HCSA EC Conclusions on the GVL_GAR Grievance Case

The HCSA EC had reviewed the Final Grievance Report and concurs with the conclusion of the IGP on the validation of the allegations outlined in the complaint submitted by Sustainable Development Institute (SDI) Liberia, Milieudefensie Netherlands, and Friends of the Earth (FOE) United States, against GAR’s HCSA Membership breaches.

Taking into account conclusions and recommendations outlined by the IGP Final Grievance Report, the HCSA EC requires that GVL needs to complete its HCV – HCSA assessments using land cover data from March 2015, the date of the publication of the HCSA toolkit, and the quality assurance process to receive a satisfactory evaluation from the ALS. Before doing the HCV-HCS assessments, the following conditions must be met:

i. Ensure that a land development moratorium is in place until the HCV-HCSA Assessments are be completed with the ICLUP that is validated and accepted by the local stakeholders and rights holders;

ii. Only proceed where there are no outstanding conflicts and/or agreements with communities are in place; and

iii. When other preconditions for conducting HCV-HCSA assessments as per the HCV-HCS assessment manual have been met.

iv. As a priority, all HCSA Social Requirements must be fulfilled such as conducting a social assessment including participatory mapping and determining what kind of remedy is appropriate for resolving breaches against HCSA SR 10 for all relevant MoU areas.

The requirement outlined above must be used as the basis for a timebound plan that outlines the steps that GAR as the HCSA member, and GVL and its investee, will take to implement the recommendations and achieve compliance with the HCSA’s members Code of Conduct.

The HCSA’s Interim Grievance Resolution Procedure also requires GAR to: regularly submit 3rd party issued progress reports against its time bound plan or submit evidence on how the breach is rectified within three months, that is independently gathered and reported upon. Progress reports will need to be linked to key outputs of the time bound plan and the timeline these reports will be identified in the time bound plan, and 3rd parties will only be considered independent if they do not have any prior involvement in activities related to the grievance.

A requirement to adhere to a zero-retaliation policy to ensure that rightsholders and affected communities are free of intimidation, coercion, or criminalization must be adopted. This policy must be enacted during the next phase of resolving this grievance via the completion of the corrective actions detailed in the timebound plan and maintained for the duration of operations.

Furthermore, the HCSA EC recommends that a human rights impact assessment should be conducted on the Butaw case to find out more about who’s land was taken without adequate FPIC if requested by affected communities as part of the mutually agreed process for resolving grievance.

The HCSA will soon outline additional advice on how to remediate HCS forest, HCV areas and/or social values where areas or values have been cleared or damaged.

The HCSA EC requires formal response and acceptance the above actions within one month this communication is received.