stanes, having no significant commercial mineral value other than as construction material, as they may consider useful for conducting their operations, so long as this does not interfere with the rights of third parties or of the government. This can be sold commercially, though unlike timber there must be written government approval for this. There is no requirement that profits from such sales be shared between SD and the government.14

- Water. Before damming any body of water, SD must get approval from the government, though not from any communities which would be affected by it. SD is prohibited from damming water in such a way as to harm any farming activities already being conducted by the effective beginning date of the contract. There is no requirement that they refrain from harming farming activities, which come into existence after the beginning of the contract. Unlike the Golden Veroleum contract, there is no prohibition on depriving settlements (and therefore communities) of the water supply that they have customarily used.15

Public mobility issues

- The public are allowed to continue to freely use the roads across the Concession Area that they have always used, including farm roads, and including for commercial purposes. However, this use must not unreasonably interfere with SD’s operations. SD may also deny or restrict public access over these roads (with prior notice to the government) if they think it threatens the security of their operations and employees. This can include the installation of security gates on public roads, subject to government approval. In the case of an emergency, SD can close these roads and trails without asking the government first, provided that they immediately notify the Ministry of Agriculture.16

Community Development Promises

- Outgrowers’ Program. This will give 44,000 of the Gross Concession Area to be farmed by Liberian oil palm farmer cooperatives selected by Sime Darby and the government. SD commits to purchase their produce, and to provide them with training and non-financial support in obtaining farming materials. Funding will be sought from the World Bank and other international development funds. If funding is not obtained, the program will not go through and the land will revert to the government (see above).

- Community Development Contribution.18 SD will contribute $5 annually per ha of land within developed areas to a community development fund.
- A management team of not more than 10 members chosen by the surrounding community, the government, and SD will administer this fund. SD will get to choose half of the management team; there are no similarly ring-fenced positions for representatives from the community (or government) in the remaining half. Unlike the GV contract, there is no requirement that the budget be determined in consultation between the management team and the government.
- There is NO restriction limiting the disbursement of funds to projects directly benefiting the community, as opposed to the general work programs of administrative offices. There is also NO requirement that funds only be disbursed for the benefit of the communities in the affected counties.
- There are NO auditing or public transparency requirements regarding the activities of the fund.

Footnotes

1. Section 4.1(c)
2. Section 3.1
3. Section 4.3
4. Section 4.3
5. Section 8.6
6. Section 8.5
7. Section 8.6
8. Section 26.2
9. Section 27
10. Section 3.2
11. Section 8.8
12. Section 8.10
13. Section 4.1(d)
14. Section 4.4(a)
15. Section 4.4(c)
16. Section 4.4(k)
17. Section 15.2
18. Section 19.5
The Sime Darby Contract

SD and the government will

• carry it out, and paying the expenses. In terms of
• responsibility or to replace land lost to third-party concession-

SD will decide which communities it wants to resettle.

• Resettlement & displacement

SD will then make a request to the government and

• The government under which the government can

SD will then make a request to the government and

• Displacement may also affect people living outside

SD will then make a request to the government and

• Geographical Scope of Concession & Timetable of Expansion