

**THE COCA-COLA COMPANY
REVIEW OF CHILD LABOUR, FORCED LABOUR AND
LAND RIGHTS IN THE CÔTE D'IVOIRE SUGARCANE
SUPPLY CHAIN**



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EXECUTIVE SUMMARY

This report outlines the results of a study focusing on the Coca-Cola Company (TCCC) sugar supply chain in Côte d'Ivoire (Ivory Coast). The study researched the presence of child labour, forced labour and land rights in the sugar supply chain.

The Coca-Cola Company (TCCC or the Company) is committed to both protecting the land rights of farmers and communities in its supply chain in the world's top sugarcane-producing regions, and identifying and addressing child and forced labour issues in its supply chains in the countries associated with sugarcane production. The Coca-Cola Company has endorsed the United Nations Guiding Principles on Human Rights in Business and has signed onto the United Nations Global Compact. Together with enforcement by the state, these industry commitments play a critical role in preventing human rights abuses as cited in the U.S. Department of Labour's List of Goods Produced with Child Labour or Forced Labour. The company's Supplier Guiding Principles, Sustainable Agriculture Guiding Principles and Human Rights Policy have contributed to upholding human and workplace rights within the company's supply chain, and serve as testament to the company's commitment and impact in the global supply chain.

Partner Africa was commissioned by the Company in 2015 to carry out third-party research into the prevalence of forced labour and child labour in the sugar sector in Ivory Coast, as well as to provide an understanding of the complexities and issues of land ownership in the same industry and country. Research was composed of desk research, stakeholder interviews and field research.

Overview of the sugar supply chain in the Ivory Coast

The sugar industry in Ivory Coast is dominated by two players, Sucrivoire SA which is part-owned by the Terra Group, and SUCAF Ivory Coast (Sucrière Africaine Côte d'Ivoire [SUCAF CI]), which is owned by the SOMDIAA group. In line with the methodology guidelines for this research, field research focused on the sugar mills – the two sugar mills in Ivory Coast owned by SUCAF CI – which directly feed into the Coca-Cola supply chain in Ivory Coast. These two mills are located in Ferkessedougou in Northern Ivory Coast, near the Burkina Faso and Mali borders.

Child Labour

The United States Department of Labour has issued several reports implicating child labour in the Ivory Coast in the agricultural sector, including in coffee and cocoa production.¹ Although the worst forms of child labour have been noted in the Ivory Coast agricultural sector (a report by Tulane University estimated 1,203,473 child labourers ages 5 to 17 are working in the cocoa sector in Ivory Coast²) the sugar production and milling sectors have not been implicated.³ This research found no evidence of child labour in the sugar supply chain in the Ivory Coast. No child labour was seen or reported to be present on the farms or in the mills.

Policies, procedures and systems were reviewed and found to be effective in preventing children from working in sugar mills and farms. Social development projects led by the milling and farming company, SOMDIAA, through the SUCAF CI Foundation, were found to be effective in delivering long-term prevention mechanisms.

¹ United States Department of Labour, List Of Goods Produced By Child Labour or Forced Labour, 2016

² Tulane University. *Final Report: 2013/14 Survey Research on Child Labour in West African Cocoa-Growing Areas*. New Orleans, Payson Center for International Development and Technology Transfer; 2015 July 30, 2015.

³ United States Department of Labour worst forms of child labour: Ivory Coast reports: 2012, 2011, 2012, 2013, 2014

Forced Labour

In line with national laws, regulations and policies, SUCAF CI follows set hiring procedures and human resource management. There are documents outlining all hiring procedures and staff records kept by SUCAF CI.

SUCAF CI does not keep identity documents for workers and only keeps copies. All employees work voluntarily. Employees can access toilet and restroom facilities during work hours without any restriction, and they have 30 minutes' rest time. There is no mandatory overtime or compulsory production quota at the facility. Compliance was determined through management and worker interviews, observation during facility walkthrough and documentation review.

Although Ivorian workers confirmed that there were no incidences of forced labour, it was found that a subcontractor, utilised by SUCAF CI, was engaging in forced labour via indebting migrant workers and withholding travel documents until the debt is repaid. The head of HR at SUCAF CI investigated the claims and immediate remediation action was taken. The travel and identity documentation was returned to the employees and the subcontractor received training to ensure full compliance and understanding of labour laws and company policy.

SOMDIAA has also developed and implemented a new policy for all subcontractors to avoid any similar instances. Local mills are now required to conduct audits of all subcontractors every 6 months to ensure compliance; this new procedure was started in mid-2015 in response to the incident with the subcontractor in Ivory Coast and has since been applied to all subsidiary sites across Africa.

Land Rights

The Rural Land Law of 1998 transforms customary land rights into private property rights governed by the state. Due to resource and capacity constraints, as well as political turmoil, the implementation of the Rural Land Law has been slow and the customary system continues to be dominant, accounting for more than 98% of the rural land of Côte d'Ivoire. When SUCRIVORE was established as a state owned entity, the land belonged to the state in terms of customary land rights. When SUCRIVORE was privatised and SUCAF CI bought Ferké 1 and 2, the state applied private property rights to the land, according to the Rural Land Law, and the land was leased by the state to SUCAF CI.

There are existing and complex claims upon the land which originate prior to SUCAF CI's acquisition of the land. Since SUCAF CI bought Ferké 1 and 2, the land has been lawfully leased by the state to SUCAF CI. The Chief and the community of Pangalakaha are actively engaging both SUCAF CI and the state about what they argue are their land rights and obligations of lease holders. SUCAF CI is acting in full compliance with the law in this matter.

In line with the TCCC's commitment regarding land rights and sugar, SOMDIAA is in the process of developing a formal policy for all subsidiaries (including SUCAF CI) about land rights and maintaining positive community relations and contributing to local economic development.

INTRODUCTION

The Coca-Cola Company is committed to both protecting the land rights of farmers and communities in its supply chain in the world's top sugarcane-producing regions, and addressing child and forced labour issues in its supply chain in the countries associated with sugarcane production. The Coca-Cola Company has endorsed the United Nations Guiding Principles on Human Rights in Business and has signed onto the United Nations Global Compact. Together with enforcement by the state, these industry commitments play a critical role in preventing human rights abuses as cited in the U.S. Department of Labour's List of Goods Produced with Child Labour or Forced Labour.

TCCC subscribes to Food and Agriculture Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). The VGGT is aimed at the State, but argues that all non-state actors (including business enterprises) have a responsibility to respect human rights and legitimate tenure rights.

"The VGGT's founding principles include:

- Recognizing and respecting all legitimate tenure rights and the people who hold them
- Safeguarding legitimate tenure rights against threats
- Promoting and facilitating the enjoyment of legitimate tenure rights
- Providing access to justice when tenure rights are infringed upon
- Preventing tenure disputes, violent conflicts and opportunities for corruption"⁴

TCCC also aligns with the African Union's Guiding Principles on Large-Scale Land (AU Guiding Principles). These principles deal specifically with large-scale farming in an African context. The AU describes the principles saying "These Guiding Principles are African-owned. They were drafted and reviewed by teams of experts on land governance and agricultural investment in Africa before being finalised based on the outcomes of a multi-pronged consultation exercise with a wide range of constituencies and stakeholders involved with land governance in the Africa region"⁵.

Furthermore, the Company subscribes to The Analytical Framework for Land-Based Investments in African Agriculture, by the New Alliance; this is a framework developed for financial investors, agricultural project operators and supply chain companies investing in agricultural land in developing countries. This framework, while cautioning investors from taking on the role of government, indicates the importance of investors supporting and supplementing the activities of government. In some cases, it will be in the investors' best interests to go beyond the minimum legal requirements, as identified in the VGGT. The Framework was jointly developed by land experts from the African Union, UN Food and Agriculture Organisation (FAO), and several donor governments and it suggests a series of questions that an investor should ask and undertake.

In line with the VGGT, the AU Guiding Principles, and the Analytical Framework for Land-Based Investments in African Agriculture, TCCC's Supplier Guiding Principles Good Practices include:

1. Demonstrating that acquisition has not been assembled through expropriation or other form of legal seizure without Fair, Prior, Informed Consent (FPIC) process and fair compensation for land, resettlement and economic impact to the affected communities.
2. Demonstrating that alternatives to a specific land acquisition were considered to avoid or minimize adverse impacts on the affected communities.

⁴ FAO. 2012. Voluntary Guidelines on the Governance of Tenure. <http://www.fao.org/docrep/016/i3016e/i3016e.pdf>

⁵ African Union, African Development Bank and United Nations Economic Commission for Africa. 2014. Guiding Principles On Large Scale Land Based Investments In Africa. http://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf

3. Ensuring the presence of grievance mechanisms to receive and address specific concerns about fair compensation and relocation if, applicable.⁶

The Company's Supplier Guiding Principles, Sustainable Agriculture Guiding Principles and Human Rights Policy have contributed to upholding human and workplace rights within the company's supply chain, and serve as testament to the company's commitment and impact in the global supply chain.

Partner Africa was commissioned by The Coca-Cola Company in 2015 to carry out third-party research into the prevalence of forced labour and child labour in the sugar sector in Ivory Coast, as well as to provide an understanding of the complexities and issues of land ownership in the same industry and country. Research was composed of desk research, stakeholder interviews and field research over a period of three months.

Definitions to determine the scope of the three themes were drawn from the International Labour Organisation, The Institute for Human Rights and Business, The Coca-Cola Company Human Right Policy, The Coca-Cola Company Supplier Guiding Principles, The Coca-Cola Company Global Workplace Rights – Human and Workplace Rights Issue Guidance, and the United Nations Guiding Principles.

Forced labour was defined as a situation in which people are coerced to work through the use of violence or intimidation, or by subtler means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Child labour was defined as work that deprives children of their childhood, their potential and their dignity and that is harmful to their physical and mental development. Land rights referred to rights related to land and land use. These may include indigenous land rights, women's rights, access to housing, food and water, environmental rights and, land sovereignty. The measurement of land rights was against the local Ivorian law as well as the Free Prior and Informed Consent guidelines.⁷

⁶The Coca-Cola Company. 2013. Human and Workplace Rights Issue Guidance: Supplier Guiding Principles. <http://www.coca-colacompany.com/content/dam/journey/us/en/private/fileassets/pdf/2014/02/issuance-guidance.pdf>

⁷ FPIC Guidelines as defined by Oxfam Australia, 'Guide to free Prior and Informed Consent' published. June 2010

METHODOLOGY

The project comprised of a review of all relevant literature, stakeholder interviews, on-site interviews by a team of independent researchers and on-site documentation review.

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| <p>Review of Relevant Literature</p> | <p>A systematic and comprehensive review of relevant literature was undertaken. Literature consulted included, but was not limited to, official reports, media reporting, The Coca-Cola Company Supplier Guiding Principles Audit Reports, NGO and human rights organisation reports, country specific legislation, and country specific development reports.</p> <p>Please see the Appendix for a detailed list of country specific development reports.</p> |
| <p>Stakeholder Interviews</p> | <p>A full stakeholder analysis was undertaken to identify key stakeholders and role players in and out of The Coca-Cola Company sugar supply chain. A team of researchers have conducted interviews in person, over telephone and through internet calls with all identified stakeholders. Stakeholders involved included:</p> <ul style="list-style-type: none"> • Sugarcane growers and processors • Local and international research organisations • Local and international NGOs • Human rights organisations • Government officials <p>Stakeholders have thus far been divided into two categories: over-arching stakeholders who were relevant to all countries and country specific stakeholders. Specific interview schedules were used for interviews with mill and farm workers, mill and farm management, adjacent farm owners, government officials and stakeholders.</p> |
| <p>On-site Interviews and Observations</p> | <p>A mix of in-depth, group and individual interviews were conducted. On site interviews were conducted at a range of locations including the mill, interviewees' homes and government offices. Fieldworkers ensured certain standards for interviews such as ensuring all worker interviews were carried out in private without the attendance of a mill manager or supervisors and in venues not associated with disciplinary hearings or management boardrooms.</p> <p>On-site interviews were undertaken with:</p> <ol style="list-style-type: none"> 1. Sugar mill owners 2. Small to medium sugar farm owners 3. Large sugar farms owners 4. Sugar farm and mill workers 5. Adjacent property owners 6. Government officials 7. Community members <p>Specifically, on-site interviews focused on the following:</p> <p>Child Labour:</p> <ul style="list-style-type: none"> • Workers were asked whether they have seen or knew of any children working on the farm or mill and whether this would be possible. • Farm and mill owners were asked about what policy, management and monitoring systems were in place to ensure no child labour occurred in the supply chain. • Official mill and farm policy documents were checked to ensure a written commitment against child labour in the supply chain. |

Forced Labour:

- Workers were asked whether they had to hand over any important documents in order to be employed and whether these documents were being held by mill and farm management.
- Workers were also asked whether they were allowed to be members of unions or workers groups.
- Workers were asked about violence and intimidation on the site.
- Farm and mill owners were asked about grievance settlement mechanisms with workers on site.

Land Rights:

- Workers, adjacent farm owners and small farm owners were asked about their land ownership.
- Inquiry was made into how land was acquired and how any expansion in the future was planned.
- Original land title documents were checked.
- Government officials were asked about land policy and land lease arrangements between SUCAF IC and the state.

In order to verify and further clarify the standards and measures utilised by the mill and farm, and to ensure that there is no child labour, there has been responsible land sourcing and that labour rights are upheld, interviews were conducted in French utilising interview tools specifically formulated to inquire about the research themes. These tools were developed by Landesa Rural Development Institute. In addition, The Coca-Cola Company Workplace Accountability SGP Agriculture and Farm Assessment Protocol were used.

In addition to interviews, documentation was reviewed on site to determine evidence of compliance and triangulate between observations and worker interviews to determine compliance with legal requirements and complement or verify claims and observations.

Documents required from Mill Owners

- Mill (and farm, if appropriate) land ownership or lease documents (titles, deeds, certificates, tax assessments, lease contracts, permits, and other).
- Any documents related to the process of acquiring land parcels, including evidence:
 - Related to government compulsory acquisition of some or all of the mill land on behalf of the mill owner.
 - Related to consequent concessions for the compulsorily acquired land to the mill owner.
 - Related to negotiations for purchase and sale or lease of some or all of the mill land.
 - Of whether a social impact or other assessment (environmental, resettlement, other) was conducted prior to land acquisition.
 - Demonstrating that the mill land purchaser/lessor engaged in a consultation and/or consent process when negotiating the mill or farm land acquisition.
 - Reflecting any past or current disputes or grievances related to the land on which the mill is located, including whether and how disputes or grievances were resolved.
 - Indicating any plans to acquire additional or alternative land for mill facility operations.

Documents required from Government Officials

- Samples of any documentation of rights (ownership, lease, concession, or other) related to the sugar mill land and/or cane farmland.
- Samples of any documentation of rights (ownership, lease, concession, or other) related to land that is adjacent to the sugar mill land and/or sugarcane farmland.
- Any documents relating to environmental or social assessment and/or permitting related to the mill or cane farmland.
- Any documents related to the possibility that some or all of the mill or cane farm land may have been made available for the mill or farm by the government through compulsory acquisition processes.
- Any documents related to disputes or grievances related to the mill or farm land.

Documents required from Small, Medium and Large Farm Owners

- Farmland ownership or lease documents (titles, certificates, tax assessments, lease contracts, and other).
- Any documents related to the process of acquiring land parcels, including written evidence:
 - Related to The National Institute of Colonization and Agrarian Reform (INCRA) award and allocation of the farmland.
 - Related to negotiations for purchase and sale or lease of some or all of the farmland.
 - Demonstrating that the land purchaser/lessor engaged in a consultation and/or consent process when negotiating the farmland acquisition.
 - Reflecting any past or current disputes or grievances related to the land on which the farm is located, including whether and how disputes or grievances were acknowledge and resolved.
 - If the land was an INCRA allocation, whether there are INCRA documents.
 - Indicating any plans to acquire additional farmland.
 - Showing that the previous farmland users (both male and female) were fairly compensated for the land on which the farm is now located.
 - Or that the previous farmland users lost their land to INCRA being abandoned.
- Any documents related to the process of acquiring land parcels, including written evidence:
 - Related to government compulsory acquisition of some or all of the farmland.
 - Related to government concessions of land to the farm.
 - Related to negotiations for purchase and sale or lease of some or all of the farmland.
 - Of whether a social impact or other assessment (environmental, resettlement, other) was conducted prior to land acquisition.
 - Demonstrating that the land purchaser/lessor engaged in a consultation and/or consent process when negotiating the farmland acquisition.
 - Reflecting any past or current disputes or grievances related to the land on which the farm is located, including whether and how disputes or grievances were acknowledge and resolved.
 - Indicating any plans to acquire additional farmland.
 - Showing that the previous farmland users (both male and female) were fairly compensated for the land on which the farm is now located.

Interview Schedule

In total, 26 in depth interviews were conducted in Côte d'Ivoire with:

- 2 local NGOs working on labour brokering
- 40 workers from SUCAF farms (15 from Ferké 2 and 25 from Ferké 1)
- 50 workers from SUCAF mill (25 from Ferké 1 and 25 from Ferké 2)
- 11 members of SUCAF Management (site director, site assistant director, HR Director, CFO, procurement Director, CSR Manager, head of Personnel Management, Director of environment, environments manager, legal departments manager)
- 2 representatives from SUCAF CI Foundation and 3 field workers
- 3 co-operatives supplying to SUCAF CI
- 6 co-operative members
- 3 trade unionists
- 3 SUCAF workers, of whom two are 'Chiefs of Land' and one is a 'Customary Chief'
- 1 Government Official: The deputy Prefect of Kayes.

It was found that many of the international stakeholder organisations were not operating in the sugar value chain, in the Ivory Coast, or even in West Africa, because sugar is mostly traded domestically and regionally. The scale of trade does not invite many external forces to influence operations, as it does in other high-volume exporting countries. Attention to supply chain issues often occurs when exports are geared to Europe and the United States of America. The scale of production and the scale of the problem in many other regions overshadow the West African situation. Nevertheless, the following stakeholders were contacted and valuable insight was gained:

Non-Government and Non-Profit Organisations

- Oxfam: Advocacy and Research via Phone Interview
- Child Rights International Network
- Terre de Hommes
- Antislavery via Phone Interview
- Save the Children via Phone Interview
- Ethical Sugar
- Solidaridad Sugarcane Network
- Oakland Institute via telephone interview
- BONSUCRO
- African Policy Child Forum
- Action Aid
- FERN
- Producer services and Relations – Fairtrade West Africa
- SPSA (Société de prestation de services agricoles)

Civil Society and Research organisations

- IOM via in person meeting
- UNICO via in person meeting
- CIRAD via in person meeting

Other

- SOMDIAA Ethical Trade representative via Phone Interview
- SOMDIAA African Trade representative via Phone Interview
- SUCAF CI Human Resources Director via in person meeting
- SUCAF CI Legal Director via in person meeting
- SUCAF CI Administrative and Financial Director via in person meeting
- Président du Conseil d'Administration SCPCP via in person meeting
- MINISTERE DU TRAVAIL - délégation locale Ivory Coast

OVERVIEW OF THE CÔTE D'IVOIRE SUGAR INDUSTRY

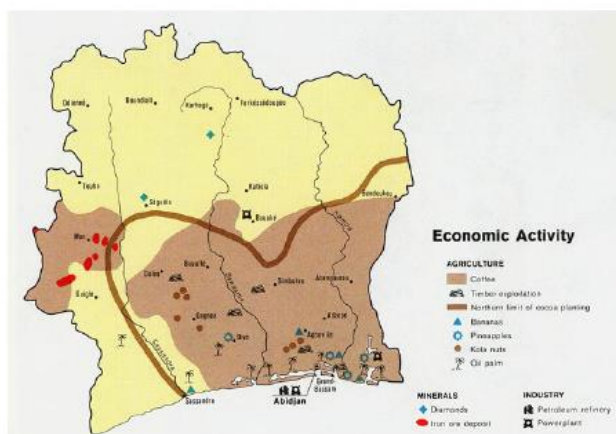


Figure 4: Economic activities (cocoa and coffee growing areas and locations for other agricultural products, minerals and industries)

Source: Perry-Castañeda Library Map Collection, Côte d'Ivoire Maps

The agricultural sector in Côte d'Ivoire currently accounts for 22% of GDP, over three-quarters of non-oil exports, and provides employment and income to two-thirds of all households.⁸

Côte d'Ivoire (Ivory Coast) is the world's largest cocoa exporter; it has become the largest exporter of raw cashew nuts and remains the largest exporter of rubber, palm oil, bananas, pineapples and copra in Africa, the map alongside shows the geographical distribution of coffee and cocoa crops.

In 2007 the government created a strategy for the revival of the sugar sector, to be led by the "Cellule d'Appui au Programme Sucre" or CAPS. The strategy focuses on three major points:

1. Improvement of the sugar industry's productivity and environmental management;
2. Support to village producers and the populations surrounding the major processing complexes; and
3. Improvement of the macroeconomic climate and strengthening of the institutional framework of the sugar sector.⁹

Overview of SUCAF Côte d'Ivoire

In 1971 the Ivorian state created SODESUCRE, which had six sugar estates; each estate was equipped with a sugar mill.

These six estates were:

- 1 Ferké created in 1974
- 2 Ferké created in 1978
- Borotou-Koro created in 1979
- Sérebou Comoé in 1979
- Katiola Marabadiassa 1979
- Zuénoula in 1980

Two estates were quickly closed (Katiola and Serebou) and in 1997, the Ivorian state decided to privatise the remaining sugar estates. Two estates were sold to SUCRIVOIRE company group, namely Borotou-Koro and Zuénoula. The other two sugar estates were sold to SUCAF CI, namely Ferké 1 and Ferké 2.

SUCRIVOIRE is a subsidiary of the SIFCA group, part owned by Singapore's Olam International and Wilmar International. SIFCA is one of Africa's biggest agro-industrial firms. SIFCA is only involved in sugar production in the Ivory Coast for domestic markets and this makes up only 10% of SIFCA's turnover.¹⁰ SUCRIVOIRE produces approximately 90,000 tonnes of sugar per year.¹¹ SUCRIVOIRE sugar production and mills were not investigated in any further detail since they do not form part of TCCC's sugar supply chain.

⁸ World Bank: Economic Update for the Côte d'Ivoire.

⁹ World Bank: Economic Update for the Côte d'Ivoire.

¹⁰ <http://www.howwemadeitinafrica.com/sifca-remaining-positive-despite-losing-ceo-in-ivory-coast-violence/>

¹¹ <http://www.groupesifca.com/sucre.php>.

SUCAF Côte d'Ivoire was set up in 1997 following the restructuring and privatisation of the sugar industry in Côte d'Ivoire. In 2010, it became part of SOMDIAA Group. SOMDIAA (Société d'Organisation de Management et de Développement des Industries Alimentaires et Agricoles) is a large French holding company that specialises in agro-food processing across Central and West Africa and the Indian Ocean region.

SUCAF Côte d'Ivoire produces sugarcane through irrigated farming operations as well as from neighbouring village crops. The two SUCAF Côte d'Ivoire sugar manufacturing plants, namely, Ferké 1 and Ferké 2, are located in Ferkessédougou in Northern Côte d'Ivoire, near the Burkina Faso border (50 miles) and the Mali border (68 miles). Ferkessédougou is a department of Tchologo region in the Savanes district. These sites are located 22 miles from each other. The Ferké 1 plant produces white granulated sugar and lump sugar, and the Ferké 2 plant produces brown granulated sugar. The sugar cane farming area extends on 36,076 acres spread over both sites and has a harvest of approximately 1 million tonnes of sugarcane yielding 105,000 tonnes of sugar¹².

Local co-operatives also supply SUCAF CI with sugar due to an agreement with the Ivorian government, which allocates local farmers land on which to grow cane to supply SUCAF CI. Each co-operative is composed of members. A member can be a SUCAF CI worker or other villagers who received a plot of land in the area to plant sugar cane to supply the SUCAF CI mills. In turn, SUCAF CI is committed to prepare land for members of the co-operatives, providing cuttings, fertilizers and other inputs. There are roughly 800 farmers operating in these co-operatives and they currently provide 10% of SUCAF CI's cane.¹³

The SUCAF CI Foundation

The SUCAF CI Foundation actively engages with the local community in order to prevent child labour through provision of accessible schooling because lack of access to education is a key driver of child labour in Africa. The Foundation's actions and activities include: building new schools, donating school desks, tables, chairs, benches, as well as providing transportation for school children. A detailed list of 2014/2015 activities of the foundation can be found in the Appendix.

Through the rehabilitation of 17 primary schools and the building of one entirely new school, the foundation has enabled more local children to attend school. Before the building of the new school, children had to walk 12km to the nearest school. The new school has 3 classrooms as well as one office for the director. Children from the nearby Omayelego and Siva villages also attend this school.



SUCAF IC has implemented a grievance procedure to remedy any human rights violations. This can be conducted by means of a messaging board system in the villages in order for villagers to message SUCAF IC directly. Residents can write messages on the boards which SUCAF CI Foundation workers can pick up and address. The Foundation has also built bridges and installed solar lights in the villages.

¹² SOMDIAA Website: <http://www.somdiaa.com/en/the-group/subsidiaries/sucaf-ivory-coast/>.

¹³ <http://www.groupesifca.com/sucre.php>.

CHILD LABOUR, FORCED LABOUR AND LAND RIGHTS IN COTE D'IVOIRE

Education and Child Labour in Côte d'Ivoire

Côte d'Ivoire has a reputation for child labour due to the large media focus on child labour and slavery in its cocoa production supply chains. There are also major issues with child trafficking from neighbouring Mali and Burkina Faso.¹⁴ Girls are mostly trafficked for commercial sexual exploitation, whilst boys are exploited for agricultural labour.

School attendance rates and child labour are closely linked. Low participation in education can leave many children vulnerable to exploitation as child labourers. The table below shows the breakdown of children's work and education in the country.

Table 1 Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|------------------|
| Working (% and population) | 5-14 yrs. | 31.5 (1,682,754) |
| Attending School (%) | 5-14 yrs. | 63.5 |
| Combining Work and School (%) | 7-14 yrs. | 21.5 |
| Primary Completion Rate (%) | | 61.2 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(11)

Source for all other data: Enquête Démographique et de Santé (EDSCI-III) Survey, 2011-2012.(12)

Although education is free, many costs such as textbooks and uniforms prove to be prohibitive. Identity documents are also required for registration into schools, so those without the necessary documents are unable to register. There is also a lack of teachers in rural areas which results in many children not being able to participate in the education system.¹⁵ Furthermore, the International Labour Rights Forum (ILRF) states that many cocoa-farming families have real incomes of 40 cents per dependent per day. Such low incomes leave farmers unable to cope with stressors and shocks, meaning that they must borrow money to purchase inputs, causing 'cyclical patterns of indebtedness'. These farmers cannot afford to hire labour and therefore use either their own children or trafficked children as labour.¹⁶

The forms of labour undertaken by children on cocoa farms are also amongst the most hazardous or physically taxing (especially for children under the age of 14). The Tulane University's report found that 80% of children working in cocoa farming reported carrying heavy loads, while 60% participated in land clearing using machetes that often cause serious and irreversible injuries.¹⁷

The Ivory Coast has ratified the following International Labour Organisation (ILO) conventions: ILO C. 138, Minimum Age, ILO C. 182, Worst Forms of Child Labour, United Nations Convention on the Rights of a Child (UN CRC), UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Palermo Protocol on Trafficking in Persons.

The application of the ratified ILO conventions was verified through the following Ivorian legislation:

¹⁴ International Labour Rights Forum.

¹⁵ African Economic Outlook: Côte d'Ivoire 2015.

¹⁶ International Labour Rights Forum.

¹⁷ United States Department of State: Côte d'Ivoire Overview.

Table 2 Laws and Regulations Related to Child Labour

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Minimum Age for Work | Yes | 14 | Article 23.8 of the Labour Code. ¹⁸ |
| Minimum Age for Hazardous Work | Yes | 18 | Order N° 009 MEMEASS/CAB Revised Hazardous Work List. ¹⁹ |
| Prohibition of Hazardous Occupations or Activities for Children | Yes | | Order N° 009 MEMEASS/CAB Revised Hazardous Work List. ²⁰ |
| Prohibition of Forced Labour | Yes | | Article 3 of the Constitution; Article 7 of Law N°2010-272 Prohibiting the Trafficking and Worst forms of Child Labour; Article 3 of the Labour Code. ²¹ |
| Prohibition of Child Trafficking | Yes | | Articles 10-11 of Law N° 2010-272 Prohibition of Trafficking and the Worst Forms of Child Labour; Article 370 of the Penal Code. ²² |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 9 and 15 of Law N° 2010-272 Prohibition of Trafficking and the Worst Forms of Child Labour. ²³ |
| Prohibition of Using Children in Illicit Activities | Yes | | Article 4 of Law N° 2010-272 Prohibition of Trafficking and the Worst Forms of Child Labour. ²⁴ |
| Minimum Age for Compulsory Military Recruitment | Yes | 18 | Article 82 of The Armed Forces Code. ²⁵ |
| Minimum Age for Voluntary Military Service | Yes | 18 | Article 82 of The Armed Forces Code. ²⁶ |
| Compulsory Education Age | No | | |
| Free Public Education | Yes | | Article 2 of Law N° 95-696 on Education. ²⁷ |

In addition to the legislation above, the government of Ivory Coast has introduced several policies related to the prevention of child labour. The table below lists these policies.

Table 3 Policies Related to Child Labour

| Policy | Description |
|--|---|
| National Action Plan Against Trafficking, Exploitation, and Child Labour (2012-2014) | Aims to prevent children from involvement in trafficking and other worst forms of child labour, provide support to victims of child trafficking, pursue the prosecution and |

¹⁸ Government of Côte d'Ivoire. *Code du travail*, No. 95/15, enacted January 12, 1995. http://www.droit-afrique.com/images/textes/Cote_Ivoire/RCI%20-%20Code%20travail.pdf.

¹⁹ Government of Côte d'Ivoire. *Révisant arrêté portant détermination de la liste des travaux dangereux interdits aux enfants de moins de 18 ans*, No. 009, enacted January 30, 2012.

²⁰ Government of Côte d'Ivoire. *Révisant arrêté portant détermination de la liste des travaux dangereux interdits aux enfants de moins de 18 ans*, No. 009, enacted January 30, 2012.

²¹ Government of Côte d'Ivoire. *Constitution*, enacted July 23, 2000.

²² Government of Côte d'Ivoire. *Code Penal*, No. 1981-640; amended by Law No. 1995-522, enacted July 31, 1981. <http://www.refworld.org/docid/3ae6b5860.html>.

²³ Government of Côte d'Ivoire. *Interdiction de la Traite et des Pires Formes de Travail des Enfants*, No. 2010-272, enacted September 30, 2010.

²⁴ Government of Côte d'Ivoire. *Interdiction de la Traite et des Pires Formes de Travail des Enfants*, No. 2010-272, enacted September 30, 2010.

²⁵ UN Committee on the Rights of the Child. *CRC/C/8/Add.41: Consideration of Reports Submitted by States Parties Under Article 44 of the Constitution*; 2000 April 27, 2000. <http://www.refworld.org/pdfid/3ae6afc78.pdf>.

²⁶ UN Committee on the Rights of the Child. *CRC/C/8/Add.41: Consideration of Reports Submitted by States Parties Under Article 44 of the Constitution*; 2000 April 27, 2000. <http://www.refworld.org/pdfid/3ae6afc78.pdf>.

²⁷ Child Labor Cocoa Coordinating Group. *2013 Annual Report*. Washington, DC; February 2014.

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|---|--|
| | punishment of offenders, and implement SOSTECI. ²⁸ It received a budget of approximately \$27 million over 3 years. ²⁹ |
| PRSP (2012-2015) | Aims to increase access to effective education, train youth and adults with trade skills, enhance agricultural production and certified agriculture products, ensure food security, and strengthen the country's capacity to combat the worst forms of child labour. ³⁰ |
| UNDAF (2009- 2015)* | Aims to increase access to education, with the goal of reducing the number of children without access to primary school by half. It was extended for 2 years until 2015 to fully align UN support with national priorities. ³¹ |
| Medium-Term Plan of Actions for Education (2012- 2014)* | Aims to increase access to education, particularly in rural areas, provide high-quality universal primary school education, promote vocational education, and restore the educational system in areas most heavily affected by conflict following the 2010 election. ³² |
| ECOWAS Regional Action Plan for the Elimination of Child Labour, Especially the Worst Forms (2013-2015) | Aimed to eliminate worst forms of child labour in West Africa by 2015 through the implementation of a regional action plan with 14 other ECOWAS countries. In 2014, met to discuss actions taken since Ghana's 2013 Peer Review, progress of the Regional Action Plan's implementation, and the ILO's Study on Child Labour and Educational Marginalization in West Africa. ³³ |
| Joint Declaration Against Cross-Border Trafficking | Joint declaration against cross-border trafficking signed by the First Ladies of Côte d'Ivoire and Burkina Faso. The implementing decree for the Trafficking and Worst Forms of Child Labour Law was passed as part of this declaration. Additionally, the Government has established measures to systematically verify the identities of all children and accompanying adults at border crossings. ³⁴ |
| 2010 Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol (2010 Declaration) and Its Accompanying Framework of Action | Under this joint declaration, the Governments of Ghana, Côte d'Ivoire, the United States, and the International Cocoa and Chocolate Industry provide resources and coordinate with key stakeholders on efforts to reduce the worst forms of child labour in cocoa-producing areas. The Governments took steps to ensure that all project efforts implemented under the Declaration and Frameworks align with Côte d'Ivoire's national action plans in order to promote coherence and sustainability. ³⁵ |
| Joint Declaration of Commitment to Combat Child Labour | Joint declaration between regulatory bodies and the media to improve efforts to fight against the worst forms of child labour. In 2014, conducted a capacity building workshop for 100 journalists and media professionals to |

²⁸ Government of Côte d'Ivoire. *Plan d'action national 2012-2014 de lutte contre la traite, l'exploitation et le travail des enfants*. Abidjan; March 23, 2012.

²⁹ U.S. Embassy- Abidjan. *reporting, February 17, 2015*.

³⁰ International Monetary Fund. *Côte d'Ivoire: Poverty Reduction Strategy Paper — Progress Report*, July 2012.

³¹ UNDAF. *Plan Cadre des Nations Unies pour l'Aide au Développement, 2009-2013: Côte d'Ivoire*. Abidjan; July 2008. http://planipolis.iiep.unesco.org/upload/Cote%20Ivoire/Cote_Ivoire_UNDAF_2009-13.pdf.

³² Comité National de Surveillance des actions de lutte contre la Traite l'Exploitation et le Travail des Enfants official. Letter to U.S. Embassy- Abidjan official. April 13, 2015.

³³ ECOWAS. "Member States Meeting on the Implementation of the Regional Action Plan on the Elimination of Child Labour," in Meeting on the Implementation of the Regional Action Plan on the Elimination of Child Labour; December 16-18, 2014;

³⁴ Comité National de Surveillance des actions de lutte contre la Traite l'Exploitation et le Travail des Enfants official. Letter to U.S. Embassy- Abidjan official. April 13, 2015.

³⁵ Senator Harkin, Congressman Engel, USDOL, Government of Côte d'Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry. *Framework of Action to Support Implementation of the Harkin-Engel Protocol*. Abidjan; September 13, 2010. <http://www.dol.gov/ilab/projects/summaries/CocoaFrameworkAction.pdf>.

| | |
|--|---|
| | raise awareness of the role of the media in combatting child labour. As a result of this training, educational materials on child labour issues were broadcasted at the national level. ³⁶ |
| National Policy Document on Child Protection | Led by the MSFWC; it seeks to reduce the incidence of violence, abuse and the exploitation of children. |

Legal Framework for Forced Labour in Côte d'Ivoire

The Ivory Coast has ratified a number of ILO conventions related to forced labour including the Forced Labour Convention, 1930 (No. 29), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

According to the 2015 Trafficking in Persons Report, the Ivory Coast has increased the number of anti-trafficking laws and enforcement efforts. The following laws relate specifically to forced labour:

- Article 378 prohibits the forced labour of adults and children, prescribing a sufficiently stringent penalty of one to five years' imprisonment and a fine of 360,000 to 1,000,000 FCFA (\$720 to \$2,000).
- Article 376 criminalises entering into contracts that deny freedom to a third person, prescribing a punishment of five to 10 years' imprisonment and a fine of 500,000 to 5,000,000 FCFA (\$1,000 to \$10,000).
- Articles 335 and 336 outlaw pimping and exploitation of adults and children in prostitution by means of force, violence, or abuse
- In November 2014, the Ministry of Solidarity drafted legislation that criminalises adult trafficking; however, the law was not finalised or enacted during the reporting period.

Despite increased legislature and resources for anti-trafficking policies, the report concludes that the Ivorian "government demonstrated weak protection efforts, to which it allocated inadequate resources; furthermore, it relied almost entirely on NGOs to provide all protective services to domestic victims and referred foreign victims immediately to their respective embassies for repatriation without providing any care".³⁷

Land Rights in Côte d'Ivoire

Prior to the 1998 Rural Land Law, all land belonged to the state of Côte d'Ivoire. In practice, the state accepted customary law, which held that land belonged to the lineage of the people who first settled and cultivated it. This was problematic for farmers who could not sell the land, or raise capital to invest in commercialising the land.³⁸

The Rural Land Law transforms customary land rights to private property rights regulated by the state. Because of armed conflict and the government's lack of capacity, the law has not been effectively implemented.

According to SIFCA's CEO, Bertrand Vignes: "In Ivory Coast, where there is already a dynamic agricultural sector, things have evolved. Here individuals acquire land rights and can then sell them on. So, if you want to create a farm, you need to have an agreement with the landowner.

³⁶ Child Labor Cocoa Coordinating Group. *2013 Annual Report*. Washington, DC; February 2014.

³⁷ US Department of State: 2015 Trafficking in Persons Report.

³⁸ USAID Land Tenure Country Profile: Property Rights and Resource Governance in Cote D'Ivoire (2011).

We work with the landowner to lease land to develop industrial plantations and parallel to that, we support the development of village farms with the same group of people. So it is a harmonious development between industrial and village farms... For example, Ivory Coast already has a fairly recent land law, but putting it into practice has been a very slow process. In our business we are conditioned by the status of land rights. The day that farmers have secure land rights, they will have easy access to finance from the banks. So this is clearly important".³⁹

The USAID Land Tenure Country Profile of Côte d'Ivoire, explains that the process for obtaining formal land tenure rights under the Rural Land Law involves two main steps: "The first step is to apply for a land certificate, which confers a transitory type of tenure. The applicant must demonstrate "continuous and peaceful existence of customary rights," which involves an official investigation". The investigation involves consultation with all identified stakeholders including the applicant, Chief of the Land and villagers. If successful, the applicant will be issued with a land certificate and in the second step they may apply to obtain either a title deed or emphyteutic lease (a long-term lease by which the lessee has full use and benefit of the land but also an obligation to cultivate it and increase its value in a lasting manner).

Due to resource and capacity constraints, as well as political turmoil, the implementation of the Rural Land Law has been slow and the customary system continues to be dominant, accounting for more than 98% of the rural land of Côte d'Ivoire.

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³⁹ <http://www.howwemadeitinafrica.com/sifca-remaining-positive-despite-losing-ceo-in-ivory-coast-violence/>

FINDINGS

Child Labour Findings

SUCAF Côte d'Ivoire has a strict rule of not hiring anyone under the age of 21 years old although it is permissible under Ivorian law for persons under 21 to engage in work⁴⁰. Identity documents must be produced before anyone can be hired by SUCAF. Sub-contractors are also not allowed to hire anyone under the age of 18. This is formalised through the document: Convention en vue de la coupe et du glanage des parcelles de canne brûlée à Ferké 2 N° 02/2015/DP.

In addition to proof of age documentation, the farm and mill also do not allow children to travel on the buses that transport workers from the villages to the fields; SUCAF confirmed this and added that team leaders assign and control the tasks of workers in the fields which ensures that it is not possible to find children in the fields.

This policy was confirmed by observations made by the research team. In particular, it was noted that the farms supplying the mills each have approximately 25 security guards who control movement of workers and persons in and out of the farms. Security controls involve, persons identifying themselves by producing their identification documents at the entrance and stating reasons for their presence. Employees move freely provided that they identify themselves with a card at farm entry control points where guards are stationed, ensuring that no unidentified or under-aged persons are passing through the property. Inhabitants of the nearby villages are allowed to pass through the farm when they go to and from their normal business activities or back home from their daily engagements outside the villages. The company has posted security guards at strategic locations in the farm. No issue was noted in so far as security operations and relations with the local community at the time of this assessment.

These policies and procedures practiced by SUCAF CI were also found to be applied by the co-operatives. The co-operatives provide sugarcane to SUCAF CI, however the process of planting, growing, harvesting and transporting is largely managed by SUCAF IC. Documents were reviewed at the OPNIN COOP-CA and proof of age was found on file for the workers in the form of copied of identity documents. This confirms that proof of age documentation is required even among the co-operatives.

Worker, co-operative and stakeholder Interviews

Farm workers were specifically asked about child labour and whether children had been seen near or on the farm and mill as well as their own ages. All respondents stated that no children worked on the farm or the mill. It was stated that no child could make it to the fields, as they are not allowed onto the transport.

Cooperative members from the OPNIN, SCPCVF1 and SCPCP co-operatives were interviewed. All co-operatives stated that they were not aware of issues of child labour in the sugar industries. Unlike the prevalence of child labour in cocoa plantations, the co-operatives did not find there to be an issue of child labour in the sugarcane plantations.

Key experts operating in the Ivory Coast including senior representatives from the International Organisation for Migration in Abidjan and the United Nations operation in the Ivory Coast confirmed that their offices are actively working with the agricultural sector to address child

⁴⁰ Article 4 of the 'Decret no 96-204' of 07 March 1996 states that young persons of age 14 -18 shall neither work for more than 12 consecutive hours nor from 18h00 till 06h00 in a day.

labour, and that neither office had received reports of child labour in the sugar sector, related to either SUCAF CI or SUCRIVOIRE.⁴¹

Forced Labour Findings

In line with national laws, regulations and policies, SUCAF CI follows set hiring procedures and human resource management. There are documents outlining all hiring procedures and staff records kept by SUCAF CI. SUCAF CI does not keep identity documents for workers and only keeps copies. All documentation was shown to the researchers including the:

- The SUCAF CI company agreement.
- Hiring procedure
- Convention en vue de la coupe et du glanage des parcelles de canne brûlée à Ferk N° 02/2015/DP
- Post-harvest evaluation forms
- Cut and clean evaluation forms

Although international, national and firm level standards and policies are necessary measures to prohibit child and forced labour, multiple stakeholders acknowledged that there are high costs and logistical challenges of monitoring and inspecting multiple sites in tremendously hard-to-reach locations. Supplying quality social support programmes, such as new or improved schools and proper access to quality healthcare could do more to prohibit child and forced labour. Stakeholders acknowledged that social development projects, led by the milling and farming company, SOMDIAA, through the SUCAF CI Foundation, were found to be effective in delivering long-term prevention mechanisms.

Worker Interviews

Ivorian workers stated that they had experienced no incidences of forced labour. Identity documents were photocopied, the copies are kept by human resources and the original documents are returned to them.

Migrant workers, however, had different experiences. Workers migrating from Burkina Faso are subcontracted through a company called SIVOPRES. SIVOPRES holds the workers IDs until they have paid off the debt of tools bought by SIVOPRES for them to use. SIVOPRES takes a total of 7500XAF (\$12.58):

- Safety Shoes: 3500 XAF
- Machete: 2500 XAF
- Tool to sharpen machete: 1500 XAF

The debt is taken in instalments of 300XAF per month from workers' pay until the debt is repaid, totalling 25 months. The migrant workers are however able to return home to Burkina Faso after 5-6 months when the campaign ends. When asked if they could confirm how much the tools actually cost, a migrant worker, said that he did not know if the cost is correct, and if he did not agree with SIVOPRES's terms of employment, he could lose his job.

Another worker stated that they are able to access their identity documents and leave the employment, however, they will not be paid for the time they have worked as their initial debt will be recouped from their prior wages. Workers contracted by SIVOPRES account for approximately 5% of the SUCAF total workforce.

⁴¹ Laurent Guittey, project manager at IOM Abidjan and Alex Kapalo and Boite Salif, responsible for Human Rights at the International Organisation for Migration (IOM) Cote D'Ivoire.

A SUCAF CI representative has denied any knowledge of this practice and investigated the claims. He explained that SUCAF CI pays all fees related to hiring of employees and employees' uniforms, and in the case of loans (borrowing), the company follows lawful debtor practices to recover the money loaned. He further stated that the SUCAF CI company agreement with employees adopts common measures to control or avoid forced labour practices such as overtime compensation and non-mandatory overtime in line with agricultural regulations and practices.

As part of the investigation, the SUCAF CI representative held a meeting with a representative from SIVOPRES. When asked about the claims made about withholding identity and/or travel documents from employees, the SIVOPRES' response was that when migrant workers cross border (he arranges trip from Burkina Faso to Ivory Coast), the workers asked the company to keep their passports for safe-keeping.

Immediate remediation action was taken. SUCAF CI held a meeting with the contractor staff, and all passports were returned to workers. This mistake was due to ignorance on the part of both SIVOPRES and workers. Many workers at the meeting stated that they actually preferred leaving their original ID with SIVOPRES, where it was safer. Training was conducted with SIVOPRES on the SOMDIAA Code of Conduct in particular, as well as on the way they should abide by the law, provide personal protective equipment, and other important labour practices.

Long-term measures were also put in place by SOMDIAA to ensure that no further issues with subcontractors occur. SOMDIAA developed and implemented procedures on the way to appoint, supervise, manage, monitor and audit subcontractors. The procedures include training for all contracted service providers, as well as a method for monitoring the subcontractors' performance and compliance through local representatives.

SOMDIAA also developed an internal audit tool. Local mills carry out audits of sub-contractors every 6 months. If the sub-contractor does not pass the evaluation, they need to prove that they have remedied the non-compliance within the time frame. Service providers who do not improve face termination of contracts. This new procedure was started in mid-2015 in response to the incident with SIVOPRES and has since been applied to all subsidiary sites across Africa.

Workers at the farm reported no incidences of forced labour. All employees work voluntarily. Agency management, however, holds original employee documents. There is no mandatory overtime or compulsory production quota at the facility. Employees have free access to the rest rooms during work hours and 30 minutes rest time. Compliance was determined through management and worker interviews, observation during facility walkthrough and documentation review.

Union membership is allowed and there are three active unions who are recognised and often engaged with by SUCAF, these are:

- SYNTRASU
- SYNATSUCI
- SYNUS.

Members of three different co-operatives were not aware of any forced labour issues.

Land Rights Findings

There is a complex issue of land rights around SUCAF CI and the local stakeholders in the area, particularly Pangalakaha, a small village a kilometre away from the SUCAF CI perimeter. The issue involves the state, the Chief, SUCAF CI, the Ivorian telecommunications company and the local department.

This land claim is typical of land claims around the world where there is no clarity about who has the right to the land: the indigenous inhabitants or the state. Key components of the claim are:

- The right of the state to take land for infrastructure and local economy boosting projects;
- The way in which negotiations around land are handled by the state when such occasions occur;
- The lack of record keeping of such negotiations;
- The failure of the state to gain consent when privatising a state owned asset on public land;
- The lack of participation around the decision to privatise a state asset including the land it is on;
- The role of the private sector and the state in service delivery on privatised state ventures; and
- A lack of understanding and communication between spheres of government.

The issue is made complex by a lack of clarity around a crucial historical act when the Ivorian state created a sugar complex in the area named SODESUCRE. The lack of documentation around how the state defined the ownership of the land at that time is crucial to the land claims being made today. At the heart of the matter is that the Chiefs understand the land to be theirs both through right and law, however, the land is the property of the state. It is unknown whether the state at the creation of SODESUCRE recognised the Chiefs as landowners. SUCAF CI are of the legal opinion that the land is solely owned by the state since the creation of SODESUCRE and they rightfully lease the land from the state.

In 1997 the state sold SODESUCRE to SUCAF CI and leased them the land on which Férke 1 and Férke 2 are situated. Part of the reason for the creation of SODESUCRE was to create local employment and to stem the tide of migration from the north to the south. When SODESUCRE was privatised, it was understood by the Chiefs of the area that SUCAF CI would now be responsible for the development and infrastructure of the area. There is no written record of any engagement by the state with the local Chiefs pertaining to the particulars of land ownership from that time. This has led to the serious issue of Chiefs thinking the land is theirs, whilst neither the state nor SUCAF CI recognise their claims as legitimate.

SUCAF CI has a 100-year long lease with the Ivorian government, which can be renewed. As the lease agreement for the land, which SUCAF CI utilises, is with the state, SUCAF CI does not recognise any local claims to the land because the state, and not local Chiefs, own the land.

The current claim originates from 2008 and it has seen a number of iterations. The claim is not only to land but also to essential services. While SODESUCRE was operational, services such as infrastructure improvement and the building of schools and houses, was under the remit of the state. Now the land is privately owned, the people of Pangalakaha feel that the state no longer provides any services and as such, it is the duty of SUCAF CI to do so. SUCAF CI understands this to be the duty of the state and does build certain infrastructure through the work of the foundation.

A timeline of the claim from 2008 to 2015 can be found in the Appendix.

The claim is complex and although SUCAF CI is acting legally, it is not reaching the standards set out by the International Finance Corporation's (IFC) Performance Standards on Environmental and Social Sustainability⁴² which outlines ethical trade conduct for the private sector and states that even in cases of government-managed resettlement, the private sector party still bears responsibilities to the individuals affected. It is also not meeting the standards of Free, Prior and Informed Consent also set out in the 'IFC Performance Standards on Environmental and Social Sustainability'. (See FPIC in the Appendix).

SOMDIAA is in the process of developing a formal policy for all subsidiaries such as SUCAF CI about land rights, maintaining positive community relations and contributing to local economic development. This is in line with TCCC's Commitment regarding Land Rights and

⁴² IFC 2012: http://www.ifc.org/wps/wcm/connect/115482804a0255db96bffd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES

Sugar, which recognise and safeguard the rights of communities and traditional peoples to maintain access to land and natural resources. Recently, Free Prior and Informed Consent procedures were presented to a gathering of SOMDIAA staff from all operations; this presentation provided training on guidelines for expansion, meeting with communities etc.

The work of the Foundation is addressing some of the claims laid out by the villagers; however, the schools have been built in a separate village from Pangalakaha. The foundation plans to build more schools in the future. Stakeholders emphasised the importance of multi-stakeholder engagement in order to understand the cultural and contextual elements and ensure that land is acquired through the consent of both government and communities.

The facility has a grievance mechanism for the community to raise any concerns they may have. Firstly there is an open door policy by facility management, and secondly, the company has also erected strategic notice boards where communities can post any issues of concern they may have.

CONCLUSION

In conclusion, the study found that there were no violations of child labour legislation on SUCAF CI mills due to strict security preventing children from even entering the property. It was found that the co-operatives, which supply sugar cane to SUCAF CI mills, also apply the same processes (keeping documentation of proof of age). These practices comply with TCCC's Sustainable Agriculture Guiding Principles in terms of prohibiting child labour, forced labour and abuse of labour.

Although Ivorian workers confirmed that there were no incidences of forced labour, it was found that a subcontractor utilised by SUCAF CI was engaging in forced labour via indebting its foreign workers and withholding travel documents until the debt was repaid. SUCAF CI management denied any knowledge of this practice and subsequently investigated the claims. Immediate remediation action was taken and all passports, identity documents and travel documents were returned to the employees. The subcontractor was given training and new procedures were implemented by SUCAF CI to ensure no further issues of forced labour occur in the future.

Based on this experience in Ivory Coast, SOMDIAA has developed and implemented procedures on the way to appoint, supervise, manage, monitor and audit subcontractors. This new procedure was adopted in mid-2015 in Ivory Coast and has since been applied to all subsidiary sites across Africa.

There are existing and complex claims upon the land which originate prior to SUCAF CI's acquisition of the land. The Chief and community of Pangalakaha are actively engaging both SUCAF CI and the state about what they argue are their land rights and the obligations of lease holders, and SUCAF CI is acting in full compliance with the law in this matter.

More broadly, the SUCAF CI Foundation actively engages with the local communities, through the rehabilitation of schools, provision of bridges and solar lighting in villages. Multiple stakeholders acknowledged that social development projects led by the milling and farming company, SOMDIAA, through the SUCAF CI Foundation, were found to be effective in delivering long-term prevention mechanisms. In line with the TCCC's Commitment regarding Land Rights and Sugar, SOMDIAA is in the process of developing a formal policy for all subsidiaries about land rights and maintaining positive community relations and contributing to local economic development.

APPENDIX: ADDITIONAL INFORMATION

Definitions:

CHILD LABOUR

The term 'child labour' is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
 - depriving them of the opportunity to attend school;
 - obliging them to leave school prematurely; or
 - requiring them to attempt to combine school attendance with excessively long and heavy work.

FORCED LABOUR

Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.

LAND RIGHTS

Land rights refer to a broad and complex set of rights related to land and water and associated aspects such as housing. These include:

- Indigenous land rights
- Women's rights
- Access to housing, food and water
- Environmental rights and
- Land sovereignty

There is no singular global rights framework which is specifically focuses on land rights as land rights are cross cutting and interdependent.

Côte d'Ivoire Overview

The Côte d'Ivoire is a former French colony, which gained independence in 1960. It is situated on the West African coast and bordered by Liberia, Guinea, Mali, Burkina Faso and Ghana. Its capital is Yamoussoukro, and the largest city is the coastal port city of Abidjan. It has a population of roughly 23 million of which most live along the southern coastal regions. The national language is French; however, the most widely spoken language is Dioula, of which 60 dialects are spoken.⁴³

Political Economy Context

A former French colony, Côte d'Ivoire has had a turbulent political past, which has had great knock on effects on the country's economic and social status. Côte d'Ivoire gained independence in 1960 under the rule of Felix Houphouët-Boigny, who had earlier created the Rassemblement Démocratique Africain (RDA), which was the leading pre-independence inter-territorial political party in the French West

⁴³ CIA: World Fact book

African territories.⁴⁴ The forming of the Council of the Entente, a West African regional economic forum including the Côte d'Ivoire, Niger, Benin and Burkina Faso, further strengthened Houphouët-Boigny's power. The country showed remarkable stability and economic growth under Houphouët-Boigny's rule from 1960 to his death in 1993. He kept close ties with France, and invested heavily in agriculture, making Côte d'Ivoire the primary exporter of cocoa and other agricultural products in the region, which resulted in GDP growth peaking at 11.5% with an average of 7.5% growth per year over the period⁴⁵. This relative political stability and growth earned the Côte d'Ivoire recognition as a prosperous and calm state. Houphouët-Boigny died in 1993 and was succeeded by Henri Konan Bédié.

Bédié was overthrown in 1999 in the country's first military coup by General Robert Guéï, a former army commander sacked by Bédié. Guéï held elections in 2000; Laurent Gbagbo, who had unsuccessfully run against Houphouët-Boigny in the 1982 elections and was the founder of the Ivorian Popular Front, won the elections. Guéï refused to acknowledge the win, and took office as president, however he was forced out of office after popular protests called for Gbagbo's reinstatement.⁴⁶

Following Gbagbo's reinstatement there was a further attempted coup in 2001 and another in 2002, which resulted in civil war for the country. The coup was led by dissatisfied former military members and co-conspirators and resulted in an aggressive response from the government. The coup led to a rebellion, the rebel group naming itself the Patriotic Movement of Côte d'Ivoire (MPCI) who managed to take control of the north of the country. The rebel forces saw divisions between themselves but created a coalition in the north named the New Forces and agreed to a ceasefire, with Economic Community of West African States (ECOWAS) placing 1,500 peacekeeping troops by 3000 French peacekeeping groups⁴⁷. In 2004, a new treaty was signed agreeing to power sharing between government and the new forces representatives. 2004 saw violent flare-ups after economic conditions deteriorated and the government bombed a French air base, leading the French government to destroy the Ivorian air force. In 2005, the signing of the Pretoria Agreement, overseen by then South African president formally ended the country's state of war.⁴⁸

2010 again saw the start of a political crisis as Laurent Gbagbo refused to hand over power as the opposition candidate Alassane Ouattara was declared president after the 2010 election. However Alassane Ouattara was supported by the international community and was reinstated into office in 2011 by troops and UN peacekeeping forces.⁴⁹ Today Laurent Gbagbo is awaiting trial at the ICC.

Economy

The Côte d'Ivoire is classified as a middle-income country with a GDP of \$34.25bn and a growth rate of 9.1 % in 2015, which is expected to grow to 9.2 % in 2016 (see table below).⁵⁰ Real GDP per capita has increased by more than 20% since 2012.⁵¹ It forms part of the West African Economic and Monetary Union (also known as UEMOA from its French acronym) and accounts for roughly 40% of total GDP produced by the region.⁵² The Côte d'Ivoire is the world's largest producer of cocoa, producing over 40% of the world's cocoa; it is also the Africa's largest producer of Robusta coffee, and a main producer of palm oil. The country's main exports are cocoa, oil and crude oil. Internal demand was driven in the years 2014-2015 by infrastructure investment, whilst household consumption accounted for most internal demand. Higher world prices for exports further boosted growth.⁵³

⁴⁴ US Department of State: Côte d'Ivoire.

⁴⁵ US Library of Congress.

⁴⁶ US Department of State: Côte d'Ivoire.

⁴⁷ US Department of State: Côte d'Ivoire.

⁴⁸ US Department of State: Côte d'Ivoire.

⁴⁹ CIA: World Fact book.

⁵⁰ African Economic Outlook (2014), Côte d'Ivoire, IMF Economic Outlook.

⁵¹ World Bank: Economic Update for the Côte d'Ivoire.

⁵² The African Institute for Security Studies.

⁵³ African Economic Outlook (2015).

Table 1. Macroeconomic indicators

| | 2012 | 2013(e) | 2014(p) | 2015(p) |
|-------------------------------|------|---------|---------|---------|
| Real GDP growth | 9.8 | 8.8 | 9.1 | 9.2 |
| Real GDP per capita growth | 7.5 | 6.4 | 6.7 | 6.9 |
| CPI inflation | 2.0 | 2.7 | 2.9 | 2.7 |
| Budget balance % GDP | -2.6 | -2.0 | -2.0 | -2.0 |
| Current account balance % GDP | -3.8 | -6.4 | -7.2 | -6.8 |

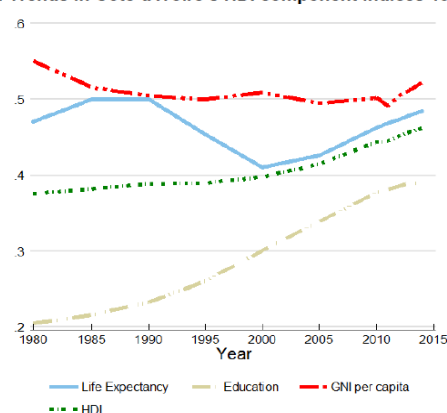
Source: Data from domestic authorities; estimates (e) and projections (p) based on authors' calculations.

The International Monetary Fund assisted in the creation of a programme to better tax control and collection, and spending, and the budgetary situation has become improved since 2013. The African Economic Outlook states that more jobs need to be created due to high levels of unemployment, as well as a focus on strengthening local government, and speeding up access to local public services.⁵⁴ Investment spending was boosted to 7.2% of GDP, mostly due to large-scale government project works; additionally, the public wage bill was above the 35% limit set by the West African Economic and Monetary Union (WAEMU) at 43.6%. The overall deficit was reduced from 2.6% to 2% due to higher revenue and external funding as well as borrowing from the regional financial market. The country also saw a fall in public external debt from 55.1% in 2011 to 27.7% in 2013 (last available data). The country is now graded at a 'moderate' risk of debt distress.⁵⁵

Socioeconomic Context

Côte d'Ivoire's HDI value for 2014 is 0.462, which put the country in the low human development category, positioning it at 172 out of 188 countries and territories. This is an improvement from 2014, where the HDI value was 0.458 having had a HDI value at 0.376 in 1980.⁵⁶ The HDI indicates that levels of education, life expectancy and GNP per capita have been on the rise since 2002 (see graph on the right). However, Côte d'Ivoire's performance has been poor compared to other countries in the areas and in Sub-Saharan Africa as a whole; Côte d'Ivoire's 2014 HDI of 0.462 is below the average of 0.505 for countries in the low human development group and below the average of 0.518 for countries in Sub-Saharan Africa.⁵⁷ When inequality is factored in, Côte d'Ivoire falls even further with an IHDI of 0.287, a loss of 38.0% due to inequality in the distribution of the HDI dimensions indices. To contextualise, the average loss due to inequality for low HDI countries is 32.0% and for Sub-Saharan Africa it is 33.3%. The human inequality coefficient for Côte d'Ivoire is equal to 37.6%.⁵⁸

Figure 1: Trends in Côte d'Ivoire's HDI component indices 1980-2015



Social protection is still lacking, with only 18% of the population accessing health services. Only 5% of the budget is used for health services, which falls below the 15% called for by the 2001 Abuja declaration. The three health Millennium Development Goals (reducing child mortality, improving maternal health and combatting HIV/AIDS, malaria, and other diseases) have not been reached by 2015. The state now provides free healthcare to pregnant women and children under five, leading to a decline in child mortality. Additionally the healthcare system has been improved by the implementation of the PNDS 2012-15 health plan (Plan national de développement sanitaire) which focused on healthcare staffing, reform of hospitals and the new public health in order to increase the supply and quality of service.⁵⁹

⁵⁴ African Economic Outlook (2015).

⁵⁵ African Economic Outlook (2015).

⁵⁶ UN HDR: Côte d'Ivoire.

⁵⁷ UN HDR: Côte d'Ivoire.

⁵⁸ UN HDR: Côte d'Ivoire.

⁵⁹ African Economic Outlook: Côte d'Ivoire 2015.

Work is still being done to promote social cohesion after the conflict experienced between 2002 and 2012. The UNHCR has assisted with the return of political exiles, and laws of nationality and statelessness were passed in 2013. However, more needs to be done in terms of disarmament, professional training for demobilised young people, and clashes over land rights⁶⁰.

Overview of SOMDIAA

SOMDIAA (Société d'Organisation de Management et de Développement des Industries Alimentaires et Agricoles) is a large French holding company that specialises in agro-food processing across Central and West Africa and the Indian Ocean region. The core operations of the company are the production and marketing of sugar and flour as well as other commodities cotton, eggs, day-old chicks, and animal feed. The company has its headquarters located in Paris, France, and all operational aspects (crop and poultry farming, processing, and marketing and sales) occur at source through its subsidiaries in Cameroon, the Congo, Côte d'Ivoire, the Central Africa Republic, Gabon, Chad, Togo, and Reunion Island⁶¹. The company supplies local agri-industry related manufacturers and processors in its geographical area of operation. The company is currently chaired by Alexandre Vilgrain, son of Jean-Louis Vilgrain, who succeeded his father in 2000. In 2014, the SOMDIAA group generated approximately €422 million in total sales and employs around 18 000 permanent staff across its operations.⁶²

The group origins of the company lie in the lease of a 12 000 ha concession in the Congo in 1947 by Jean-Louis Vilgrain. This resulted in the establishment of the first candy cane and peanut oil mill in the Congo. From the 1970s, the company experienced a period of intensive growth – operations and sugar mills were established in Cameroon, Gabon, Côte d'Ivoire, Chad, and Burkina Faso through partnerships with African states and the company diversified into other product areas such as cotton. In 1991, the first private investment of SOMDIAA occurred with the purchase of the SIAN sugar factory, which today is the subsidiary SARIS CONGO. Since 2011, Castle Group holds a majority shareholding of the SOMDIAA Group.⁶³

Free Prior and Informed Consent (FPIC) FPIC is an indigenous peoples' right established in international conventions, notably the ILO Convention 169 on Indigenous and Tribal Peoples (1989), as well as in soft law, notably the UN Declaration on the Rights of Indigenous Peoples (2007), and in some cases, national law. The purpose of FCIP is to ensure that communities are adequately informed, properly consulted, and given the opportunity to fully participate in negotiations with companies of the government before they consent to the lease or purchase of their land, as well as to the implementation of a project. The key elements of FPIC were outlined in a report of the 2005 UN Permanent Forum on Indigenous Issues (UNPFII) International Workshop on Methodologies regarding FPIC and Indigenous Peoples. These are:

- people are 'not coerced, pressured or intimidated in their choices of development'
- 'their consent is sought and freely given prior to authorisation of development activities'
- 'they have full information about the scope and impacts of the proposed development activities on their lands, resources and well-being', and
- 'their choice to give or withhold consent over developments affecting them is respected and upheld'.⁶⁴

Detailed List of country specific development reports

This list of reports was reviewed as part of the literature review:

- The United Nations Human Development Index 2015
- The United Nations World Development Report 2014

⁶⁰ African Economic Outlook: Côte d'Ivoire 2015.

⁶¹ SOMDIAA Company Profile.

⁶² SOMDIAA website, <http://www.somdiaa.com/en/the-group>, [6.11.2015].

⁶³ SOMDIAA website, <http://www.somdiaa.com/en/the-group>, [6.11.2015].

⁶⁴ IIED. 2013. FPIC and the Extractive Industries.

- The United Nations Declaration for the Rights of Indigenous People 2008
- IIED Reports on Free, Informed and Prior Consent 2013
- IFC Performance Standards on Environmental and Social Sustainability 2012
- Articles from the Institute of Human Rights and Business
- The United States Department of Labour 2010, 2011, 2012, 2013 and 2014 reports on the Ivory Coast
- The United States Department of State (2015) Trafficking in Persons Report
- United States Dept. of Labor: List of Goods Produced by Child Labor or Forced Labor (2014)
- The ILO convention on Forced Labour, 1930 (No.29)
- ILO Convention No. 182 on the worst forms of child Labour, 1999
- ILO Convention No. 138 on the minimum age for admission to employment and work
- Cote d'Ivoire Code du Travail, September 2015
- USAID Land Tenure Country Profile: Property Rights and Resource Governance in Cote D'Ivoire (2011).
- African Economic Outlook: Côte d'Ivoire 2015
- Food and Agriculture Organization: Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)
- African Union: Guiding Principles on Large-Scale Land (AU Guiding Principles)
- New Alliance: The Analytical Framework for Land-Based Investments in African Agriculture

Activities of the SCUAF CI Foundation in 2014/2015

The activities of the SUCAF CI Foundation relating to education are summarised in the table below.

Table 4 Actions related to education done by SUCAF – Summary 2014 / 2015

| Number order | Date | Actions | Beneficiary | Cost in XAF |
|--------------|-----------|---|------------------------|---------------|
| 1 | 2015/10 | Donation of 100 tables and benches to various schools | Ferké 1 and Ferké 2 | 1 900 000 |
| 2 | 2015/10 | Support to building to two classrooms (on going) | Koutienedougou | 6 000 000 |
| 3 | 2015/09 | Building of school in Pissankaha school: 3 classrooms and one office. | Pissankaha | 11 285 000 |
| 4 | 2015/09 | Donation of de 100 tables and benches. | Pissankaha et Others | 1 555 500 |
| 5 | 2014/11 | Tarpaulins for primary school | Ferké 2 | 18 045 000 |
| 6 | 2015 | Transportation for pupils of Pissankaha village | Pissankaha | 2 000 000 |
| 8 | 2014/01 | Donation of school furniture to the schools of sites | Ferké 1 et 2 | 5 750 000 |
| 11 | 2014-2015 | Rehabilitation of primary schools with European Union in partnership | Ecoles de Ferké 1 et 2 | 1 880 000 000 |

Detailed Timeline of claims made on land leased to SUCAF CI

A timeline of the claim from 2008 to 2015 is described below and highlights the complexity of the issue.

Table 5 Timeline of events relating to land dispute

| | |
|-------|---|
| 2008: | The Chief of Pangalakaha writes to the Sous-Préfet of Tafire. He states that SUCAF CI has been selling land that belongs to them to other villagers and that they are not being treated fairly by SUCAF CI. They ask the Sous-Préfet to intervene and address the Director General (DG) of SUCAF CI. |
| 2008: | The Sous-Préfet of Tafire writes to the DG of SUCAF CI. He forwards the letter from the Chief and asks the DG to attend to it and offers to mediate the process. |
| 2008: | The DG of SUCAF CI replies to the Sous – Préfet of Tafire. The DG states that they have a lease with the Ivorian state and as such the land does not belong to the Chief, but the state, so the request is not legitimate. He states that SUCAF CI has been employing locally with 220 families in Férke 1 and 180 families in Férke 2, as well as investing in the area through the building of a housing scheme. He goes on to say that they are selling land to those close to retirement which is being paid for through profits of their first harvest. He says that the claim being made by the Chief of Pangalakaha is a 'land grab' and concludes with an extract from SUCAF CI's lease with the Ivorian state which specifically states that the land belongs to the Ivorian State and as such, any claims made to the land or illegal activity on the land must be reported to the state by the lessee (SUCAF CI). He recognises the Sous-Préfet of Tafire as a state authority and asks him to intercede with the Chief of Pangalakaha to drop the land claims against SUCAF CI. |
| 2008: | The Chief of Pangalakaha writes again to the Sous-Préfet of Tafire. He claims that SUCAF CI has taken 10,000 ha, which is 90% of his peoples land without consent. He claims that they do not use local labour and have not hired people from Pangalakaha for 10 years. He also claims the SUCAF CI is selling plots of land at extortionate prices which none of the villagers can afford and which is not SUCAF CI's land to sell. He further claims that they have received no money from the telecommunications company that has set up pylons on their land. He goes on to furnish a list of requests for the Sous-Préfet to give to the DG of SUCAF CI. |
| 2008: | The DG of SUCAF CI writes to the Director General of Private Sector Participation (Part of the Ministry for Economics and Finance). He attaches a letter from the Chief of Pangalakaha, which outlines their claim. He asks the Minister to engage on the issue as the state authority and understands the historical context of sugar in that area. |
| 2008: | The DG of Private Sector Participation replies to the DG of SUCAF CI. He states that it is important for there to be a good relationship between SUCAF CI and the villagers of Pangalakaha in order to avoid disruptions to the company's operations. He further states that in the spirit of the agreement made when SUCAF CI took over from SODESUCRE, SUCAF CI must engage with the villagers of Pangalakaha. He asks the DG to create a meeting with the Chief of Pangalakaha, the local state authorities (the Sous-Préfet), and himself in order to address the issues. |
| 2011 | There was a meeting held between SUCAF CI and the Chief of Pangalakaha, unfortunately no records of the meeting were made available. |
| 2011: | The Sous-Préfet of Tafire writes to the DG of SUCAF CI. He asks the DG to start charging the telecommunications company who have pylons on their land to start paying rent, and for the rent to go to the villagers of Pangalakaha. This must be done retroactively from the date the pylons were installed. He attaches a possible costing for this exercise. He also asks for a start date for the new projects. |
| 2011: | The DG of SUCAF CI replies to the Sous-Préfet of Tafire. He states that nothing was agreed upon at the prior workshop, SUCAF CI only committed to look into the villagers concerns. He states that they have been working on local road improvements and will continue to do so if budget allows. He asks how |

| | |
|-------|---|
| | <p>they are expected to pay dividends to the Chief when the land belongs to the state. Lastly he says that if this matter continues he will be forced to take it to court with the relevant state authorities being the Department of Agriculture and the Department of Economics and Finance.</p> |
| 2011: | <p>The Director of Network and Information Systems of the Côte d'Ivoire writes to the DG of SUCAF CI.</p> <p>He writes to inform the DG of SUCAF CI of the disruptions to their service caused by the villagers of Pangalakaha. He states that their property has been damaged, their staff attacked and they were not allowed to reach their stations. He states that they have an agreement with SUCAF CI to use the land, however the villagers are stating that it is their land. He says that they feel threatened and as such are organising a meeting with the Sous-Préfet, and the Chief of Pangalakaha and requests that SUCAF CI be present at the meeting.</p> |
| 2011: | <p>Minutes from a meeting held between the Chief of Pangalakaha, the Côte d'Ivoire telecommunication company and the Sous-Préfet:</p> <p>A meeting was held where the villagers stated that since 1997 they have had no support from the state or SUCAF CI, SODESUCRE was on their land and they were not asked or informed when SODESUCRE was sold to SUCAF CI. They have been suffering but they now have a new smart Chief who has galvanised the people and the Sous-Préfet into action. They have been trying to have their claims addressed but they have just been pushed aside by SUCAF CI so they decided to vandalise the pylons in retaliation. The telecommunications company gave the villagers 100 000FCFA for 'libations' and the locals then stated their needs.</p> |
| 2011: | <p>The Chief of Pangalakaha writes to the Préfet of Niakaramadougou.</p> <p>He states that SUCAF CI has expropriated their land, and by doing so, their main source of livelihoods. They ask him to attend to their original claim made in 2008. He concludes that if their claims are not met they will disrupt the operations of SUCAF CI on their lands in the Department of Niakaramandougou on the 22nd January 2012.</p> |
| 2012: | <p>A formal meeting was held between the Chief and representatives of Pangalakaha, the DG of SUCAF CI and the Préfet of the Department of Niakaramadougou.</p> <p>Minutes from the meeting:</p> <p>The spokesperson of the village of Pangalakaha stated that the people of Pangalakaha have been claiming indemnity since SODESUCRE was formed. They have been trying to address their claims since 2008. Since they were never successful in their claim with the local authority and have never received rent from the telecommunications company, they decided to vandalise the pylons on the property.</p> <p>The DG of SUCAF CI director took the platform to state that it is not only the people from Pangalakaha who are claiming the land, other villages in the area are also making claims towards the land. He further states that they have not been making enough profit to meet their demands. He accepts that there may have been promises made by the state towards the people when SODESUCRE was created, but SUCAF CI did not make these promises. He goes on to explain the agreement made between the state and SUCAF CI when SODESUCRE became SUCAF CI. He refers to Articles 4.4; 10.2; 10.2; 10.3 and 10.4, which clearly state that the company has no obligation to pay the dividend to the local people. Article 10.2 states clearly that the State is the owner of the land given to SUCAF CI.</p> <p>The Sous Préfet then states that this document will give more clarity relative to the question obligating SUCAF CI to honour the promises made in terms of infrastructure made by the state when SODESUCRE was founded. He also says that the state has failed in supplying money for local projects and his department has had to raise the funds themselves.</p> <p>The villagers now get angry and start to threaten the local authorities and demand alternative land to be provided as they seem to have been evicted from theirs. In reply, the representative of the Préfet asks the villagers to trust them, to stop making threats and to give them a chance to find a solution for all the parties. To make things</p> |

more clear, the Préfet took the occasion to state that the pylons are clearly located in the SUCAF CI perimeter in line with the cadastral plan, so their request will not get any positive results in line with this protest.

He further requests SUCAF CI to give some form of social gestures towards the people of Pangalakahala. He asks what SUCAF CI can do in a reasonable amount of time for the villagers' requests. He also asks about employment policy for seasonal workers. He suggests actions, which may be small but symbolic, such as giving the gift or attending traditional ceremonies, which will make the villagers feel acknowledged.

In his response, the director of SUCAF CI engaged himself to deliver 25 bancs of EPP6 and to fix some villages water pumps. Concerned to contribute to the alleviation of poverty in the region, he decided to employ local labour through any legal organisation of the surrounding population including Pangalakahala, who would be interested in activities of the company and who can commit to the contract. He stated that the renaming of SUCAF CI Férke 2 to SUCAF CI Pangalakahala that can be done through the Préfet.

2015: A letter was sent from the Chief of Pangalakahala to the DG of SUCAF CI, restating their claims, as they had not yet been seen too, the claims are:

List of Claims of the Beneficiaries of Pangalakahala:

1. Electrification of Pangalakahala
2. Water supply to Pangalakahala
3. Construction of an equipped primary school in Pangalakahala
4. Construction of equipped clinic in Pangalakahala
5. Restitution of the rent from the telecommunication antennae installed in Ferke 2 in the chieftainship of Pangalakahala
6. Changing the name of Sugar complex Férke 2 to Sugar complex Pangalakahala
7. Opening of roads/routes/ways to Pangalakahala
8. Construction of a store which sells agricultural products in Pangalakahala
9. Construction of a dam in order to foster small scale irrigation farming
10. Indication of the exact limits and boundaries of the land granted to SUCAF CI through the lease
11. For the local Chief to be supported/covered by SUCAF CI
12. Employment of young people, they should be recruited every year for any different opening such as (farm workers, semi-skilled workers and skilled workers) permanently.
13. Opening of the subcontract of the labour broker from Pangalakahala
14. Assistance in the fight against poverty in creating 500 ha of cane for Pangalakahala
15. Royalties should be paid on an annual basis in title of social compensation. This should be by the end of September every year.