

INDEPENDENT COMPLAINTS MECHANISM (ICM)

Monitoring Report on the Dispute Resolution Process

31 July 2026

DEG Complaint 18-002
Plantations et Huileries du Congo SA (PHC)
Democratic Republic of the Congo (DRC)

Seynabou Benga
Marina d'Engelbronner-Kolff
Mark Goldsmith

Members of the Independent Expert Panel

Recipients

Company – Plantations et Huileries du Congo (“PHC”, formerly a subsidiary of Feronia)

Complainant – Réseau d’Information et d’Appui aux ONG en République Démocratique du Congo (“RIAO-RDC”) on behalf of 263 individuals from nine villages in Boteka and Lokutu, two of the sites of PHC.

Lenders – DEG and FMO

This Monitoring Report is based on information provided to the Independent Expert Panel (IEP) by the complainants, the lenders, the client company and other relevant stakeholders. This document is not given, and should not be taken, as legal advice, and is not intended to be used as proof of its content in a court of law. The content of this document is only intended for the recipients to which it is addressed.

About the Independent Complaints Mechanism (ICM)

The Independent Complaints Mechanism (ICM) aims to provide complainants with an effective, fair and credible tool to facilitate the resolution of disputes. At the same time, it assists Netherlands Development Finance Company (FMO), Deutsche Investitions- und Entwicklungsgesellschaft (DEG) and PROPARCO in implementing and adhering to their own environmental and social policies and procedures.

The ICM is supported by an Independent Expert Panel (IEP or Panel). The IEP is fully independent from the Management of DEG, FMO and PROPARCO. It reviews complaints from communities and individuals affected by DEG, FMO and/or PROPARCO-financed operations and decides whether a complaint is admissible. If a complaint is admissible, the Panel processes the complaint in line with the ICM procedures and reports on the outcome of such process.

For more information about the ICM, please visit

- DEG's website: www.deginvest.de/icm
- FMO's website: www.fmo.nl/icm
- PROPARCO's website: www.proparco.fr/icm

List of Abbreviations

ANR	Agence Nationale des Renseignements (DRC National Intelligence Agency)
CSA	Comité de Suivi des Accords (Agreements Monitoring Committee)
DEG	Deutsche Investitions- und Entwicklungsgesellschaft (German Development Finance Institution)
DRC	Democratic Republic of the Congo
DRP	Dispute Resolution Process
FMO	Netherlands Development Finance Company (Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden)
ICM	Independent Complaints Mechanism
IEP	Independent Expert Panel
NGO	Non-Governmental Organisation
PDC/PDL	Plan de Développement Communautaire / Plan de Développement Local (Community/Local Development Plans)
PHC	Plantations et Huileries du Congo SA (formerly a subsidiary of Feronia)
RIAO-RDC	Réseau d'Information et d'Appui aux ONG en République Démocratique du Congo
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012)

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I. Executive Summary

This report constitutes the first and final Monitoring Report for complaint 18-002 concerning Plantations et Huileries du Congo SA (PHC) in the Democratic Republic of the Congo (DRC). It provides a detailed summary of the monitoring process and outcomes, of the mediation phase of the case, as set out in the agreements in the Report on the Conclusion of the Dispute Resolution Process issued by the Independent Complaints Mechanism (“ICM”) on 19 August 2024 as per paragraph 3.2.11 of the ICM Policy¹. This report covers the period from June 2024 to February 2026. It is based on information and documents provided to the Panel by RIAO-RDC, PHC and the communities of Lokutu and Boteka and on four monitoring visits conducted by the Panel in the DRC during the period under consideration.

In November 2018, the non-governmental organisation (NGO) Réseau d'Information et d'Appui aux ONG en République Démocratique du Congo (RIAO-RDC) and its Chairperson, Mr Jean-François Mombia Atuku (the “Complainant”) submitted a complaint to DEG’s Independent Complaints Mechanism concerning the financing of the company *Plantations et Huileries du Congo* (PHC) in the DRC.

The Complainant represents several persons, including community leaders and chiefs from communities and groups from the areas where two plantation sites of PHC are located in Boteka and Lokutu. The complaint relates to allegations of a lack of legitimacy of the land titles of the PHC plantations, physical abuse, human rights violations and abuse of the communities and a failure to provide sufficient information to the communities meaning that they were not on equal terms in their negotiations with PHC. The communities claimed that the 2015 concession contracts following the granting of the loan by the banks to PHC were entered into without consultation or the affected communities.

Following the admissibility decision of the complaint adopted by the Panel on 7 January 2019, the ICM facilitated a Dispute Resolution Process (DRP) between PHC, the communities and their representatives, namely RIAO-RDC. The process comprised several key steps:

- Between 2019 and 2022, the Panel undertook consultations to prepare for and outline the DRP.
- In March 2023, a first mediation session was held in Mbandaka and Kisangani resulting in a six-point DRP agreement being adopted by the Parties and land commissions set up.
- Between January and February 2024, a second mediation session took place in Kinshasa and Kisangani during which the report of the land commissions² was

¹ ICM, *Report on the Conclusion of the Dispute Resolution Process*, 19 August 2024:

<https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/ICM-Mediation-final-report-PHC-August-2024-English.pdf>.

² The land commission in Lokutu comprised the governor's representative, two members of PHC and a land expert for PHC, one community land expert, two RIAO-RDC representatives, seven community representatives representing the seven groupements of Lokutu, the three Territory Administrators (*administrateurs de territoire*) of Lokutu, the Head of the Cadastre Office (*chef de bureau du cadastre*), the Head of the Cadastre Division (*chef de division du cadastre*), and the Registrar of Land Titles (*conservateur des titres fonciers*). The land commission in Boteka comprised the governor's representative, one member of PHC and one land expert for PHC, one community land expert, one RIAO-RDC representative, the Territory Administrator (*administrateur de territoire*) of Ingende, the Head of the Cadastre Division (*chef de division du cadastre*), and the Registrar of Land Titles (*conservateur des titres fonciers*). Following the first meeting of the land commission, held in Boteka in July 2023, the community requested that nine community representatives from the Mokoso groupement participate in the commission's fieldwork. A representative of GASHE, an NGO in the region that had previously carried out extensive work on land issues in the area, participated in the work of the land commission as a representative of civil society and as the community land expert.

presented and the parties agreed to set up a permanent “«concertation»” committee (Comité de concertation).

In March 2021, the Panel published an Interim Report providing information on the progress of the case³.

Following the conclusion of the DRP, the Panel commenced monitoring the implementation of the DRP agreements in accordance with the ICM Policy.

Between June 2024 and February 2026, the Panel conducted four monitoring visits and observed significant progress in certain areas of the DRP agreements. These included for each community, the setting up of the land commissions, a significant reduction in incidents of theft and violence, the release of detained members of the communities and social initiatives such as the opening of canteens by PHC.

Outside of the ICM's mandate, the land commissions, established under the 2023 DRP agreements, completed their work and presented their reports at the second mediation session in January/February 2024. The reports confirmed that PHC's concessions correspond to its official titles, while recommending that the relevant state authorities carry out an official demarcation of certain boundary markers no longer visible on the ground. The parties agreed to set up a permanent «concertation» committee to discuss, among other things, the community development requests submitted by the communities as an agreed amicable response to the outstanding land issues. However, this committee was never established, preventing any structured dialogue with PHC on these requests.

Additionally, in December 2024, separate provincial agreements were signed between PHC and certain community leaders for both Boteka and Lokutu, under the aegis of the provincial authorities of Équateur and Tshopo respectively. These agreements were concluded outside the ICM framework and in the absence of RIAO-RDC, the complainant NGO. This parallel process raised questions about the coherence of the two dispute resolution processes and the need to ensure that all stakeholders, including RIAO-RDC, remain involved in the implementation of the agreed commitments.

In order to address the failure to establish the «concertation» committee and the existence of two parallel dispute resolution processes, the Panel convened a multi-stakeholder meeting in Kinshasa on 19 February 2026, bringing together PHC, RIAO-RDC, the communities of Boteka and Lokutu, and the provincial authorities of Équateur and Tshopo. This meeting resulted in the establishment of a unified monitoring structure, the Comité de Suivi des Accords (CSA), tasked with monitoring the implementation of both sets of agreements, and agreement on the key monitoring actions to be incorporated into a monitoring action plan to be developed by the CSA.

The establishment of the CSA marks the conclusion of the ICM's active monitoring of this case. The Panel trusts that the CSA, under the coordination of RIAO-RDC, will ensure the effective and sustained implementation of all agreed commitments by all parties.

³ ICM, *Preliminary Review Report on Complaint 18-002 (PHC)*, 22 November 2019; ICM, *Interim Report*, 19 March 2021; ICM, *Report on the Conclusion of the Dispute Resolution Process*, 19 August 2024: <https://www.deginvest.de/%C3%9Cber-uns/Verantwortung/Beschwerdemanagement/Feronia>.

II. Summary of the case

A. Overview of the complaint

On 5 November 2018, the Complaints Office of Deutsche Investitions- und Entwicklungsgesellschaft mbH (DEG) received a complaint dated the same day. It concerned the operations of Plantations et Huileries du Congo SA (PHC), at that time a subsidiary of Feronia Inc., financed by DEG. While the operation is financed by the Dutch Entrepreneurial Development bank (FMO) and other European Development Finance Institutions in a consortium, and although FMO is also part of the ICM, the Complaint was directed to DEG as consortium leader.

The complaint was lodged by the non-governmental organisation (NGO) Réseau d'Information et d'Appui aux ONG en République Démocratique du Congo (RIAO-RDC) and by its chairperson Mr. Jean-François Mombia Atuku (the "Complainant") on behalf of persons from nine of the more than sixty villages located within the area of influence of the Boteka and Lokutu plantations, two of PHC's three operational sites. It was accompanied by several signature lists representing 263 individuals (hereinafter the "complainants"), including community leaders and representatives from the two affected regions. During the eligibility assessment, the Panel confirmed the validity of the representation of the individuals whose names appeared on these lists.

The complaint covers the following three areas of concern:

- The legitimacy of land titles and access rights to land

The Complainants alleged that communities in the area were unaware of the boundaries of the land claimed by PHC, which stated that it held concession rights over 107,000 hectares, of which around 25,000 hectares were managed as industrial palm oil plantations. They claimed that the land validation process carried out after the granting of a loan by the consortium of development banks in 2015 demonstrated irregularities in the concession contracts. They argued that customary land rights had been violated and that the communities had been deprived of use of their land, forests, water sources and related natural resources, leading to poverty and extreme food insecurity.

- Human rights violations and abuse.

The Complainants alleged that members of their communities had been the victims of harassment and of grave physical abuse and human rights violations by PHC security guards and the local police.

- Lack of information and consultation

The Complainants alleged that they were not provided with sufficient information by PHC and the development banks and that they were not in a position to engage in balanced negotiations with PHC. They claimed that this lack of information, legal support and affordable legal aid was contrary to the Voluntary Guidelines of the FAO on the Responsible Governance of Tenure of Land (VGGT, 2012). They were also of the view that DEG and the other investors had breached their duty of diligence and failed to put in place appropriate remedial actions. Lastly, they claimed that the concession contracts revised in 2015 were prepared without the consent or consultation of the affected communities and that the project did not meet IFC Performance Standards 1 and 5.

In January 2019, the Panel declared the complaint admissible on the basis of the ICM Policy. As part of the preliminary review, the Panel conducted two visits to the plantation areas in Boteka and Lokutu in 2019, during which it met with representatives of PHC, RIAO-RDC managers, *groupement* chiefs and community leaders, the provincial authorities and religious and civil society leaders in Kisangani, Mbandaka, Lokutu and Boteka. Both PHC and RIAO-RDC expressed their wish for a more inclusive process, extended to all affected communities. The Panel published its Preliminary Review Report on 22 November 2019, recommending that a dispute resolution process be conducted open to all affected communities⁴.

B. The Dispute Resolution Process

The Dispute Resolution Process took place in four stages:

(1) Selection and approval of the mediator

In April 2022, the Panel initiated the process of recruiting a mediator to facilitate the Dispute Resolution Process between PHC, RIAO-RDC and the communities. After considering several applications, the application of a Congolese mediator was selected. His application was submitted to PHC and to RIAO-RDC who, following an interview with him, confirmed his appointment.

(2) May, August and November 2022: preparation for the Dispute Resolution Process

The Panel, together with the mediator approved by the parties, travelled to both locations to determine how the mediation would be organised and agree a mechanism for balanced representation. During this process, the communities indicated repeatedly that any agreement reached could not be merely between RIAO-RDC and PHC, but should be between all the communities, RIAO-RDC and PHC, to achieve the overall objective of creating peace locally. An agreement concerning representation of the communities was reached in August 2022. In order to prepare the parties and enhance their capacities to participate in the Dispute Resolution Process, the Panel organised training in conflict resolution and mediation techniques for all participants.

(3) March 2023: first mediation session

Two meetings were organised, one in Mbandaka for Boteka, the other in Kisangani for Lokutu. Ground rules were formulated and signed by all participants.

A first DRP agreement was reached at each location covering six issues:

- The issue of land (issue of legitimacy of the land cadastre documents of PHC and the limits of the plantation being exceeded according to RIAO-RDC and the communities);
- compensation claim brought for the case of Boteka (dismissed due to lack of evidence);
- physical abuse and human rights violations/abuse against the communities committed by the police and security officers of PHC;
- theft of palm nuts from the plantation, assaults and defamation against PHC;
- community participation in social projects financed by PHC;
- Implementation of a mechanism for dialogue between PHC and the communities.

⁴ ICM, *Preliminary Review Report on Complaint 18-002 (PHC)*, 22 November 2019: https://www.deginvest.de/DEG-Documents-in-English/About-us/Responsibility/ICM-Preliminary-Review-Report-DEG-complaint-18002-PHC_191122_final_EN-2.pdf

The agreement was signed by all parties who had participated in the mediation session. All outcomes were considered final, except on the issue of land rights.

For this issue, an agreement was reached at both locations that two land commissions would be set up with representatives of the communities, RIAO-RDC, PHC, the land cadastre offices and a representative of the governor of the two provinces where the sites are located, to note any irregularities related to the PHC plantation borders and open issues concerning the land titles used by PHC. Additionally, the communities and RIAO-RDC appointed legal experts to ensure they were properly advised throughout the process.

(4) January and February 2024: second mediation session

Two final meetings were held in Kinshasa (Boteka) and Kisangani (Lokutu), attended by all parties. At these meetings:

- the progress made since the agreement of March 2023 was reviewed and found to be very positive;
- the reports of the land commissions were received and discussed.

Consensus was reached that the Dispute Resolution Process should be ended with regard to all issues identified in 2023. On the land issue, both parties agreed that the community representatives would return to their respective *groupements* to consult their members and gather community development requests to be submitted to PHC, as an agreed amicable response to the outstanding land issues.

The parties agreed to put in place a permanent «concertation» committee for Boteka and Lokutu to allow the parties to periodically discuss these community development requests and all open issues in their future relations. These requests would be presented and discussed at the first meeting of the permanent «concertation» committee. The Panel agreed to attend the first meeting of the «concertation» committee, initially planned in August 2024, within the framework of monitoring the DRP agreements reached at each location.

The Panel published its report on the conclusion of the Dispute Resolution Process on 19 August 2024, formally marking the end of the DRP and the commencement of the monitoring phase⁵.

III. Monitoring activities

The ICM's Monitoring Role

In accordance with paragraph 3.2.11 of the ICM Policy, the Panel determines its monitoring role on a case-by-case basis. The Panel considers the monitoring phase an integral part of its complaints-handling mandate. Robust and continuous monitoring is a vital component of the successful implementation of DRP agreements. Additionally, effective monitoring is critical in establishing trust between the parties. Consequently, the Panel adopts a proactive monitoring approach in its case handling.

In order to fulfil its monitoring mandate, the Panel may engage in various activities, including conducting joint or bilateral meetings with parties and other stakeholders, requesting written feedback, conducting site visits, and reviewing relevant documents. Where necessary, and depending on the willingness of the parties, the Panel may also reconvene a multi-stakeholder

⁵ ICM, *Report on the Conclusion of the Dispute Resolution Process*, 19 August 2024.

dialogue to address gaps in implementation or differences of interpretation of agreed commitments.

Throughout the monitoring phase, and considering the progress made in implementation, the Panel aims to gradually phase out of the case in order to allow the parties to build confidence in implementation and establish direct channels for resolving any remaining issues in the future.

Accordingly, within the framework of its role in monitoring implementation of the DRP agreements between PHC, the communities of Lokutu and Boteka and RIAO-RDC, the Panel conducted site visits and held meetings with the parties to assess progress in the implementation of the agreements.

The Panel conducted four monitoring visits in June 2024, November 2024, April/May 2025 and February 2026 (see table below).

ICM Panel Monitoring Visits (June 2024 to February 2026)

Date	Key Meetings	Purpose
June 2024	Visit to Kinshasa to meet with the representatives of the Lokutu and Boteka communities.	To hear first-hand the community development requests that the communities had agreed to submit to PHC.
November 2024	The Panel travelled to Kisangani where it met with representatives of the Lokutu communities.	To assess the delays in implementation of the DRP agreements for Lokutu and Boteka.
April/May 2025	In Kinshasa, the Panel met with PHC and the chairperson of RIAO-RDC. The Panel subsequently travelled to Lokutu to meet the representatives of the communities. The Panel and RIAO-RDC subsequently held a meeting in Kinshasa upon return from the site visit, at which the communities' views and proposals were shared.	To assess the implementation of the DRP agreements and their relationship with the provincial agreements concluded under the aegis of the provincial authorities
February 19, 2026	The Panel organised a multi-stakeholder monitoring meeting in Kinshasa, bringing together PHC, RIAO-RDC, community experts from Boteka and Lokutu, and representatives of the governors of Équateur and Tshopo.	The meeting aimed to: 1. agree on monitoring actions to be included in a monitoring action plan covering both the DRP agreements and the provincial agreements; and 2. establish a local structure responsible for developing the monitoring action plan and overseeing the implementation of both sets of agreements.
Notes: 1. August 2024 - It had been agreed at the January/February 2024 mediation session that the first meeting of the «concertation» committee, to be attended by the representatives of PHC, the local authorities, the community representatives, RIAO-RDC, civil society and the Panel, would take place in August 2024. This meeting was intended to be the first opportunity for the parties to discuss the community development requests submitted by the communities as part of the agreed amicable resolution of the land issue. Ultimately, this meeting did not take place owing to PHC's unavailability, which prevented any structured dialogue on these requests and further delayed the implementation of the DRP agreements.		

2. The Panel also planned to travel to Mbandaka in November 2024 to meet with the Boteka community representatives. However, the Panel was required to cancel its planned trip a few days before departure, as the community expert, appointed by the communities, had informed the Panel that the representatives were unavailable due to imminent community consultations being held by the authorities in the province of Équateur.

A. Monitoring site visit of June 2024

The meeting with the community representatives of Boteka and Lokutu took place in Kinshasa from 24 to 27 June 2024. These representatives, including community leaders and a community expert for both Boteka and Lokutu, were appointed by their respective communities and RIAO representatives. Following their presentations, the Panel provided advice to the community representatives on how best to present their requests. The participants went back to rework their requests, which were later sent to the Panel and forwarded to PHC in August 2024.

At a virtual meeting arranged by the Panel with PHC, the company stated that the requests were excessive and unrealistic. The Panel then recommended that the communities revise their requests and resubmit them to PHC so that they could be discussed at the first meeting of the «concertation» committee, due to take place in August 2024.

B. Monitoring site visit of November 2024

The Panel conducted a further visit in November 2024 to assess the delays in implementation of the DRP agreements for Lokutu and Boteka. The visit particularly focused on the obstacles preventing the establishment of the «concertation» committee and the absence of any response from PHC to the community development requests submitted as part of the agreed amicable resolution of the land issue.

Shortly before this visit, the Panel was informed by PHC that a dialogue process, outside the ICM framework, under the aegis of the provincial authorities of Équateur and Tshopo was imminent between the company and the communities of Boteka and Lokutu.

PHC also informed the Panel that it was unavailable to meet during the visit in November 2024, due to travel abroad. As a result, no meeting with PHC could be held during this monitoring visit, marking the second consecutive occasion on which structured dialogue with PHC could not take place.

B.1 Trip undertaken by the ICM to Kisangani concerning the Lokutu site

During its visit, the Panel first travelled to Kisangani where it met with representatives of the Lokutu communities including the community leaders and *groupement* chiefs who had attended the DRP sessions in 2023 and 2024. The Panel again explained to the community representatives that PHC had considered the community development requests submitted in June 2024 to be excessive. The meeting therefore involved discussions between the Panel and the community representatives aimed at facilitating revision of the requests. Following these discussions, the community representatives put forward revised requests. These new requests, dated November 2024 and replacing the requests dated June 2024, were transmitted to PHC by the Panel by email of 3 December 2024.

After the Panel had arrived in Kisangani in November 2024, shortly before the start of the planned meetings, representatives of the Congolese Agence Nationale des Renseignements

(ANR) came to the meeting location requesting to speak to one of the Lokutu community representatives. The Panel was unable to obtain any information relating to the reasons for this request. In order to pre-empt reprisals of any nature, the Panel member, the facilitator and his assistant refused the request and decided to follow the ANR representatives to their premises in Kisangani. They called on the adviser to the governor of the province involved in the Dispute Resolution Process to assist them. After waiting for several hours, with no access to their phones, the Panel member was interviewed by the ANR authorities without any prior notice. The three ICM representatives were finally able to return to the meeting location. The Panel reiterates that it does not tolerate any form of reprisals, in accordance with its position statement on addressing risk of reprisals related to ICM operations of February 2021⁶.

B.2 Trip undertaken by the ICM to Mbandaka concerning the Boteka site

The Panel also planned to travel to Mbandaka in November 2024 to meet with the Boteka community representatives. The Panel was required to cancel its planned trip a few days before departure, as the community expert, appointed by the communities, had informed the Panel that the representatives were unavailable due to imminent community consultations being held by the authorities in the province of Équateur.

The members of the communities who participated in these consultations were subsequently invited to participate along with PHC representatives in the dialogue sessions arranged in Kisangani and Mbandaka by these same provincial authorities.

These dialogue sessions, conducted by the provincial authorities outside the ICM framework and in the absence of RIAO-RDC, resulted in two provincial agreements being signed between PHC and certain community leaders and *groupement* chiefs, building on pre-existing social protocols concluded between PHC and the communities in 2017 (for Lokutu) and 2018 (for Boteka), further described in the text box below. Other community leaders and *groupement* chiefs who had participated in the DRP sessions facilitated by the ICM in 2023 and 2024 were not invited or chose not to take part in these consultations and continued to seek implementation of the DRP agreements.

⁶ *Non-Retaliation Statement Independent Complaints Mechanism - Position Statement on Addressing Risk of Reprisals related to ICM Operations*, February 2021

The dialogue led by the provincial authorities

The Panel was informed that the provincial authorities in Kisangani and Mbandaka had initiated community consultations in Lokutu and Boteka in November 2024. Following these consultations, the provincial authorities invited the persons consulted in Lokutu and Boteka, notably certain *groupement* and village chiefs and PHC, to dialogue sessions in Kisangani for Lokutu (20 to 22 December 2024) and in Mbandaka for Boteka (12 to 13 December 2024). These dialogue sessions resulted in two provincial agreements being signed between PHC and certain community representatives, one for Lokutu and one for Boteka. RIAO-RDC did not participate in these dialogues or sign the provincial agreements.

PHC subsequently shared the provincial agreements with the Panel. Upon review, the Panel identified key points of convergence and divergence between the two sets of agreements.

On the land issue, both the DRP agreements and the provincial agreements recognise the validity of PHC's land titles. The provincial agreements go further on this point: for Boteka, the 18 villages of the Monkosso *groupement* explicitly recognised PHC's concession titles; for both sites, the parties committed to jointly request the provincial authorities to carry out an official demarcation of the concession boundaries; and PHC committed to assisting the communities in obtaining their own forest land documents, free of charge.

On community development, the provincial agreements provide for the continuation of projects under the existing 2017 protocol (for Lokutu) and 2018 protocol (for Boteka), as well as new community development projects identified during the dialogue sessions and listed in annexes to each agreement. These projects cover a wide range of areas including agriculture, livestock, education, vocational training and access to palm oil canteens. It should be noted that these social clauses obligations — that is, PHC's pre-existing contractual obligations to contribute to community welfare in the areas of health, education and local infrastructure — were already provided for under PHC's concession contracts and monitored by existing committees (the CLOSEP for Boteka and the *Comité de suivi des clauses sociales* for Lokutu). The provincial agreements reinforce these committees by including a representative of the provincial authority.

Both the DRP agreements and the provincial agreements also address human rights and the reduction of theft incidents. However, the DRP agreements are more comprehensive in scope, notably in the establishment of a permanent «concertation» committee for ongoing structured dialogue between all parties, which the provincial agreements do not provide for.

C. Monitoring site visit of April/May 2025

In April and May 2025, the Panel conducted a further monitoring visit to assess the implementation of the DRP agreements and their relationship with the provincial agreements concluded under the aegis of the provincial authorities. Meeting requests were therefore sent to PHC, RIAO-RDC and the governors of the provinces of Équateur (for Boteka) and Tshopo (for Lokutu).

In Kinshasa, the Panel met with PHC and the chairperson of RIAO-RDC. The Panel subsequently travelled to Lokutu and then to Boteka to meet the representatives of the communities of the two sites affected by the complaint.

The Panel and PHC discussed the various points of the DRP agreements and the outstanding community development requests. The Panel also informed PHC that it intended to meet with all community members, both those who had participated in the dialogue sessions arranged by the provincial authorities and those who had participated in the DRP facilitated by the ICM, in order to encourage the participation of all stakeholders and explore the potential harmonisation of the two sets of agreements.

C.1 Trip undertaken by the ICM to Lokutu

In Lokutu, the Panel met with all community members who had participated in the two DRP sessions facilitated by the ICM and also those who had participated in the dialogue sessions arranged by the provincial authorities in November and December 2024. A representative of RIAO-RDC was also present.

The participants and the Panel reviewed all the points of the 2024 DRP agreement, that is:

- the land issue;
- physical abuse and human rights violations against the communities committed by the police and security officers of PHC;
- theft of palm nuts from the plantation, assaults and defamation against PHC;
- community participation in social projects financed by PHC;
- implementation of a mechanism for dialogue between PHC and the communities including the permanent «concertation» committee;
- social projects and support for the local community.

During the meeting, the participants agreed on the state of progress in relation to each of these six points below:

i) The land issue

The land commission set up following the first DRP session in March 2023 produced a report that was presented at the second DRP session held in Kisangani in January/February 2024.

As agreed at that session, and as an amicable response to the outstanding land issues, the communities submitted community development requests to PHC. PHC found these requests to be excessive and unrealistic. The communities revised them, with the assistance of the Panel, and the revised requests were resubmitted to PHC within the ICM framework. No response was received to these revised requests within the ICM framework. At the same time, the provincial authorities carried out community consultations and facilitated a meeting in Kisangani in December 2024 at which certain of these requests were incorporated into a provincial agreement signed by PHC and certain groupement chiefs (chefs de groupement) and village chiefs.

The participants at the April/May 2025 meeting with the Panel accepted the requests incorporated in the provincial agreement but collectively decided to add further community development requests covering infrastructure, health, education, agriculture and employment, and asked the Panel to resubmit them to PHC. One village in Boteka additionally requested the restitution of specific land parcels, a matter that falls outside the ICM's mandate. These further requests received no formal response from PHC within the ICM framework

ii) Physical abuse and human rights violations against the communities committed by the police and security officers of PHC

PHC had agreed to ensure that human rights were respected, notably by implementing and applying its code of conduct and company policies. It has also agreed to facilitate so far as possible the release of certain members of the community who had been arrested. The community confirmed that all persons arrested at the time had been released.

iii) Theft of palm nuts from the plantation, assaults and defamation against PHC

Several measures agreed upon during the DRP have been implemented. Community awareness campaigns, including radio broadcasts and educational conferences, had contributed to a drastic reduction in cases of theft of palm products. PHC had opened one canteen selling palm oil in Lokutu, though the community noted that additional canteens were needed in other *groupements* to meet community needs. PHC has also begun supporting the agricultural activities of certain community members by providing seeds. Youth engagement activities, such as sports facilities and IT training, had been partially launched. The communities have committed to reporting cases of theft, including among security officers.

iv) Community participation in social projects financed by PHC

The parties had agreed to reactivate the social clause monitoring committee (*Comité de suivi des clauses sociales*), responsible for overseeing PHC's social obligations towards the communities. Community members believed that this committee was not meeting regularly enough.

v) Implementation of a mechanism for dialogue between PHC and the communities

The parties had agreed to reactivate the conflict management committee, a standing body established under PHC's concession contracts to address grievances and disputes between the company and the communities at the local level. Community members informed the Panel that this committee was not meeting regularly. Further, at the January/February 2024 DRP session, the parties had decided to set up a permanent «concertation» committee which, as of April/May 2025, has not yet met.

vi) Social projects and support for the local community

Through its Foundation, PHC had agreed to set up projects for the community, notably projects to develop partner plantations for community members, seed production, electricity production using biogas, and also community and local development programmes (PDC and PDL), in addition to projects carried out under the social clauses of PHC's concession contracts (which include obligations to contribute to community welfare in the areas of health, education, and local infrastructure) including health and education projects and others.

The parties had agreed that the implementation schedule for these projects would be shared with community members and that implementation would be jointly monitored. According to the communities, the implementation schedule for these various projects has not yet been shared and the projects have not yet been implemented.

All participants accepted the requests incorporated in the provincial agreement but decided to add further community development requests — covering infrastructure (roads, bridges, boreholes), health, education, vocational training, agricultural support and employment — and asked the Panel to resubmit them to PHC. These requests were discussed and approved by all participants, one *groupement* at a time (seven *groupements* in total for the communities of Lokutu). These further requests received no formal response from PHC within the ICM framework.

The participants also agreed that the two agreements should be consolidated, that is the DRP agreement and the provincial agreement signed under the aegis of the provincial authorities of Tshopo.

C.2 Trip undertaken by the Panel to Boteka

The Panel then travelled to Boteka to meet with all community members who had participated in the two DRP sessions facilitated by the ICM together with the members who had participated in the dialogue sessions arranged by the provincial authorities in November and December 2024. A representative of RIAO-RDC was also present.

The participants and the Panel reviewed all points of the 2024 DRP agreement:

- the land issue;
- physical abuse and human rights violations against the communities committed by the police and security officers of PHC;
- theft of palm nuts from the plantation, assaults and defamation against PHC;
- community participation in social projects financed by PHC;
- implementation of a mechanism for dialogue between PHC and the communities, including the permanent «concertation» committee;
- social projects and support for the local community.

During the meeting, the participants agreed on the state of progress in relation to each of these six points below:

i) The land issue

The land commission set up following the first DRP session in March 2023 produced a report that was presented at the second DRP session held in Kinshasa in January/February 2024. As agreed at that session, and as an amicable response to the outstanding land issues, the communities submitted community development requests to PHC. PHC deemed these requests to be excessive and unrealistic. The communities revised them on two occasions with the assistance of the Panel, and the revised requests were forwarded to PHC on two occasions but received no formal response from PHC within the ICM framework, which instead engaged in the separate provincial dialogue process.

ii) Physical abuse and human rights violations against the communities

Similarly to Lokutu, PHC had agreed to ensure that human rights were respected, and, according to the community representatives attending the meeting, all persons arrested at the time had been released.

iii) Theft of palm nuts from the plantation, assaults and defamation against PHC

Several measures agreed upon during the DRP have been implemented. Community awareness campaigns had contributed to a significant reduction in cases of theft of palm products. PHC had opened one canteen selling palm oil in Boteka, though the participants noted that a single canteen was not sufficient for all community members in the Monkosso *groupement* and that additional canteens were needed in different villages to facilitate access to palm oil, particularly for those living at some distance from the provincial of Boteka. PHC had also begun supporting certain community members through agricultural activities.

iv) Community participation in social projects financed by PHC

The parties have agreed to reactivate the social clause monitoring committee (*Comité de suivi des clauses sociales*), responsible for overseeing PHC's social obligations towards the communities. Community members believed that this committee was not meeting regularly enough.

v) Implementation of a mechanism for dialogue between PHC and the communities

The parties had agreed to reactivate the conflict management committee, a standing body established to address grievances and disputes between the company and the communities at the local level. Community members informed the Panel that this committee was not meeting regularly. Further, during the January/February 2024 DRP session, the parties had decided to set up a permanent «concertation» committee (*Comité de «concertation» permanent*) which, as of April/May 2025, has not yet met.

vi) Social projects and support for the local community

Through its Foundation, PHC had agreed to set up projects for the community, notably projects to develop partner plantations for community members, seed production, electricity production using biogas, and also community and local development programmes (PDC and PDL), in addition to projects carried out under the social clauses of PHC's concession contracts (which include obligations in the areas of health, education and local infrastructure) and others.

The parties had agreed that the implementation schedule for these projects would be shared with community members and that implementation would be jointly monitored. According to the communities, this implementation schedule had not yet been shared, and the projects had not yet been implemented.

As in Lokutu, all participants accepted the requests incorporated in the provincial agreement but decided to add further community development requests — covering infrastructure (roads, bridges, boreholes), health, education, vocational training, agricultural support and employment — and asked the Panel to resubmit them to PHC. These requests were discussed and approved by all participants representing the 18 villages in the *groupement* of Monkosso. These further requests received no formal response from PHC within the ICM framework.

The participants also agreed that the two agreements should be consolidated, that is the DRP agreement and the provincial agreement signed under the aegis of the provincial authorities of Équateur.

C3. Meetings with PHC and RIAO-RDC

The Panel and RIAO-RDC subsequently held a meeting in Kinshasa upon return from the site visit, at which the communities' views and proposals were shared. RIAO-RDC expressed its support for a subsequent meeting with representatives of all parties to discuss the harmonisation of the two sets of agreements and the approach to monitoring their implementation.

Upon return from the site visit, the Panel held online discussions with PHC. The stance and proposal put forward by the communities in their discussions with the Panel in Boteka and Lokutu were passed on verbally and then in writing:

- The communities were in principle supportive of the provincial agreements signed in late 2024 under the aegis of the provincial authorities.
- However, they wished to incorporate certain additional community development requests into the agreements, which they felt were necessary to improve support for community development. Accordingly, they requested the Panel to facilitate a meeting in Kinshasa with PHC, RIAO-RDC and the provincial authorities, to discuss jointly the next steps in the process, including these additional requests. They also indicated that they wished to appoint their own representatives at this meeting.

PHC did not provide a formal response to the communities' additional requests. Instead, PHC characterised the Panel's proposal for a meeting to discuss next steps as an attempt to reopen negotiations on the provincial agreements — which had not been the Panel's intention — and proposed instead that the focus be placed on developing a joint monitoring and evaluation plan covering both sets of existing agreements.

In light of the positions expressed by all parties, the Panel proposed convening a multi-stakeholder meeting in Kinshasa, initially planned for November 2025 but to which PHC did not respond in time. The Panel subsequently proposed a meeting in February 2026.

D. Monitoring visit on February 19, 2026, in Kinshasa

Following the communities' request for a joint approach covering both sets of agreements, and in order to address the failure to establish the «concertation» committee and the absence of a formal response from PHC to the communities' additional requests, the Panel organised a multi-stakeholder monitoring meeting on 19 February 2026 in Kinshasa, bringing together PHC, RIAO-RDC, community experts from Boteka and Lokutu, and representatives of the governors of Équateur and Tshopo. The meeting aimed to:

1. agree on monitoring actions to be included in a monitoring action plan covering both the DRP agreements and the provincial agreements; and
2. establish a local structure responsible for developing the monitoring action plan and overseeing the implementation of both sets of agreements.

Prior to the monitoring meeting of 19 February 2026, the Panel held separate preparatory meetings with each party to enable them to express their views, provide suggestions for the agenda, and ensure their active engagement in the monitoring phase.

During these preparatory meetings, the Panel met with:

- PHC: PHC had initially indicated, through prior correspondence, that it was unwilling to participate in the monitoring meeting. However, during the preparatory meeting held on 17 February 2026, PHC changed this position and confirmed its participation. PHC requested that a point recalling the closure of the DRP be added to the agenda, which was agreed to. PHC also suggested, and the Panel concurred, that it was important that participants understand the DRP had formally ended in 2024.
- Community experts: They expressed their support for the monitoring meeting, emphasising the importance of all parties sharing a common understanding of the monitoring actions for both sets of agreements and being able to select their own monitoring structure.
- Representatives of the governors of both provinces (Équateur and Tshopo): They welcomed the proposal to monitor both sets of agreements under a single monitoring structure and committed to continuing to provide support to all parties throughout the implementation phase.
- RIAO-RDC: The complainant organisation was unavailable for the preparatory meeting but confirmed by telephone its attendance at the monitoring meeting of 19 February 2026.

The monitoring meeting was held on 19 February 2026 as planned in Kinshasa, facilitated by the Panel. All invited stakeholder parties attended the meeting. At the opening, PHC requested and obtained agreement for a Boteka community chief and a company site representative to participate remotely. In addition, a number of uninvited participants who identified themselves as RIAO-RDC members residing in Lokutu were also present; after discussion, the Panel representative accepted their participation so as not to jeopardise the proceedings. Three main

points were discussed: the formal acknowledgement of the closure of the DRP, the designation of a monitoring structure, and the sharing of proposed monitoring actions.

D1. Meeting outcomes

The meeting resulted in the following decisions and outcomes.

The participants agreed to establish the *Comité de Suivi des Accords* (CSA) as the unified monitoring structure for both sets of agreements, with RIAO-RDC as lead coordinating organisation, together with three other local organisations to be identified at each site. Among these, at least one per site must be a female-led organisation. PHC indicated its willingness to help identify an independent source of funding for the CSA's operations.

The participants also agreed on the key monitoring actions, principally developed by PHC on the basis of the Panel's monitoring work, to be incorporated into a monitoring action plan to be developed and shared by the CSA with all stakeholders.

Finally, it was agreed that a small team comprising at least one representative of each stakeholder would travel to both sites to report the outcomes of the meeting to the wider communities.

D.2 The CSA: mandate and governance

The CSA comprises RIAO-RDC as lead coordinating organisation, together with three other local organisations to be identified at each of the two sites, chosen by the communities and approved by PHC. RIAO-RDC will hold the presidency, while the three other local organisations at each site will hold the remaining governance positions (vice-presidency, secretariat and financial management).

The CSA's mandate is to verify whether each party is fulfilling its commitments under both sets of agreements and to produce regular monitoring reports — quarterly and/or annual — to be shared with all stakeholders. At its first meeting, the CSA will determine the frequency of its meetings and agree on a schedule of site visits to monitor implementation progress. It should be noted that the monitoring activities conducted by the CSA are independent of the ICM. The ICM is not responsible for such activities and will not bear the costs of the CSA's operations, as these matters fall outside its mandate.

D.3 Monitoring actions

The monitoring actions cover both sets of agreements: those reached under the ICM-facilitated DRP, and those concluded under the aegis of the provincial authorities. The key commitments under the provincial agreements are as follows:

- Strengthening the projects monitoring committee with the involvement of a governor representative, supported by both parties;
- Both parties committed to respecting each other's land boundaries;
- PHC committed to continuing implementation of projects under the 2018 protocol (for Boteka) and 2017 protocol (for Lokutu) and new projects under the 2024 provincial agreements;
- Both parties committed to working with the provincial authorities to carry out an official demarcation of the boundaries of the PHC concession and community lands;
- The communities committed to promoting peace and harmony in their relations with the company and to refraining from any violent acts against it or its property.

The monitoring action plan to be developed by the CSA will explicitly cover both sets of agreements — the DRP agreements and the provincial agreements — and will define result indicators and implementation timelines for each commitment under both sets of agreements. The plan will be shared by the CSA with all stakeholders upon completion. The communities' outstanding development requests, which received no formal response from PHC within the ICM framework, are now part of the monitoring actions to be overseen by the CSA.

Following the establishment of the CSA and the agreement on a joint monitoring approach covering both sets of agreements, the Panel considers that its active monitoring role in this case has been fulfilled. The CSA, under the coordination of RIAO-RDC, is now equipped to ensure the ongoing monitoring of the implementation of all agreed commitments by all parties. The Panel therefore concludes its monitoring activities with the publication of this Report, which constitutes the first and final Monitoring Report on the implementation of the DRP agreements.

IV. Conclusion

The Panel notes significant progress in the implementation of the DRP agreements, notably the release by the police of all detained community members, the significant reduction in theft incidents and the opening of palm oil canteens. However, the permanent «concertation» committee was never established, PHC did not formally respond to the communities' development requests within the ICM framework, and the official demarcation of certain boundary markers — recommended by the land commissions — remains to be completed by the relevant State authorities.

The establishment of the CSA in February 2026, bringing together all parties to both sets of agreements under a unified monitoring structure, represents a significant step forward. The Panel commends the constructive role played by the provincial authorities of Équateur and Tshopo throughout this process.

The Panel notes with concern that PHC did not provide a formal response to the communities' development requests throughout the monitoring period, despite two revisions with the Panel's assistance. The Panel calls on PHC to engage constructively with the CSA to address these outstanding requests without further delay. It calls on RIAO-RDC and the CSA to develop and share the monitoring action plan without delay. With the publication of this Report, the Panel concludes its active monitoring of this case and trusts that all parties will continue to work together in good faith for the full and effective implementation of both sets of agreements.

The Panel congratulates all participants for their engagement throughout this process and expresses its appreciation for their collective efforts towards a peaceful resolution of this longstanding conflict.