

The Las Pavas dispute

10th of September 2009

In 2004, a consortium consisting of CI San Isidro (not connected to the DAABON Group) and DAABON subsidiary CI Tequendama looked to acquire five tracts of land totalling 1800 hectares of land in the Southern Bolivar region, including the Las Pavas Ranch of 1127 hectares. The region has previously been rife with conflict due to paramilitary activity, and in line with its mission, CI Tequendama wished to offer local communities opportunities for better living standards and development.

The plan was to establish a palm oil plantation and a palm oil mill with support for local smallholders to develop good agricultural practices. This model has successfully been implemented by CI Tequendama in the Magdalena region, where 200 families are organised in co-operatives are now supplying to the CI Tequendama mill. In addition to technical and credit support, these farmers and surrounding communities are also enjoying access to a range of facilities, including schools, electricity and potable water, which was not previously available.

A group of families residing in the region around Las Pavas are now claiming the right to the land acquired by the consortium in December 2006, which they say they have inhabited and used by them, and are now filing a claim for the land under Colombian law which allow such claim for land which has been fallow for three years. They also claim that the consortium was aware of this claim prior to acquisition.

Furthermore, attempts by the company to explain the social programmes (schools, water, access to land, technical support etc) which the consortium would implement have been misrepresented as bribes, rather than in the spirit of openness and engagement which was the objective.

However, the facts of the case differ significantly from those made by the families. The DAABON group and its subsidiaries have never had any previous land conflicts and would under no circumstances knowingly violate the rights of legitimate land holders. Indeed the company is now seeking to resolve the case both via the formal courts and via extensive community outreach.

A brief timeline of the Las Pavas case:

April 2004: Representatives of CI Tequendama visited the land in question, 1127 hectares located in Southern Bolivar, which was owned by a Mr. Escobar Fernandez. The purpose of the visit was to inspect the land and to assess its feasibility for oil palm cultivation. At the time, CI Tequendama representatives did not see any signs that people were occupying the land. Had this been the case, CI Tequendama would not have gone ahead with the acquisition plans

December 2006: After this initial visit, CI San Isidro had engineers working and assessing the land, and the consortium finalised the acquisition of the land title as of 13 December 2006.

At the time of acquisition, there had been no formal or official claims* to the land, and at no time during this period were there any signs that the land was occupied.

*By Colombian law the deeds of the property would keep track on any historic events on the property.

2007 and 2008: The consortia hired a number of local people to work on the land, primarily to establish fences and prepare for development. During this period, the consortium was not notified of any claims to the land.

January 2009: 12 men, armed with knives and guns, entered the land and removed 65 employees by force. Subsequently, a group of people moved in to occupy the land. The consortia did not take direct action to remove the occupiers, but applied for a formal court order

July 2009: The court ruled that the occupiers should be removed from the land. The consortium met with the occupiers to explain the situation and plans for the land, but the occupiers refused to move from the land. On 14 July 2009 the police took control on land. The company was not a party to this action. This was done in a peaceful manner (video is available documenting this) in the presence of different stakeholders from the government and non-governmental organizations.

Shortly after the occupation on 15 January 2009, the company was made aware that a resolution had been issued by Incoder to claim the land in November 2007. Incoder is an agency charged with returning land which has been seized by paramilitaries, drug lords etc. The company had not heard about this resolution before, as it was filed 7 months after the company had formally acquired the land. In addition, Incoder had never visited the land, nor contacted the company prior to filing this resolution. The company has currently filed a suit to annul the Incoder resolution.

August 2009: In addition to the legal proceedings, the company wished to resolve the conflict with the local communities peacefully and amicably. On 28th August, CI Tequendama met with meeting with Indepaz (an operational contact point for social NGOs, including Oxfam in Colombia) where the Las Pavas dispute was discussed. The representatives of CI Tequendama were made aware that the communities had previously had bad experiences with agricultural development in the region, and the company has decided to expand communications and engagement in order to rectify any misunderstandings and address community concerns. As a next step, a in a consultation with all communities in the area will take place on 15 September 2009. This consultation will focus on explaining the company's plans for an inclusive model which could offer better living standards and opportunities for communities in the areas, similar to that developed in the Magdalena region.

Land Preparation: The area was previously used for intensive cattle-grazing, therefore as part of the initial preparation to begin farming this land, it was carefully accessed and any clearance would have been part of this land-preparation – to be clear, no protected areas would have been affected.

The company has in fact designed an Environmental Management Plan (EMP) for the area which is strictly adhered to, and as a result this will include 15% of the land being protected – this is based on our own voluntary policies. This voluntary practice protects a high proportion of the conservation area, assessed during the exploratory phase, allowing for a strategically positioned area being maintained helping to protect the local wildlife.

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