



UPDATE ON THE ACTIVITIES OF HERAKLES FARMS

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Unpaid wages: The workers retained by Herakles have been complaining that they have not been paid their wages for over three months. Some of them told SEFE that before and after the company suspended its operations in 2013, it was making irregular payment of wages and that at times they received just a quarter or half their monthly wages or one month out of four months wages.

On 9 December 2014, top level Herakles' officials led by Blessed Okole, Senior Vice President in charge of Field Operations, as well as Daniel Agoons and a white man, visited the workers of Fabe and Lipenja 1 nurseries who were angry at not having been paid wages for three months. The Herakles officials promised the workers they would be paid as soon as they reached Herakles' head office in Limbe. After hearing from the workers about how they are being abused and mocked by family members, villagers and the public due to the inability of Herakles to pay their wages, Okole reluctantly told them not to worry since the company will resume full activities in January 2015. However these workers said they were surprised when the company then sent them on a technical leave on 22 December 2014, without their wages, and retained just seven workers in Fabe. The sending home of some workers and the nonpayment of wages to workers during this festive period has cast doubts on the promises made by the officials of Herakles that the company will resume full scale operations in January 2015. In a related story, a source who attended a recent meeting chaired by the Divisional Officer for Mundemba Subdivision said they were told by the Divisional Officer that the Herakles officials have said they will restart full operations in January 2015, under the name SGSOC and not Herakles Farms.

Source of revenue: To date, the company is continuing with the sales of palm oil seedlings to both near and far off plantation companies and smallholders as a main source of revenue. In the same vein, a source working at Herakles head office in Limbe told SEFE in October 2014 that the company raised ten million francs FCFA from the sale of timber locally. This contravenes the November 2013 presidential decrees that bequeathed the land lease to the company. The decrees state in article 3, "As from the notification of this decree Sithe Global Sustainable Limited Corporation shall pay the land royalty (redevance fonciere) amounting 198,430,000 FCFA to the departmental property tax offices of Ndian and Kupe-Munenguba divisions respectively." But officials of these these departments have told SEFE that the company has yet to comply, though the company continues to carryout illegal operations in the concession area. Fact check.

Government weighs in to financially help Herakles

On 7 November 2014, the Regional Delegate of Forestry and Wildlife for the Southwest Region, working on the instruction of the Ministry of Forestry and Wildlife in Letter No. 54/0914/BO/PJ/MINFOF/YDE, dated 10 October 2014, advertised a call to tender, Public tender Notice No 280: "to carryout salvage Logging through the Sales of standing Volume in VC 11-02-16 located in the the provisional concession attributed to Sithe Global Sustainable Oils Cameroon Limited

(SGSOC) P.O. Box 64, Limbe by Presidential decree No. 2013/417 and 418, both dated 25th November 2013". See document attached.

Among the documents cited in the above document is:

The approved Environmental and Social Impact Assessment for SG Sustainable Oils Cameroon Plc No. CCE/EIE/0077 dated September 2011.

It should be noted the the Environmental and Social Impact Assessment (ESIA) has been denounced by acclaimed experts saying it falls bellow conventional standards. At the local level, villages have contested the demographic data of the 2011 ESIA report produced by Herakles and even question the authenticity of the document saying they saw nobody in their villages for such an exercise. Fact check. The Regional Delegate's five page document attests that Herakles was only attributed a land lease in November 2013 and so cannot therefore rely on the approved ESIA produced at the time when Herakles had no land lease and was functioning illegally. The illegal actions committed over many years cannot have a legal effect today.

The ordering of an urgent clearance of forest to pave the way for transplanting by Herakles at a time when the villagers do not know the limitation of the Herakles concession and have not accepted it will lead to further encroachment by Herakles into areas not attributed to them by the Presidential decree, like in the case of Babessi where Herakles encroached into their forest when the village was not part of the presidential decree of November 2013. Such actions will heighten the current tensions among villages. Respect for the law is of utmost urgency here because we are dealing with the lives of people not merely the transplanting of seedlings grown illegally

Tensions over boundary disputes in Villages

The Presidential decree has a lot of flaws and misrepresentations of facts which have generated tensions between villages inside and outside the concession, provoking serious confusion and dispute that could lead to conflict. For instance, the decree states that the village of Lipenja 1 Batanga in Toko Subdivision has a common boundary with Esoki Bima in Mundemba Subdivision, whereas it is Lipenja 2 found in Mundemba subdivision which has a common boundary with Esoki Bima. Fact check. This has strained the brotherly relationship between Lipenja 2 and Lipenja 1, with the former accusing the chief of Lipenja 1, a community facilitator for Herakles, of trying to annex their village.

The apportioning of land belonging to other villages to villages belonging to pro-Herrakles chiefs is widespread in the decree as seen in Masaka Bima and Mokango in which the Masaka people are accusing the Mokango chief, a die hard Herakles supporter, of apportioning a parcel of land belonging to Masaka as Mokango block two. Even more intense is the tension between Fabe and Meangwe villages. Here the youths of Meangwe 2 village have established farms along their common boundary with Fabe as a way to stop Herakles from encroaching on their forest thereby accelerating deforestation. The people of Beleme village are blaming Betika village of having apportioned land belonging to Beleme to Herakles without their consent. The village of Bweme is also engaged in serious land dispute with Mobenge village over land apportioned to latter saying it belongs to Bweme. Such situations prevail throughout the concession area, igniting tensions that may lead to affray due to misleading facts in the presidential decree of November 2013. SEFE believes the act is aimed at allowing the company and some government officials to make money out of the process.

The Common Commitment regarding the protection of the environment concluded between the State, represented by the Senior Divisional Officer of Ndian, and SG Sustainable oils Cameroon Plc, Ref. No. G40/614/1/PS/09, dated 07th June 2013, states that SGSOC should respect Cameroon's Environmental

Management act of 1996 and strictly adhere to the Environmental and Social impact Assessment “to be” carried out in the concession. This current Common Commitment therefore nullified that which was drawn up between the Cameroon government and SGSOC in 2011, hence the collapsed controversial ESIA of 2011, because Herakles activities were illegal at the time.

Which company are we dealing with?

September 2009: Establishment convention, SG Sustainably Oils Cameroon (SGSOC) Ltd.

July 2010: Memorandum of Understanding, SG Sustainable Oils Cameroon (SGSOC) Ltd

June 2011: Herakles Farms

June 2013: Common Commitment, SG Sustainable Oils Cameroon (SGSOC) Plc.

November 2013: Presidential Decree, Sithe Global Sustainable Oils Cameroon Limited Corporation.

Proposed strategies

Since the affected communities want this project stopped in order to salvage their livelihoods, including those of people living faraway who still depend on the resources of the area, our organisations have a duty to help them to stop the Herakles project because of its potentially disastrous effects on humans, wildlife, ecology, hydrology and climate change. With this in mind, and with the intention of the company to start full scale operations in January 2015, we propose the following strategies to stop this project;

- Maintain a constant presence on the field to share information and ideas with local folks on how to stop the project,
- Continue to support and initiate lawsuits against Herakles and the Cameroon government locally and internationally for violating international instruments.
- Undertake solution oriented campaigns with the aim of improving community livelihoods as a way to sustain the resistance,

We need to continue with the existing campaign team and even broaden it up to multiple fronts including local resistance, legal challenges and international pressure against this wrongful action by the Cameroon government and the Herakles Farms Corporation.

Conclusion

- It is easy to dispute that the controversial 2011 ESIA was marked by fraudulent practices as Herakles was operating without having first obtained the necessary ESIA and land lease.
- The Minister's instruction, as conveyed by the Regional Delegate, is in breach of the November 2013 Presidential decree attributing lands to Herakles because the company has not yet complied with the payment of land rents, and other provisions of the Common commitment signed with the state in June 2013. If the Minister's instruction is carried out, it will be taking precedence over a presidential act.
- It suffices to mention here that government actions can only be legitimate when they are based on the law. Doing things outside the law is harmful to government and its citizens regardless of the reasons behind those acts.