportunity to raise their potential concerns during the mediation process including by making comments in the draft report that was shared.

## 7. Next Steps

The community representatives will submit the community's requests to PHC during the first meeting of the permanent concertation committee in August 2024 in the form of additional support from the company to the community. In exchange, the community members have agreed to work peacefully with PHC regarding the land titles of the two localities (Boteka and Lokutu) recognized by the DRC government and for which PHC pays its regular royalties.

PHC will respond to these requests from the communities after their review with a proposal for an implementation plan during the next consultation meeting, the date of which will be set during the meeting at the end of August 2024.

The MIP will participate in the first meeting of the permanent consultation committee in August 2024 and will monitor the progress of the implementing the agreements through an annual visit and publish annual monitoring reports.

### **Recommendations from the ICM for the implementation phase**

Following the Dispute Resolution Process, both parties are advised to remain committed to their agreement and cooperate in its implementation.

- PHC should continue to implement all the initiatives mentioned during the mediation for the benefit of the communities as part of its vision of shared prosperity with the communities in addition to the requests that will be submitted by the communities at the first meeting of the permanent concertation committee in August 2024.
- The communities of the two localities should recognize the official titles of the plantations of Boteka and Lokutu recognized by the government of the DRC (as indicated in the reports of the land commission) while also considering for Lokutu the official measuring by the cadastre of some boundary stones which are not visible in certain areas of the plantations to avoid any confusion.
- If there are areas where borders of the plantation are unclear or debated, the communities and the Company are committed to discuss them peacefully at the concertation committee meetings and, if necessary, involve the cadastres offices for clarification.
- The communities should participate actively in the fight against the stealing of the Company products.
- Both PHC and the community from the two locations should seek to live together in harmony and use dialogue as the only means to resolve issues through the various existing dialogue mechanisms in place, including the permanent concertation committee.
- Both PHC and the community from the two locations should ensure that the permanent concertation committees are functional and both parties share responsibilities within these committees.

The ICM hopes that the positive spirit among the parties will remain for the implementation period of the agreement and will continue to monitor the implementation of the agreements until full implementation is confirmed.

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## **8. Annexes**

- I. Complaint (November 2018) (only English)**
- II. Interim Report 2021**
- III. Ground rules for the mediation**
- IV. Mediation outcomes 2023 (only French)**
- V. Mediation outcomes 2024 (only French), including a summary of the the documents from the cadastres (only English)**
- VI. Implementation measures for Boteka and Lokutu (from 2023) (only English)**

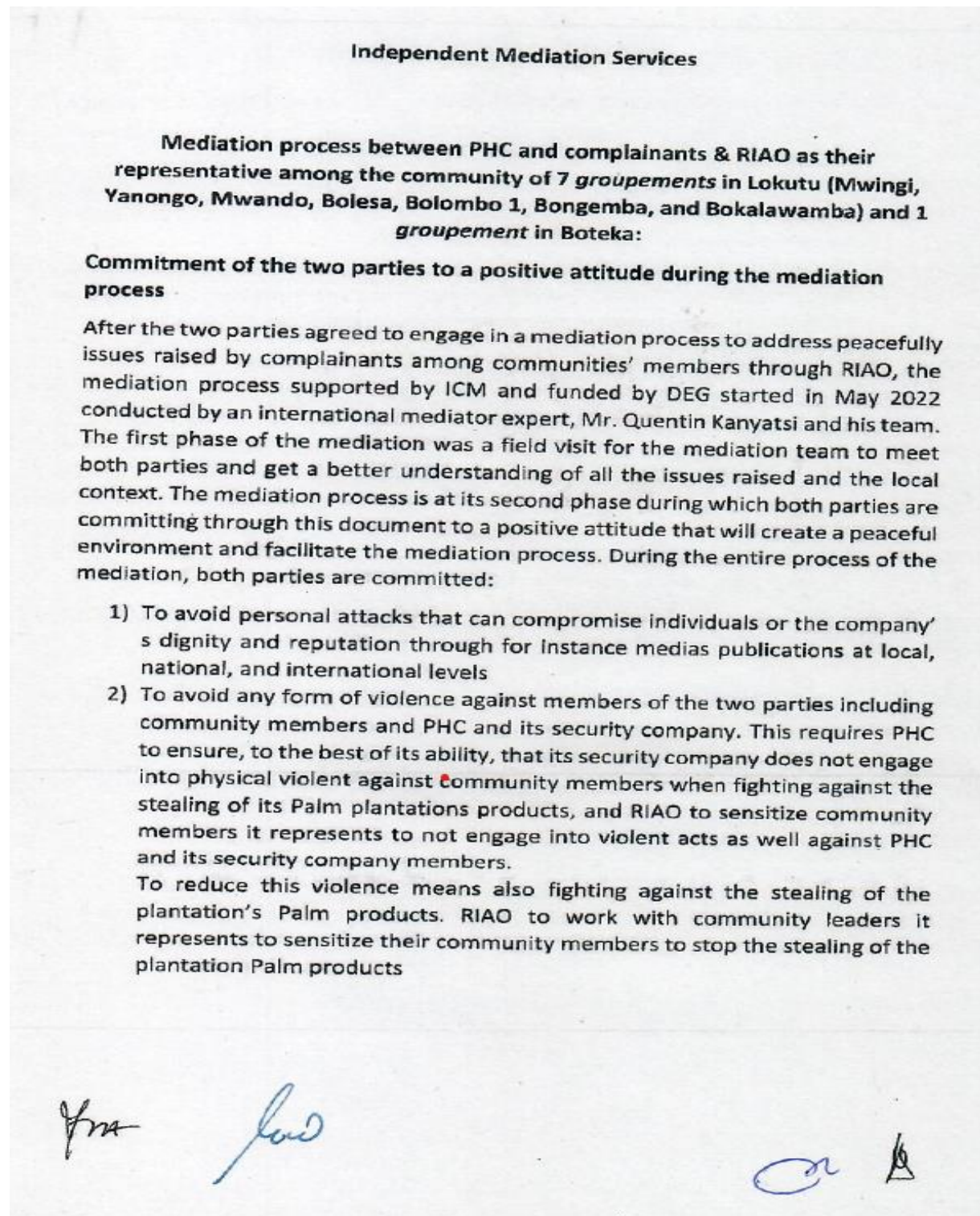
### **8.1. Complaint (November 2018) (only English)**

[https://www.fian.de/wp-content/uploads/2021/07/DEG\\_Complaint\\_PHC\\_final\\_signed.pdf](https://www.fian.de/wp-content/uploads/2021/07/DEG_Complaint_PHC_final_signed.pdf)

### **8.2. Interim Report 2021**

<https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/Interim-Report-2021.pdf>

### 8.3. Ground rules for the mediation

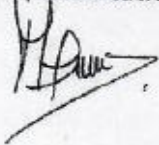


**Independent Mediation Services**

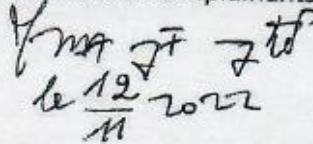
- 3) The two parties to continue the mediation process in a spirit of tolerance, understand, mutual respect and trust to find together durable solutions to issues raised and in the interest of both PHC and the community.
- 4) The party that has previously contributed to damaging the other party's reputation through medias publications will work to restore this reputation using the same channel of medias publications.
- 5) The parties agree that those participating in the mediation process will not face any form of reprisals including harassment and intimidation during and after the mediation process in conformity with the ICM policy on reprisals.

Both parties have agreed to commit to adopt the above positive attitude that will contribute to a successful mediation process under the watch of the ICM and the mediation team in Lokutu on Saturday 20 August 2022.

PHC Representative


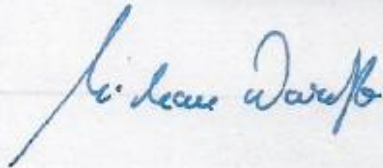


Representative of complainants and RIAO



le 12/11/2022

ICM Representative & The Mediation Team



## 8.4. Mediation outcomes 2023 (only French)

### I: Mediation agreement signed in Mbandaka on Friday 17 March 2023

#### **Accord de la Médiation signé à Mbandaka ce vendredi 17 mars 2023 entre la Plantation de Huileries du Congo (PHC) et la communauté riveraine de Boteka accompagnée de son partenaire RIAO.**

A la suite de la plainte soumise en novembre 2018 par RIAO pour le compte des communautés riveraines de Boteka et de Lokutu à ICM et jugée recevable par ce dernier, portant des accusations ci-dessous contre PHC (appartenant à l'époque à Feronia) :

- 1) la légitimité des titres fonciers de la plantation et la privation présumée de l'utilisation des terres coutumières,
- 2) les abus physiques et les violations des droits de l'homme par les gardes de sécurité et la police de PHC,
- 3) le manque d'information et de soutien juridique des communautés dans les négociations avec PHC.

Un processus de médiation entre PHC et les communautés de Boteka et Lokutu représentées par leurs leaders communautaires a été initiée par ICM qui a conduit à la table de médiation qui vient d'avoir lieu à Mbandaka du Lundi 13 au Vendredi 17 mars 2023 à l'hôtel Nina River pour le cas de Boteka sous la conduite d'un Expert Médiateur, Mr. Quentin Kanyatsi. La cérémonie d'ouverture de la médiation a été présidée le lundi 13 mars par le gouverneur de la province de l'Equateur, son excellence Mr. Bobo Boloko Bulumbu.

Au total 36 participants ont pris part à la table de médiation comprenant les membres de la communauté, de PHC et des observateurs parmi lesquels un député national, un député provincial, deux représentants du gouvernorat, de membres de la société civile et des juristes.

Pendant 4 jours de travaux, les participants ont échangé en toute harmonie et ont convenu de discuter les points ci-après identifiés par les deux parties (communautés et PHC) comme leurs préoccupations en rapport avec les trois thèmes de la médiation :

- 1) La Terre
- 2) La participation communautaire
- 3) Les abus physiques et rôles de la Police et des Gardes Industriels (GIs)
- 4) Les vols organisés
- 5) Compensations et paiements

- 6) Participation aux programmes sociaux : comment améliorer l'implication de la communauté

A l'issue des travaux de la médiation les deux parties sont arrivés à l'accord ci-après :

### 1) La Terre :

Le problème de la terre a été posée par la communauté demandant la restitution des espaces considérés comme étant de dépassements des limites de la plantation dans leurs villages. Ils ont estimé qu'il y a plus de 185 hectares des espaces dépassés.

- *Résultat de la médiation* : Mise en place d'une commission technique ad hoc devant descendre sur terrain pour vérifier les limites de la plantation dans les différents villages afin de constater les dépassements présumés. Cette commission aura pour mission aussi de préparer le rapport de la mission et le soumettre aux services étatiques compétents en vue d'une régularisation au besoin. Elle sera chargée de suivre le processus jusqu'à la régularisation de la situation.

### Participation communautaire

Ce problème a été posé par la communauté qui a estimé qu'elle n'est pas informée à l'avance avant toute négociation avec la société et ni associée à l'identification des projets initiés par la société.

- *Résultat de la médiation* : Réactiver les mécanismes existants d'échanges entre PHC et les membres de la communauté en vue de favoriser un dialogue permanent pour que les membres de la communauté puissent facilement adresser leurs préoccupations ou doléances auprès de la société. Ces mécanismes à savoir les comités de gestion des conflits dont les réunions se tiennent mensuellement et les comités de gestion des clauses sociales dont les réunions se tiennent trimestriellement devront être réactivés par PHC qui va s'assurer de la participation et la représentativité de toute la communauté.

### 2) Compensations financières

La communauté a estimé que selon l'information que la société devrait lui restituer un montant de 288 000 000 d'Euros qu'elle aurait reçu des banques de développement pour le développement communautaire.

- *Résultat de la médiation* : Aucune preuve n'ayant été fournie à ce sujet, il été décidé de surseoir ce point jusqu'à ce que des preuves de versement de ce montant à la société soient fournies notamment par RIAO qui a donné cette information.

### 3) Les abus physiques et rôles de la police et des GIs

La communauté a estimé qu'elle a été et est toujours victime des abus physiques de la police et de GIs de la société dont des arrestations de leurs membres jusqu'à ce jour.

- *Résultat de la médiation* : PHC va fournir des efforts pour la libération des personnes actuellement arrêtées. Elle va écrire au procureur général pour solliciter la libération de

ces personnes arrêtées voir même payer des cautions pour leurs libérations provisoires et en discuter dans la mesure du possible avec le gouverneur pour faciliter cette demande de libération. Les représentants de la communauté sont priés de fournir les noms des personnes encore arrêtées. Le député national présent dans la salle a promis d'apporter aussi son appui à cette démarche.

#### 4) Les vols organisés

La société PHC a exprimé sa préoccupation sur les vols organisés de ses produits de palmes au niveau de la communauté qui réduisent sensiblement sa production.

- *Résultats de la médiation* : Les propositions suivantes ont été retenues
  - Sensibilisation communautaire à travers des actions de sensibilisation de la communauté soutenues par PHC (des dialogues communautaires, des émissions radiophoniques etc...) pour la lutte contre les vols.
  - Création par PHC des cantines de vente d'huile de palme et des produits de premier nécessité
  - PHC va soutenir les activités génératrices des revenus des membres de la communauté à travers entre autres des projets d'appui aux petits planteurs, son projet d'amélioration de l'électricité à Boteka à travers l'utilisation des déchets de noix des palmes qui sera bénéfique aux membres de la communauté dans leurs différents petits projets etc...
  - PHC va appuyer dans la mesure du possible les communautés dans l'évacuation de leurs produits à travers entre autres son projet d'installation des dépôts à Boteka des produits de premiers nécessités ou les communautés pourront avoir accès.
  - Identification par les leaders communautés des grands voleurs des fruits de palme de la société en vue de combattre le vol au niveau de leurs communautés respectives.

#### 5) Amélioration de la participation communautaire aux projets sociaux proposés par PHC

La communauté a estimé qu'elle ne participe pas dans la sélection et le suivi de projets sociaux initiés par la société et qu'elle n'est pas informée sur le chronogramme de leur mise en œuvre. Elle souhaite aussi que PHC soutienne les membres de la communauté à bénéficier des formations organisées par les organisations de la société civile dans différents domaines pour leur renforcement des capacités.

- *Résultats de médiation* : Propositions retenues :
  - Participation de la communauté à la sélection et au suivi de mise en œuvre des projets
  - PHC va soutenir la formation des membres de la communauté selon les besoins exprimés

- PHC partagera le chronogramme annuel de mise en œuvre des projets sociaux en faveur de la communauté.

Toutes ces propositions seront régulièrement discutées dans les mécanismes d'échanges entre la société et la communauté qui seront redynamisés.

Enfin à la demande des membres de la communauté, ICM a mis à leur disposition un montant de cent dollars (USD 100) par village pour un total de 19 personnes pour leur permettre d'aller assurer la restitution des résultats de la médiation aussitôt qu'ils retournent dans leurs villages respectifs.

### **Etapas de suivi**

A Boteka :

- Réunions des comités du mécanisme d'échange entre PHC et la communauté à réactiver et devront se tenir selon le programme prévu (mensuellement pour les comités de gestion des conflits et trimestriellement pour les comités de gestion des clauses sociales).
- Un comité de préparation composé d'un représentant de PHC (Mme Fanny Salmon), un représentant désigné par la communauté (Mr. Giscard Likunda membre de RIAO) et un représentant du gouvernorat parmi les observateurs (Mr. Jo Blake Ingila) vient d'être mis en place afin de préparer les documents techniques et le budget nécessaires pour le démarrage du travail de la commission ad hoc. Ces documents techniques et budget seront soumis à ICM dans une semaine.

Missions de suivi de ICM :

- Mai 2023 : Missions de terrain à Boteka et Lokutu par l'assistant médiateur
- Août 2023 : Médiateur et ICM à Kinshasa pour rencontrer PHC, 6 représentants de la communauté (3 Boteka, 3 Lokutu) et 2 RIAO.

Les travaux se sont terminés dans un climat de bonne ambiance entre les participants et tous les membres de la communauté ainsi que la société PHC. Ils se sont convenu de rentrer travailler ensemble dans un esprit de collaboration pour le développement de la communauté de Boteka et de la société PHC.

Fait à Mbandaka le 17 mars 2023

Liste des participants et signatures :

No	Noms	Village / structure	Fonction	Signature
1	Boketshu Bombongo	llongo		
2	Nkasa Mpoko	Bondjoku		
3	Lofemba Nkoy Isekolo	Iyambo I		
4	Ikotomba Patience Mpange	Besombo		
5	Papy Loyele Empunda	Nkelengo		
6	Emenge Bototo	Iyambo II		
7	Betuku Ntondo	Bofalamboka		
8	Baandja Yolo Kidumu	Boteka		
9	Ntshimbo Bayaka	Engondjolo Nyeka		
10	Mbondo Bolembo	Bongale II		
11	Bekombe Itema	Likoli		
12	Patience Bombelenga Lopali	Nseke		
13	Bonkiki Etumba	Balondo		
14	Bokeke Ndjendongala	Bongale I		
15	Bomanga Wa Lokandjola	Bepumba		
16	Bosolo Bombulu	Loonga Mouke		
17	Peter Ifenge	Loonga Mouke		
18	Ngoy Mbembe	Bolondo Elinga		
19	Nkoy Bolanga Djounes	Notable Groupement	Observateur	
20	Yolo Bombolu		Chef de groupement Monkoso	
21	Likunda Giscard	RIAO		
22	Alfred Bolalanga	RIAO		
23	Bamala Beaudoin	RIAO		
24	Prof. Mpoko Bokanga	PHC	Directeur des opérations	



25	Fanny Salmon	PHC	Directrice ESG	
26	Levy Lutete	PHC	Chef de site de Boteka	
27	Souleiman Limbute	PHC	Assistant Prog. Dév. Comm.	
28	Nadia Ilunga	PHC	Chargé de communication	
29	Maître Matthieu Linyamoy	PHC	Observateur	
30	M. Floribert Bokanga	PHC	Observateur	
31	Boteko Isakonga	Civil Society		
32	Abbe Boseko		Observateur	
33	Me. Papy Otoka	GASHE	Observateur	
34	Jo Black Ingila	Gouvernorat	Conseiller du Gouverneur, Observ.	
35	Samuel Yende	Gouvernorat	Conseiller juridique du Gouv., Obs.	
36	Honorable Bonpanze Engombe Freddy	M.P.	Député National élu du territoire d'Ingende, Observer	
37	Honorable Bokele Bowa*		Observateur	

\* Confirmé comme participant en date du 15/03/2023 (voir rapport de la troisième jour)

## **II: Mediation agreement signed in Kisangani for Lokutu on Friday 24 March 2023**

### **Accord de la Médiation signé à Kisangani ce vendredi 24 mars 2023 entre la Plantation de Huileries du Congo (PHC) et la communauté riveraine de Lokutu accompagnée de son partenaire RIAO.**

A la suite de la plainte soumise en novembre 2018 par RIAO pour le compte des communautés riveraines de Boteka et de Lokutu à ICM et jugée recevable par ce dernier, portant des accusations ci-dessous contre PHC (appartenant à l'époque à Feronia) :

- 1) la légitimité des titres fonciers de la plantation et la privation présumée de l'utilisation des terres coutumières,
- 2) les abus physiques et les violations des droits de l'homme par les gardes de sécurité de PHC et la police,
- 3) le manque d'information et de soutien juridique des communautés dans les négociations avec PHC et mise en œuvre des projets sociaux.

Un processus de médiation entre PHC et les communautés de Boteka et Lokutu représentées par leurs leaders communautaires a été initiée par ICM qui a conduit à la table de médiation qui vient d'avoir lieu à Kisangani du Lundi 20 au Vendredi 24 mars 2023 au Centre Monseigneur Grison pour le cas de Lokutu sous la conduite d'un Expert Médiateur, Mr. Quentin Kanyatsi. La cérémonie d'ouverture de la médiation a été présidée le lundi 20 mars par le Vice-Gouverneur de la province de Tshopo, son excellence Paulin Lendongolia Lebabonga.

Au total 35 participants ont pris part à la table de médiation comprenant les membres de la communauté, de PHC et des observateurs parmi lesquels, un représentant du gouvernement, de membres de la société civile et des juristes.

Pendant 4 jours de travaux, les participants ont échangé en toute harmonie parfois à travers des débats houleux et ont convenu de discuter les points ci-après identifiés par les deux parties (communautés et PHC) comme leurs préoccupations en rapport avec les trois thèmes de la médiation :

1. Terre – info / transparence
2. Abus physiques et violations des droits de l'homme contre la communauté
3. Vols, agression et diffamation contre PHC
4. Mécanisme d'échange entre PHC et la communauté
5. Projets sociaux et accompagnement de la communauté locale
6. Restitution de la table de médiation

A l'issue des travaux de la médiation les deux parties sont arrivés à l'accord ci-après :

### 1) Terre – information / transparence :

Le problème de la terre a été posé par la communauté estimant que la société PHC occupe ses terres depuis plusieurs années et qu'elle n'a plus d'espaces ou cultiver pour sa survie. Elle souhaite voir les titres de propriété de la concession de PHC pour s'assurer que la société n'a pas dépassé les limites de sa concession afin qu'elle soit restituée les espaces dépassés s'il y a en a. Quant à la société PHC elle réclame à la communauté de lui reconnaître le droit de jouir de sa concession lui accordée légalement par l'Etat.

- *Résultat de la médiation* : Mise en place d'une commission technique mixte devant descendre sur terrain pour vérifier les limites de la plantation dans les différents groupements concernés (7) afin de constater les dépassements présumés et connaître les conditions d'acquisition. Cette commission se servira des documents de base obtenus par l'entremise du gouvernement à savoir les titres de propriété de la société qui aideront la commission à vérifier les limites exactes de la concession de la société et constater sur terrain s'il y a ou pas des espaces dépassés à restituer à la communauté. Sa composition est clairement définie dans le rapport de la quatrième journée de la table de médiation de Kisangani.

Un comité de préparation composé de Alphonse Meya (communauté), Tonesse Eguba (PHC) et Emanuel Maindo (Gouvernorat) e été créé en vue de préparer les TDRs de la commission, identifier les membres et soumettre le budget des travaux de la commission à l'ICM endéans une semaine à partir d'aujourd'hui pour financement.

### 2) Abus physiques et violations des droits de l'homme contre la communauté

La communauté a estimé qu'elle a été et est toujours victime des abus physiques de la part de la police et de gardes industriels (GIs) de la société dont des arrestations de leurs membres jusqu'à ce jour

- *Résultat de la médiation* : Dans sa nouvelle vision, PHC est résolument engagé à respecter les droits de l'homme notamment en sanctionnant sévèrement les auteurs des violations de droits de l'homme parmi ses agents y compris les GIs. Elle encourage les communautés à dénoncer tout cas d'abus physiques ou de violation de droits de l'homme au niveau du comité de gestion des conflits pour qu'elle prenne des mesures appropriées. PHC invite les communautés à obtenir des personnes actuellement incarcérées leurs engagements à ne pas reprendre les vols et entreprendre des poursuites contre PHC pour qu'elle puisse entreprendre des démarches possibles auprès des autorités pour leur libération sous forme des libertés provisoires.

### 3) Vols, agression et diffamation contre PHC

La société PHC a exprimé sa préoccupation sur les vols organisés de ses produits de palmes par les membres de la communauté qui réduisent sensiblement sa production.

- *Résultat de la médiation* : Les propositions suivantes ont été retenues :

- Réinstallation du service commercial par PHC impliquant les membres de la communauté en vue de relever le niveau économique de la communauté en installant notamment des cantines de vente de l'huile de palme et autres produits de premiers nécessités aux membres de la communauté
- Entreprendre des actions de sensibilisation communautaire par la communauté (causerie éducative, émissions radiophoniques, évangélisation contre le vol dans les communautés etc.)
- Encadrement des gardes industriels (GIs) par les communautés à travers la sensibilisation pour qu'ils ne participent pas au vols des produits de PHC
- Création par PHC des activités d'encadrement des jeunes (activités sportives, cours d'informatique etc.)
- Engagement de la communauté à dénoncer des cas de vols parmi les membres de la communauté et des gardes industriels (GIs)
- Sur la question de diffamation, oui la liberté d'expression est constitutionnelle (Art. 23 const.) mais elle doit se faire dans le respect de la loi. PHC se réserve le droit de poursuivre en justice les auteurs en cas de diffamation.

#### **4) Mécanisme d'échange entre PHC et la communauté**

La communauté a estimé qu'il n'existe pas un cadre d'échange actuellement opérationnel lui permettant d'échanger avec la société sur ses doléances, ni de discuter au préalable sur les projets sociaux initiés par la société en sa faveur.

- *Résultat de la médiation* : Il a été convenu que PHC puisse réactiver et opérationnaliser suivant un calendrier régulier ; les deux cadres d'échange existant actuellement à savoir Comité de gestion de conflits et du Comité de suivi des clauses sociales. Il existe au sein de PHC un Département de communication qui devrait contribuer à assurer aussi une communication permanente envers la communauté notamment à travers l'internet, des programmes de radio communautaire etc.)

#### **5) Projets sociaux et accompagnement de la communauté locale**

PHC a des projets sociaux en faveur la communauté cependant la communauté estime de ne pas être suffisamment accompagné avec des informations utiles sur ces projets et même sur le chronogramme de leurs mises en œuvre.

- *Résultats de la médiation* : Les différents projets en cours de PHC dans les domaines de sante, l'éducation, constructions des maisons et réhabilitation des routes sont appréciés par la communauté. Elle se réjouit également des nouveaux projets que PHC compte mettre en œuvre notamment le développement des plantations partenaires en faveur des membres de la communauté, la production des semences, l'augmentation de l'électricité a base de biogaz, les projets PDC et PDL etc. mais la recommandation est de partager avec la population les chronogrammes de leur mise en œuvre pour en assurer ensemble le suivi.

## 6) Restitution de la table de médiation

La communauté a demandé à ICM de mettre à sa disposition les moyens conséquents pour qu'elle assure la restitution des résolutions de la médiation dans leurs communautés respectives.

- *Résultats de médiation* : Mise à disposition par ICM d'un montant de cent dollars (USD 100) par représentant de la communauté présent à la table de médiation pour un total de 19 personnes pour leur permettre d'aller assurer la restitution des résultats de la médiation aussitôt qu'ils retournent dans leurs communautés respectives. La médiation donnera la documentation aux participants à la fin des travaux dans la mesure du possible.

### Étapes de suivi

A Lokutu :

- Réunions des comités du mécanisme d'échange entre PHC et la communauté à réactiver et devront se tenir selon le programme prévu (mensuellement pour les comités de gestion des conflits et trimestriellement pour les comités de suivi des clauses sociales).

Missions de suivi de ICM :

- Mai 2023 : Missions de terrain à Lokutu par l'assistant médiateur
- Août 2023 : Médiateur et ICM à Kinshasa pour rencontrer PHC, 7 représentants de la communauté (7 Lokutu) et 2 RIAO

Les travaux se sont terminés dans un climat de bonne ambiance entre les participants et tous les membres de la communauté ainsi que la société PHC. Tous les membres de la communauté et de PHC se sont convenu de rentrer travailler ensemble dans un esprit de collaboration pour le développement de la communauté de Lokutu et de la société PHC.

Fait à Kisangani le 24 mars 2023

Liste des participants et signatures :

No.	Noms	Village / structure	Fonction	Signature
1.	Emanuel Boselo Boloko	Groupement Bolesa		
2.	Elombe Masua	Groupement Bolesa		
3.	Lofutu Bongongo	Groupement Mwando		
4.	Médard Mangandu Lokula	Groupement Mwando		
5.	Iloko Boinda Honoré	Groupement Bokala		
6.	Jean-Pierre Litikela	Groupement Mwingi		
7.	Bondoe	Groupement Mwingi		
8.	Papi Iswitele	Groupement Yanongo		
9.	Henriette Lomami	Groupement Bongemba		
10.	Balimbanga Bondengale	Groupement Bolombo1		
11.	Chrispin Baenga	Groupement Bokala Wamba		
12.	Jean François Mombia Atuku	RIAO		
13.	Patrick Buende	RIAO	Avocat, Observateur	
14.	Joseph Litikela	RIAO		
15.	Alphonse Meya	RIAO		
16.	Firmin Janoambi	RIAO	Observateur	
17.	Ibrahim Lohende	RIAO Lokutu	Staff	
18.	Emaneul Makoka	RIAO	Observateur	
19.	Giscard Likunda	RIAO	Représentant délégation	
20.	Prof. Mpoko Bokanga	PHC	Directeur des opérations	
21.	Fanny Salmon	PHC	Directrice ESG	
22.	Zephirin Fataki	PHC	AGM de Lokutu	
23.	Tonesse Eguba	PHC	Chef ESG Lokutu	

24.	Schakila Liwanda	PHC	Responsable social	
25.	Floribert Bokanga	PHC	Observateur	
26.	Maître Pascal Lisingo Bolimola	PHC	Observateur	
27.	Maître Lofango	PHC	Observateur	
28.	Maître JC Mayoko Asani	PHC	Observateur	
29.	Baisole Nadine	Civil society	Observateur	
30.	Blaise Liutu	Civil society	Observateur	
31.	Mamie Lokutu	Civil society	Observateur	
32.	Pasteur Lioma	Civil society	Observateur	
33.	Maître Yves-Gabriel Sefu	Conseiller du Gouverneur	Observateur	
34.	Emanuel Maindo	Conseiller du Gouverneur	Observateur	
35.	Justin Bofaka*	Groupement Bolesa		

\* Confirmé comme participant en date du 23/03/2023 (voir rapport de la quatrième journée)

## 8.5. Mediation outcomes 2024 (only French), including a summary of the the documents from the cadastres (only English)

### I. Report of the follow up meeting in Kinshasa concerning Boteka

#### Compte rendu des assises tenues à Kinshasa pour évaluer le plan de mise œuvre des accords entre PHC et la communauté lors de la médiation tenue à Mbandaka entre les deux parties au mois de Mars 2023

Les assises de Kinshasa ont eu lieu du 29 au 31 Janvier 2024 à l'Hotel continental dans la commune de Lingwala réunissant 12 membres de la communauté de Boteka, 04représnetants de PHC et les observateurs dont un représentant du gouverneur de la Province de l'Equateur, le conservateur des titres immobiliers du territoire d'Ingende, un membre de la société civile, et 06 membres de RIAO.

L'équipe de médiation qui a facilité le dialogue était composée de 4 personnes.

Deux sujets importants ont été discute au cours de ces assises :

- 1) L'évaluation de la mise en eouvre des accords obtenus au cours de la médiation de Mbandaka
- 2) Présentation et échanges sur le rapport de la commission ad hoc qui a été mise en place au cours de la médiation.

Le premier jour des assises : les discussions ont porté essentiellement sur l'évaluation des accords de la médiation de Mbandaka. Les constatations et conclusions sur cette évaluation sont reprises dans le document en annexe de ce rapport.

Le deuxième jour des assises : Les discussions ont porté sur le rapport de la commission ad hoc présenté par le conservateur des titres immobiliers du territoire d'Ingende. Après des discussions sur cette question importante, il a été convenu de continuer le troisième jour pour arriver a des conclusions sur ce sujet.

Le troisième jour des assises : A l'issue des discussions dans une atmosphère de tolérance et de paix les deux parties ont décidé de s'entendre pour vivre désormais dans la paix et l'harmonie notamment entre la société PHC et les communautés de Monkoso. Ils ont convenu que les représentants de la communauté repartent sur terrain pour faire la restitution et recueillir les avis et considérations de chacun des villages en vue des compensations à soumettre à PHC. Et cela sera abordé au cas par cas.

Enfin, les participants ont décidé de mettre en place un comité de concertation qui analysera les avis et considérations de chacun des villages pour poursuivre la mise en œuvre des tous les accords de la médiation. Ce comité sera composé des 2 membres de PHC, 02 membres de la communauté dont un expert communautaire, 1 Représentant de l'Etat, 01 membre de RIAO, 01 membre de la société civile.

Un petit sous-comité a été mis en place pour rédiger le draft de TDRs pour le fonctionnement du comité de concertation. Ce petit comité composé d'un expert de PHC, un expert de la communauté, un membre de RIAO fera ce travail dans un délai de deux semaines et le soumettra à toutes les parties et a l'ICM. PHC a promis de prendre en charge le fonctionnement de ce comité de concertation.

ICM reviendra une ou deux fois l'an pour le suivi du fonctionnement de ce comité de concertation en vue de soutenir la mise en œuvre des accords de la médiation. Entre temps ICM a promis de remettre \$100 par communauté aux membres de la communauté pour une restitution des conclusions des assises pour un total de 18 villages du groupement Monkoso, soit un montant total de 1,800 \$.

Les assises ont pris fin dans une ambiance de joie et de confiance mutuelle vers 15h10 ce mercredi 31 janvier 2024.



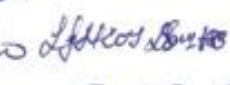


















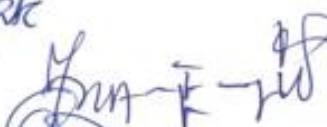





General



Après lecture et amendements, le présent est signé.

Les participants :

25. MPOKO BOKANGA 
1. JOLO-BOHROW 
2. LOFEMBA - NKoy - IS'EKOLO 
3. IFENGE-LIBANGO-PYTHIER 
4. IKOTOMBA - RIRANGE PAÏENCE 
5. BOSEKO - EACE F.P. 
6. BIKUNDA LODOMBA GISCARD RIAO 
7. KABANGO PIERRE CTE 
8. Botoko-Isankanga 
9. NKASA-PIPOKOLA 
10. LONDALA TOUTUENI NANA 
11. MPAY - NGOMBA Dieu-Merci 
12. OKITAJUMBU KAJENDE RODRIGUEZ 
13. EGNBA ESAMBA 
14. SALON FANNY 
15. Dr BOLINGO WANGALA Biderot 
16. NKoy - Behanga NUNE 
17. BAANJOA Yolo KIAMOU 
18. HEBIBO BAYARA HELTIER 
19. Quentin Kanyata 
20. Pierre-KUMIYELE  RIAO RAO
21. Jean-François KOMBIA ATUKO 
22. De Papy BOUKA 
23. TOMOI SELI-PAUL 
24. MAYARA HASSAN 

C2 General

## II. Report of the follow up meeting in Kisangani concerning Lokutu:

**Compte rendu des assises tenues à Kisangani pour évaluer le plan de mise en œuvre des accords entre PHC et la communauté lors de la médiation tenue à Kisangani entre les deux parties au mois de mars 2023.**

Les assises pour le site de Lokutu ont eu lieu le 03 février 2024 au restaurant JUCRON à Kisangani, réunissant 14 membres de la communauté, dont 7 chefs de groupements et 7 leaders communautaires de Lokutu, 7 membres de PHC, 5 membres de RIAO, 1 membre de la société civile et 4 membres de l'administration, dont le Chef de Cadastre des titres immobiliers (CTI) et deux géomètres, ainsi que le conseiller du gouverneur de la province de la Tshopo, qui a présidé la cérémonie d'ouverture de la rencontre. L'équipe de médiation qui a facilité le dialogue était composée de 4 personnes.

Deux sujets importants ont été discutés au cours de ces assises :

L'évaluation de la mise en œuvre des accords obtenus au cours de la médiation de Kisangani.

Présentation et échanges sur le rapport de la commission ad hoc qui a été mise en place au cours de la médiation.

Concernant le premier point, les discussions ont porté essentiellement sur l'évaluation des accords de la médiation de Kisangani. Les constatations et conclusions de cette évaluation sont reprises dans le document en annexe de ce rapport. Après toute une matinée de discussions sur le premier point dans une bonne ambiance, le CTI avec ses techniciens ont été invités à présenter leur rapport de la commission technique.

Ce rapport a indiqué que dans plusieurs groupements, il n'y avait pas de dépassements de limites de la plantation au regard des 8 titres fonciers de PHC mentionnés. Un débat avec des questions de compréhension s'en est suivi. Au cours de ce débat, il a été indiqué aussi que PHC a une superficie de 63000 hectares reconnus également par l'État. Néanmoins, la communauté a relevé le fait que bien qu'ayant ses titres fonciers avec cette superficie mentionnée de 63000 hectares, les procédures d'acquisition ne sont pas claires n'ayant pas associé la communauté, d'où sa demande auprès de PHC de régulariser cette situation à l'amiable par des compensations à donner aux communautés.

Les deux parties se sont accordées sur le fait que les chefs et leaders communautaires devraient repartir au niveau de leurs groupements respectifs pour d'abord restituer les conclusions de la rencontre, ensuite recueillir les propositions par groupement qui seront présentées à PHC à travers le comité de concertation qui sera mis en place et partager avec l'ICM aussi, qui fera le suivi. La collecte de ces propositions se fera pendant une période maximum de deux mois.

Par ailleurs, la communauté a saisi l'occasion pour solliciter auprès de PHC son concours pour la libération de certaines personnes actuellement en prison, dont un des chefs de groupements présents dans la salle qui a encore son affaire à la justice. À cette requête, PHC a dit qu'elle ne pouvait faire que ce qu'elle est à mesure de faire étant donné qu'une fois que quelqu'un est au tribunal ou déjà condamné, le plaignant ne peut plus rien faire à part retirer seulement sa plainte. La communauté a aussi demandé si PHC pouvait accorder des motivations aux leaders et chefs de groupements qui ont contribué à la sensibilisation de la communauté afin de décourager les vols des noix de palmes de la plantation, ce qui a beaucoup contribué à l'augmentation de la production de la plantation. PHC a dit qu'elle était encore en train de voir ce qui est possible de faire maintenant que les relations entre les deux parties s'améliorent.

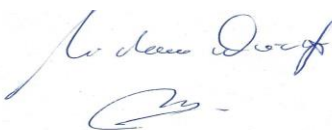
La communauté a posé la question sur la réouverture du port de Lokutu. PHC a répondu à cette question en disant que bientôt les responsables qui ont décidé de la fermeture de ce port vont se réunir et cette question pourrait être soulevée. Néanmoins, noter que tout le nécessaire est prêt pour que les travaux de construction du nouveau port puissent commencer, mais ils ont été suspendus à cause de la dernière montée du niveau d'eau du fleuve. PHC attend donc la baisse du niveau d'eau pour pouvoir commencer les travaux de construction du nouveau port.

Enfin, par curiosité, la communauté a posé la question de savoir où partiraient certains membres de leur délégation aux assises, car elle aurait appris que certains chefs partiraient à Kinshasa à l'issue des travaux. PHC a répondu en précisant qu'elle était en train d'organiser une cérémonie d'awards d'ici le 10 février 2024 et que certains chefs ont été invités selon certains critères déjà définis.

Avant de clôturer les travaux, les participants ont discuté de la composition du comité de concertation qui sera mis en place pour se réunir une fois par trimestre et au cours de laquelle les questions sur tous les sujets concernant la mise en œuvre des accords de la médiation devront être discutées. Ce comité rassemblera les autorités de PHC pour qu'elles s'assurent qu'elles suivent elles-mêmes les préoccupations de la communauté avec les représentants de la communauté et des observateurs, tous au nombre de 8 membres au total. Le comité comprendra donc 2 représentants de PHC, 3 représentants de la communauté à raison d'un représentant par territoire, des observateurs parmi lesquels un représentant de l'État, un représentant de la société civile et un membre de RIAO. Trois personnes ont été désignées pour préparer les TDRs de ce comité, il s'agit d'un expert de PHC, un expert de la communauté et un membre de RIAO. Ces TDRs seront soumis à PHC qui prendra en charge le fonctionnement de ce comité de manière permanente. Ces TDRs seront aussi partagés avec ICM qui assurera le suivi de la mise en œuvre des accords et seront également partagés avec les autres parties (communauté et RIAO) ainsi qu'avec l'ICM. L'ICM reviendra d'ici le mois de juin ou juillet

1. MICHAEL WINDFUHR

2. QUENTIN KANYATSI



3. Jean Pierre LITIKELA COLO *fluit*
4. Modeste LOMBOTO BOSUNGA RIAO *10*
5. JEAN PAUL BOUISOLA ATSHAKA chef. gpt. MWAINDO *10*
6. Blaise LIHUTU KREKO SOCIÉTÉ - civile *10*
7. Alliel BALONCA-KOYASHI *fluit*
8. BERNARD BONGAMA LEADER COMMUNAUTAIRE *10*
9. MEDARD MANÇANDU LEADER COL MWAINDO *10*
10. JEROME LIENO-BOSANGE CHEF DE GPT-AI BOHESA *10*
11. PAPHISWITELE LEADER GROUP YANONGO *10*
12. JUKIN BOFAKA BONDIO LEADER GPT BOLEIA *10*
13. ZIZI MOLIFA-LIKOMBO CHEF DE GPTOR MWINGI *10*
14. CHRISPIN BAENGA leader COLO *10*
15. FRANCK BALIMIZANSA REP COLO BOLOMBON *10*
16. ALPHONSE BOSUKI-NRANGA chef de gpt BOKOLA *10*
17. LEONARD LOPUSHA IKORBI chef de groupement *10*
18. IBRAHIM LOTHEMBE ASS. PCA RIAO-RDC *10*
19. FISTON BAELONGANI Expert Colo *10*
20. Me DOMINIQUE KANGAMINA : représentant de la gouverneure *10*
21. MOMBIA ATUKU : PCA/RIA0 *10*
22. R. CITUNCE - KANDEA : chef de gpt. juv *10*
23. BOKANGA FAMILIAT Observateur PHC *10*
24. MAYOKO HASSAN Expert PHC *10*
25. TONESSE EGUBA, Agent PHC *10*
26. BOKANGA MPORO COO. PHC *10*

# INDEPENDENT COMPLAINTS MECHANISM (ICM)

## DEG Complaint 18-002 PHC (former Feronia) Plantations et Huileries du Congo SA (PHC)

### Intermediary Mediator's Report

Quentin Kanyatsi

01 November 2023

#### Intermediary report on each of the land commission work of Boteka and Lokutu

Following the respective agreements at the two mediation table meetings between PHC and the communities of the *Groupement* of Monkoso of Boteka held in Mbandaka and between PHC and the community of Lokutu in Kisangani (both in March 2023), a joint technical land commission comprising the Administration, PHC, the community and RIAO, and civil society members was set up for each of the two sites of Boteka and Lokutu to carry out a field mission to verify the boundaries of the PHC plantation in both locations and conditions of the acquisition of the PHC land titles.

#### Boteka

A small committee of three members comprising one member of PHC, one community representative and RIAO, and the governor's representative, set up during the mediation table in Mbandaka, worked on the Terms of Reference (TORs) of the land commission, reached out to all members of the land commission following the profile defined during the mediation table to invite them, and proposed the budget for the land commission based on the duration of its work. The main tasks of the land commission of Boteka as described in the TOR was to verify whether PHC has gone beyond the limits of the plantations taking the land of the community in comparison to the PHC land titles. The work of the land commission was initially planned for 15 days and after extended to 18 more days due some challenges of regrouping all members of the commission at the same time and the same location, and difficulties to cover all the PHC plantation areas when looking for bounds of the plantation in each of the 9 villages of the *groupement* of Monkoso.

#### ***The work of the land commission in Boteka***

The land commission in Boteka comprised the governor representative, 01 member of PHC and 01 land expert for PHC, 01 community land expert and 01 RIAO representative, the *administrateur de territoire d'Ingende*, the chef de division du *cadastre*, and the *conservateur des titres fonciers*. The first meeting of the land commission held in Boteka in July 2023 aimed to sensitize community members on its work of verifying the boundaries of the plantations and check whether PHC has gone beyond these boundaries taking the lands of communities, and to request to the community 9 Community representatives of the the *groupement* of Mokoso who would be associated in the work of the land commission in the field. The second

meeting of the land commission extended to community representatives aimed to set up a chronogram and launch field visits to verify the boundaries of the plantations in each of the 9 villages. During the visits, the land commission looked at all bounds and registered the community complaints while meeting community members as well in their respective villages. The table below indicates all the community complaints from 9 villages of the *groupement* of Monkoso registered by the land commission during the field visits in Boteka:

No	Villages	Complaints
1	Village Nseke	The community accuses PHC of changing the boundaries of 1945 and replaced them with new boundaries of 2011-2012. The community recognizes the changes that happened in 1989 not of 2011-2012 to which they claimed to be not associated. They are claiming back 1km <sup>1</sup> / <sub>2</sub> of long over 13m width where PHC has planted new palms in the plot 50 and 49 bloc 131 and in the plot 50 and 49 bloc 131.
2	Village Bolondo	The community accuses PHC of changing the boundaries of 1989 they recognize to new boundaries in 2011-2012. They are claiming back a land of 1km <sup>1</sup> / <sub>2</sub> of long over 13m width on the plot1b 135 bloc, 134 plots 135 blocs.
3	Village loonga	The community accuses PHC of changing boundaries of 1989 which were close to the factory to move them in the village of Loonga and those near the cemetery to plant new palms in 2005.
4	Village Bongale 1	The community accuses PHC of changing in 2011-2022 boundaries of 1989 (plot 10:1 113 b blocs) to take 13 hectares of the community and plant new in the plots 17b, bloc 111).
5	Village be Pumba	The community support the claim of the village Bengala 1 because the two villages share the same limits, and their boundaries of 1989 were changed in the plot 10b bloc 112 and plot 23 in 2011-2012 to move them near the rived to take one part of the community forest that was given to Renzo on behalf of RIAO.
6	Village llongo	The community is claiming 15 hectares accusing PHC of planting new palms in 2011 and changed the boundaries of 1989 in 2015 in the plots 50 bloc 214 and plot 34 bloc 215.
7	Village Bofalamboka	The community claims that it recognizes the boundaries of 1945 but does not recognize all the changes made in 1989, 2011, 2012 and in 2015 because it was not associated during all the mapping of the plantation.
8	Village Besombo	The community claims that PHC went beyond the limits in plot 14 bloc 413, plot 11 bloc 411 and plot 6 during the change of boundaries in 2011-2012.
9	Village likoli	The community claims that PHC went beyond limits in plot 32 bloc 415 with the change of the name of the plot to now plot 7 where PHC has planted 70 palms in the land that belongs to the community in the plot 40 bloc 416 with 9 new palms planted, a in the plot 5 bloc 418.

After this first step of verifying boundaries and collecting community complaints over land disputes, the land commission set up another small committee comprising the *cadastre*, the *conservateur des titres immobiliers* and the *chef de division du Cadastre* to travel to Mbandaka to consult the plantation titles at the regional government offices and return to the field to compare the bounds of the plantation visited and the content of the titles to confirm or no the above community complaints and write a final report in collaboration with other members of the land commission ( PHC and community/RIAO representatives). It's important to note that a representative of GASHE, a local NGO in the region that did previously some

extensive work around the land issues in the area participated in the work of the land commission as a member of civil society and as the community expert.

As of today, the small committee sent to Mbandaka is still there consulting the plantation documents and after they will return to the field to compare the boundaries visited and the plantation titles, make real measures, and produce the final report by the end of November 2023. The report of the land commission will be used in the next follow up meeting currently proposed for the first half of January 2024 in Mbandaka

## Lokutu

A small committee of three members comprising one member of PHC, one representative of the community and RIAO, and one representative of the governor, set up during the mediation table in Kisangani, started working on the Terms of reference (TOR) and the budget for the land commission of Lokutu. The main tasks of the land commission of Lokutu as defined in the TOR were to verify the conditions of acquisition of the PHC plantations titles and find out whether PHC has gone beyond the boundaries of its plantations. The committee was also responsible of reaching out to all members of the land commission based on the profile defined during the mediation table and invite them for work, and propose a budget based on the duration of the work of the land commission. The work of the land commission was initially planned for 30 days and extended after to 45 more days due to so many challenges the commission faced of regrouping all members at the same time and location, and the difficulties to find a consensus among them on the process.

### ***The work of the land commission in Lokutu***

The land commission in Lokutu comprised the governor representative, 02 members of PHC and a land expert for PHC, one community land expert, 02 RIAO representatives, 07 members of the community representing the 7 *groupements* of Lokutu, the 03 *administrateurs de territoire of Lokutu*, chef de bureau du cadastre, the chef de division du cadaster, and the *conservateur des titres fonciers*.

The first meeting of this land commission held in Lokutu in July 2023 aimed at defining their work plan and the chronogram for a joint field visit but unfortunately the meeting was not successful due to the absence or lack of consensus of all participants. They requested the presence of the mediation team to help them proceed with their work. The Assistant mediator travelled to support them, and later the mediator himself travelled to Lokutu in August 2023 to ensure the land commission starts its work. The land commission met again in October 23 and requested community members and RIAO to go to the field to collect the community complaints in each of the 7 *groupements* of Lokutu and present them to the land commission before proceeding to next steps. The table below indicates the community complaints collected from each of the 7 *groupements* and presented to the land commission by community members and RIAO:

No	<i>Groupements</i>	Complaints
1	Bolombo	Two divisions considered to have issues to be addressed. In the division of Bolanga from bloc 271 to bloc 275 plots 06, 20, 21. In the division of Ngungu from bloc 213 to bloc 226, plot 15

2	Yanongo	Two divisions considered to have problems. In the division of Yalifombo 32 blocs; 135-141-142a-142b-144c-145b-133-143-145a-131b-132-134-131-135a-121c-121b-121a-112a-113-116-11c-154-11b-152-112b-153-115-114-125-121c-122. Other spaces of problem include the spaces for nurse plants, hospital, workers' camps, Barumbu (INEAC), and other spaces of Moliambongo and Lofiafiko. In the division of Kangala, Yefoli, Mekake and N'sele: 1km over.
3	Bolesa	Three divisions considered to have a problem. In the division of Yambula, the Ngbongbolo space up to Bayeba, the Melonda space up to Isobelenda (about 350 ha) and from bloc 336 to bloc 350. In the division of Likakasa from the camp <i>brigue</i> Mabanga on the left up to Somboko and one part of the division Bolemo, section Bayolo behind the primary school of Bayolo and further. And in the division of Wenze (Makav) behind the camp Orakau PHC and beyond and on the other side of Lileke PHC camp up to the river Roha.
4	Bokala	One division considered to have a problem. In the division of Yalikito the space from the left of the river Motema up to the village Bokala. The community claims not to be aware of the PHC land areas and conditions of acquisition of the land titles.
5	Bongemba	Two divisions are considered to have a problem. In the division of Ngungu from 212 to bloc 221c estimated at 812 ha, and the space of Ngungu Bar to Ngungu Garage, Lileko Ngungu and Bangolema. In the division of Bolanga: all 8 blocs.
6	Mwando	Two divisions are considered to have a problem. In the division of Liloko: all the land, and in the division of Tokenge: all the land.
7	Mwingi	One division considered to have a problem. For the division of Bolemo, the community recognizes only 1ha but does not recognize how PHC acquired other areas.

It was mentioned in the community report that all the *chef de groupement* and community members of the 7 *groupement* claimed that they do not know the exact measures of the areas of the PHC plantations within their respective *groupements* and in which conditions PHC acquired those lands.

This report has been shared with other members of the land commission and the next step will be to return to the field with all members of the commission including the *cadastres* to verify these community complaints and the bounds of the plantations in comparison with the land titles of the plantations. This joint visit of the land commission members to the field is scheduled to start the week of November 6, 23. By the end of November 2023, the *Chef de bureau du Cadastre*, *Chef de division du cadastre* and *conservateur des titres fonciers* will write a final report in collaboration with other members of the land commission and submit to the mediation team, and this report will be used during the next follow up meeting in the first half of January 2024 in Kisangani.

#### Next steps

- Final report of the land commission of Boteka to be produced by the technical team of the land commission (*Chef de bureau du Cadastre*, *Chef de division du cadastre* and *conservateur des titres*)



*fonciers*) of Boteka in collaboration with other members of the land commission (PHC representatives and expert, the community/RIAO representative and expert, and the governor representative) and submitted to the mediation team (ICM) by the end of November 2023 .

- Final report of the land commission of Lokutu to be produced by the technical team of the land commission (*Chef de bureau du Cadastre, Chef de division du cadastre and conservateur des titres fonciers*) of Lokutu in collaboration with other members of the land commission (PHC representatives and expert, the community/RIAO representative and expert, and the governor representative) and submitted to the mediation team (ICM) by the end of November 2023 .
- Next Follow up meetings in Mbandaka for the Boteka site and in Kisangani for the Lokutu site to be used for developing the implementation plan/process and follow up strategy of the agreement reached during the two mediation tables in Mbandaka and in Kisangani in March 2023 taking the results of the two land commissions into consideration.

## 8.6. Implementation measures for Boteka and Lokutu (from 2023) (only English)

Mecanisme Independent de Plainte (ICM)  
 DEG Plainte 18-002 PHC (ancien Feronia)  
 Plantations et Huileries du Congo SA (PHC)

Plan de mise en oeuvre de l'accord de médiation entre PHC et les membres des communautés de Boteka (médiation réalisée à Mbandaka en mars 2023)

Thèmes de la plainte	Préoccupations en rapport avec les trois thèmes	Résultats de la médiation	Actions réalisées ou à réaliser pour la mise en oeuvre
1. La légitimité des titres fonciers de la plantation et la privation présumée de l'utilisation des terres coutumières	Terre	1. Mise en place d'une commission technique ad hoc devant descendre sur terrain pour vérifier les limites de la plantation dans les différents villages afin de constater les dépassements présumés. Cette commission aura pour mission aussi de préparer le rapport de la mission et le soumettre aux services étatiques compétents en vue d'une régularisation au besoin. Elle sera chargée de suivre le processus jusqu'à la régularisation de la situation.	
2. Les abus physiques et les violations des droits de l'homme par les gardes de sécurité de PHC et la police	Abus physiques et rôles de la Police et des Gardes Industriels (GIs)	2. PHC va fournir des efforts pour la libération des personnes actuellement arrêtées. Elle va écrire au procureur général pour solliciter la libération de ces personnes arrêtées voir même payer des cautions pour leurs libérations provisoires et en discuter dans la mesure du possible avec le gouverneur pour faciliter cette demande de libération.	
		3. Les représentants de la communauté sont priés de fournir les noms des personnes encore arrêtées.	

		4. Le député national présent dans la salle à promis d'apporter aussi son appui à cette démarche.	
	Vols organisés	5. Sensibilisation communautaire à travers des actions de sensibilisation de la communauté soutenues par PHC (des dialogues communautaires, des émissions radiophoniques etc...) pour la lutte contre les vols	
		6. Création par PHC des cantines de vente d'huile de palme et des produits de premier nécessité	
		7. PHC va soutenir les activités génératrices des revenus des membres de la communauté à travers entre autres des projets d'appui aux petits planteurs, son projet d'amélioration de l'électricité à Boteka à travers l'utilisation des déchets de noix des palmes qui sera bénéfique aux membres de la communauté dans leurs différents petits projets etc...	
		8.PHC va appuyer dans la mesure du possible les communautés dans l'évacuation de leurs produits à travers entre autres son projet d'installation des dépôts à Boteka des produits de premiers nécessités ou les communautés pourront avoir accès	
		9. Identification par les leaders communautés des grands voleurs des fruits de palme de la société en vue de combattre le vol au niveau de leurs communautés respectives	
	Compensations et paiements	10. Restitution d'un montant de 288 000 000 d'Euros (pour le développement communautaire): Aucune preuve n'ayant été fournies à ce sujet, il été décidé de surseoir ce point jusqu'à ce que des preuves de versement de ce montant à la société soient fournies notamment par RIAO qui a donné cette information	

3. Le manque d'information et de soutien juridique des communautés dans les négociations avec PHC	Participation communautaire	11. Réactiver les mécanismes existants d'échanges entre PHC et les membres de la communauté en vue de favoriser un dialogue permanent pour que les membres de la communauté puissent facilement adresser leurs préoccupations ou doléances auprès de la société. Ces mécanismes à savoir les comités de gestion des conflits dont les réunions se tiennent mensuellement et les comités de gestion des clauses sociales dont les réunions se tiennent trimestriellement devront être réactivés par PHC qui va s'assurer de la participation et la représentativité de toute la communauté.	
	Améliorer la participation communautaire aux programmes sociaux de PHC	12. Participation de la communauté à la sélection et au suivi de mise en œuvre des projets	
		13. PHC va soutenir la formation des membres de la communauté selon les besoins exprimés	
		14. PHC partagera le chronogramme annuel de mise en œuvre des projets sociaux en faveur de la communauté	
		15. Toutes ces propositions seront régulièrement discutées dans les mécanismes d'échanges entre la société et la communauté qui seront redynamisés	
Restitution	16. Mise à la disposition des membres de la communauté d'un montant de cent dollars (USD 100) par village pour un total de 19 personnes pour leur permettre d'aller assurer la restitution des résultats de la médiation aussitôt qu'ils retournent dans leurs villages respectifs		



**Mecanisme Independent de Plainte (ICM)**  
**DEG Plainte 18-002 PHC (ancien Feronia)**  
**Plantations et Huileries du Congo SA (PHC)**

**Plan de mise en oeuvre de l'accord de médiation entre PHC et les membres des communautés de Lokutu (médiation réalisée à Kisangani en mars 2023)**

Thèmes de la plainte	Préoccupations en rapport avec les trois thèmes	Résultats de la médiation	Actions réalisées ou à réaliser pour la mise en oeuvre de l'accord.
1. La légitimité des titres fonciers de la plantation et la privation présumée de l'utilisation des terres coutumières	Terre - information / transparence	1. Mise en place d'une commission technique mixte devant descendre sur terrain pour vérifier les limites de la plantation dans les différents groupements concernés (7) afin de constater les dépassements présumés et connaître les conditions d'acquisition. Cette commission se servira des documents de base obtenus par l'entremise du gouvernorat/bureaux des cadastres à savoir les titres de propriété de la société qui aideront la commission à vérifier les limites exactes de la concession de la société et constater sur terrain s'il y a ou pas des espaces dépassés à restituer à la communauté.	
2. Les abus physiques et les violations des droits de l'homme par les gardes de sécurité de PHC et la police	Abus physiques et violations des droits de l'homme contre la communauté	2. PHC encourage les communautés à dénoncer tout cas d'abus physiques ou de violation de droits de l'homme au niveau du comité de gestion des conflits pour qu'elle prenne des mesures appropriées. 3. PHC invite les communautés à obtenir des personnes actuellement incarcérées leurs engagements à ne pas reprendre les vols et entreprendre des poursuites contre PHC pour qu'elle puisse entreprendre des démarches possibles auprès des autorités pour leur libération sous forme des libertés provisoires.	

Vols, agression et diffamation contre PHC	4. Réinstallation du service commercial par PHC impliquant les membres de la communauté en vue de relever le niveau économique de la communauté en installant notamment des cantines de vente de l'huile de palme et autres produits de premiers nécessités aux membres de la communauté	
	5. Entreprendre des actions de sensibilisation communautaire par la communauté (causerie éducative, émissions radiophoniques, évangélisation contre le vol dans les communautés etc.)	
	6. Encadrement des gardes industriels (GIs) par les communautés à travers la sensibilisation pour qu'ils ne participent pas au vols des produits de PHC	
	7. Création par PHC des activités d'encadrement des jeunes (activités sportives, cours d'informatique etc.)	
	8. Engagement de la communauté à dénoncer des cas de vols parmi les membres de la communauté et des gardes industriels (GIs)	
	9. Sur la question de diffamation, oui la liberté d'expression est constitutionnelle (Art. 23 const.) mais elle doit se faire dans le respect de la loi. PHC se réserve le droit de poursuivre en justice les auteurs en cas de diffamation.	
	Projets sociaux et accompagnement de la communauté locale	10. La communauté se réjouit des nouveaux projets que PHC compte mettre en œuvre notamment le développement des plantations partenaires en faveur des membres de la communauté, la production des semences, l'augmentation de l'électricité a base de biogaz, les projets PDC et PDL etc. mais la recommandation est de partager avec la population les chronogrammes de leur mise en œuvre pour en assurer ensemble le suivi.

3. Le manque d'information et de soutien juridique des communautés dans les négociations avec PHC	Mécanisme d'échange entre PHC et la communauté	11. PHC à réactiver et opérationnaliser, suivant un calendrier régulier, les deux cadres d'échange existant actuellement à savoir Comité de gestion de conflits et du Comité de suivi des clauses sociales.	
		12. Le Département de communication de PHC devrait contribuer à assurer aussi une communication permanente envers la communauté notamment à travers l'internet, des programmes de radio communautaire etc.	
	Restitution	13. Mise à disposition par ICM d'un montant de cent dollars (USD 100) par représentant de la communauté présent à la table de médiation pour un total de 19 personnes pour leur permettre d'aller assurer la restitution des résultats de la médiation aussitôt qu'ils retournent dans leurs communautés respectives.	
		14. La médiation donnera la documentation aux participants à la fin des travaux dans la mesure du possible.	

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