



CAMEROON

TECHNICAL FORM FOR THE PRESENTATION OF A CASE

Chapter I – Characteristics of the Case

1. Organisation(s) or group(s) responsible for presenting the case

Centre pour l'Environnement et le Développement (CED-Amis de la Terre Cameroun)

2. Name of the company and/or consortium being accused

Société Camerounaise de Palmeraies or Socapalm - part of the Socfin Group

3. Place of operation in which events related to the accusation/case occurred

Socapalm holds six industrial palm oil concessions in Cameroon totalling 58,063 hectares, and produces almost half of the total palm oil in Cameroon. The plantations are Kienke, Mbambou, Mbongo, Eseka, Edea and Dibombari. The Eseka concession is operated by smallholders.¹ Around 34,700 hectares have been planted.²

Chapter II – Characteristics of the Company / Consortium

1. Country or countries where the company has its headquarters / main office

Socapalm is headquartered in Douala, Cameroon. Socfinaf and Socfin, which own Socapalm, are Luxembourgian companies. Its key shareholders are based in Belgium and France.

2. Ownership of the company's capital

Please find an investment chain map in Annex I.

Socfin S.A. (Société Financière des Caoutchoucs) is a Luxembourgian company listed on the Luxembourg stock exchange. Socfin manages a portfolio of investments focused on oil palm and rubber plantations in Africa and Southeast Asia. Socfinaf is a subsidiary of Socfin, which holds 58.85% of its shares,³ and is listed on the Luxembourg stock exchange. Socapalm is a Cameroonian plantation company and subsidiary of Socfinaf, which owns 67.46% of its shares, while the Cameroonian government holds most of the remaining shares (22.36%).^{4,5} Socapalm's operations are financed through a combination of equity and debt financing obtained by its parent companies. Socapalm is one of three companies traded on the Douala Stock Exchange. Ownership of Socfin is split roughly 50-50 between the Fabri and Bolloré groups.

¹ <https://www.socfin.com/sites/default/files/2019-03/Socapalm%20-%20Map%20-%20KML%20file.pdf>

² Socfin, "Socapalm," Accessed August 2020. <https://www.socfin.com/en/locations/socapalm>

³ Socfin, "Key financial data," pg. 2, Accessed March 2020. https://www.socfin.com/sites/default/files/2020-01/2019%2006%2001%20Données%20financières%20clés_Invest_Socfinaf_ENG.pdf

⁴ <https://www.socfin.com/sites/default/files/2018-12/2018%2011%20Socfinaf%20-%20Charte%20de%20gouvernance.pdf>

⁵ Socfin, "Socapalm," Accessed August 2020. <https://www.socfin.com/en/investors/socapalm>

The major shareholder is the Belgian Hubert Fabri with 54.24%.⁶ The French Bolloré Group is a major shareholder in the Socfin group through its interests in Socfin (16.9+21.84%) and in its subsidiaries Socfinasia (22.3%) and Socfinaf (7.81+0.45%).⁷ There have been multiple other relations between Bolloré Group and Socfin, including Vincent Bolloré's positions as director and permanent representative of Socfin and subsidiaries.⁸

The Belgian state-owned bank Belfius removed a fund (Value Square Fund Equity World) from its insurance product portfolio, which had invested millions in Socfin in 2019,⁹ after questions from a journalist.¹⁰

In 2020, the Dutch investment company Robeco, placed Socapalm, Socfinaf, SOGCB and Socfinasia on its exclusion list for controversial behavior.¹¹

Important shareholders of Bolloré include some of the largest asset managers in the world such as Vanguard and BlackRock, which hold 1.02 and 0.67% of Bolloré shares respectively. BNP Paribas Asset Management from France and Legal&General from the UK also hold shares.¹² Twenty-three pension funds hold shares in Bolloré, including the Government Pension Fund of Norway with a 0.88% stake, despite guidelines that restrict any investments linked to serious human rights violations and severe environmental damage.¹³ In 2019, Dutch pension fund PFZW (pensioenfondszorg en welzijn) held shares in Bolloré with a total value of EUR 2.8 million.¹⁴

3. Country or countries in which the parent company has its operations

Through Socfinaf, Socfin holds palm oil and rubber plantations in Liberia, Ghana, Nigeria, São Tomé et Príncipe, DRC, Sierra Leone, Ivory Coast and Cameroon. Socfin through Socfinasia holds plantations in Indonesia and Cambodia. A whole range of service and financial companies are part of the Socfin group and are based in Luxemburg, Switzerland and Belgium.¹⁵

4. Country of company's incorporation/registration

Socapalm is a legally registered company in Cameroon.

Chapter III – General Argumentation of the Case

Cameroon is losing its forest at an alarming speed, which has increased in recent decades. From 2001 to 2019, Cameroon lost 1.32 million hectares of tree cover, of which around half consists of humid primary forest such as the Ebo forest,¹⁶ Douala Edea National park and Campo Ma'an.

Due to the lack of transparency in concession agreements, the exact area for industrial palm oil expansion in Cameroon is not known. The Land Matrix lists 28 land deals of 775,884 hectares, of which the large majority are for palm oil. The areas applied for and under concession for the development of plantations in Cameroon include dense forest areas, abandoned logging concessions in the permanent forest domain and areas where various types of rights and permits are superimposed, including customary lands of local communities and indigenous peoples.

⁶ Commission de Surveillance du Secteur Financier, "Notification of major holdings," pg. 3, February 1, 2017. <https://www.socfin.com/sites/default/files/2018-12/2017%2001%2002%20D%C3%A9claration%20de%20transparence%20d%27Administration%20and%20Finance%20Corporation%20Afico%20sur%20titres%20SOCFIN.pdf>

⁷ Socfin, "Investors," Accessed August 2020. <https://www.socfin.com/en/investors/socfin>

⁹ <https://www.value-square.be/media/3085-v4-vasq-20191231met-coupon.pdf> accessed 13th October 2020

¹⁰ <https://www.apache.be/2020/04/30/geen-beleggingen-meer-via-belfius-in-socfin-aandeel/?sh=116ecfb2e4ca22edd880-997090934> accessed 13th October

¹¹ <https://www.robeco.com/docm/docu-exclusion-policy-and-list.pdf>

¹² Bloomberg financial terminal, Accessed June 2020

¹³ Norges Bank Investment Management, "Equities," Accessed August 2020. <https://www.nbim.no/en/the-fund/holdings/holdings-as-at-31.12.2019/?fullsize=true>

¹⁴ <https://www.pfzw.nl/over-ons/zo-beleggen-we/waar-in-we-beleggen/transparantielijst-aandelen.html>

¹⁵ https://www.socfin.com/sites/default/files/2018-12/2018%2011%20Socfin%20-%20Charte%20de%20gouvernance_0.pdf

¹⁶ Global Forest Watch, Cameroon Country Profile, www.globalforestwatch.org, accessed 13th October 2020

The oil palm is native to Central Africa and has been grown in community forests and farms for centuries. In Cameroon smallholder production of palm oil has been neglected. According to CED and other civil society groups, much more investment is needed to improve the technical and financial capacities and environmental performance of smallholders in the oil palm sector. Civil society groups in Cameroon prefer a community-based smallholder model over large-scale industrial concessions because the community-based model ensures reduced risk of rights violations and a greater guarantee that benefits will flow into communities rather than to corporate owners.

The struggles and resistance from communities and indigenous peoples impacted by Socapalm activities in Cameroon are well documented. They range from human rights violations to environmental impacts such as pollution and deforestation, as well as impacts on livelihoods.¹⁷ In response to civil society resistance, Bolloré, Socfin and Socapalm have filed over 20 lawsuits against journalists, media organisations and NGOs in order to silence dissent.¹⁸ In December 2019, NGOs and activists were called before an investigating judge due to a defamation complaint filed by Socfin.¹⁹ This repressive activity is in stark contrast to communications from these same companies concerning their sustainability efforts, their social engagements and their ambitions to achieve RSPO certification.

In several areas where Socapalm operates industrial plantations, the living space for communities is highly limited and people struggle to maintain their livelihoods. Struggles over land and resources are intensifying, fuelled by long delays in land redistribution to communities. In 2002 Socapalm took over the plantations from the government and in 2005 an addendum was signed to return 20,000 hectares to the state. A part of this area was designated for redistribution to communities but this did not happen. In addition, local communities are often not informed about where the plantation boundaries are and if their farms are inside or outside the plantation area.

Civil society in Cameroon has been actively supporting local communities and indigenous peoples to protect their rights and ensure redress and compensation. Synaparcam (Synergie Nationale des Paysans et Riverains du Cameroun), for example, is a community based organisation, including a well organised women's group, which formed to unite the communities in the areas bordering Socapalm's plantations²⁰

An international NGO coalition is campaigning to expose the rights violations and environmental harm driven by the plantation owners, and to hold Socapalm's shareholders and financiers to account.²¹ Tactics such as court cases, filing of formal grievances and mutual capacity building have been employed for over a decade. Following a joint NGO complaint from 2010, OECD national contact points in Belgium and France have indicated that Socapalm is not in compliance with the OECD guidelines. In January 2020 the Dutch national contact point for the OECD accepted a complaint against Dutch bank ING. That complaint includes reference to a former Socfin case and judgments where, despite clear recommendation from the OECD, the situation on the ground has not significantly improved, while ING bank continues to finance Socfin, thereby contributing to ongoing harm.²² In May 2019 a group of NGOs filed a court case against Bolloré in France for its failure to comply with commitments made in 2013 during the OECD-led mediation to improve the living and working conditions in Socapalm plantations.²³

¹⁷ <https://www.projet-react.org/fr/rapport-de-developpement-insoutenable/> <https://www.fian.be/Landgrabbing-by-SOCFIN-in-Sierra-Leone-documentation?lang=en>

¹⁸ <https://blogs.mediapart.fr/les-invites-de-mediapart/blog/240118/face-aux-poursuites-ballons-de-bollore-nous-ne-nous-tairons-pas>

¹⁹ <https://www.fian.be/Des-ONG-de-solidarite-Nord-Sud-et-de-defense-des-droits-humains-denoncent-les-1373?lang=fr>

²⁰ <https://www.facebook.com/synaparcam/>

²¹ <http://greenwash-ing.be/>

²² <https://en.milledefensie.nl/news/friends-of-the-earth-groups-complaint-against-ing-group-admissible-declares-oecd-2019-cing-has-been-ignoring-abuses-in-the-palm-oil-sector-for-years201d>

²³ <https://www.asso-sherpa.org/palm-oil-in-cameroon-the-bollore-group-sued-by-ngos-in-an-unprecedented-legal-action>

Socfin has been an RSPO member since 2004. While it holds 22 palm oil estates around the world, only a few of them in Indonesia are certified. Certification of the Okomu plantation in Nigeria came through in early 2020. RSPO members are under no strict obligation to certify their plantations, but merely to commit to a time-bound action plan to meet the RSPO Code of Conduct. Socapalm has failed in its previous attempts at certification. Socfin now aims to have all its plantations RSPO certified by 2021 and an audit planned for Socapalm in November 2020 has been delayed.²⁵ In 2017, Socfin launched a policy on the responsible management of its plantations, including protection of High Conservation Value and High Carbon Stock ecosystems, and commitments to human rights and transparency. This policy applies to all of Socfin's operations and suppliers, including Socapalm.²⁶

Chapter IV – Impacts: Violations of People's Rights and Destruction of the Environment

1. What are the main impacts of the company's operations in the place the accusation is being made?

Rights abuses, pollution, deforestation and other environmental harms have been well documented for the Socapalm plantations.

In May 2016 Greenpeace exposed that Socapalm had started clearing land in a new area in the Mbambou-Mbimbe concession, with hundreds of hectares of forest and wetlands at risk, much of which contains High Conservation Value areas.²⁷ Socapalm has apparently stopped the clearing, but the forest degradation has continued because new roads built by the company provide easy access to the area. CED's field reports based on field research and interviews in 2018 note widespread tree cutting for wood and charcoal production. This cannot go unnoticed by the company because the road for transporting the wood or charcoal products goes through several worker camps and company checkpoints. There is no official record published of any logging title for that area, so it is most likely illegal. Under its current policies and in order to achieve RSPO certification by 2021²⁸ Socapalm has an obligation to preserve high carbon stock and high conservation value forests.

Numerous reports also confirm that Socapalm is taking villagers' lands outright. As reported by the Guardian in 2015, villagers in the Dibombari region protested the expansion onto land they claim as their own, staging blockades to prevent construction workers from crossing their lands.²⁹ A more recent 2018 report by Cameroonian journalist Madeleine Ngeunga and Fern documents reports of numerous villagers whose lands have been confiscated by Socapalm, preventing them from benefiting from their own rightfully-owned palm fruits. One man interviewed by Fern said: "They [Socapalm] say that our concession is on Socapalm land. Yet this land belongs to my grandfather. All I did was renovate the house. The proof? Here are the graves of my ancestors, built here well before my birth."³⁰ The NGO ReAct reports that there is no longer enough forest left for food gathering, hunting or collection of medicines or construction materials.³¹

During the privatisation of the current Socapalm plantation after 2000, the government committed to return thousands of hectares to local communities, but so far only just over 100 hectares have been returned. Concession boundaries are unclear for communities and living space for communities is not sufficient due to plantation encroachment. People are not aware what land has been returned to them and where their customary lands and farms are inside concession boundaries. In over 200 testimonials obtained by CED from local community members in May and June 2018, the main land conflicts reported are:

²⁵ https://www.rspo.org/uploads/default/pnc/RSPO_SOCFIN_Socie%CC%81te%CC%81_Camerounaise_de_Palmerales_SOCAPALM_MBONGO_Stakeholder_Notification_v2_FRE_021020.pdf

²⁶ https://www.socfin.com/sites/default/files/2018-11/2017_03_22_Politique_gestion_responsable.pdf

²⁷ Greenpeace, May 2016, Africa's forests under threat: Socfin's plantations in Cameroon and Liberia, available at https://secured-static.greenpeace.org/france/PageFiles/266171/Brief_Socfin-Liberia-Cameroun_Greenpeace.pdf

²⁸ <https://www.socfin.com/fr/certifications>, accessed 25th September

²⁹ Schneider, THE GUARDIAN, 2015, "The palm oil company at the centre of a bitter land rights struggle in Cameroon." <https://www.theguardian.com/sustainable-business/2015/jul/27/palm-oil-boom-cameroon-land-ownership-protest>

³⁰ Fern, Speaking truth to power: The village women taking on the palm oil giant, September 2018, p. 8, available at <https://fern.org/takingonthepalmolliant>

³¹ Re-Act, "Le Combat des sans terre," available at <https://www.projet-react.org/fr/bolldre-presentation>.

- Lack of space for subsistence farming in the Kienké, Mbonjo and Mbambou plantations
- Increase in land conflicts between immigrants and local people because of the scarcity of land
- Loss of productivity as soils get depleted more quickly in Kienké and Mbambou
- Loss of traditional livelihoods, especially for the indigenous Bagyeli people near Kilombo, as they no longer have access to forest
- Wetlands are planted with palm, resulting in water pollution and destruction of water sources

Fern reports that villagers have also been prevented from accessing land they own when access would require crossing through Socapalm plantations. Many villagers have grown their own oil palm on land outside the perimeter of Socapalm's plantations. After Socapalm was privatised, however, villagers report that security forces of Socapalm prevent villagers from passing through plantation lands to access their farms, in the belief that villagers are stealing oil palm fruits from company concessions.

Reporting in 2018, the World Rainforest Movement observes that the intimidation and even violence against community members by Socapalm has continued, increasingly at the hands of military personnel.³² As recently as spring 2019, community members in the Dibombari area sent a letter to Socapalm that outlined serious harms against women including abuses such as land grabbing, damage to property, violation of peace and privacy, as well as sexual offences.³³

In December 2019, a new contract for Safacam (Socfin group in Cameroon) was awarded on an additional 2,161 hectares for plantation extension³⁴ in the immediate vicinity of Douala Edéa National Park. HCS and HCV studies have not yet been made public, and it is unclear if FPIC processes have been completed and if any land areas are under dispute, which are all obligations under Socfin's own policy.

In May 2020, RTBF produced a documentary with extensive reports on labour rights violations, including extremely low salaries, the use of dangerous chemicals without protection and child labour in the Socapalm Dibombari plantation. While some Socapalm staff deny the employment of minors, other staff members agreed it can happen with sub-contractors. Journalists have also detected pollution of water and community lands with wastewater from the factory.³⁵

In June 2020 Mongabay reported on a decade of community resistance around unresolved issues including land rights, poor housing conditions for workers, pollution and a low integration of the local population into the workforce.³⁶

2. In the impacts mentioned above, what has the company's involvement been?

Socapalm operates the industrial palm oil plantations and works with contractors for some of its operations.

3. Who has been mainly or differently affected by the company's activities?

All local communities and workers are affected. Indigenous peoples and women have been found to face specific constraints and impacts on their rights and livelihoods.

³² World Rainforest Movement, "Cameroon: Local women besieged by the military, guardians of the palm oil plantations of SOCAPALM," 7 March 2018, available at <https://wrm.org.uy/articles-from-the-wrm-bulletin/section1/cameroon-local-women-besieged-by-the-military-guardians-of-the-palm-oil-plantations-of-socapalm>

³³ Community letter, "Nous avons aussi droit à la vie," to the Director General of Socapalm, Doula, Spring 2019

³⁴ <https://www.cameroon-tribune.cm/article.html/29523/en.html/palmier-huile-hevea-2-000-hectares-de-plus-pour-un>

³⁵ RTBF, 2 May 2020, Belfius: huile de palme, mineurs exploités et pollution dans un fonds durable, https://www.rtbf.be/info/dossier/investigation/detail_belfius-huile-de-palme-mineurs-exploites-et-pollution-dans-un-fonds-durable?id=10493768

³⁶ https://news.mongabay.com/2020/06/if-they-take-our-lands-well-be-dead-cameroon-village-battles-palm-oil-giant/?fbclid=IwAR28zcgk7wKbj2DQB0Zh-QKW5_e87lkmqZFLdo0fK8HCdCW69P3S0uwlg accessed 13th October 2020

4. What strategies has the company used to legitimise its actions or quell resistance?

- RSPO membership and related attempts at certification of its plantations (see above) to greenwash the status quo in the plantations. Socfin is trying to attain RSPO certification, and was up for audit for several of its plantations, including those in Cameroon in 2020. Local communities and civil society filed letters and complaints with the RSPO certification body SCS Global over failure to execute due consultation.³⁷
- Over 20 SLAPP suits, which are lawsuits that are intended to censor, intimidate, and silence critics have been filed against journalists, activists and civil society organisations.
- Strategies of divide and rule in the communities, such as co-opting leaders: community members informed CED that community leaders have been approached by SOCAPALM officials to work within the enterprise. Some reportedly received grants indirectly for accepting the offer. These community members state they refused the offer, because it would have been a sign of abandonment of the common and community cause, of taking a stand for a company that does not care about the rights, needs and interests of the communities bordering it.
- Lobbying the government and local authorities.
- Violence towards and intimidation of local people, reportedly occurring increasingly through military personnel.³⁸
- ING bank retracted earlier commitments to halt financing Socfin after pressure from the company.³⁹

Chapter V – Strategies of Resistance: Local and National Level

1. What strategies of resistance have social organisations and affected communities adopted in the company's place of operation?

Local to national: Mutual capacity building on rights, negotiation skills, free and prior informed consent, research and evidence documentation. Issues including land rights and user rights issues are brought to the attention of the company and authorities at the local and national level, as well as to the media.

Local to global: Grievances have been filed in 2010 and 2019 with OECD national contact points in Europe on behalf of local communities and supported by civil society in Cameroon. Public campaigns, involving research, media visits and lobbying and advocacy, on the financiers and owners of Socapalm to expose the environmental harm and to demand improved policies, compensation and redress. The case is also exemplary for the systematic issues in concession-based industrial plantations and is therefore used to push for international laws on Human Rights, such as the UN Treaty on Business and Human Rights, the need for regulation of the financial sector, the need for mandatory due diligence regulation on human rights, as well as to expose the weaknesses of business-dominated voluntary initiatives such as the RSPO.

2. Has a case been presented before a local, national or international court?

In May 2019 a group of NGOs took legal action against Bolloré in France because it does not comply with commitments made in 2013 during the OECD mediation trajectory to improve the living and working conditions in Socapalm plantations. Dozens of smallholder agricultural workers from Cameroon have recently joined another court case brought by Cambodian farmers against Bolloré in Paris, supported by lawyer Fyodor Rilov.⁴⁰

World Rainforest Movement reports that: “[w]omen recognize the power of the company because court rulings in favor of abused women have never been implemented. An infamous example is that of a woman who lost her baby when she suffered a miscarriage after Socapalm guards beat her. That happened six years ago. In the court of Mbanga, a favorable ruling was handed down to the woman, but Socapalm appealed and the case continues in a court in Douala, the economic capital of Cameroon.

³⁷ MALOA (6th november 2020) Press statement on the RSPO certification process in Sierra Leone, https://twitter.com/GRAIN_org/status/1328684819073609728?s=20 & Milleudéfense (2 November 2020) internal document, complaint filed with SCS Global & JVE (21 October 2020) Letter to SCS Global on RSPO consultation

³⁸ See supra note 32

³⁹ <https://www.fairfin.be/nl/actueel/nieuws/2019/04/ing-belgie-volhardt-medeplichtigheid-aan-landroof-en>

⁴⁰ <https://www.farmlandgrab.org/post/view/29583>

The next hearing is on 23 March 2018.⁴¹ According to the latest news provided by SYNAPARCAM, the judge's decision lowered the penalties that were required. The fine was lowered and the one-year prison sentence was cancelled. The woman has not received a formal copy of this judgement.

NGOs reported physical abuse of community members by guards of Africa Security, the firm employed by Socopalm to protect its plantations. Community members filed court complaints against the company and during the process of the OECD specific instance at the end of 2012, security guards of Africa Security were found guilty of violence toward local community members, including for acts of violence against a female member of the community.

3. Is there evidence of corporate influence and capture that has played a role against the interests of the affected people? How do you describe the company's relationship with the local / national government?

No evidence.

4. Has the company/corporation filed a case against the government - using the ISDS (Investor to state dispute system) or other dispute mechanisms, at ICSID & other Tribunals – what was the outcome?

No information available.

5. Has the company/corporation filed a case or taken other steps against a community organisation or community activists?

Yes, see information on SLAPP suits above.

6. What are the main obstacles for access to justice for affected communities?

Financial and technical obstacles.

Chapter VI – Global Context: Policies, Actors, States and National / International Institutions and Frameworks relevant to the case

1. What official international instruments and/or international declarations are being ignored or violated by the accused company?

The violations in this case relate to, amongst others: The UN Declaration of Human Rights, ILO Convention 169 on Indigenous and Tribal People, the UN Declaration on the Rights of Indigenous Peoples, UN Declaration on Human Rights Defenders, OECD guidelines, UN Guiding Principles on Business and Human Rights, RSPO Principles and Criteria, the SDGs.

2. Which national and international institutions are facilitating the entry and operations of this company / consortium?

- The Round Table of Sustainable Palm Oil (RSPO) accepts Socfin.
- Earthworm Foundation, an international consultancy based in the UK accepted Socfin as a member in 2017 and thereby offers its seal of approval.⁴²

⁴¹ See supra note 32

⁴² <https://www.earthworm.org/members/socfin>

3. Was the company's entry to the country facilitated by the policies of international financial institutions?

In the 1970s and 1980s the World Bank financed Socapalm for the development of industrial palm oil plantations and processing facilities.⁴³ Socapalm was privatised in 2000 under structural adjustment measures spurred by the World Bank and the IMF. DEG, the German development finance institution, has a longstanding relationship with Socfin, financing several smallholder-led projects in Cameroon since the 1990s.⁴⁴

4. In the place the company is being denounced, have the national and local governments favoured the company by making changes to legislation? Are these changes related to the impunity with which the company acts? What has been the position of the national government in the conflict?

The government's apparent priority is to protect the company. In fact, a three-year grace period was granted to the company over respecting the environment.⁴⁵ To date, this is a contractual provision that has not been modified, even though the local and indigenous communities that live in the area complain of various types of pollution that negatively affect them in relation to both children and the elderly.

5. What role are the company's majority shareholders / owners playing? What is the relationship between the accused company and the government of the country in question?

The government's apparent priority is to protect the company (see question 6).

The majority shareholders and other key shareholders such as Hubert Fabri and the Bolloré Group play a crucial role in the operational practices of Socfin by taking part in governance structures (board) of the group. They are also actively trying to silence critics by starting SLAPP suits in the case of Bolloré, and have made commitments during grievance procedures (OECD) to improve practices in the Socfin plantations.

6. Is the company receiving public or private funding? From whom?

Bolloré has generated capital through a combination of loans and bonds for general corporate purposes. A portion of this capital raised by Bolloré is likely used to support Socapalm's oil palm operations in Cameroon. Bolloré is currently benefiting from two term loans and a "revolving loan".⁴⁶ Although it does not appear that Socfin is receiving much of its own direct financing, in December 2016 it issued EUR 80 million worth of bonds.

The biggest bank financiers of Bolloré are the French BNP Paribas, BPCE Group, Crédit Agricole, Crédit Mutuel CIC Group, Société Générale, Dutch ING Group, UK HSBC, US Citigroup and the Bank of China.⁴⁷ ING bank has been a major financier of Socfin since at least 2011, providing various types of finance to both Bolloré Group and Socfin.⁴⁸

ING has a long-standing financial relationship with Socfin.⁴⁹ According to 2016 research, ING helped facilitate Socfin's first public debt offering in which Socfin "raised EUR 80 million in senior unsecured 4% five year debt to finance land-use expansion for its vertically integrated palm oil and rubber production in Africa and Asia."⁵⁰ In 2018 ING Belgium informed NGOs that it would soon provide a new loan to Socfin, but ING Belgium has not confirmed this.⁵¹ There are indications that in 2017 a EUR 15 million sustainability loan for Socfin was provided by ING Belgium, but this has not been confirmed.⁵²

⁴³ <http://documents.worldbank.org/curated/en/docsearch/projects/P000336>

⁴⁴ <https://www.socfin.com/sites/default/files/2018-12/2015%2008%2020%20Cooperation%20with%20DEG.pdf>

⁴⁵ <https://pubs.iied.org/pdfs/17571IIED.pdf>

⁴⁶ Bloomberg financial terminal, Accessed May 2020

⁴⁷ <https://forestsandfinance.org/data/> accessed 30 January 2020

⁴⁸ Milleudefensie, 2018, Draw the line, a black book about the shady investments of Dutch banks into palm oil <https://en.milleudefensie.nl/news/draw-the-line-english.pdf>

⁴⁹ Socfin, "ING continues its collaboration with Socfin Group," 21 March 2019, available at <https://www.farmlandgrab.org/post/view/28827-ing-poursuit-sa-collaboration-avec-le-groupe-socfin>

⁵⁰ Chain Reaction Research, "the Chain: Indonesia Strengthens Peatlands Moratorium; ING Places €80 Million in Debt for Socfin's Palm Oil and Rubber Expansion," 7 December 2016, available at <https://chainreactionresearch.com/the-chain-indonesia-strengthens-peatlands-moratorium-ing-places-e80-million-in-debt-for-socfins-palm-oil-and-rubber-expansion>

⁵¹ FJAN, "La banque ING continue de financer des plantations d'huile de palme controversées," 23 October 2018, available at <https://www.fjan.be/La-banque-ING-continue-de-financer-des-plantations-d-huile-de-palme?lang=fr>

⁵² <https://www.environmental-finance.com/content/analysis/the-green-and-sustainability-loan-market-ready-for-take-off.html>, last accessed 21th June 2019

These loans and bonds show the key role Citibank and ING bank are playing:

- Revolving credit facility: In 2012, Bolloré received a revolving credit facility from a syndicated group of lenders worth up to EUR 1.3 billion. The outstanding balance of the loan is EUR 300 million and is set to mature in May 2025. The Dutch commercial and investment bank, ING Groep, and the US commercial and investment bank, Citibank, were lead arrangers for this loan. In addition to these banks, several French and other multinational banks were party to the loan.
- Term loan: In 2016, Bolloré received a term loan from a group of lenders worth up to EUR 400 million. This loan is set to mature in May 2023. ING Groep, along with several French and other multinational banks, was party to the loan.
- Term loan: In April 2020, Bolloré received a term loan from a group of lenders worth up to EUR 150 million. This loan is set to mature in April 2024. ING Groep and Citibank, among others, were party to this loan.
- Corporate bonds: In July 2015, Bolloré issued EUR 450 million worth of bonds. ING Groep and Citibank, among others, served as joint lead managers of the bonds.
- Corporate bonds: In January 2017, Bolloré issued EUR 500 million worth of bonds. ING Groep served as a joint lead manager of the bonds.
- Corporate bonds: In December 2016, Socfin issued EUR 80 million worth of bonds for general corporate purposes. ING Groep was the sole book runner/manager of the bonds.⁵³

7. Are you aware of any policies, requirements or procedures of the lending institution/s that are being violated?

Many financiers have policies for engaging or excluding clients based on human rights violations such as land grabbing, as well as on forest protection and environmental pollution. Financiers 'commit' to voluntary standards, either through their own policies or international initiatives, although this means little in practice. Examples are the Investor Alliance for Human Rights, the Investor Working Group on Sustainable Palm Oil. The Norwegian government's sovereign wealth fund has divested from palm oil companies before and has a council of Ethics and guidelines on human rights and the environment.

However many of these policies are not well implemented. For example ING bank demands that its palm oil clients become RSPO certified within three to five years of receiving financing, and in 2018 ING bank stopped taking on new palm oil clients.⁵⁴ ING itself is a RSPO member and is overly dependent on voluntary mechanisms and engagement with clients to clean up the practices in their plantations. It has been using this strategy for more than 20 years despite clear failures to prevent environmental and social harms by the palm oil companies it finances.

This form is based on the "Technical Form for the Presentation of a Case Against a Transnational Corporation", from the Permanent Peoples Tribunal, used on the occasion of the Southern Africa's Permanent Peoples Tribunal on Transnational Corporations (Manzini - Johannesburg, 2016-18)

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⁵³ Bloomberg financial terminal, Accessed May 2020

⁵⁴ ING annual report 2018

ANNEX I Socfin investment chain map

