



**Eerlijke  
Pensioenwijzer**

# **Pension funds and land grab – an inconvenient truth**

**Fair Pension Guide Netherlands**

**25 February 2021**

# Fair Pension Guide Netherlands

## Pension funds and land grab – an inconvenient truth

The Dutch Fair Pension Guide is a coalition of the following organisations:  
Amnesty International, Milieudefensie, Oxfam Novib, PAX and World  
Animal Protection

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## Table of contents

<b>Summary</b>	.....	<b>10</b>
<b>Introduction</b>	.....	<b>16</b>
<b>Methodology</b>	.....	<b>17</b>
<b>Chapter 1</b>	<b>Land rights and pension funds.....</b>	<b>18</b>
<b>1.1</b>	<b>Overall human rights .....</b>	<b>18</b>
<b>Chapter 2</b>	<b>Assessment of actions of pension funds to prevent and mitigate land rights violations .....</b>	<b>19</b>
<b>2.1</b>	<b>ABP .....</b>	<b>19</b>
<b>2.2</b>	<b>BPF Bouw .....</b>	<b>24</b>
<b>2.3</b>	<b>BPL Pensioen .....</b>	<b>27</b>
<b>2.4</b>	<b>Pensioenfonds Detailhandel .....</b>	<b>30</b>
<b>2.5</b>	<b>Pensioenfonds Zorg en Welzijn (PFZW).....</b>	<b>35</b>
<b>2.6</b>	<b>Pensioenfonds Horeca en Catering (PH&amp;C) .....</b>	<b>40</b>
<b>2.7</b>	<b>PME .....</b>	<b>43</b>
<b>2.8</b>	<b>PMT .....</b>	<b>45</b>
<b>2.9</b>	<b>StiPP .....</b>	<b>47</b>
<b>2.10</b>	<b>Pensioenfonds Vervoer.....</b>	<b>51</b>
<b>Chapter 3</b>	<b>Conclusions.....</b>	<b>54</b>
<b>Chapter 4</b>	<b>Recommendations .....</b>	<b>57</b>
<b>4.1</b>	<b>Recommendations for pension funds .....</b>	<b>57</b>
<b>4.2</b>	<b>Recommendations for the Dutch government .....</b>	<b>58</b>
<b>Appendix 1</b>	<b>Cross table of pension fund investments by company.....</b>	<b>60</b>
<b>Appendix 2</b>	<b>List of cases.....</b>	<b>61</b>
<b>Appendix 3</b>	<b>Response of companies to the opportunity to comment.....</b>	<b>74</b>
<b>Appendix 4</b>	<b>Investments in companies involved in land rights violations .....</b>	<b>80</b>
<b>Appendix 5</b>	<b>The survey .....</b>	<b>109</b>

## Samenvatting

De Eerlijke Pensioenwijzer heeft onderzoek gedaan naar de 10 grootste pensioenfondsen in Nederland en hun beleggingsrelaties met een geselecteerde lijst van 46 bedrijven die volgens publieke bronnen betrokken zijn bij ernstige landrechtenschendingen. In totaal beleggen de 10 grootste Nederlandse pensioenfondsen minimaal EUR 8,2 miljard in deze 46 bedrijven die betrokken zijn bij landrechtenschendingen. Lokale gemeenschappen in landen als Brazilië, Kameroen, Colombia, Congo, Ecuador, India, Irak, Nigeria, Peru en Sierra Leone hebben volgens een lange lijst van externe bronnen negatieve impact ondervonden door landroof door deze bedrijven. Hoewel alle tien pensioenfondsen beleggen in een aantal van de geselecteerde bedrijven die betrokken zijn bij schendingen van landrechten, was geen van hen in staat of bereid om - door middel van openbare documenten en/of in antwoord op een aan hen voorgelegde enquête - aan te tonen dat zij al deze bedrijven structureel onder druk zetten om een einde te maken aan de schending van landrechten, of om deze te helpen voorkomen. De grootste investeerders in genoemde bedrijven zijn ABP, PFZW en PMT (zie tabel 1).

De scores van de pensioenfondsen in dit praktijkonderzoek (score range: 1 - 10) variëren van een 5 ('twijfelachtig': Pensioenfonds Detailhandel) tot een 1 ('zeer slecht', laagste score: PH&C, PME, PMT, StiPP en Pensioenfonds Vervoer). De pensioenfondsen ABP, BPL Pensioen en PFZW kregen de score 2 ('slecht'). Bpf Bouw kreeg de score 3.

### Concrete voorbeelden van landrechtenschendingen door bedrijven waar Nederlandse pensioenfondsen in beleggen zijn:

- Oliemaatschappij Total uit Frankrijk: in 2018 werden lokale gemeenschappen in Oeganda, die protesteerden tegen een nieuwe oliepijplijn, gedwongen om hun land te verlaten en onvoldoende gecompenseerd;
- Rio Tinto uit Australië: in 2020 heeft 's werelds grootste producent van ijzererts twee oude heilige grotten, 46.000 jaar oud, van Aboriginals in Australië opgeblazen ten behoeve van een mijnuitbreiding;
- IJzerproducent Vale uit Brazilië: in 2019 stortte een dam bij een ijzererts mijn in tijdens een ongeluk waarbij ten minste 231 mensen omkwamen. Dit gebeurde slechts drie jaar na een eerdere mijnramp, van een mijn die mede-eigendom was van Vale. Toen deze dam instortte, vernielden ze een dorp in Brazilië, wat resulteerde in een verlies van 19 levens en honderden ontheemden. Lokale gemeenschappen en Ngo's hebben een transnationale coalitie gevormd, The International Movement of People Affected by Vale. Eerder heeft Vale minstens 200 families ontheemd om de S11D ijzererts mijn te ontwikkelen, eveneens in Brazilië. En Vale was betrokken bij schendingen van rechten van lokale gemeenschappen in verband met steenkool in Mozambique, waar door Vale's activiteiten in het gebied zo'n 1.360 families ontheemd raakten.

**Tabel 1 Totale investeringen in geselecteerde bedrijven door pensioenfondsen**

Pensioenfonds	Investerings (in EUR mln.)	Aantal bedrijven
ABP	3722	22
Bpf Bouw	474	21
BPL Pensioen	Gegevens niet beschikbaar	8
Pensioenfonds Detailhandel	222	24
PFZW	2007	29
PH&C	104	13
PME	551	19
PMT	1018	21
StiPP (zie 2.9 voor verduidelijking)	101	9
Pensioenfonds Vervoer	Gegevens niet beschikbaar	23
<b>Totaal</b>	<b>8199</b>	<b>46</b>

## Landgerelateerde mensenrechtenschendingen: een groeiend mensenrechtenprobleem

- Rurale gemeenschappen hebben te maken met een toenemende vraag naar hun land en natuurlijke hulpbronnen van overheden, bedrijven en investeerders. De huidige patronen van landbeheer en landgebruik zijn vaak ongelijk, niet duurzaam en hebben verschillende, cumulatieve, nadelige gevolgen. De gevolgen zijn onder meer mensenrechtenschendingen, aantasting van ecosystemen, verlies van biodiversiteit, uitputting en/of vervuiling van grondwater en drinkwater, uitstoot van broeikasgassen en lokale conflicten. Ondanks de cruciale rol die land en natuurlijke hulpbronnen spelen in het levensonderhoud en de cultuur van de meeste mensen, worden landrechten in veel landen niet goed beschermd of goed gedefinieerd. De toenemende druk op land en water is een groeiend probleem voor miljoenen mensen, vooral voor vrouwen en gemarginaliseerde groepen.
- Tot 2,5 miljard mensen zijn afhankelijk van inheems en gemeenschapsland, dat meer dan 50 procent van het land op de aarde uitmaakt; zij bezitten echter juridisch gezien slechts een vijfde deel. De resterende vijf miljard hectare blijft onbeschermd en kwetsbaar voor landroof.
- 93% van de landconcessies in de landbouw, mijnbouw, bosbouw/kap en olie- en gasector wordt bewoond - op basis van een analyse van 73.000 concessies in acht landen. Vandaag de dag komt de oproep tot het respecteren van Vrije, Voorafgaande en Geïnformeerde Toestemming (FPIC) van steeds meer verenigde inheemse, mensenrechten-, vrouwenrechten- en klimaatbewegingen die werken aan een divers scala aan campagnes.
- Moord op landrechtenactivisten is een groot en groeiend probleem. 2019 toonde een [recordaantal](#) vermoorde land- en milieuverdedigers in één jaar. In 2019 kwamen 212 land- en milieuverdedigers om het leven - gemiddeld meer dan vier mensen per week. Grootschalige landbouw, mijnbouw en houtkap zorgen nog steeds voor de meeste aanvallen op milieuverdedigers wereldwijd.

## Methodologie

De Eerlijke Pensioenwijzer heeft voor dit praktijkonderzoek onderzoek gedaan naar landrechten. Dit praktijkonderzoek is geïnitieerd door Oxfam Novib. Profundo heeft namens Oxfam Novib en de Eerlijke Pensioenwijzer onderzoek gedaan naar beleggingen van tien Nederlandse pensioenfondsen in een geselecteerde lijst van bedrijven die betrokken zijn bij ernstige schendingen van landrechten met aanzienlijke negatieve sociale en mensenrechten gevolgen voor de lokale bevolking. Het doel van dit onderzoek was het analyseren van de mogelijke acties die pensioenfondsen ondernemen om schendingen van landrechten door deze bedrijven te voorkomen en te stoppen. Er zijn 41 controversiële gevallen van land gerelateerde mensenrechtenschendingen door in totaal 46 bedrijven geselecteerd. De geselecteerde bedrijven in dit praktijkonderzoek kregen de gelegenheid om commentaar te geven op de (concept-) onderzoeksresultaten die in het rapport zijn gebruikt. Vervolgens kregen alle 10 pensioenfondsen die in de Eerlijke Pensioenwijzer zijn opgenomen een vragenlijst. Na ontvangst van de antwoorden op de vragenlijst door de meeste pensioenfondsen heeft de Eerlijke Pensioenwijzer de antwoorden van de pensioenfondsen gecontroleerd en de concept-resultaten naar alle pensioenfondsen gestuurd en hen de gelegenheid gegeven om commentaar te geven op eventuele feitelijke onjuistheden. Na ontvangst van het commentaar op de conceptresultaten heeft de Eerlijke Pensioenwijzer alle relevante opmerkingen opgenomen en het eindrapport geschreven. Het rapport bevat een score voor elk pensioenfonds tussen 1 en 10.

## Voornaamste conclusies:

- In totaal hebben de 10 grootste Nederlandse pensioenfondsen (minstens) EUR 8.2 miljard in 46 bedrijven die betrokken zijn bij de schending van landrechten.
- Er zijn grote verschillen in de manier waarop pensioenfondsen met deze bedrijven omgaan. Pensioenfonds Detailhandel heeft aanzienlijke inspanningen kunnen laten zien bij de helft van de betrokken bedrijven waarin dit pensioenfonds belegt op het gebied van dialoog over de schending van landrechten. Veel andere fondsen konden slechts wijzen op meer algemene betrokkenheid bij mensenrechten, vaak voor slechts enkele van de in dit rapport genoemde ondernemingen.
- Publieke informatie van pensioenfondsen, die beleggen in ondernemingen die betrokken zijn bij schendingen van landrechten, over of zij hierop actie ondernemen en zo ja, hoe en met welke resultaten en impact voor de lokale betrokkenen, is uiterst beperkt. Publieke informatie is schaars en de antwoorden op vragen zijn meestal zeer algemeen.
- Slechts 3 van de 10 pensioenfondsen (BPL, PFZW en PMT) hebben een publiek kenbaar beleid om te voorkomen dat bedrijven waarin zij beleggen zich schuldig maken aan schending van landrechten en waarin tenminste het recht van FPIC voor inheemse volkeren wordt benoemd.
- 6 van de 10 pensioenfondsen hebben dialoog gevoerd met 1 of meer van de in dit rapport genoemde bedrijven vanwege mensenrechtenschendingen en mogelijk daarbij hun betrokkenheid bij schendingen van landrechten (ABP, Bpf Bouw, BPL, Detailhandel, PFZW, Pensioenfonds Horeca en Catering). Echter: de meeste pensioenfondsen die dialoog voerden, hebben hun dialoog beperkt tot een (klein) aantal van de bedrijven waarin ze beleggen en die betrokken zijn bij landrechtenschendingen. Positieve uitzondering was Pensioenfonds Detailhandel: dit pensioenfonds verstreek uitgebreide informatie, duidelijk gerelateerd aan landrechten, over 13 van de 24 bij landrechten-schendingen betrokken ondernemingen waarin zij belegt.
- Dialoog gericht op 'herstel en verhaal': slechts 5 van de 10 pensioenfondsen (Bpf Bouw, BPL, Detailhandel, PFZW, Pensioenfonds Horeca en Catering) nemen herstel en verhaal op in hun dialoog met individuele ondernemingen die betrokken zijn bij landrechtenschendingen waarin ze beleggen, maar voor een beperkt aantal bedrijven.
- Vijf van de tien pensioenfondsen sluiten 1 of meer ondernemingen uit die betrokken zijn bij landrechtenschendingen en zijn opgenomen in de lijst in dit rapport. Zes pensioenfondsen sluiten zelfs geen enkele onderneming uit in hun publieke uitsluitingslijsten als gevolg van eventuele mensenrechtenschendingen: ABP, Bpf Bouw, Pensioenfonds Detailhandel, PFZW, PME en PMT.
- Geen van de pensioenfondsen heeft steun verleend aan of initiatieven genomen voor aandeelhoudersresoluties met betrekking tot landrechten voor een van de ondernemingen die betrokken zijn bij landrechtenschendingen waarin zij beleggen en die in dit rapport zijn opgenomen.
- Monitoring van tijdgebonden verbetering: met betrekking tot beleid en/of gedrag van het bedrijf wordt een zeer beperkt aantal concrete voorbeelden gepubliceerd of verstrekt als antwoord op de vragenlijst door 4 pensioenfondsen (ABP, Bpf Bouw, BPL, Detailhandel). Zes pensioenfondsen hebben geen concrete voorbeelden gepubliceerd en/of verstrekt in antwoord op de vragenlijst.

- Monitoring van tijdgebonden verbetering: wat betreft de verbetering van de situatie voor lokale gemeenschappen op het gebied van landrechten: de meeste pensioenfondsen monitoren dit niet, volgens hun eigen publicaties en hun antwoorden op de vragenlijst over bedrijven waarin zij beleggen en die betrokken zijn bij schendingen van landrechten en die in dit rapport zijn opgenomen. Alleen Detailhandel en Pensioenfonds Horeca en Catering rapporteren hier, zeer beperkt, op.
- Transparantie over dialoog met betrokken bedrijven en resultaten van deze dialoog: wat betreft de communicatie over ondernemingen die betrokken zijn bij landrechtenschendingen waar ze in beleggen, geven 6 pensioenfondsen (ABP, Bouw, BPL, Detailhandel, PFZW en Pensioenfonds Horeca en Catering), vaak zeer beperkt, informatie over hun dialoog. Ten aanzien van transparantie over communicatie met betrokken lokale gemeenschappen, gerelateerd aan ondernemingen die betrokken zijn bij landrechtenschendingen: vrijwel geen enkel pensioenfonds publiceert hierover of geeft relevante informatie of voorbeelden als antwoord op de vragenlijst. Alleen Pensioenfonds Detailhandel doet dit, zij het beperkt.
- De meeste pensioenfondsen (8 van de 10) hebben aan dit praktijkonderzoek meegewerkt, zij het vaak in beperkte mate en met algemene (niet specifieke) informatie. Pensioenfonds Detailhandel was het meest open in haar communicatie en gaf uitgebreide informatie als antwoord op de vragenlijst. Twee pensioenfondsen weigerden aan dit onderzoek mee te werken: BPL Pensioen en Pensioenfonds Vervoer.
- Toezeggingen: 8 van de 10 pensioenfondsen hebben zich niet bereid getoond om een eerste of extra stap te zetten op het gebied van landrechten. PFZW liet tijdens het onderzoekstraject weten dat zij in 2020 met Rio Tinto in gesprek was gegaan over de 'Australian Aboriginal casus'. Pensioenfonds Detailhandel deelde ons mee dat dit onderzoek de aanzet had gegeven tot vragen aan hun betrokken provider, o.a. naar de laatste stand van zaken over mogelijke verbeteringen of resultaten (t.a.v. betrokkenheid bij bedrijven over landrechten), of het ontbreken daarvan. De acht andere pensioenfondsen hebben zich niet bereid getoond om naar aanleiding van dit onderzoek een eerste of extra stap te zetten op het gebied van landrechten.

### **Belangrijkste aanbevelingen aan pensioenfondsen:**

- Neem in publiek kenbaar beleid over landrechten heldere eisen op aan bedrijven, inclusief het recht van FPIC voor inheemse volkeren en FPIC voor betekenisvolle consultatie van getroffen gemeenschappen.
- Vergroot inspanningen om schendingen van landrechten aan te pakken bij alle bedrijven die betrokken zijn bij schendingen van landrechten waarin belegd wordt.
- Maak dialoog met bedrijven op het gebied van mensenrechten en landrechten SMART. Als bedrijven betrokken blijven bij schendingen van landrechten en dialoog niet binnen een redelijke termijn (bijvoorbeeld 3 jaar) succesvol is, sluit deze bedrijven dan uit.
- Vergroot de diversiteit in informatiebronnen om ervoor te zorgen dat lokale gemeenschappen die te maken hebben met de negatieve gevolgen van landroof door bedrijven, goed vertegenwoordigd zijn. Neem hun standpunten en verzoeken om actie serieus.
- Stel je open voor de samenleving: informeer pensioendeelnemers, de Nederlandse regering en het parlement, Ngo's en andere belanghebbenden actief over concrete inspanningen om schendingen van landrechten bij specifieke bedrijven waarin wordt belegd te voorkomen en te verminderen.

- Voldoe aan de 'Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises' met betrekking tot de communicatie over onder meer resultaten van dialoog met bedrijven bij landrechtenschendingen.
- Voldoe aan de afspraken gemaakt in het IMVO convenant voor de pensioensector en voldoe aan de criteria van het binnen dit convenant ontwikkelde 'Themadocument Landrechten'.

### Belangrijkste aanbevelingen voor de Nederlandse regering:

- Accepteer niet het gebrek aan bereidheid van individuele Nederlandse pensioenfondsen om structureel actie te ondernemen tegen ernstige landrechtenschendingen door bedrijven waarin zij beleggen, en dring aan op transparantie over de genomen maatregelen.
- Verhoog de druk op Nederlandse pensioenfondsen om volledig te voldoen aan de OESO-richtlijnen, UNGP's, VGGT en andere relevante land- en mensenrechtenstandaarden, en maximale druk uit te oefenen op individuele bedrijven die betrokken zijn bij landrechtenschendingen om deze schendingen te voorkomen of te stoppen. En hierover te communiceren met de samenleving en belanghebbenden.
- Stimuleer pensioenfondsen om zich aan te sluiten bij de Nederlandse LANDdialoog, om landrechten wereldwijd te verbeteren door het versterken van de praktische toepassingen en monitoring van verbeteringsmaatregelen in lijn met de VGGT-principes.
- Voer ambitieuze due diligence-wetgeving in voor bedrijven, waaronder financiële instellingen, om volledige naleving van de OESO-richtlijnen en UNGP's te waarborgen. Dit bevat in ieder geval toegang tot informatie, de rechter, aansprakelijkheid en herstel en specificeert duidelijke criteria voor adequate due diligence. Nederland moet ook een leidende rol in EU Due Diligence wetgeving op zich nemen.

**Tabel 2 Scores van de pensioenfondsen**

<b>Pensioenfonds</b>	<b>Score (op een schaal van 1-10)</b>
ABP	2
Bpf Bouw	3
BPL Pensioen	2
Pensioenfonds Detailhandel	5
PFZW	2
PH&C	1
PME	1
PMT	1
StiPP	1
Pensioenfonds Vervoer	1





Ibu Nurisam and her husband trudge up an embankment to get to her corn fields which are in dispute with a Wilmar palm oil plantation in Koto Baru village. May 22, 2018. Photo/Ed Wray.



The residents in West Sumatra of the village Koto Baru fight for their land against palm oil company Wilmar. Koto Baru villagers load palm fruits from their communal palm oil plantation into a truck in Koto Baru village May 22, 2018. Photo/Ed Wray.

## Summary

The Fair Pension Guide (Eerlijke Pensioenwijzer) has done research on the 10 largest pension funds in the Netherlands and their investment relations with a selected list of 46 companies which, according to public sources, are involved in serious land rights violations. In total, the 10 largest Dutch pension funds invest at least EUR 8.2 billion in these 46 companies involved in land rights violations. Local communities in countries like Brazil, Cameroon, Colombia, Congo, Ecuador, India, Iraq, Nigeria, Peru, and Sierra Leone have been negatively impacted by land grabs by these companies, according to a long list of external sources. While all 10 pension funds invest in a number of companies involved in land rights violations, none of them was able or willing to show - through public documents and/or in reply to a survey - that they structurally put pressure on all of these companies to stop and prevent land rights violations. The largest investors are ABP, PFZW and PMT (see table 1). All scores are insufficient. Total scores (scoring range: 1 - 10) for this case study are between 5 (questionable: Pensioenfond Detailhandel) and 1 (very bad: PME, PMT, StiPP and Pensioenfond Vervoer). The pension funds ABP, BPL Pensioen and PFZW received a score 2 (bad). Bpf Bouw received a score of 3.

### Concrete examples of land rights violations by companies in which Dutch pension funds invest are:

- French oil company Total: in 2018, local communities in Uganda, opposed to a new oil pipeline, were displaced and unfairly compensated;
- Australian Rio Tinto: in 2020, the world's largest iron ore miner blasted two ancient sacred caves, 46,000 years old, of aboriginals in Australia as part of a mine expansion;
- Brazilian iron producer Vale: in 2019, a tailings dam at an iron ore mine suffered a huge failure; the dam collapsed, resulting in at least 231 people killed. This happened just three years after another mine disaster, at a mine co-owned by Vale. When this dam collapsed, it destroyed a village in Brazil, resulting in the loss of 19 lives and hundreds displaced. Community groups have even formed a transnational coalition, The International Movement of People Affected by Vale. Earlier, Vale displaced at least 200 families to develop the S11D iron ore mine, also located in Brazil. And Vale was involved in community rights violations related to coal in Mozambique, where Vale's operations in the area displaced some 1,360 families.

**Tabel 1 Total investments by pension funds in selected companies**

Pension Fund	Investments (in EUR mln.)	Number of companies
ABP	3722	22
BpfBouw	474	21
BPL Pensioen	Gegevens niet beschikbaar	8
Pensioenfond Detailhandel	222	24
PFZW	2007	29
PH&C	104	13
PME	551	19
PMT	1018	21
StiPP (see 2.9 for clarification)	101	9
Pensioenfond Vervoer	Gegevens niet beschikbaar	23
<b>Total</b>	<b>8199</b>	<b>46</b>

## Land-related human rights violations: an increasing human rights problem

Rural communities face increasing demand for their land and natural resources from governments, companies and investors. Current patterns of land management and land use are often unequal, unsustainable and have several, cumulative, adverse impacts. Impacts including human rights violations<sup>i</sup>, ecosystem degradation, loss of biodiversity, depletion and/or contamination of groundwater and drinking water, greenhouse gas emissions and local conflicts. Despite the crucial role that land and natural resources play and have played historically in most people's livelihoods and culture, land rights are not well protected or properly defined in many countries. The growing pressure on land and water is a mounting problem for millions of people, especially for women and marginalised groups.

- Up to 2.5 billion people depend on indigenous and community lands, land to fulfil their livelihoods, which make up over 50% of the land on the planet; however, they legally own just one-fifth. The remaining five billion hectares remain unprotected and vulnerable to land grabs.<sup>ii</sup>
- 93% of land concessions in agriculture, mining, forestry/logging or oil and gas are inhabited — based on an analysis of 73,000 concessions in eight countries. Today, the call to respect Free, Prior and Informed Consent (FPIC) comes from increasingly unified indigenous, human rights, women's rights and climate movements working on a diverse array of campaigns.
- Killing of land rights defenders is a huge and growing problem. 2019 showed the [highest number](#) of murdered land and environmental defenders in a single year. As many as 212 land and environmental defenders were killed in 2019 – an average of more than four people a week. Largescale agriculture, mining and logging are still driving the majority of attacks against environmental defenders across the world.

## Methodology

The Fair Pension Guide (FPG) did research for this case study on land rights. This case study was initiated by Oxfam Novib. Profundo, on behalf of Oxfam Novib and FPG, has done research into investment links between 10 Dutch pension funds and a selected list of companies involved in serious land rights violations with significant negative social and human rights impacts on the local population. The objective of this survey was to analyse the possible actions that pension funds are taking to prevent and stop land rights violations by these companies, at least according to their own information. A total of 41 controversial cases of land-related human rights impacts by 46 companies were selected. Companies selected in this case study got the opportunity to comment on their (draft) case description used in the report. Next, all 10 pension funds included in the Fair Pension Guide received a survey. After receiving answers on the survey by most of the pension funds, FPG checked the replies of the pension funds and sent the draft- results to all pension funds and provided them with an opportunity to comment. After receiving the comments on the draft-results, FPG incorporated all relevant and reasonable comments and wrote the final report. The report includes a score for each pension fund between 1 - 10.

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<sup>i</sup> Land is a cross-cutting issue, impacting several human rights such as rights to housing, food and freedom from hunger, health, and security of person. In addition, for specific groups there are additional rights, including the declaration on the rights of Indigenous Peoples (<https://www.ohchr.org/en/issues/ipeoples/pages/declaration.aspx>)

<sup>ii</sup> Common ground: [https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file\\_attachments/bp-common-ground-land-rights-020316-en\\_0.pdf](https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/bp-common-ground-land-rights-020316-en_0.pdf)

## Main conclusions:

- In total, the 10 largest Dutch pension funds have (at least) EUR 8.2 billion in 46 companies involved in land rights violations.
- There are significant differences in how pension funds deal with these companies. Pensioenfond Detailhandel was able to show significant efforts in terms of engagement for half of the companies, involved in land rights violations, it invests in. Many other funds were only able to point to more general engagement on human rights, often for only a few of the companies listed in this report.
- Public information from pension funds investing in companies involved in land rights violations, about whether they act on this and if so, how and with which results and impacts for local affected stakeholders, is extremely limited. Public information is scarce and replies to questions are mostly very general.
- Just 3 out of 10 pension funds (BPL, PFZW and PMT) have public policies to prevent land grab among companies they invest in and at least mention the right of FPIC for indigenous peoples.
- 6 out of 10 pension funds engaged one or more companies listed in this report on human rights, possibly for their involvement in land rights violations (ABP, Bpf Bouw, BPL, Detailhandel, PFZW, Pensioenfond Horeca en Catering). However: most pension funds that engaged them limited their engagement to a small number of the companies they invest in and which are involved in land rights violations. A positive exception was Pensioenfond Detailhandel: this pension fund provided extensive information, clearly related to land rights, on 13 of the 24 companies they invest in.
- Engagement on remedy: only 5 out of 10 pension funds (Bpf, Bouw, BPL, Detailhandel, PFZW, Pensioenfond Horeca en Catering) include “remedy” in their engagement with individual companies involved in land rights violations they invest in, however, this only concerns a limited number of companies.
- 5 out of 10 pension funds exclude one or more companies involved in land rights violations that are included in the list in this report. Six pension funds do not exclude any company as a result of any human rights violations in their public exclusion lists: ABP, Bpf Bouw, PFZW, PME and PMT.
- None of the pension funds have supported or have taken initiatives for shareholder resolutions related to land rights for any of the companies involved in land rights violations in which they invest and which are included in this report.
- Monitoring of time-bound improvement: regarding policy and/or behaviour of the company, a very limited number of concrete examples are published or provided by four pension funds (ABP, Bouw, BPL, Pensioenfond Detailhandel) in response to the survey. Six pension funds did not publish or provide any concrete examples in response to the survey.
- Monitoring of time-bound improvement: regarding improvement of the situation on the ground, for local communities, in terms of land rights: most pension funds do not monitor this, according to their own publications and their response to the survey in terms of companies they invest in and which are involved in land rights violations and included in this report. Only Pensioenfond Detailhandel and Pensioenfond Horeca en Catering provided some very limited information in response to the survey.
- Transparency on engagement and results of engagement: regarding communication about companies in which they invest and which are involved in land rights violations, six pension funds (ABP, Bouw,

BPL, Pensioenfond Detailhandel, PFZW and Pensioenfond Horeca en Catering), provide, often limited, information about their engagement. Regarding transparency about communication with affected (local) stakeholders, related to companies involved in land rights violations: almost no pension fund publishes about this or provided relevant information or examples in response to the survey. Only Pensioenfond Detailhandel did (in a limited way).

- Most pension funds (eight out of 10) cooperated with this case study, although often in a limited and general way. Pensioenfond Detailhandel was most open in its communication and provided extensive information in response to the survey. Two pension funds refused to cooperate: BPL Pensioen and Pensioenfond Vervoer.
- Commitments: eight out of 10 pension funds did not show any willingness to take the first or an additional step on land rights. However, PFZW responded that in 2020 it had started engagement with Rio Tinto about the “Australian Aboriginal casus”, and Pensioenfond Detailhandel responded that our question had sparked questions to their engagement provider and that it had asked its engagement provider about the latest status of possible improvements or results (regarding engagement with companies on land rights), or the lack thereof.

### Main recommendations for pension funds:

- Include clear expectations about land rights for companies in which they invest in the public policies of pension funds. Including the right of FPIC for indigenous peoples, and FPIC for meaningful consultation with affected communities.
- Significantly increase efforts to address land rights violations among all companies involved in land rights violations in which pension funds invest.
- Make engagement on human rights and land rights with companies SMART. Pension funds should encourage companies to report on land rights issues. If companies continue to be involved in land rights violations, and engagement is not successful within a reasonable period of time (for example three years), exclude these companies.
- Increase diversity in information sources to ensure local communities affected by the negative impacts of land grab by companies that pension funds invest in, voices and perspectives are well represented. Take their views and requests for action seriously.
- Open up to society: actively inform pension savers, the Dutch government and parliament, NGOs and other stakeholders about concrete efforts made to prevent and reduce land rights violations among specific companies in which pension funds invest.
- Fully comply with the “Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises” regarding communication on, for example, engagement results of companies involved in land rights violations, as well as with the appointments made in the RBC Agreement for the Pension Funds and the “*Themadocument Landrechten*” developed within the Agreement.

### Main recommendations for the Dutch government:

- Don't accept the lack of willingness by individual Dutch pension funds to take action on serious land rights violations among companies they invest in, and demand transparency on actions taken.
- Increase pressure on Dutch pension funds to fully comply with the OECD Guidelines, UNGPs, VGGT and other relevant land- and human rights frameworks, and use maximum leverage to increase pressure on individual companies involved in land rights violations to prevent and stop these violations. And communicate about this to society and stakeholders.
- Encourage pension funds to join the Dutch LANDdialogue, in order to improve global land governance through strengthening the practical application and monitoring of improvement measures in line with the VGGT principles.
- Adopt ambitious national due diligence legislation for companies, including financial institutions, to ensure full compliance with the OECD Guidelines and UNGPs. This includes access to information, the courts, liability and remedy. And spell out clear criteria for adequate due diligence. The Netherlands should also take a leading role in EU due diligence legislation.

**Table 1 Scores of the pension funds**

Pension fund	Scores (on a scale of 1- 10)
ABP	2
Bpf Bouw	3
BPL Pensioen	2
Pensioenfonds Detailhandel	5
PFZW	2
PH&C	1
PME	1
PMT	1
StiPP	1
Pensioenfonds Vervoer	1

## Case: Newmont Corporation in Peru



@Amnesty International Raul Garcia

### Máxima

In 1993 Maxima bought a piece of land where she went to live with her husband and children. They keep sheep and chickens, collect wild herbs and grow potatoes and lead a quiet life. That peace is brutally disrupted when Máxima dares to revolt against the powerful mining company Newmont Corporation.

In 2011, Newmont Corporation announced its intention to expand the Yanacocha mine and purchase the land around it. If you want to extract gold, you have to crush large quantities of stone. And so more land is needed. The Maxima land is also being claimed.

### Bulldozers and claps

Soon the intimidations start. Two of Máxima's sheep are taken by employees of Yanacocha and run. Her dog is intentionally run over. One day, employees of the mining company and police officers come with bulldozers to drive Máxima off her ground. She shows the bruises left over from the blows she received. Her daughter Jhilda was hit by a car and was left unconscious on the ground. But Máxima cannot be chased away. The land is officially hers.

### Legal battle

What follows is a long legal battle. A case is pending against her because she refuses to hand over her land to a mining company. Sometimes she has to walk for seven hours, and regularly she goes for nothing because sessions are canceled without notifying her. Meanwhile, the intimidation continues. When she goes to court for the umpteenth time in 2019, a group of protesters outside, holding banners: "Máxima no ésta sola". Máxima is not alone.

Source: [Amnesty International/Wordt Vervolgd Magazine](#)

## Introduction

This study examines whether the ten largest Dutch pension funds have investments in companies involved in serious land rights violations according to relevant public sources, and if they are taking concrete steps to prevent and mitigate land rights violations. Based on this research, conclusions and recommendations are provided in this case study on how pension funds could take concrete measures to reduce the risks of the continuation of serious land rights violations among companies in high-risk sectors they invest in.

### The issue

Land governance is defined as “the process by which decisions are made regarding access to and use of land and natural resources, the manner in which those decisions are implemented, and the way that potential conflicting interests are reconciled.”<sup>iii</sup> This definition thus includes the governance of various forms of land (including forests and other vegetation-covered areas) and water. For a large part of the global population the access to, use of and control over land directly affects the enjoyment of a wide range of human rights. Based on this acknowledgement are the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), for instance, “seek to improve governance of tenure of land, fisheries and forests.” They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalised people, with the goals of food security and the progressive realisation of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.”<sup>iv</sup> Land governance risks are thus human rights risks. Risks that the human rights of affected stakeholders, with an emphasis on vulnerable and marginalised people, are negatively impacted by poor land governance. Affected stakeholders can be defined as all individuals whose human rights have been or may be affected by a company’s operations, products or services, including local communities.<sup>v</sup> In general, these stakeholders include the people living on, having access to and/or using land resources. Poor land governance can impact their civil, cultural, economic, political and social rights, such as the right to food, the right to culture and the right to housing. For local communities and indigenous peoples, land rights are not just an abstract concept – they are a matter of survival. But all too often they are ignored or denied. These communities play an important role in feeding the world. They look after some of the world’s ecosystems and help combat poverty and hunger. However, some companies looking to make a profit are appropriating their land for agriculture, infrastructure and mining projects. As communities stand up to defend their rights, they are in some cases threatened, violently evicted, and even killed.<sup>vi</sup>

A community’s choice to give or withhold their free, prior and informed consent (FPIC) to a project or activity planned to take place on their land is a recognised right of Indigenous peoples under international law. It is also a best practice principle that applies to all communities affected by projects or activities on the land, water and forests they rely on. Free, prior and informed consent has additional benefits for investors involved in such projects and their clients, in helping to avoid a diverse array of potential risks as described above.<sup>vii</sup> The Dutch Minister for Foreign Trade and Development Cooperation, Minister Kaag, recognized the importance of land rights in her policy note by stating that “*land rights and sustainable land management are essential preconditions for achieving at least half of the SDGs and the Paris climate goals.*”

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<sup>iii</sup> FAO and UN HABITAT (2009), Towards Improved Land Governance, online: <https://goo.gl/7fmDM6>, p.9

<sup>iv</sup> FAO (2012), Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, Food and Agriculture Organisation of the United Nations, Rome: FAO Publishing, para. 1.1.

<sup>v</sup> Shift (n.d), “Glossary – Affected Stakeholders”, online: <https://www.ungpreporting.org/resources/glossary/>, viewed in October 2017.

<sup>vi</sup> <https://profundo.nl/en/projects/land-governance-in-the-dutch-banking-sector-agreement-on-international-responsible-business-conduct-regarding-human-rights>, <https://www.oxfam.org/en/take-action/campaigns/stand-land-rights>, <https://eerlijkegeldwijzer.nl/media/496313/2020-ffi-methodology-clean-version-200827.pdf> (p. 81, 82)

<sup>vii</sup> <https://policy-practice.oxfam.org/resources/consent-is-everybodys-business-why-banks-need-to-act-on-free-prior-and-informed-620854/>



## Methodology

The Fair Pension Guide did research for this case study on land rights. This case study was initiated by Oxfam Novib. Profundo, on behalf of Oxfam Novib and FPG, conducted research into possible investment links between ten Dutch pension funds and a selected list of companies involved in serious land rights violations with significant negative social and human rights impacts on the local population. The objective of this survey was to analyse the possible actions that pension funds are taking to prevent and stop land rights violations by these companies. This research focused on public information published by pension funds and information collected through a survey.

The financial research, done by Profundo, presents the findings of an analysis of land-related investments by Dutch pension funds. The investments concern specifically investments in companies with business operations that cause land-related human rights impacts, according to relevant public sources. Profundo's research was based on the following question: Are Dutch pension funds financially linked to companies implicated in human rights violations related to land rights?

As the first step of the research, 41 controversial cases of land-related human rights impacts were selected by Oxfam. It was identified that 46 stock-listed companies were involved in these 41 controversial cases. Oxfam Novib has tried to provide the companies selected in this case study with an opportunity to comment on their (draft) case description used in the report. Some companies responded to Oxfam's emails about this; their replies are included in this report. Important: this list of 41 controversial cases and 46 involved companies is a non-exhaustive list: these are just clear examples.

Next, financial research determined whether the 10 selected Dutch pension funds have investments in bond- and shareholdings of these companies. The investments were retrieved from investment portfolios, published by the pension funds and the financial database Thomson Reuters Eikon.

Oxfam Novib, on behalf of the Fair Pension Guide, informed all pension funds that are included in the Fair Pension Guide about this case study. Oxfam Novib/FPG sent a survey to all pension funds. The survey focused on any action a pension fund may have taken to mitigate damage done by the company, through engagement, voting or divestment. The survey can be found in Appendix 6.

Eight out of the 10 pension funds responded to the survey. FPG checked the replies of the pension funds and sent the draft-results to all pension funds and provided them with an opportunity to comment. After receiving the comments on the draft-results, FPG incorporated all relevant and reasonable comments and wrote the final report. The report includes a score for each pension fund between 1 - 10 (rounded numbers). The score for most questions of the survey is based on the number of companies for which the pension fund showed to have taken action, relative to the total number of companies for which investments by the pension fund were found. If a pension fund made a clear commitment, it received 1 bonus point. The final report was sent to all pension funds confidentially two weeks before publication, so that pension funds were able to prepare for any questions from the media.

## Chapter 1 Land rights and pension funds

The Fair Pension Guide assesses the public policy of pension funds. This assessment is carried out based on the Fair Finance International Methodology. Land rights are not a separate chapter in this methodology, but are incorporated under “human rights”. These criteria, in the same form, are also included in the chapters on “mining”, “oil and gas” and “food”.

### 1.1 Overall human rights

The total scores of 10 large Dutch pension funds for their public policy on “human rights” in the Fair Pension Guide are the following: PMT is the only investigated pension fund with a sufficient score for human rights policy (score 6), all other pension funds score between 5 (ABP, BPL Pensioen, PFZW) and 3 (Bpf Bouw, Pensioenfondsen Detailhandel, Pensioenfondsen Horeca en Catering, Pensioenfondsen Vervoer, PME, StiPP).

Within the theme of human rights, two specific criteria for land rights have been included:

- Criterion 7 within the human rights theme is: “Companies prevent conflicts over land rights and acquire natural resources only by engaging in meaningful consultation with local communities and obtaining free, prior and informed consent (FPIC) when it concerns indigenous peoples.” Three out of the 10 researched pension funds have published investment policies on this subject, expecting companies in which they invest to adhere to them: BPL Pensioen, PFZW and PMT. The other researched pension funds, ABP, Bpf Bouw, Pensioenfondsen Detailhandel, Pensioenfondsen Horeca en Catering, Pensioenfondsen Vervoer, PME and StiPP, have not included this criterion in their public policy.
- Criterion 8, within the theme of human rights, is: “Companies prevent conflict over land rights and acquire natural resources only with free, prior and informed consent (FPIC) of the land users involved.” Only PMT has published an investment policy on this subject, expecting companies in which it invests to adhere to this policy. The other investigated pension funds, ABP, Bpf Bouw, BPL Pensioen, Pensioenfondsen Detailhandel, Pensioenfondsen Horeca en Catering, Pensioenfondsen Vervoer, PFZW, PME and StiPP, have not included this criterion in their public policies.<sup>viii</sup>

Criteria 7 and 8 derive from a number of international guidelines and declarations<sup>ix</sup>, including:

- “International Covenant on Economic, Social and Cultural Rights” (UN),
- “Basic Principles and Guidelines on Development Based Evictions and Displacement” (UN),
- “Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge” (UN Special Rapporteur on the right to food),
- “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT, of FAO),
- “United Nations Declaration on the Rights of Indigenous Peoples” (UNDRIP)
- “Tirana Declaration”

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<sup>viii</sup> Source: policy update, carried out by Profundo, published by the Fair Pension Guide on 14 May 2020: <https://eerlijkegeldwijzer.nl/media/495879/2020-05-tweede-beleidsupdate-pensioenfondsen.pdf> (see p. 50, table 21).

<sup>ix</sup> Source: Fair Finance Guide International Methodology, <https://eerlijkegeldwijzer.nl/media/494824/ffgi-methodology-2018-final-180308-edited-181212.pdf> (p. 73, 74).

## Chapter 2 Assessment of actions of pension funds to prevent and mitigate land rights violations

### 2.1 ABP

ABP has provided input for this report: ABP has provided information in response to the survey for this report. In total, ABP invested EUR 3,722 million in 22 companies involved in land rights violations according to public sources.

#### 1. Engagement or divestment

##### Score: 0.73

Explanation: According to ABP's engagement list (ABP's engagement list), ABP engages the following seven companies on the list of companies involved in land rights violations, on "human rights": BHP Billiton, Energy Transfer LP, Marathon Petroleum, PepsiCo, Phillips 66, Rio Tinto, Vale. No specific information about engagement on land rights. However, according to public data used for this research, ABP invests in 22 companies involved in land rights violations, including several larger investments (EUR 108-595 million). ABP [published a factsheet](#) on land rights in 2019. ABP is also a member of the Dutch LANDdialoog, and states it contributes to research on how land is acquired. In 2017, for example, ABP, together with Oxfam and Both ENDS, published a guide with sources that investors can use in their research.

ABP also provides an [exclusion list on its website](#), but doesn't list land rights specifically or even more generally human rights as a reason for exclusion. However, in its response to the survey for this case study, ABP indicated it had excluded Posco Daewoo because of land rights ("divestment after lack of progress"). See also: [ABP land rights](#)

#### 2. Engagement: inclusion of the right to remedy

##### Score: 0

Explanation: ABP didn't show if and how they included the right to remedy, related to any of the companies involved in land rights violations and included in this report, in their engagement.

No reference to any individual case (company) mentioned in the list of companies involved in land rights violations which is included in [ABP's engagement report](#).

[In ABP's factsheet](#) on, "remedy/recovery" and "complaint / complaints mechanism" are not mentioned.

#### 3. Voting: supporting or taking initiatives for shareholder resolutions

##### Score:0

Explanation: No information on voting on land rights issues was provided under this question in the survey for this report or during the phase of opportunity to comment.

After a sample of ABP's voting records ([ABP's voting records](#)) on Bhp Group, Vale, Enbridge, Total, Exxon Mobile, Newmont and PepsiCo, no examples were found where ABP voted for a shareholder resolution related to land rights (or even human rights in general).

#### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

**Score EP: 0.05**

Explanation: In its response to the survey, ABP provided one example: Posco Daewoo (divestment after lack of progress).

Other than that, no evidence of monitoring timebound improvements on any of the companies involved in land rights violations that are included in this report in public documents from ABP.

In its report [ABP sustainable investment](#) (p. 13) ABP states: “We’re also working on a method for measuring and monitoring the influence of sustainable and responsible investment on an ongoing basis.”

#### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

**Score: 0**

Explanation: No evidence of monitoring time-bound improvements on any of the companies involved in land rights violations which is included in this report in any public document of ABP. ABP did not provide any information or details on this question in the survey for this report or during the phase of opportunity to comment.

#### 6. Transparency: communication about engagement with companies on land rights

**Score: 0.5**

Explanation: ABP does publish a list of its engagement with companies, though this is not specific enough to identify with which human rights issue engagement took place. ABP does not communicate about the results of most of its engagements and was also unable or unwilling to show how it communicated with relevant shareholders.

In ABP’s report ([ABP sustainable investment](#), p. 28) there are some remarks about Nestlé and land use. (...) “Various companies with which we spoke have now improved the anchoring of human rights and controls on them in their governance. One example is the Russian gas company Novatek. This company has tightened procedures for reporting violations, among other actions.” Related to palm oil: one concrete [example of transparency](#) about engagement and ultimately exclusion. (Posco Daewoo).

0.5 points were given for limited disclosure of engagement.

#### 7. Transparency: communication about the result of the engagement on land rights

**Score: 0.5**

Explanation: Very limited. No examples of any of the companies involved in land rights violations which is included in this report in any public document of ABP. Related to palm oil: one [concrete example](#) of transparency about engagement and ultimately exclusion. (Posco Daewoo)

#### 8. Transparency: communication with (affected) stakeholders

**Score: 0**

Explanation: no clear examples found of any of the companies involved in land rights violations which is included in this report in any public document of ABP.

ABP did not provide any information or details on this question in the survey for this report or during the phase of opportunity to comment.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

### Score: 0

Explanation: No commitment from ABP to conduct any new/further activities to prevent land rights violations through its investments in reply to this question in the survey for this report or during the phase of opportunity to comment.

## 10. Other remarks:

### Response from ABP on the survey:

Through our Inclusion Policy we ensure that all our capital market investments, including those in the companies referred to in the case study on land rights in the Fair Pension Guide, are systematically assessed on ESG performance, risks and controversies, including the issues mentioned. Our Inclusion Policy covers the four areas of the UN Global Compact (Environment, Labour, Human Rights, Anti-Corruption/Business Ethics) through the use of approximately 70 sector-specific criteria related to responsible business conduct. Land rights fit under the criteria related to Human Rights. In addition, we screen the exposure of companies to serious controversies. Based on these criteria, we classify the investment universe as “Front runners” and “Stragglers”. We only invest in Stragglers if our portfolio managers regard the investment important from a risk-return perspective AND develop a structured engagement with the company to improve their performance on the identified issue(s) (in which case a Straggler becomes a Promise).

On an ongoing basis, new data regarding responsible business conduct is uploaded and fed into the classification process. In addition, new ESG classifications are determined for the entire universe of companies on an annual basis. If serious controversies happen in between, these can also prompt updated

ESG classifications. Progress in engagements is continuously monitored and where market abuse regulations allow, we report publicly on our website and annual reports. In accordance with our Inclusion

Policy, we may decide not to or no longer to invest in companies based on integrated risk-return-ESG considerations. If progress is too slow in comparison to our engagement, this may also prompt such a decision. An example of this is our divestment of Posco Daewoo. This is documented in our [Annual Report 2018 and in a news article](#). Evidence and further details on our Inclusion Policy are included in our Annual Responsible Investment Reports. These and various factsheets (e.g., on palm oil, land use and investments in mining companies, can be found on [ABP English investments](#)).

**Score ABP:**

Item	Score ABP	Max score
1. Engagement or divestment	0.73	2
2. Engagement: inclusion of the right to remedy	0	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0.05	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0.5	0.5
7. Transparency: communication about the result of the engagement on land rights	0.5	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 – 10)</b>	<b>2</b>	



## Case: Socfin on Cameroon



*Socapalm Palm Oil Concession in Cameroon*



*Forest Clearing for New Palm Oil Plantation in Cameroon*

In March 2016 Greenpeace led an investigation on Socfin's plantations in Cameroon and published a report titled "Africa's forests under threat: Socfin's plantations in Cameroon and Liberia". The Société Financière des Caoutchoucs (Socfin), one of the leading oil palm and rubber tree plantation operators in Africa, plans to extend its plantations in a dozen countries, mostly African nations, threatening forests that are essential for the preservation of climate balances, biodiversity and the living conditions of local populations. The case study reveals that Socfin's business and its refusal to adopt a zero deforestation policy represent a major threat for Cameroon's forests in which the company operates.



Worker in a smallholder oil palm plantation in Apouh, Cameroon.  
Expansion of industrial palm oil concessions is threatening local livelihood. © Micha Patault / Greenpeace

Source: [Greenpeace](#) and [Greenpeace media](#)

## 2.2 BPF Bouw

Bpf Bouw has provided input for this report: Bpf Bouw has provided information in response to the survey for this report.

In total, Bpf Bouw invested EUR 474 million in 21 companies involved in land rights violations according to public sources.

### 1. Engagement or divestment

#### Score: 0.67

Explanation: According to its engagement report, Bpf Bouw engages seven companies which are included in the list of companies involved in land rights violations, included in this report, on “human rights”: BHP Billiton, Energy Transfer LP, Marathon Petroleum, PepsiCo, Phillips 66, Rio Tinto and Vale. Land rights violations may be involved in these engagements, but this is not certain.

In its exclusion list, no companies are excluded as a result of land rights violations (or even more generally human rights violations): [Human rights violations](#)

In the annual report of 2019 ([Report responsible investment 2019](#)), land rights are not mentioned. In its engagement report ([Engagement report 2019](#)), land rights are included under “human rights”.

### 2. Engagement: inclusion of the right to remedy

#### Score: 0.05

Explanation: on p. 44 of [its annual report](#), Bpf Bouw gives one example of a company included in the EP-list of which the fund asked for remedy for victims: Vale.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

#### Score: 0

Explanation: No information on voting on land rights issues was provided on this question in the survey for this report or during the phase of opportunity to comment.

After a sample of Bpf Bouw’s public voting records in companies on the list of companies involved in land rights violations according to public sources, included in this report, no proof could be found that Bpf Bouw initiated or supported land rights (or more generally human rights) related resolutions. Sample: Total, Rio Tinto, Exxon Mobile, Newmont, Pepsico and Vale: [BPF Bouw Investments](#).

### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

#### Score: 0.29

Explanation: On p. 44 of [its annual report](#), Bpf Bouw gives a few examples of companies involved in land rights violations according to public sources which are included in the report. “We assess whether mining companies have good policies in place to prevent and combat bribery and corruption, and in the areas of health, safety, human rights and the environment. We also look at whether they have been involved in any incidents.”

Examples of frontrunners: Anglo American and Newmont Goldcorp Corp. Examples of promises: BHP Billiton, Rio Tinto, Glencore and Vale.

Vale: offer compensation to victims of mine disaster. After a dam burst at a mine in Brumadinho (Brazil) in early 2019, killing 270 people, we urged owner Vale to take drastic measures to improve safety. (...)



## 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

### Score: 0.57

Explanation: On p. 44 of [its annual report](#), Bpf Bouw gives a few examples of companies involved in land rights violations according to public sources which are included in the report: “In the case of mining companies, we assess whether they have good policies in place to prevent and combat bribery and corruption, and in the areas of health, safety, human rights and the environment. We also look at whether they have been involved in any incidents. Examples of frontrunners: Anglo American and Newmont Goldcorp Corp. Examples of promises: BHP Billiton, Rio Tinto, Glencore and Vale.”

Vale: “offer compensation to victims of mine disaster. After a dam burst at a mine in Brumadinho, Brazil, in early 2019, killing 270 people, we urged owner Vale to take drastic measures to improve safety. As we were not satisfied with the company's response, we voted against the board's policy. We want to get to the bottom of what went wrong. The surviving relatives must also receive financial compensation from Vale. In December, Vale announced 50 measures that must lead to the company dealing responsibly with people and the environment. These include measures in the area of safety. We expect Vale to actually implement the proposed measures and will continue to monitor this critically.”

## 6. Transparency: communication about engagement with companies on land rights

### Score: 0.5

Explanation: On p. 44 of [its annual report](#), Bpf Bouw gives a few examples of companies involved in land rights violations according to public sources which are included in the report. In the case of mining companies, we assess whether they have good policies in place to prevent and combat bribery and corruption, and in the areas of health, safety, human rights and the environment. We also look at whether they have been involved in any incidents. Examples of frontrunners: Anglo American and Newmont Goldcorp Corp. Examples of promises: BHP Billiton, Rio Tinto, Glencore and Vale.

Vale: “offer compensation to victims of mine disaster. After a dam burst at a mine in Brumadinho, Brazil, in early 2019, killing 270 people, we urged owner Vale to take drastic measures to improve safety. As we were not satisfied with the company's response, we voted against the board's policy. We want to get to the bottom of what went wrong. The surviving relatives must also receive financial compensation from Vale. In December, Vale announced 50 measures that must lead to the company dealing responsibly with people and the environment. These include measures in the area of safety. We expect Vale to actually implement the proposed measures and will continue to monitor this critically.”

## 7. Transparency: communication about the result of the engagement on land rights

### Score: 0.5

Explanation: On p. 44 of [its annual report](#), Bpf Bouw gives a few examples of companies involved in land rights violations according to public sources which are included in the report. In the case of mining companies, we assess whether they have good policies in place to prevent and combat bribery and corruption, and in the areas of health, safety, human rights and the environment. We also look at whether they have been involved in any incidents. Examples of frontrunners: Anglo American and Newmont Goldcorp Corp. Examples of promises: BHP Billiton, Rio Tinto, Glencore and Vale.

Vale: “offer compensation to victims of mine disaster. After a dam burst at a mine in Brumadinho, Brazil, in early 2019, killing 270 people, we urged owner Vale to take drastic measures to improve safety. As we were not satisfied with the company's response, we voted against the board's policy. We want to get to the bottom of what went wrong. The surviving relatives must also receive financial compensation from Vale. In December, Vale announced 50 measures that must lead to the company dealing responsibly with people and the environment. These include measures in the area of safety. We expect Vale to actually implement the proposed measures and will continue to monitor this critically.

### 8. Transparency: communication with (affected) stakeholders

**Score: 0**

Explanation: Bpf Bouw did not provide any information or details on this question in the survey for this report or during the phase of opportunity to comment.

No information available about this in the annual report of Bpf Bouw ([Report responsible investment 2019](#)).

### 9. Commitments: willingness to take additional steps on land rights (extra point)

**Score: 0**

No commitment from Bpf Bouw to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

### 10. Other remarks:

-

**Score Bpf Bouw:**

Item	Score Bouw	Max score
1. Engagement or divestment	0.67	2
2. Engagement: inclusion of the right to remedy	0.05	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0.29	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0.57	2
6. Transparency: communication about engagement with companies on land rights	0.5	0.5
7. Transparency: communication about the result of the engagement on land rights	0.5	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>3</b>	

## 2.3 BPL Pensioen

BPL Pensioen has not cooperated with the survey for this report or during the phase of opportunity to comment.

In total, BPL Pensioen invested in eight companies involved in land rights violations according to public sources. The exact amounts of investments are not available in public data sources. The pension funds did not provide the figures in response to the survey.

### 1. Engagement or divestment

#### Score: 1.5

Explanation: From the list of companies involved in land rights violations, included in this report, BPL engages one company on “human rights”: Glencore.

Although no reference to land rights: five companies on the list of companies involved in land rights violations, included in this report, are excluded by BPL (Table 2.6.5, p. 14): Enbridge, Marathon Petroleum Corp, Vale, Energy Transfer LP and Phillips 66. [socially responsible investing](#)

p. 42: BPL states that it had 32 dialogues with companies on human rights ([BPL socially responsible investing](#)). In its engagement list, no reference is made to engagement on land rights. BPL engages one company on the list included in this report on “human rights”: Glencore.

NB. BPL also engages Exxon Mobile, Wilmar and Marathon Oil of the list included in this report, but only on “environment/climate” and not on land rights or even more generally human rights.

No reference to land rights in BPL’s latest half-year report [BPL socially responsible investing](#): in this report there is no reference or indication that BPL engages companies on land rights or excludes companies because of land rights violations.

### 2. Engagement: inclusion of the right to remedy

#### Score: 0.13

Explanation: On p. 3 of BPL’s latest half-year report, [BPL socially responsible investing](#), BPL refers to “access to remedy”.

No specific information about engagement on remedy regarding any of the companies in the list of companies involved in land rights violations, included in this report, in which BPL invests.

However, from the list of companies involved in land rights violations, included in this report, BPL engages one company on “human rights”: Glencore. Based on its reference to remedy in its latest half-year report, we assume that “remedy” will be taken into account too in its engagement with Glencore.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

#### Score: 0

Explanation: No information on voting on land rights issues was provided on this question in the survey for this report or during the phase of opportunity to comment.

After a sample on public voting records in companies on the list of companies involved in land rights violations according to public sources, included in this report, no proof could be found that BPL supported or took initiatives for shareholder resolutions on land rights (or human rights in general). Sample: Glencore, PepsiCo, Total, Exxon and Wilmar. [BPL Land rights](#)

#### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

**Score: 0.13**

Explanation: BPL provides input on progress about human rights engagement on p. 80 ([BPL socially responsible investing](#)). One company on the list of companies involved in land rights violations is included (Glencore). No information about timebound improvement on land-related issues.

On p. 20/80, BPL monitors timebound improvement on companies it engages on human rights (no reference to land rights), including one company on the list of companies involved in land rights violations: Glencore. Glencore shows lack of improvement on human rights.

#### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

**Score: 0**

Explanation: BPL publishes and provides no information on this topic, regarding any company on the list of companies involved in land rights violations included in this report.

#### 6. Transparency: communication about engagement with companies on land rights

**Score: 0.06**

Explanation: BPL publishes about its human rights engagement with one company on the list of companies involved in land rights violations, included in this report (Glencore). However, no reference to land rights.

#### 7. Transparency: communication about the result of the engagement on land rights

**Score: 0.06**

Explanation: On human rights: yes. BPL publishes about its human rights engagement with one company on the list of companies involved in land rights violations, included in this report (Glencore). However, no reference to land rights.

#### 8. Transparency: communication with (affected) stakeholders

**Score: 0**

No public information available from BPL about this topic, and BPL did not provide any information or details on this question in the survey for this report or during the phase of opportunity to comment.

#### 9. Commitments: willingness to take /additional steps on land rights (extra point)

**Score: 0**

No commitment from BPL Pensioen to conduct any new/further activities to prevent land rights violations through its investments, in response to this question in the survey for this report or during the phase of opportunity to comment.

#### 10. Other remarks

-

**Score BPL Pensioen:**

Item	Score BPL	Max score
1. Engagement or divestment	1.5	2
2. Engagement: inclusion of the right to remedy	0.13	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0.13	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0.06	0.5
7. Transparency: communication about the result of the engagement on land rights	0.06	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>2</b>	

## 2.4 Pensioenfonds Detailhandel

Pensioenfonds Detailhandel has provided input for this report: Pensioenfonds Detailhandel has provided detailed information in response to the survey for this report.

In total, Pensioenfonds Detailhandel invests EUR 222 million in 24 companies involved in land rights violations according to information provided by Pensioenfonds Detailhandel.

### 1. Engagement or divestment

#### Score: 1.08

Explanation: Pensioenfonds Detailhandel provided relatively extensive information about 13 of the 24 companies of the list of companies involved in land rights violations according to public sources, included in this report:

**Anglo American:** Yes. We have been involved in the collaborative engagement (supported by PRI and UNEPFI) on Tailings Dams with Anglo American specifically; we primarily engage in transparency and setting up industry-wide standards for safety and landownership. After engagement in 2019, Anglo American disclosed for the first time a complete set of information on their tailing's facilities around the world, including locations, raising methods, risk categories etc. This is in response to the Brumadinho tailings dam failure and the subsequent request by the Investor Mining & Tailings Safety Initiative, chaired by the Church of England Pensions Board and the Swedish Council of Ethics of the AP Funds. We have been engaging with Anglo American on this issue and are a supporting investor of the Initiative. In July 2020 we contacted the company again about setting up an independent body to establish standards on this. The controversies you are referring to are related to dams and tailings dams.

**BHP.** Yes. Most recently, this summer, we submitted our inquiry to the company on the potential destruction of aboriginal sites in Australia as a result of its South Flank mine development plan. The company is accused of failing to respect the human rights of indigenous groups and of ignoring the societal values of the site. Our inquiry focused on the human right due diligence process applied and the need to reform the company's human right governance framework. We will continue to engage on this issue. In 2019, after talking to the company on human rights embedment in their strategies and businesses, BHP has included social value as part of its business purpose and strategy planning, and as a mandatory requirement in the asset planning cycle for all its operating assets. This goes beyond the concept of "license to operate" and will ensure stakeholders' feedback (including communities and investors) to be considered in the decision-making process at all levels.

**Coca Cola Femsa SA:** Yes. We have been in contact re water policy linked to land and water scarcity in 2019. We have not discussed this specific controversy but have talked about their overall policy.

We have highlighted and provided scores for those examples where we reasonably see a link with land rights (directly or indirectly – human rights). Please add information related to land rights to the other examples if possible, then we can score them too.

**Enbridge:** Yes. We asked Enbridge for an update on its exposure to the controversy regarding the North Dakota pipeline project where it holds a non-operated minority stake.

**Exxon:** Yes. We are in contact with Exxon on a number of themes and issues, including fracking – also related to land use and land rights. We have not discussed the specific issue you raise.

**Glencore:** Yes. This includes conversation re FPIC on the Corocchoyayco extension.

**Fomento Econ Mexic Units:** Yes. We have been in contact on water policy and water use (and also plastic use) since 2018. The engagement was more general than the specific issue you mention.

**Newmont:** Yes, back in 2016 when these controversies commenced, we spoke to the company regarding the implementation of UN VPs and their three-year plan to do so. In 2018 we noted that the company implemented measures to improve its overall approach to human rights management and reporting. These include completion of human rights risk assessments for all global operations, incorporation of human rights considerations into enterprise management systems, and a new supplier code of conduct, consistent with the UN Guiding Principles for Business and Human Rights. Furthermore, the company enhanced transparency of performance related to human rights and adopted the UNGP reporting framework. Newmont is a target for follow-up engagement in 2021 to assess how its frameworks (now considered best practice) affect the ground performance on human rights and remediation, including in Peru.

**Pepsico:** Yes. we engaged the company in 2017 re water use and water scarcity locally; back then we were extensively involved in their new 2025 goals; their overarching aim being to achieve a “Positive Water Impact”. These goals relate to: water-use efficiency in agriculture and direct operations, access to WASH (Water, Sanitation and Hygiene), local replenishment of water resources and respect for water as a human right. This latter topic is important in relation to your inquiry.

**POSCO:** Yes, on land use in India. We achieved improved disclosure around its controversial steel project in India, which has been plagued by land disputes resulting in a seven-year delay. We met with the company to discuss this matter at its head office in South Korea and subsequently with its Indian subsidiary responsible for the project. Also, we selected POSCO as a priority company for our active ownership programme this year. We wrote to request a discussion on concerns around the company’s community relations management approach. These include forced evictions and human rights abuses related to a USD 12 billion steel plant project in India's Odisha state. We plan to challenge the company on its management of the above issues.

**Rio Tinto.** Yes. In 2020 we submitted our inquiry on the destruction of the Pilbara aboriginal site in Australia to Rio Tinto. The company is accused of failing to respect the human rights of indigenous groups and of ignoring the societal values of the site. Our inquiry focused on the human right due diligence process applied and the need to reform the human right governance framework at Rio Tinto. We will continue to engage on this issue.

**Total:** Yes. Not on the particular issue you are referring to, but broader speaking in 2016 re human and land rights, we met with representatives of the human rights practice at the company to improve our understanding of governance frameworks in place to deal with human rights issues. Going forward, we encouraged emphasis be put on building capacity on managing human rights along the value chain, i.e., suppliers, contractors and joint venture partners.

**Vale:** Yes. We have been in more extensive contact with Vale after its Joint Venture Samarco dam breach; this includes the resettlement and land rights of the affected communities. However, there are still reports claiming that the company has not fully addressed the pollution caused by the disaster and that communities affected are not yet fully compensated. We will continue to engage with the company on the controversies. In addition, Vale has been plagued by accusations that it resettled over 1,300 families in inadequate areas with poorly constructed homes to develop its Moatize mine in Mozambique in 2009 and 2010. We spoke with them about this in 2018, on which occasion the company acknowledged its mistakes, particularly its failure to fully engage with communities before, during and after the resettlement. For the past six years it has worked to improve dialogue, as well as upgrade existing infrastructures. Additionally, Vale has carried out income generation projects for impacted communities and continues to do so. The company has also reviewed and strengthened its resettlement guidelines.

Pensioenfonds added one more example, not included in the list in this report:

PetroChina: you mention no specific controversies in your Excel sheet. But Yes. We have engaged the company within a PRI engagement. The PRI-coordinated initiative focusing on encouraging global oil and gas and mining companies to implement the UN Guiding Principles on Business and Human Rights and to improve the level of disclosure of human rights policies and processes. This included land and community engagement as part of human rights in extractives.

Furthermore:

Regarding public documentation of engagement: in its 2019 (4<sup>th</sup> quarter) report, on p. 5, under information about SDG1, “ownership and control of land and other forms of property” this is referred to by Pensioenfonds Detailhandel: [Pensioenfonds Detailhandel Ownership and Control](#). Same: 3<sup>rd</sup> quarter engagement report: [Pensioenfonds Detailhandel Management survey 3rd quarter 2019](#).

In its policy, “human rights” is mentioned in a section about “focus on SDGs”: [Pensioenfonds Detailhandel Sustainable Development Goals](#). However, land rights are not mentioned in the policy papers of Pensioenfonds Detailhandel.

No companies in the list of companies involved in land rights violations included in this report are included in the exclusion list of Pensioenfonds Detailhandel. Neither does Pensioenfonds Detailhandel exclude any company on the basis of human rights violations: [Pensioenfonds Detailhandel Human Rights Violations](#)

## 2. Engagement: inclusion of the right to remedy

### Score: 0.54

Explanation: In response to the survey, some information was provided about remedy for a limited number of companies (for example 12.4.1, under “Newmont” and “Vale”).

Pensioenfonds Detailhandel also replied to this question:

- We would ask you to score this under “question 1”: recorded achievements have been mentioned there. In general, the right to remedy is always an expectation for all companies as we expect companies to follow the OECD guidelines for MNEs and UNGPs where right AND access to remedy is key. We usually see access and rights to remedy satisfactorily embedded in policies (and we actively engage on this and ask for this).
- To partially address this issue, we engage companies on having robust grievance mechanisms in place (beyond policy commitments to access to remedy) that can act both as early warning signs and as mechanisms to enable remedy.
- We also note that investors can play a role in multi-stakeholder groups to aid remedy, or to continue to raise concerns related to remediation with a company. The engagement with Vale is one example, where community representatives continued to raise concerns on the quality of reparations with investors. An investor delegation of the collaboration as such will visit impacted communities to hear first-hand accounts. This trip has been postponed due to COVID-19 until it is safe to travel to Brazil.

In its public policy, Pensioenfonds Detailhandel states: “The engagement process then focuses on: Stop the negative impact; Ensure the recovery of disadvantaged people; Take sufficient measures to prevent future incidents;” [Pensioenfonds Detailhandel Active shareholding](#)

## 3. Voting: supporting or taking initiatives for shareholder resolutions

### Score: 0.08

Explanation: one possibly relevant example provided in response to the survey (although broadly on “social risks”):

Enbridge: We supported the shareholder proposal asking to Prepare a Report Detailing Due Diligence Process to Identify And Address Social And Environmental Risks When Reviewing Potential Acquisitions in 2017.

However, land rights or even more generally human rights are not mentioned. No examples of resolutions filed or supported on land rights (or more broadly human rights, in the period 2018 - 2020) found in a sample of [voting records](#). Sample: Total, Anglo American, PepsiCo: no resolutions on land rights / human rights.

In response to the survey, Pensioenfonds Detailhandel also wrote:

In general, according to our [voting policy](#), we would support shareholder proposals in the long-term interest of shareholders, and take into account stakeholders’ interests (including those of local communities / indigenous people), respecting human rights, including land rights. So, if filed correctly and in the best interest of us as long-term shareholders and as other stakeholders, we would generally support them.



#### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

**Score: 0.54**

Explanation:

In response to the survey, Pensioenfonds Detailhandel stated:

Yes: we monitor improvement with regard to all companies, as this is part of the engagement process. See some examples in the list above, where we have made improvements in policies or behaviour. E.g., for Anglo American: transparency in policy; BHP: including social values in policy.

Aside from the qualitative assessment of improvement by engagement analysts, we also monitor ESG risks and performance on a monthly basis, using MSCI data and an in-house risk tool. This includes data on significant controversies. We monitor behaviour of companies through a quarterly controversy check on global norms using MSCI data. This is a tool used to track performance and also flag up new and emerging risks of global norms breaches.

In its public policy, monitoring is mentioned: “The Responsible Engagement Overlay Manager makes time-bound agreements with companies and monitors progress. The pension fund considers an engagement process successful if all time-bound targets (milestones) have been achieved. If companies do not respond satisfactorily to the engagement efforts within the predetermined timeframe, the pension fund can respond in the following ways: Entering into/intensifying cooperation with other investors in order to strengthen the dialogue; Voting at shareholders' meetings; Exclusion when change is proven to be unlikely.” [Pensioenfonds Detailhandel Active shareholding](#)

In its public reports of 2019, monitoring is mentioned in relation to a few specific companies: [Pensioenfonds Detailhandel Management survey5](#) (p. 4: example: McDonalds). Same: Q4: [Pensioenfonds Detailhandel Management survey5](#)

Finally, Pensioenfonds Detailhandel referred to monitoring in several examples under question 12.4.1.

#### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

**Score: 1.08**

Explanation: No information found in public sources of Pensioenfonds Detailhandel. However, some specific information on some examples provided in response to on our survey (see: 12.4.1).

#### 6. Transparency: communication about engagement with companies on land rights

**Score: 0.25**

Explanation:

No reference to “land rights” or “human rights or remedy” in: [Pensioenfonds Detailhandel](#) (January - July 2020) and [Pensioenfonds Detailhandel Dec. 2019](#) (July - December 2019). Also no reference to land rights in its latest two quarterly reports: [Pensioenfonds Detailhandel Management survey](#), [Pensioenfonds Detailhandel Management survey](#). However, Pensioenfonds Detailhandel communicates openly about engagement on land rights with stakeholders at their request (see survey, particularly reply to question 12.4.1).

#### 7. Transparency: communication about the result of the engagement on land rights

**Score: 0.25**

Explanation:

No reference to “land rights” or “human rights” or “remedy” in: [Pensioenfonds Detailhandel Progress](#) (January - July 2020) and [Pensioenfonds Detailhandel Public version](#) (July - December 2019). Also no reference to land (tenure) rights in its latest two quarterly reports: [Pensioenfonds Detailhandel Management survey](#), [Pensioenfonds Detailhandel Management survey 2020](#)

However, Pensioenfonds Detailhandel communicates openly about engagement on land rights with stakeholders at their request (see survey, particularly reply to question 12.4.1).

## 8. Transparency: communication with (affected) stakeholders

**Score: 0.04**

Explanation:

One example provided by Pensioenfonds Detailhandel in response to our survey: PetroChina (see: 12.4.1). No information found in public documents of Pensioenfonds Detailhandel.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

**Score: 1**

Explanation: Pensioenfonds Detailhandel responded that “your question has sparked questions to our engagement provider about the status of some of the engagements: we have seen initial requests to companies and information gathering, and we have asked them for the latest status on possible improvements or results, or lack thereof.”

## 10. Other Remarks

-

**Score Pensioenfonds Detailhandel:**

Item	Score Detail.	Max score
1. Engagement or divestment	1.08	2
2. Engagement: inclusion of the right to remedy	0.54	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0.08	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0.54	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	1.08	2
6. Transparency: communication about engagement with companies on land rights	0.25	0.5
7. Transparency: communication about the result of the engagement on land rights	0.25	0.5
8. Transparency: communication with (affected) stakeholders	0.04	1
9. Commitments: willingness to take additional steps on land rights (extra point)	1	1
<b>Total score (between 1 - 10)</b>	<b>5</b>	

## 2.5 Pensioenfonds Zorg en Welzijn (PFZW)

PFZW has provided input for this report: PFZW has provided information in response to the survey for this report and has used the opportunity to comment.

In total, PFZW invested EUR 2,007 million in 29 companies involved in land rights violations according to public sources.

### 1. Engagement or divestment

**Score: 0.69**

Explanation:

Engagement: according to its own publications, in 2019, PFZW engaged four companies involved in land rights violations, included in this report, on “human rights”: Enbridge, Phillips 66, Posco and Vale. And on “health”: Glencore.

PFZW Engagement companies: this list does not make it clear if land rights were addressed in these engagements, but it is possible. In response to the questionnaire, PFZW wrote: “The engagement programme is in principle limited to approximately 200 companies and covers the following subjects. For us, land rights are part of safeguarding human rights. See also the table below. Mining companies RIO Tinto, Vale, BHP and Glencore are some examples of companies that are part of our engagement programme. Implementing a screening on the basis of the OECD Guidelines will enable us to focus our engagement more and better in the near future.” PFZW did not want to respond to our question if land (tenure) rights were explicitly included in PFZW’s engagement with RIO Tinto, Vale, BHP and Glencore.

However, in response to the draft-results, PFZW responded:

“PFZW has invested in 32 companies from the list sent, in two of which the size of the investment is very limited. See the transparency lists of PFZW. In 2019, human rights were discussed with:

- Adani
- Bolloré
- Enbridge
- Glencore
- PepsiCo
- Phillips 66
- Rio Tinto
- Vale

Further engagement with Rio Tinto on the Australian Aboriginal case in 2020.”

Exclusion: PFZW limits exclusion to “arms” and “tobacco”. No companies on the list of companies that are involved in land rights violations are included in its public exclusion list. Neither are any companies excluded for human rights violations in a more general sense: [PFZW Investments](#)

Land rights or land tenure rights are not mentioned in PFZW’s new policy (November 2020). According to its public policy, PFZW does not work/engage on land rights. Human rights are mentioned in a paragraph about the CSR Agreement PFZW has signed and in a paragraph explaining the OECD Guidelines: [PFZW Investment policy](#). Human rights and land rights are not mentioned either in PFZW’s new multi-year policy plan: [PFZW multi-year investment plan](#). Also no reference to land rights in [PFZW overall investment policy](#).

Conclusion: land rights are not included in PFZW's public policies, engagement and/or exclusion reports. Human rights are included in PFZW's policies and engagement report, but not in its exclusion report. PFZW responds to the survey that land rights are addressed in its engagement and gives four examples from the list of companies involved in land rights violations, included in this report. In response to the draft-results, PFZW publishes and has mentioned in response to the survey that it engages 10 out of the 29 companies it has invested in - companies involved in land rights violations, included in this report.

## 2. Engagement: inclusion of the right to remedy

### Score: 0.34

Explanation: no information provided by PFZW in response to the survey.

No concrete information on "remedy/complaint/complaints procedure/remedy" in its engagement report:

[PFZW complaints procedure](#)

However, we assume that "remedy" was incorporated in engagement, based on PFZW's policy: [PFZW Integral investment policy](#) (p. 12)

## 3. Voting: supporting or taking initiatives for shareholder resolutions

### Score: 0

Explanation:

No information available confirming that PFZW voted or initiated shareholder resolutions related to land rights in any of the companies involved in land rights violations included this report, according to these public sources of PFZW:

- [Over ons : hoe we duurzaam beleggen](#)
- [PGGM Investments and Governance](#),
- [ISS governance](#)

### Response of PFZW to the draft results:

"Of course, in order to be able to vote, we first have to be able to vote on something. If there are no shareholder proposals from others, we cannot be held accountable for this. We ourselves are reluctant to submit proposals, and in many jurisdictions it is very difficult or even impossible to do so as a shareholder."

PFZW votes virtually on all proposals at all companies in which we have invested. The direct link: [Proxy Voting Dashboard | PGGM \(issgovernance.com\)](#)

Reply from FPG: there are numerous examples of ESG-related resolutions among companies in the extractive sector, the food sector, etc., including among a number of the companies on the list of companies involved in land rights violations, included in this report. Above all, it's the choice of PFZW not to file or support any single resolution regarding any company involved in land rights violations, included in this report.

After a new check (sample) of [PGGM Investments and Governance](#), no examples were found for initiating or supporting land rights (or more generally: human rights) related resolutions by PFZW (PFZW supported several environment-related resolutions among these companies, but no land rights or social/human rights related resolutions). Sample: Adani, Bolloré, Enbridge, Glencore, PepsiCo, Phillips 66, Rio Tinto and Vale.

## 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

### Score: 0

Explanation: no clear, concrete company-specific information published by PFZW in its public documents:

In general, PFZW writes: "Where the executor selects external asset managers, the executor should be able to show how ESG integration in the processes of these asset managers is assessed in the selection and monitoring." [PFZW Integral Investment Policy](#) (p 13).

No information available on time-bound improvements at company level in its engagement list: [Engagement List](#)

No other information available on this topic in the 2019 annual report: [PFZW 2019 Annual Report](#), [PFZW Achievements](#)

In response to the draft results, PFZW responded: We do monitor the progress of engagement. Reply of EP: PFZW did not publish about monitoring of time-bound improvements at company level in its public documents, and also did not provide concrete examples of this through the survey or in response to the draft results.

#### **5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)**

**Score: 0**

Explanation: no clear, concrete information published by PFZW in its public documents:

Some general information can be found here: [PFZW Integral Investment Policy](#) (p. 13).

No information available on time-bound improvements at company level in its engagement list: [PFZW Engagement List](#)

No other information available on this topic in the 2019 annual report: [PFZW 2019 Annual Report](#), [PFZW Achievements](#)

Response of PFZW to the draft results: We do monitor the progress of engagement.

Reply of FPG: PFZW did not publish about monitoring time-bound improvements at company level in its public documents, and did also not provide concrete examples of this through the survey or in response to the draft results.

#### **6. Transparency: communication about engagement with companies on land rights**

**Score: 0.25**

Explanation: In PFZW's public engagement list, several companies, but still a limited number, of the list of companies involved in land rights violations, included in this report, are mentioned under "human rights". [No reference to land rights.](#)

Response of PFZW to the draft results:

In our reporting and publications, we report at a theme level and not in more detail than that. If there are examples of results that can be highlighted in a case study, this can be chosen; this also applies to land grabbing. Non-reporting can therefore be due to a lack of commitment, a lack of results or a deliberate choice.

#### **7. Transparency: communication about the result of the engagement on land rights**

**Score: 0**

Explanation: No information about any result of engagement on land rights found in PFZW's public documents.

Response of PFZW to the draft-results:

In our reporting and publications, we report at a theme level and not in more detail than that. If there are examples of results that can be highlighted in a case study, this can be chosen; this also applies to land grabbing. Non-reporting can therefore be due to a lack of commitment, a lack of results or a deliberate choice.

## 8. Transparency: communication with (affected) stakeholders

### Score: 0

Explanation: No information about communication with (affected) stakeholders on land rights found in PFZW's public documents.

Response of PFZW on the draft results:

In our reporting and publications, we report at a theme level and not in more detail than that. If there are examples of results that can be highlighted in a case study, this can be chosen; this also applies to land grabbing. Non-reporting can therefore be due to a lack of commitment, a lack of results or a deliberate choice.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

### Score: 1

In response of the draft results, PFZW has referred to its (new) engagement with Rio Tinto, one of the companies involved in land rights violations, included in this report. In 2020, engagement with Rio Tinto took place on the Australian Aboriginal case.

## 10. Other remarks

-

### Score PFZW:

Item	Score PFZW	Max score
1. Engagement or divestment	0.69	2
2. Engagement: inclusion of the right to remedy	0.34	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0.25	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	1	1
<b>Total score (between 1 - 10)</b>	<b>2</b>	



Palm tree stumps which have been burned by palm oil company Wilmar so that the land can be replanted in Kapa village. May 24, 2018. Photo/Ed Wray



## 2.6 Pensioenfonds Horeca en Catering (PH&C)

Pensioenfonds Horeca en Catering has provided input for this report: Horeca en Catering has provided information in response to the survey for this report.

In total, Pensioenfonds Horeca en Catering invested EUR 104 million in 13 companies involved in land rights violations according to public sources.

### 1. Engagement or divestment

#### Score: 0.77

Engagement on human rights: one company, but not fully related to land rights. In “Semi-annual report January - July 2020”, which Horeca en Catering had sent in response to the survey (not yet published during this research in December 2020), land rights are not mentioned.

In its exclusion list ([PHENC excluded listed companies](#)), three companies of the list of companies involved in land rights violations included in this report are excluded with the explanation “human rights” (Sinopec, Energy Transfer Partners and ONGC). The same applies to a few others, including Vale, but “just” for “environmental damage”. No reference to land rights violations, but land rights could be addressed under “human rights” (“human rights”).

In response to the survey, Horeca en Catering said:

We exclude the following companies:

- Adani (Controversial Projects Australia and India)
- Energy Transfer LP (Human Rights – Dakota Pipeline)
- ONGC (Human Rights)
- Vale (Environment and Human Rights – Brazil)
- PetroChina (Human Rights)

NB. PetroChina is not included in the list of companies involved in land rights violations, included in this report.

Conclusion: Horeca en Catering has engaged one company, partly related to land rights, and has excluded four companies of the list of companies involved in land rights violations, included in this report, as a result of human rights violations.

### 2. Engagement: inclusion of the right to remedy

#### Score: 0.08

Explanation: Engagement on “herstel & verhaal” (recovery) confirmed in reply and mentioned in “Semi-annual report January - July 2020” (p. 17 - not published yet in December 2020), but not related to land rights.

However, p. 61 states: “Even if a violation is established, a dialogue will be started with these companies with the aim of eliminating the violation and preventing possible new violations in the future. This dialogue will also cover the restoration of the situation and possible compensation for the local population, for example.” No concrete information about specific engagements on land rights and remedy.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

#### Score: 0

Explanation: No concrete, company-based information on voting on land rights issues was provided on this question in the survey for this report or during the phase of opportunity to comment.

No proof of any voting record on Shareholder Resolutions related to land rights in semi-annual ESG Report (p. 49) or voting records [PHENC investment management and corporate governance](#), [PHENC corporate governance](#).



#### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

**Score: 0 points.**

Explanation: Horeca en Catering refers to improvements on ESG-issues (in Semi-annual report January - July 2020 (p. 17 - not published yet in December 2020) among some of the companies in which it invests, in relation to its engagement, but not related to land rights and not in relation to any of the companies involved in land rights violations, mentioned in this report.

#### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

**Score: 0.15**

Explanation: Horeca en Catering engaged one company partly related to land rights. We assume that if the situation is monitored during engagement, this includes remedy.

In its response to the survey, Horeca en Catering wrote:

The right to remedy is included in our engagements (please see our semi-annual ESG Report) and this situation is monitored.

#### 6. Transparency: communication about engagement with companies on land rights

**Score: 0.04**

Explanation:

In its response to the survey, Pensioenfonds Horeca en Catering wrote: We again refer to the information in our semi-annual ESG Reports.

We noticed information on engagement with one company (on human rights).

#### 7. Transparency: communication about the result of the engagement on land rights

**Score: 0**

Explanation:

In its response to the survey, Horeca en Catering wrote: We again refer to the information in our semi-annual ESG Reports.

No public communication on the result of engagement on land rights by Horeca en Catering was found.

#### 8. Transparency: communication with (affected) stakeholders

**Score: 0**

Explanation:

In its response to the survey, Horeca en Catering wrote: No. We do not communicate directly with (affected) stakeholders.

#### 9. Commitments: willingness to take additional steps on land rights (extra point)

**Score: 0**

No commitment from Horeca en Catering to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

#### 10. Other remarks:

–

### Score pension fund Pensioenfonds Horeca en Catering

Item	Score H&C	Max Score
1. Engagement or divestment	0.77	2
2. Engagement: inclusion of the right to remedy	0.08	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0.15	2
6. Transparency: communication about engagement with companies on land rights	0.04	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 – 10)</b>	<b>1</b>	

## 2.7 PME

PME provided information in response to the survey for this report.

In total, PME invested EUR 551 million in 19 companies involved in land rights violations according to public sources, including some larger amounts (EUR 18 – 137 million) in seven companies involved in land rights violations.

### 1. Engagement or divestment

**Score: 0**

Explanation: In its response to the survey, PME wrote: We did not perform engagement on the topic of land grabbing at any company.

Conclusion: No engagement of PME on land rights.

According to PME's exclusion list, no company was excluded as a result of land rights violations or more general human rights violations. No company of the list of companies involved in land rights violations, included in the report, is included in PME's exclusion list. [PME Exclusion list](#)

### 2. Engagement: inclusion of the right to remedy

**Score: 0**

Explanation:

In its response to the survey, PME wrote: See question 1.

PME stated: "We did not perform engagement on the topic of land grabbing at any company." Furthermore: no reference to remedy in [PME's public policy](#):

### 3. Voting: supporting or taking initiatives for shareholder resolutions

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

### 6. Transparency: communication about engagement with companies on land rights

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

Conclusion: no communication about any engagement with companies PME invests in and which are involved in land rights violations according to public sources, included in this report.

## 7. Transparency: communication about the result of the engagement on land rights

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

Conclusion: no communication about the results of engagement with companies PME invests in and who are involved in land rights violations according to public sources, included in this report.

## 8. Transparency: communication with (affected) stakeholders

**Score: 0**

Explanation: In its response to the survey, PME wrote: See question 1.

Conclusion: no communication with (affected) stakeholders regarding companies PME invests in and which are involved in land rights violations according to public sources, included in this report.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

**Score: 0**

Explanation: No commitment from PME to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

## 10. Other remarks –

**Score PME:**

Item	Score PME	Max score
1. Engagement or divestment	0	2
2. Engagement: inclusion of the right to remedy	0	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>1</b>	

## 2.8 PMT

PMT has provided input for this report: PMT provided information in response to the survey for this report.

In total, PMT invested EUR 1,018 million in 21 companies involved in land rights violations according to public sources, including some larger amounts (over EUR 100 million) in three companies involved in land rights violations.

### 1. Engagement or divestment

#### Score: 0

Explanation: In its response to the survey, PMT wrote:

“We did not perform engagement on the topic of land grabbing at any company. Our engagement policy is based on themes our participants consider important: climate, people & society (especially labour rights) and good corporate governance (especially remuneration policy). We examine the preferences of the participants every two years. We incorporate the research results into our engagement policy. Land grabbing is not one of the top 10 topics.” No exclusion of any company on the list of this report either: [PMT Exclusion list](#)

Conclusion: no engagement on land rights and no exclusion of companies as a result of land rights violations (or generally human rights violations).

### 2. Engagement: inclusion of the right to remedy

#### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: No engagement related to remedy.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

#### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: No voting related to land rights.

### 4. Monitoring of time-bound improvement on policy and/or behaviour of the company

#### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: no monitoring of time-bound improvements on policy and/or behaviour of companies PMT invests in and which are involved in land rights violations according to public sources, included in this report.

### 5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)

#### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: no monitoring of time-bound improvements on the situation on the ground related to companies PMT invests in and which are involved in land rights violations according to public sources, included in this report.

## 6. Transparency: communication about engagement with companies on land rights

### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: no communication about any engagement with companies PMT invests in and which are involved in land rights violations according to public sources, included in this report.

## 7. Transparency: communication about the result of the engagement on land rights

### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: no communication about the results of engagement with companies PMT invests in and which are involved in land rights violations according to public sources, included in this report.

## 8. Transparency: communication with (affected) stakeholders

### Score: 0

Explanation: In its response to the survey, PMT wrote: See question 1.

Conclusion: no communication with (affected) stakeholders regarding companies PMT invests in and which are involved in land rights violations according to public sources, included in this report.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

### Score: 0

Explanation: No commitment from PMT to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

## 10. Other remarks: -

### Score PMT:

Item	Score	Max score
1. Engagement or divestment	0	2
2. Engagement: inclusion of the right to remedy	0	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>1</b>	

## 2.9 StiPP

StiPP has provided some general input and a few links in response to the survey for this report: StiPP has not provided more detailed information in response to the survey for this report and/or in the phase of the opportunity to comment on draft results.

StiPP does not publish its investments and did not provide data to the FPG when asked. As StiPP investments are managed by Van Lanschot Kempen (VLK), we list the investments of VLK here. It should be noted that these investments cannot be definitively attributed to StiPP. VLK invested EUR 101 million in 9 companies involved in land rights violations according to public sources.

### 1. Engagement or divestment

**Score: 0.44**

Explanation:

Engagement: According to its annual report 2019 ([STIPP Annual Report Corporate Social Responsibility 2019](#), p. 19) StiPP engaged 15 companies under “Social & Ethics”. Land rights are not mentioned at all in the annual report. It’s even not clear if, more generally, “human rights” are addressed under this theme.

StiPP also refers to Van Lanschot Kempen for its engagement. We have not found land rights related engagement in reports (website, annual report 2019, CSR supplement 2019) from Van Lanschot Kempen.

Exclusion: referred to as “Other (violation of human rights, labour rights and environment and corruption)”. StiPP excludes two companies which are included in the list of companies involved in land rights violations, included in this report: Energy Transfer Lp and Vedanta. [STIPP Annual Report Corporate Social Responsibility 2019](#), (p. 29).

Conclusion: because of the fact that StiPP excludes two companies on the list of companies involved in land rights violations, included in this report, StiPP receives a score of 0.44.

### 2. Engagement: inclusion of the right to remedy

**Score: 0**

Explanation: No reference to “remedy” anywhere in StiPPs annual report 2019.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

**Score: 0**

Explanation: No information on voting on land rights issues was provided on this question in the survey for this report or during the phase of opportunity to comment.

In its annual report 2019 ([STIPP Annual Report Corporate Social Responsibility 2019](#), for example p. 13), StiPP emphasises its willingness to be an “involved shareholder”. Regarding its voting, StiPP makes no reference to “human rights”, let alone “land rights”.

No concrete examples of / information (through asset managers) about StiPP’s voting results regarding land rights (or even more generally human rights), regarding any company of the list of companies involved in land rights violations, included in the report, in which StiPP is investing.

Also, no information on land rights found here: “The implementation of the voting policy by the manager Northern Trust can be found in more detail on the following website: [Northern Trust Voting Policy](#) Dialogue (engagement) - reference on p. 15 in StiPP annual report 2019.”

#### **4. Monitoring of time-bound improvement on policy and/or behaviour of the company**

**Score: 0**

Explanation: No information found for any company on the list of companies involved in land rights violations, included in this report, in which StiPP is investing. No reference to land rights in StiPP's annual report 2019.

#### **5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)**

**Score: 0**

Explanation: No information found for any company on the list of companies involved in land rights violations, included in this report, in which StiPP is investing. No reference to land rights in StiPP's annual report 2019.

#### **6. Transparency: communication about engagement with companies on land rights**

**Score: 0**

Explanation: no information found regarding engagement on land rights, or even more generally human rights. In StiPP's annual report 2019, some information about engagement results were found ([STiPP Annual Report Corporate Social Responsibility 2019](#), p. 20, 21), particularly on climate change, but not on land rights or even more broadly human rights.

#### **7. Transparency: communication about the result of the engagement on land rights**

**Score: 0**

Explanation: no information found in StiPP's public documents concerning land rights, or even more generally human rights, regarding results of engagements.

#### **8. Transparency: communication with (affected) stakeholders**

**Score: 0**

Explanation: no information found in StiPP's public documents regarding communication with (affected) stakeholders about land rights, or even more generally human rights.

#### **9. Commitments: willingness to take additional steps on land rights (extra point)**

**Score: 0**

Explanation: No commitment from StiPP to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

#### **10. Other remarks**

-



**Score StiPP:**

Item	Score StiPP	Max score
1. Engagement or divestment	0.44	2
2. Engagement: inclusion of the right to remedy	0	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>1</b>	

## Case: SOCFIN in Sierra Leone

The Malen chiefdom in south Sierra Leone used to be a diverse ecosystem where villagers of the Malen community could make a living with small scale farming, hunting and gathering. Until SOCFIN arrived in 2011 to sign a lease agreement with the Sierra Leone government to use the land for palm oil plantations.



Two more contracts followed and SOCFIN, a Luxemburgish-French-Belgium agro-industrial company, took control of 18,473 hectares of the Chiefdom's total 27,000 hectares of land. Even though the Paramount Chief of the Malen kingdom had agreed to cede land to the government, a large part of the communities in the area claimed the agreement was illegitimate. The 32,000 people living in 53 villages had never been consulted and had never given their 'free prior and informed consent'.

"SOCFIN never holds participatory consultation processes in the villages.

They tried only to achieve the consent of two or three landowners in the villages by making promises, and after that they claim that the whole village accepted to lease the land", a villager from Bassaleh town explained to FIAN Belgium in 2012.

SOCFIN was supposed to pay fair compensation for the loss of land and crops, but villagers reported that the compensation paid was insufficient and not according to the agreements.

"We had 60 acres of palm trees but after the survey, they considered it was only 10," a resident of Gandorhun Town told FIAN Belgium in 2018. What followed is a still ongoing process of villagers trying to get justice while the palm oil plantations of SOCFIN - and the multiple negative impacts that comes with it, in relation to access to land, working conditions, pollution or criminalisation - encroach further and further on the land of the Malen people.

For the people in the Malen Chiefdom the situation has not improved. Victims are awaiting justice while court cases and complaint mechanisms take years to come to conclusions. "All the land is now plantation. Everywhere is occupied", said Fassie Vandy, a cassava farmer from the village of Bannaleh. "I want them to pay for my plantation that was destroyed. I am requesting that the company halts its expansion and not enter new lands."

"We have lost our livelihoods and have suffered indignities as a result of the SOCFIN investment. We have been criminalised for speaking out against human rights abuses that characterise the land deal in Malen. We continue to suffer in silence," MALOA (Malen Affected Land Owners and Land Users Association) said in a letter to the Chief of Staff of the President of Sierra Leone.

Source: [Securing land rights and safeguarding the earth and Farmlandgrab](#)

## 2.10 Pensioenfonds Vervoer

Pensioenfonds Vervoer has not provided input for this report: Pensioenfonds Vervoer has not responded to the survey for this report and has not used the opportunity to comment on the draft results.

In total, Pensioenfonds Vervoer invested in 23 companies involved in land rights violations according to public sources. The exact amounts of investments are not available in public data sources. Pensioenfonds Vervoer did not provide the figures in response to the survey.

### 1. Engagement or divestment

**Score: 0.43**

Explanation: No response/input from Pensioenfonds Vervoer unfortunately, in response to our requests for constructive cooperation.

No reference to land rights in its latest half-year report ([PFV First half-year report Socially Responsible Investment Jan-June 2020](#)).

Engagement: on p. 11, in “Table 4: Dialogues initiated on human rights violations H1 2020”, no companies involved in land rights violations according to public sources included in the EP report are included in table 4. In the table on p. 38-41, Exxon Mobile, Marathon Oil and Wilmar are included, however only for reasons related to environment and climate change, and not related to land rights or more generally human rights.

Exclusion: five companies of the list of companies involved in land rights violations, included in this report, are included in its exclusion list on p. 8: Enbridge, Energy Transfer LP, Marathon Petroleum Corp and Phillips 66 (reason: “Human rights - Rights of indigenous peoples”) and Vale (reason: “right to self-determination”).

### 2. Engagement: inclusion of the right to remedy

**Score: 0**

Explanation: Pensioenfonds Vervoer states explicitly that it includes remedy for the local population in its “SMART” dialogue. ([PFV First half-year report Socially Responsible Investment Jan-June 2020](#), p. 9/10, p. 13).

However, no concrete examples of dialogues with companies (on land rights or more generally human rights) in which Pensioenfonds Vervoer has included remedy. No proof of any dialogue on remedy regarding any company involved in land rights violations according to public sources, included in this report.

### 3. Voting: supporting or taking initiatives for shareholder resolutions

**Score: 0**

Explanation: p. 34: “In the past six months we have reviewed and voted on 367 shareholder resolutions, including seven on the theme of 'human rights'.” However, no information or proof of any supported or initiated shareholder resolution on any company included in this report, involved in land rights violations, according to its public sources: [PFV First half-year report Socially Responsible Investment Jan-June 2020](#)

#### **4. Monitoring of time-bound improvement on policy and/or behaviour of the company**

**Score: 0**

Explanation: A few examples, for example on Covestro on p. 16, have been published by Pensioenfonds Vervoer ([PFV First half-year report Socially Responsible Investment Jan-June 2020](#)). On p. 13: “The dialogue is conducted on the basis of SMART objectives. The company must demonstrate that a violation of the UN Global Compact principles or OECD guidelines has been structurally removed whereby it is desirable that an external independent party establishes that the violation has been removed. The elimination of the violation should also include taking corrective measures, compensating those involved and setting up and implementing recovery plans.”

However, Pensioenfonds Vervoer provides no information publicly or in response to the survey regarding any company involved in land rights violations according to public sources, included in this report.

#### **5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights (for instance: remediation)**

**Score: 0**

Explanation: No monitoring of time-bound improvements on the situation on the ground related to companies Pensioenfonds Vervoer invests in and which are involved in land rights violations according to public sources, included in this report.

#### **6. Transparency: communication about engagement with companies on land rights**

**Score: 0**

Explanation: No public communication or response to the survey about any engagement with companies Pensioenfonds Vervoer invests in and which are involved in land rights violations according to public sources, included in this report.

#### **7. Transparency: communication about the result of the engagement on land rights**

**Score: 0**

Explanation: No public communication or response to the survey about the results of engagement with companies Pensioenfonds Vervoer invests in and which are involved in land rights violations according to public sources, included in this report.

#### **8. Transparency: communication with (affected) stakeholders**

**Score: 0**

Explanation: No proof of communication with (affected) stakeholders regarding companies Pensioenfonds Vervoer invests in and which are involved in land rights violations according to public sources, included in this report.

## 9. Commitments: willingness to take additional steps on land rights (extra point)

**Score: 0**

Explanation: No commitment from Pensioenfonds Vervoer to conduct any new/further activities to prevent land rights violations through its investments, in reply to this question in the survey for this report or during the phase of opportunity to comment.

## 10. Other remarks

-

### Score Pensioenfonds Vervoer:

Item	Score Vervoer	Max score
1. Engagement or divestment	0.43	2
2. Engagement: inclusion of the right to remedy	0	1
3. Voting: supporting or taking initiatives for shareholder resolutions	0	2
4. Monitoring of time-bound improvement on policy and/or behaviour of the company	0	1
5. Monitoring of time-bound improvement on the situation on the ground in terms of land rights	0	2
6. Transparency: communication about engagement with companies on land rights	0	0.5
7. Transparency: communication about the result of the engagement on land rights	0	0.5
8. Transparency: communication with (affected) stakeholders	0	1
9. Commitments: willingness to take additional steps on land rights (extra point)	0	1
<b>Total score (between 1 - 10)</b>	<b>1</b>	

## Chapter 3 Conclusions

1. In total, the 10 largest Dutch pension funds invest (at least) EUR 8.2 billion in 46 companies involved in land rights violations. The largest investors are ABP, PFZW and PMT. All scores are insufficient. Total scores for this case study are between 5 (Pensioenfonds Detailhandel) and 1. The largest pension funds, ABP and PFZW, received a score of 2. BPF Bouw received a score of 3.

Pension fund	Score (op een schaal van 1-10)
ABP	2
Bpf Bouw	3
BPL Pensioen	2
Pensioenfonds Detailhandel	5
PFZW	2
PH&C	1
PME	1
PMT	1
StiPP	1
Pensioenfonds Vervoer	1

2. Information from pension funds, investing in companies involved in land rights violations, about whether they act on this and if so, how and with which results and impacts for local affected stakeholders, is extremely limited. Public information is scarce. Replies to questions from ngo's/stakeholders are mostly very general, Pensioenfonds Detailhandel excepted. No pension fund complies fully with the "Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises" regarding communication on, for example, engagement results regarding companies involved in land rights violations ([Responsible business conduct](#), p, 43).
3. Policies on land rights: three pension funds expect companies they invest in to prevent conflicts over land rights and obtain free, prior and informed consent (FPIC) when indigenous peoples are concerned (BPL Pension, PFZW and PMT); none of the others have included this in their public policies. In addition, only PMT has also included FPIC for the land users involved too; none of the other pension funds have included this in their policies.
4. Engagement on land rights: According to their public documents and their response to the survey, 6 out of 10 pension funds engaged one or more companies they invest in that are involved in human rights and possibly land rights violations and which are included in the company-list in this report: Pensioenfonds Detailhandel (13 companies), ABP (7), Bpf Bouw (8), BPL (1), PFZW (5) and Pensioenfonds Horeca en Catering (1). Four pension funds did not do so: PME, PMT, StiPP and Pensioenfonds Vervoer. However: most pension funds who engaged, limited their engagement to a small number of the companies they invest in and which are involved in land rights violations. Furthermore, most of these pension funds don't refer to land rights at all but stick to the more general framing of "human rights" (or even "social risks"). A positive exception was Pensioenfonds Detailhandel: this pension fund provided extensive information, clearly related to land rights, on 13 of the 24 companies of the list.

5. Engagement on remedy: According to their public documents and their response to the survey, only 5 pension funds include “remedy” in their engagement with individual companies involved in land rights violations they invest in and included in the list in this report: reference was made to this – which was often very limited – by 5 pension funds: Bpf Bouw, BPL Pensioen, Pensioenfond Detailhandel, PFZW and Pensioenfond Horeca en Catering. No specific information found in public sources and/or received in response to the survey on this topic from ABP, PME, PMT, StiPP and Pensioenfond Vervoer.
6. Exclusion: 5 pension funds that are included in the list in this report exclude one or more companies involved in land rights violations. In response to the survey, ABP provided one example of exclusion of a company involved in land rights violations, however ABP does not exclude this company due to human rights violations in its public exclusion list. In their public exclusion lists, BPL Pensioen has excluded 5 companies, Pensioenfond Horeca en Catering has excluded 4 companies, StiPP has excluded 2 companies and Pensioenfond Vervoer has excluded 5 companies involved in land rights violations, included in the list in this report. Bpf Bouw, Pensioenfond Detailhandel, PFZW, PME and PMT do not publish and/or have not provided information that they exclude any of the companies involved in land rights violations. 6 out of 10 pension funds do not exclude any company as a result of any human rights violations in their public exclusion lists: ABP, Bpf Bouw, Pensioenfond Detailhandel, PFZW, PME and PMT.
7. Voting: none of the pension funds provided information to show that they supported or initiated shareholder resolutions related to land rights or even broader human rights, with regard to any of the companies involved in land rights violations, included in this report.
8. Monitoring of time-bound improvement: regarding policy and/or behaviour of the company, a very limited number of concrete examples are published or provided in response to the survey by 4 pension funds: ABP (related to 1 company), Bpf Bouw, BPL (1) and Pensioenfond Detailhandel (relatively extensive information about several examples). 6 pension funds did not publish or provide any concrete example in response to this question in the survey: PFZW, Pensioenfond Horeca en Catering, PME, PMT, StiPP and Pensioenfond Vervoer.
9. Monitoring of time-bound improvement: regarding improvement on the situation on the ground in terms of land rights: most (7) pension funds do not monitor this, according to their own publications and their response to the survey about companies they invest in and which are involved in land rights violations and are included in this report: ABP, BPL, PFZW, PME, PMT, StiPP and Pensioenfond Vervoer. A few other pension funds referred to this: Bpf Bouw published about 1 case (Vale), Pensioenfond Detailhandel provided information related to several cases and Pensioenfond Horeca en Catering gave limited information.
10. Transparency on engagement and results of engagement: regarding communication about companies involved in land rights violations in which they invest, 6 pension funds provide information, often limited, about their engagement: ABP, Bpf Bouw, BPL, Pensioenfond Detailhandel, PFZW and Pensioenfond Horeca en Catering (very limited). Regarding results of these engagements, only 3 pension funds provided information, often limited, in their public documents or in reply to the survey: Bpf Bouw, BPL and Pensioenfond Detailhandel.

11. Transparency about communication with affected (local) communities/stakeholders, related to companies involved in land rights violations: with the exception, to a minor extent, of Pensioenfonds Detailhandel, no pension fund publishes about this or provided relevant information or examples in response to the survey.
12. Cooperation: most pension funds (8 out of 10) cooperated with this case study, although often in a limited and general way. Pensioenfonds Detailhandel was most open in its communication and provided extensive information in response to the survey. 2 pension funds refused to cooperate with this study: they did not reply at all to several requests for constructive cooperation and to respond to the survey, and they did not use the opportunity to comment on the draft results: BPL Pensioen and Pensioenfonds Vervoer.
13. Commitments: 8 out of 10 pension funds did not use the opportunity provided to show a willingness to take any first or additional steps on land rights regarding at least one company involved in land rights violations in which they invest. However, PFZW did respond to this opportunity: PFZW stated that in 2020 it had started engagement with Rio Tinto about the “Australian Aboriginal casus”. Also, Pensioenfonds Detailhandel responded that our question had sparked questions put to their engagement provider about the status of some of the engagements, and that they had seen initial requests to companies and the start of information gathering; they have asked them about the latest status of possible improvements or results, or the lack thereof.

### Case PT Bia (POSCO): Papua

Local communities protested against PT Bia in Papua, Indonesia. PT Bia is owned by POSCO for 85%.

"We are very concerned about the raw materials in our region. The representatives of our country have signed an agreement with these companies to come here, but it will not benefit the local population. No jobs have been added, but our rainforest is disappearing. What do we have left here?"

Source: [Destruction of the rainforest](#)



## Chapter 4 Recommendations

### 4.1 Recommendations for pension funds

1. Include clear expectations on land rights for companies in which the pension fund invests in the public policies; including the right of FPIC for indigenous peoples and FPIC for meaningful consultation with affected communities.
2. Significantly increase efforts to address land rights violations among all companies involved in land rights violations in which the pension fund invests. Specifically include remediation for affected communities as the purpose of such efforts.
3. Make engagement on human rights and land rights with companies SMART. Demand companies to report on land rights issues in their operations.
4. If companies continue to be involved in land rights violations, and engagement is not successful within a reasonable period of time (for example three years), exclude these companies.
5. Actively support and/or initiate shareholder resolutions on land rights and human rights among companies involved in land rights violations.
6. Increase diversity in information sources to ensure the voices and perspectives of local communities, affected by the negative impacts of land grab by companies the pension fund invests in, are well represented. Take their views and requests for action seriously. Specifically: establish or participate in grievance mechanisms at operational level through which communities can file grievances with the pension fund. Encourage companies to establish such mechanisms as well.
7. Open up to society: actively inform pension savers, the Dutch government and parliament, NGOs and other stakeholders about concrete steps taken to prevent and reduce land rights violations among specific companies the pension fund invest in. Cooperate with stakeholders if they ask legitimate questions, expressing legitimate concerns about the impacts of investments on people and planet.
8. Fully implement the 6 due diligence steps of the OECD Guidelines on companies involved in land rights violations and comply with the “Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises” regarding communication on, for example, engagement results regarding companies involved in land rights violations ([OECD Responsible Business Conduct](#), p. 43), and VGGT.
9. Fully comply with the commitments made in the RBC Agreement for the Pension Funds and comply with the “Themadocument Landrechten” developed within the Agreement. ([Pensioenfederatie Themadocument Landrechten](#))
10. As land issues are relatively unknown and distant in the value chain of many sectors in which pension funds invest in, collective learning, training and sharing of experiences (including dilemmas, exercising individual and collective leverage) within the pension fund sector is recommended.

## 4.2 Recommendations for the Dutch government

1. Don't accept any lack of willingness by individual Dutch pension funds to take action on serious land rights violations among companies they invest in and to openly communicate about these actions and their results. Pension funds should be required to disclose their understanding of and dealing with land risks as an emerging salient issue in their entire value chain.
2. Increase pressure on Dutch pension funds to fully comply with the OECD Guidelines, the "Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises", UNGPs, VGGT, the "Themadocument Landrechten of the RBC Agreement for the Pension Funds and other relevant human rights frameworks, to use maximum leverage to increase pressure on individual companies involved in land rights violations to prevent and stop these violations, and to communicate about this to society and stakeholders.
3. Encourage pension funds to join the Dutch LANDdialogue, in order to improve global land governance through strengthening the practical application and monitoring of improvement measures in line with the VGGT principles. The LANDdialogue can support pension funds with individual commitments. See also: [Profundo Land Governance](#)
4. Adopt ambitious national due diligence legislation for companies, including financial institutions, to ensure full compliance with the OECD Guidelines and UNGPs. This includes access to information, the courts, liability and remedy. And spell out clear criteria for adequate due diligence. The Netherlands should also take a leading role in EU due diligence legislation.

## Case: Fibria (Suzano) in Brazil

Fibria Celulose was a Brazilian pulp and paper company. In 2018 the company merged with its largest rival, Suzano Papel e Celulose. The company is now called Suzano. Suzano Papel e Celulose is a Brazilian company of pulp and paper with a presence in over 80 countries. It is the largest pulp and paper company in South America.

In 2017, Fibria posed a threat to the survival of traditional fishermen in the southern region of Bahia; they were criminalised for defending their territorial rights.

In July 2017, traditional fishermen organised several demonstrations to draw the attention of the authorities. Fisherwoman Maria Braz, from the municipality of Alcobaca, has lived in Caravelas for 40 years. She knows the region like the back of her hand and remembers the times of plenty. According to her, many things have changed in the region since the arrival of Fibria. *“We are not wrong to protest in the face of this disaster that is happening. It is our right. Every day we experience more difficulties,”* she emphasises.

In 2017, local fishermen from Bahia, Brazil, local NGOs, researchers from Brazilian public universities and other civil society actors sent an open letter *“to speak out in defence of the mangrove and the coastal communities of RESEX Cassurubá, in their confrontation aimed at maintaining the way of life of traditional communities, in defence of the mangrove and marine ecosystem and against social and environmental degradation caused by the operations of the private port of the company FIBRIA (formerly Aracruz Celulose), financed with large volumes of resources from BNDES, a public bank associated with it.”*



They stated: *“Local fishing communities have been suffering for 15 years from the social and environmental damage caused by the dredging works imposed by FIBRIA to safeguard the passage of barges with eucalyptus to the pulp mill in Aracruz-ES. This damage includes: the demise of fish stocks, generating economic losses and food insecurity in communities; erosion of mangrove areas that protect fishing communities from the effects of climate change; the risk of shipwreck and death as a consequence of collision against the barge and eucalyptus logs that fall overboard; accident risks due to the loss of fishing equipment of great economic and cultural value; the silting up of canals and fishing routes; the contamination by exotic species discarded when washing barge ballasts; the disease and death of corals from sludge from disposal and collision with whales and cetaceans, among others.”*

Source: [carta de cassuruba](#) & [cpt nacional](#)

## Appendix 1 Cross table of pension fund investments by company

Company	ABP	Bpf Bouw	BPL	PD	PfV	PFZW	PH&C	PME	PMT	StiPP (VLK)
Adani				x		X				
Alcoa Corporation					x	x	x	x	x	
Anglo American	x	x		x	x	x		x	x	
BHP Billiton	x	x		x	x	x	x	x	x	
Bolloré	x	x		x	x	x				
China National Petroleum Corporation (CNPC)				x						
China Petroleum & Chemical Corporation (Sinopec)	x	x		x		x	x	x	x	
EDF	x	x	x	x		x		x		x
Elektrobras						x		x	x	
Enbridge	x	x		x	x	x	x		x	x
Energy Transfer LP	x	x			x	x		x	x	
ExxonMobil	x	x	x	x	x	x			x	x
Fomento Economico Mexicano (FEMSA)	x	x	x	x	x	x	x	x	x	
Glencore	x	x	x	x	x	x	x	x	x	x
Jardine Matheson Group	x	x			x	x	x	x	x	
Marathon Petroleum	x	x			x	x		x	x	
Myronivsky Hliboproduct (MHP)				x		x				
Newmont Mining Corporation	x	x		x		x	x	x	x	x
Olam Group			x		x	x				
PepsiCo	x	x	x	x	x	x	x	x	x	x
Phillips 66	x	x		x	x	x			x	
POSCO	x	x		x	x	x		x	x	
Rio Tinto	x	x		x	x	x	x	x	x	x
Salim Group	x	x			x	x		x	x	x
Shandong Iron & Steel Group				x						
Sinar Mas Group					x	x		x	x	
Suzano Papel e Celulose	x	x		x	x	x		x	x	
The Navigator Company					x		x			
Total	x	x	x	x	x	x	x	x	x	x
Vale	x	x		x	x	x				
Vedanta Resources				x						
WeBuild				x		x	x			
Wilmar Group	x		x	x	x	x				
Number of invested companies	22	21	8	24	23	29	13	19	21	9

## Appendix 2 List of cases

Case number	Company	Latest info	Summary of allegations	Sources
1	Adani	2019	A minority (5/12) of indigenous community claimants to the land oppose the opening of the Adani coal mine in Australia. They have lost successive legal challenges, but are still working to appeal the order, claiming the area is part of traditional ceremonial grounds.	<p>The Guardian (2019), "Queensland extinguishes native title over Indigenous land to make way for Adani coalmine," viewed online in December 2018: <a href="https://www.theguardian.com/business/2019/aug/31/queensland-extinguishes-native-title-over-indigenous-land-to-make-way-for-adani-coalmine">https://www.theguardian.com/business/2019/aug/31/queensland-extinguishes-native-title-over-indigenous-land-to-make-way-for-adani-coalmine</a></p> <p>BBC News (2019). Adani mine: Australia approves controversial coal project. <a href="https://www.bbc.com/news/world-australia-48618774">https://www.bbc.com/news/world-australia-48618774</a></p>
2	Anglo American	2020	Historic displacement of communities in Colombia for coal mining operations; more recently, allegedly polluting water and air sources of the nearby Wayuu indigenous community, and recently putting the community at increased risk of contracting COVID-19. Anglo-American responded to Oxfam's request for comments denying allegations that Cerrejon put the community at increased risk of contracting Covid-19. For the full response, see Appendix 1 of Report	<p>Reuters (2020), "Lawyer asks the UN to intervene before the Cerrejón mine on behalf of indigenous Colombians," viewed in July 2020: <a href="https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE">https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE</a></p> <p>Mongabay (2018). Cerrado towns terrorized to provide toilet paper for the world, say critics. <a href="https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/">https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/</a></p>
3	Anglo-Eastern Group	2017	Landgrabs for oil palm expansion in Indonesia by Anglo-Eastern.	<p>Wakker Eric (2014), Indonesia: Illegalities in Forest Clearance for Large Scale Commercial Plantations; AidEnvironment Indonesia; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.38., online: <a href="https://milieudefensie.nl/actueel/draw-the-line.pdf">https://milieudefensie.nl/actueel/draw-the-line.pdf</a></p>
4	BHP Billiton	2019	A proposed copper mine in the US would adversely affect cultural artefacts and sites of significant spiritual value to Native American tribes.	<p>Reuters (2017), "Massive copper mine tests Trump's push to slash regulation", viewed in December 2018: <a href="https://www.reuters.com/article/us-usa-trump-regulation-mining-idUSKBN19Y0D7">https://www.reuters.com/article/us-usa-trump-regulation-mining-idUSKBN19Y0D7</a> Business and Human Rights</p>

2	BHP Billiton	2020	Historic displacement of communities in Colombia for coal mining operations; more recently, allegedly polluting water and air sources of the nearby Wayuu indigenous community, and recently putting the community at increased risk of contracting COVID-19	<p>Reuters (2020), "Lawyer asks the UN to intervene before the Cerrejón mine on behalf of indigenous Colombians," viewed in July 2020: <a href="https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE">https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE</a></p> <p>Mongabay (2018). Cerrado towns terrorized to provide toilet paper for the world, say critics. <a href="https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/">https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/</a></p>
5	Bolloré (SOCFIN)	2017	Landgrabs for oil palm expansion in Cameroon, Congo, Sierra Leone and Nigeria.	<p>OECD Watch (2010), Dossier: Sherpa et al vs. Bolloré; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.73., online: <a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p> <p>European Parliament (2019). Subject: EU response to land grabbing and human rights abuses by the European agribusiness company SOCFIN in Sierra Leone. <a href="https://www.europarl.europa.eu/doceo/document/E-8-2019-001452_EN.html">https://www.europarl.europa.eu/doceo/document/E-8-2019-001452_EN.html</a></p> <p>Grain (2019). Stop land grabbing by SOCFIN in Sierra Leone! Stop the criminalisation of land rights defenders! <a href="https://www.grain.org/en/article/6140-stop-land-grabbing-by-socfin-in-sierra-leone-stop-the-criminalisation-of-land-rights-defenders">https://www.grain.org/en/article/6140-stop-land-grabbing-by-socfin-in-sierra-leone-stop-the-criminalisation-of-land-rights-defenders</a></p> <p>Farm Land Grab (2019). SOCFIN under scrutiny over alleged abuses and malpractices in Africa despite pledges to clean up its act. <a href="https://www.farmlandgrab.org/post/view/28791-socfin-under-scrutiny-over-alleged-abuses-and-malpractices-in-africa-despite-pledges-to-clean-up-its-act">https://www.farmlandgrab.org/post/view/28791-socfin-under-scrutiny-over-alleged-abuses-and-malpractices-in-africa-despite-pledges-to-clean-up-its-act</a></p>
6	Carson Cumberbatch	2018	Landgrabs for oil palm expansion in Cameroon, Sierra Leone, Nigeria and Sao Tomé and Príncipe.	<p>RSPO complaint (2017), Case Tracker [Status: complaint Box D – Complaint legitimate]; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.53., online: <a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p>
7	CNPC	2017	Oil production on ancestral lands of Sápara people in Amazon region in Ecuador.	<p>Intercontinental Cry (2017), "The Sápara Nation vs. The Slimy Oil Mungia", viewed in December 2018: <a href="https://intercontinentalcry.org/sapara-nation-vs-slimy-oil-mungia/">https://intercontinentalcry.org/sapara-nation-vs-slimy-oil-mungia/</a></p> <p>Financial Times (n.d.). Ecuador's indigenous people under threat from oil drilling <a href="https://www.ft.com/content/8e1acf14-e467-11e9-b8e0-026e07cbe5b4">https://www.ft.com/content/8e1acf14-e467-11e9-b8e0-026e07cbe5b4</a></p> <p>Amazon Watch (2019). Historic Victory in the Fight for Indigenous Rights and to End Amazon Crude <a href="https://amazonwatch.org/news/2019/1107-historic-victory-in-the-fight-for-indigenous-rights-and-to-end-amazon-crude">https://amazonwatch.org/news/2019/1107-historic-victory-in-the-fight-for-indigenous-rights-and-to-end-amazon-crude</a></p>

8	CNPC	2019	Historic pollution for oil mining and pipeline in Sudan, allegedly causing birth defects and the GPOC failed to provide social services as per the original agreement; oil spill in 2019 left the local Ruweng community without access to clean land and water	<p>PBS Newshour (2020), "South Sudan ignores reports on oil pollution and birth defects", online: <a href="https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects">https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects</a>, viewed in July 2020.</p> <p>New York Post (2020). South Sudan buries reports on oil pollution, birth defects. <a href="https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/">https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/</a></p>
9	Electricité de France (EDF)	2020	Displaced rural communities and restricted access to water to build a hydropower dam on the Teles Pires river, Mato Grosso, despite protests since 2010. As of 2020, one year after the start of operations, a total of 214 families in the settlement had lost their land through the flooding, a total of 5,900 hectares - none of them had been offered fair compensation. EDF responded to Oxfam's request for comments, stating that they believe they have fulfilled their obligations to ensure the respect for human rights and claiming to have reached so far, an agreement with 90% of affected communities on the value paid for resettlement. For the full response, see Appendix 2.	<p>EJAtlas (2020), "Sinop Hydroelectric Dam, Mato Grosso, Brazil," viewed in July 2020: <a href="https://ejatlas.org/conflict/sinop-dam-mato-grosso-brazil">https://ejatlas.org/conflict/sinop-dam-mato-grosso-brazil</a></p> <p>Mongabay (2020). Amazon's Munduruku stage daring Christmas raid to recover sacred urns <a href="https://news.mongabay.com/2020/01/amazons-munduruku-stage-daring-christmas-raid-to-recover-sacred-urns/">https://news.mongabay.com/2020/01/amazons-munduruku-stage-daring-christmas-raid-to-recover-sacred-urns/</a></p>
10	Eletrobras	2016	Violation of human rights in connection with the Belo Monte Dam building project in Brazil.	<p>Sydney Morning Herald (2015), "Brazil court suspends Amazon hydrodam licence on native demands", viewed online in December 2018: <a href="https://www.smh.com.au/world/brazil-court-suspends-amazon-hydrodam-licence-on-native-demands-20160115-gm6nwa.html">https://www.smh.com.au/world/brazil-court-suspends-amazon-hydrodam-licence-on-native-demands-20160115-gm6nwa.html</a>.</p> <p>Business and Human Rights Resource Centre (2011). Consórcio Norte Energia lawsuit (re Belo Monte dam in Brazil). <a href="https://www.business-humanrights.org/en/latest-news/cons%C3%B3rcio-norte-energia-lawsuit-re-belo-monte-dam-in-brazil/">https://www.business-humanrights.org/en/latest-news/cons%C3%B3rcio-norte-energia-lawsuit-re-belo-monte-dam-in-brazil/</a></p>

11	Enbridge	2017	Dakota Access Pipeline (DAPL) poses significant risk to the drinking water of the Standing Rock Sioux Tribe and threatens to destroy their burial grounds and sacred sites.	<p>United Nations Human Rights (2017), "North Dakota: "Indigenous peoples must be consulted prior to oil pipeline construction" – UN expert", viewed online in December 2018: <a href="https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570">https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570</a></p> <p>The Guardian (2020). Dakota access pipeline: court strikes down permits in victory for Standing Rock Sioux <a href="https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock">https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock</a></p>
12	Energy Fuels Inc	2015	Water pollution impacting the Navajo population in Arizona following the reopening of the dormant uranium "Canyon Mine".	<p>The Guardian (2017), "Grand Canyon at risk as Arizona officials ask Trump to end uranium mining ban", viewed online in December 2018: <a href="https://www.theguardian.com/environment/2017/jun/05/public-lands-uranium-mining-arizona-grand-canyon">https://www.theguardian.com/environment/2017/jun/05/public-lands-uranium-mining-arizona-grand-canyon</a></p> <p>The New York Times (2018). Uranium Miners Pushed Hard for a Comeback. They Got Their Wish. <a href="https://www.nytimes.com/2018/01/13/climate/trump-uranium-bears-ears.html">https://www.nytimes.com/2018/01/13/climate/trump-uranium-bears-ears.html</a></p>
11	Energy Transfer LP	2017	Dakota Access Pipeline (DAPL) poses significant risk to the drinking water of the Standing Rock Sioux Tribe and threatens to destroy their burial grounds and sacred sites.	<p>United Nations Human Rights (2017), "North Dakota: "Indigenous peoples must be consulted prior to oil pipeline construction" – UN expert", viewed online in December 2018: <a href="https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570">https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570</a></p> <p>The Guardian (2020). Dakota access pipeline: court strikes down permits in victory for Standing Rock Sioux <a href="https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock">https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock</a></p>
13	ExxonMobil	2019	Oil drilling in Iraq resulted in displacement of local communities without consultation between 2011-2013 and murder of protesters in 2013	<p>Business and Human Rights Resource Centre (2019), "Iraq: Yezidi complaint to Human Rights Council alleges displacement, abuses and killings by oil giant ExxonMobil," viewed online in July 2020: <a href="https://www.business-humanrights.org/en/iraq-yezidi-complaint-to-human-rights-council-alleges-displacement-abuses-and-killings-by-oil-giant-exxonmobil">https://www.business-humanrights.org/en/iraq-yezidi-complaint-to-human-rights-council-alleges-displacement-abuses-and-killings-by-oil-giant-exxonmobil</a></p> <p>Reuters (2018). Iraqis protest at oilfields to call for jobs and basic services <a href="https://www.reuters.com/article/us-iraq-basra-protest-idUSKBN1K21NU">https://www.reuters.com/article/us-iraq-basra-protest-idUSKBN1K21NU</a></p>



14	Fibria Celulose	2018	Fishing grounds of 2,000 fishermen threatened by dredging canals for shipping by pulp and paper company.	<p>Fase (2017), "Fibria Celulose SA ameaça comunidades tradicionais no sul da Bahia", viewed in December 2018: <a href="https://fase.org.br/pt/informe-se/noticias/fibria-s-a-ameaca-comunidades-tradicionais-na-bahia/">https://fase.org.br/pt/informe-se/noticias/fibria-s-a-ameaca-comunidades-tradicionais-na-bahia/</a></p> <p>WWF (n.d.n). Reconciling the needs of local people and the pulp industry: A case study from Espírito Santo, Brazil. <a href="http://awsassets.panda.org/downloads/brazilpulppapercasestudy_pdf.pdf">http://awsassets.panda.org/downloads/brazilpulppapercasestudy_pdf.pdf</a></p>
15	Fomento Economico Mexicano (FEMSA)	2017	Water grabbing in Mexico by a Coca Cola franchise.	<p>The Independent (2017), "Coca-Cola sucking wells dry in indigenous Mexican town - forcing residents to buy bottled water", viewed online in December 2018: <a href="https://www.independent.co.uk/news/world/americas/coca-cola-mexico-wells-dry-bottled-water-sucking-san-felipe-ecatepec-chiapas-a7953026.html">https://www.independent.co.uk/news/world/americas/coca-cola-mexico-wells-dry-bottled-water-sucking-san-felipe-ecatepec-chiapas-a7953026.html</a></p> <p>The New York Times (2018). In Town With Little Water, Coca-Cola Is Everywhere. So Is Diabetes. <a href="https://www.nytimes.com/2018/07/14/world/americas/mexico-coca-cola-diabetes.html">https://www.nytimes.com/2018/07/14/world/americas/mexico-coca-cola-diabetes.html</a></p>
2	Glencore	2020	Historic displacement of communities in Colombia for coal mining operations; more recently, allegedly polluting water and air sources of the nearby Wayuu indigenous community, and recently putting the community at increased risk of contracting COVID-19	<p>Reuters (2020), "Lawyer asks the UN to intervene before the Cerrejón mine on behalf of indigenous Colombians", viewed in July 2020: <a href="https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE">https://uk.reuters.com/article/cerrejon-colombia/lawyer-asks-un-to-intervene-with-cerrejon-mine-on-behalf-of-indigenous-colombians-idUKL1N2DV1FE</a></p> <p>Mongabay (2018). Cerrado towns terrorized to provide toilet paper for the world, say critics. <a href="https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/">https://news.mongabay.com/2018/10/cerrado-towns-terrorized-to-provide-toilet-paper-for-the-world-say-critics/</a></p>
16	Halco Mining (Alcoa, Rio Tinto and Dadco)	2020	Relocation of local Hamdallaye community during COVID-19 lockdown in Guinea for bauxite mining, without proper FPIC processes and compensation.	<p>Inclusive Development International (2020), The Relocation of Hamdallaye Village in the Midst of Covid-19: How CBG is Failing to Meet the IFC Performance Standards, viewed in July 2020: <a href="https://www.inclusivedevelopment.net/wp-content/uploads/2020/12/FINAL-Report_Hamdallaye-English.pdf">https://www.inclusivedevelopment.net/wp-content/uploads/2020/12/FINAL-Report_Hamdallaye-English.pdf</a></p> <p>Human Rights Watch (2018). "What Do We Get Out of It?" The Human Rights Impact of Bauxite Mining in Guinea. <a href="https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it/human-rights-impact-bauxite-mining-guinea">https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it/human-rights-impact-bauxite-mining-guinea</a></p>
17	Harita Group	2018	Landgrabs for oil palm expansion in Indonesia by Bumitama Agri.	<p>RSPO complaint (2013), Case Tracker [Status: complaint Box H – Closed]; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.45., online: <a href="https://milieudefensie.nl/actueel/draw-the-line.pdf">https://milieudefensie.nl/actueel/draw-the-line.pdf</a></p>

Friends of the Earth Europe (2013). Commodity Crimes Illicit land grabs, illegal palm oil, and endangered orangutans.  
[https://www.banktrack.org/download/commodity\\_crimes\\_ill\\_icit\\_land\\_grabs\\_illegal\\_palm\\_oil\\_and\\_endangered\\_orangutans\\_european\\_version\\_/commodity\\_crimes\\_nov13\\_0.pdf](https://www.banktrack.org/download/commodity_crimes_ill_icit_land_grabs_illegal_palm_oil_and_endangered_orangutans_european_version_/commodity_crimes_nov13_0.pdf)  
<https://ejatlas.org/conflict/bumitama-agri-oil-palm-plantation-indonesia>

18	Hoang Anh Gia Lai Group	2020	(1) Land-related conflict between HAGL and local communities in Cambodia happened in the past and recently in April 2020; (2) HAGL has conducted several activities to address the conflict, including agreeing to return 11,000 hectares of land to local communities and postponing investment activities in that land area after HAGL received oppositions from local people in April 2020; (3) Oxfam suggests HAGL to actively discuss and cooperate with local communities and relevant stakeholders to solve the on-going conflict.	<p>Inclusive Development International (2020), "Vietnamese Agribusiness Giant HAGL Destroys Indigenous Lands," viewed in July 2020:  <a href="https://www.inclusivedevelopment.net/vietnamese-agribusiness-giant-destroys-indigenous-lands/#:~:text=Vietnamese%20Agribusiness%20Giant%20HAGL%20Destroys%20Indigenous%20Lands,-(May%2025%2C%202020&amp;text=Instead%2C%20during%20March%2C%20HAGL%20carried,a%20government%20Dled%20demarcation%20process">https://www.inclusivedevelopment.net/vietnamese-agribusiness-giant-destroys-indigenous-lands/#:~:text=Vietnamese%20Agribusiness%20Giant%20HAGL%20Destroys%20Indigenous%20Lands,-(May%2025%2C%202020&amp;text=Instead%2C%20during%20March%2C%20HAGL%20carried,a%20government%20Dled%20demarcation%20process</a></p> <p>Land Portal (2020). Vietnamese rubber firm breaks pledge to World Bank, clears indigenous land in Cambodia  <a href="https://landportal.org/news/2020/05/vietnamese-rubber-firm-breaks-pledge-world-bank-clears-indigenous-land-cambodia">https://landportal.org/news/2020/05/vietnamese-rubber-firm-breaks-pledge-world-bank-clears-indigenous-land-cambodia</a></p>
19	Hoang Anh Gia Lai Group	2013	Land grabbing for rubber plantations in Laos and Cambodia	<p>Global Witness (2013), "Rubber Barons", viewed in December 2018:  <a href="https://www.globalwitness.org/en/campaigns/land-deals/rubberbarons/">https://www.globalwitness.org/en/campaigns/land-deals/rubberbarons/</a></p> <p>Oxfam (2019). Voluntary Guidelines On Mitigating Socio – Environmental Risks For Vietnamese Outward Investors In Agriculture In The Mekong Subregion.  <a href="https://vnrubbergroup.com/media/phattrienbenvung/Oxfam_Voluntary-Guideline_EN.pdf">https://vnrubbergroup.com/media/phattrienbenvung/Oxfam_Voluntary-Guideline_EN.pdf</a></p>
20	Jardine Matheson Group	2015	Landgrabs for oil palm expansion in Indonesia by Astra Agro Lestari.	<p>AidEnvironment (2015), Sustainability Assessment of Astra Agro Lestari, on behalf of Rainforest Foundation Norway, KKI Warsi, and YMP; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.40., online: <a href="https://milieudefensie.nl/actueel/draw-the-line.pdf">https://milieudefensie.nl/actueel/draw-the-line.pdf</a></p> <p>Human Rights Watch (2019). "When We Lost the Forest, We Lost Everything" Oil Palm Plantations and Rights Violations in Indonesia  <a href="https://www.hrw.org/report/2019/09/23/when-we-lost-forest-we-lost-everything/oil-palm-plantations-and-rights-violations">https://www.hrw.org/report/2019/09/23/when-we-lost-forest-we-lost-everything/oil-palm-plantations-and-rights-violations</a></p>

21	KSL Group	2013	In the mid-2000s in southwestern Cambodia, a violent land grab for sugarcane expansion pushed 500 families off their land.	<p>EarthRights International (n.d.), " Koh Kong Sugar Plantation; A violent land grab on a Cambodian Sugar Plantation", viewed online in July 2020: <a href="https://th.boell.org/en/2018/09/17/land-grabbing-and-cross-border-investment-case-cambodian-migrant-workers-thailand-gender">https://th.boell.org/en/2018/09/17/land-grabbing-and-cross-border-investment-case-cambodian-migrant-workers-thailand-gender</a></p> <p>Amnesty International (2020). Thailand: Evicted Cambodian Villagers Sue Sugar Giant Mitr Phol; Amnesty International Submits Third Party Intervention To Thai Court. <a href="https://www.amnesty.org/download/Documents/ASA3928062020ENGLISH.pdf">https://www.amnesty.org/download/Documents/ASA3928062020ENGLISH.pdf</a></p>
11	Marathon Petroleum	2017	Dakota Access Pipeline (DAPL) poses significant risk to the drinking water of the Standing Rock Sioux Tribe and threatens to destroy their burial grounds and sacred sites.	<p>United Nations Human Rights (2017), "North Dakota: "Indigenous peoples must be consulted prior to oil pipeline construction" – UN expert", viewed online in December 2018: <a href="https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570">https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570</a></p> <p>The Guardian (2020). Dakota access pipeline: court strikes down permits in victory for Standing Rock Sioux <a href="https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock">https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock</a></p>
22	Myronivsky Hliboproduct (MHP)	2018	Threats of violence, water pollution, ground water extraction, noise and smell nuisance, caused by an expanding industrial farming complex (from 17 to 34 million chickens' capacity) and fodder crop land of 370,000 ha.	<p>The Guardian (2018), "Living next door to 17 million chickens: 'We want a normal life' ", viewed online in December 2018: <a href="https://www.theguardian.com/environment/2018/jun/23/living-next-door-to-17-million-chickens-we-want-a-normal-life">https://www.theguardian.com/environment/2018/jun/23/living-next-door-to-17-million-chickens-we-want-a-normal-life</a></p> <p>CEE Bank watch Network (2015). Black Earth: Agribusiness in Ukraine and the marginalisation of rural communities. <a href="https://bankwatch.org/wp-content/uploads/2015/09/BlackEarth-UAagri.pdf">https://bankwatch.org/wp-content/uploads/2015/09/BlackEarth-UAagri.pdf</a></p>
23	Newmont Mining Corporation	2020	Intimidation and violence against the Chaupe community in Cajamarca, Peru in attempts to evict them from their land to make access to gold mining	<p>Earthrights International (2020), "EarthRights Files Appeal on Behalf of Maxima Acuña Atalaya &amp; Family Against Newmont Mining Corporation", viewed online in July 2020: <a href="https://earthrights.org/media/earthrights-files-appeal-on-behalf-of-maxima-acuna-atalaya-family-against-newmont-mining-corporation/">https://earthrights.org/media/earthrights-files-appeal-on-behalf-of-maxima-acuna-atalaya-family-against-newmont-mining-corporation/</a></p> <p>BBC Mundo (2016). Máxima Acuña, la campesina peruana "heredera" de la activista asesinada Berta Cáceres. <a href="https://www.bbc.com/mundo/noticias/2016/04/160418_peru_campesina_maxima_acuna_gana_premio_goldman_heredera_berta_caceres_lv">https://www.bbc.com/mundo/noticias/2016/04/160418_peru_campesina_maxima_acuna_gana_premio_goldman_heredera_berta_caceres_lv</a></p>
24	Noble Group	2017	Landgrabs for oil palm expansion.	<p>Environmental Investigation Agency (2012), Clear-cut exploitation – How international investors and REDD+ donors' profit from deforestation in West-Papua; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.62., online: <a href="https://milieufdefensie.nl/actueel/draw-the-line.pdf">https://milieufdefensie.nl/actueel/draw-the-line.pdf</a></p>

25	Olam Group	2017	Landgrabs for oil palm expansion in Liberia.	Friends of the Earth Europe (2014), Continuing to exploit and deforest – Wilmar’s ongoing abuses; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.65., online: <a href="https://milieudefensie.nl/actueel/draw-the-line.pdf">https://milieudefensie.nl/actueel/draw-the-line.pdf</a>
8	ONGC Videsh	2019	Historic pollution for oil mining and pipeline in Sudan, allegedly causing birth defects and the GPOC failed to provide social services as per the original agreement; oil spill in 2019 left the local Ruweng community without access to clean land and water	PBS Newshour (2020), “South Sudan ignores reports on oil pollution and birth defects”, viewed in July 2020: <a href="https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects">https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects</a>  New York Post (2020). South Sudan buries reports on oil pollution, birth defects. <a href="https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/">https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/</a>
26	PepsiCo	2016	Conflict over water involving PepsiCo in India	Business Standard (2017), "Indian court stops water to coke pepsi plants", viewed online in December 2018: <a href="https://www.business-standard.com/article/news-ani/indian-court-stops-water-to-coke-pepsi-plants-116120100476_1.html">https://www.business-standard.com/article/news-ani/indian-court-stops-water-to-coke-pepsi-plants-116120100476_1.html</a>  Time Magazine (2017). Why Traders In This South Indian State Are Shunning Coca-Cola and Pepsi. <a href="https://time.com/4688087/coca-cola-pepsi-boycott-southern-india/">https://time.com/4688087/coca-cola-pepsi-boycott-southern-india/</a>
8	Petronas	2019	Historic pollution for oil mining and pipeline in Sudan, allegedly causing birth defects and the GPOC failed to provide social services as per the original agreement; oil spill in 2019 left the local Ruweng community without access to clean land and water	PBS Newshour (2020), “South Sudan ignores reports on oil pollution and birth defects”, viewed in July 2020: <a href="https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects">https://www.pbs.org/newshour/world/south-sudan-ignores-reports-on-oil-pollution-and-birth-defects</a>  New York Post (2020). South Sudan buries reports on oil pollution, birth defects. <a href="https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/">https://nypost.com/2020/02/13/south-sudan-buries-reports-on-oil-pollution-birth-defects/</a>
11	Phillips 66	2017	Dakota Access Pipeline (DAPL) poses significant risk to the drinking water of the Standing Rock Sioux Tribe and threatens to destroy their burial grounds and sacred sites.	United Nations Human Rights (2017), "North Dakota: “Indigenous peoples must be consulted prior to oil pipeline construction” – UN expert”, viewed online in December 2018: <a href="https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570">https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570</a>  The Guardian (2020). Dakota access pipeline: court strikes down permits in victory for Standing Rock Sioux <a href="https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock">https://www.theguardian.com/us-news/2020/mar/25/dakota-access-pipeline-permits-court-standing-rock</a>

27	Posco	2017	Landgrabs for oil palm expansion.	<p>Council on Ethics for the Norwegian Pension Fund Global (2015), Recommendation to exclude Daewoo International Cooperation and POSCO from the Government Pension Fund Global; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.68., online: <a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p>
28	Rajawali Group	2017	Landgrabs in Papua Province, Indonesia, by subsidiary PT Tandan Sawita Papua, a.o. cases.	<p>Greenpeace (2016), A deadly trade-off; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.70., online: <a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p> <p>Merauke Integrated Food and Energy Estate (2014). PT Tandan Sawita Papua: A portrait of how an Oil Palm Company Insults Communities. <a href="https://awasmifee.potager.org/?p=853">https://awasmifee.potager.org/?p=853</a></p>
29	Rio Tinto	2020	Deliberate destruction of two rock shelters with evidence of Aboriginal occupation dating back 46,000 years to access about \$100m worth of iron ore.	<p>Reuters (2020), "Rio Tinto loses Australian indigenous backing after blasting sacred caves", online: <a href="https://www.reuters.com/article/us-australia-mining-rio-tinto-indigenous/rio-tinto-loses-australian-indigenous-backing-after-blasting-sacred-caves-idUSKBN23H12W">https://www.reuters.com/article/us-australia-mining-rio-tinto-indigenous/rio-tinto-loses-australian-indigenous-backing-after-blasting-sacred-caves-idUSKBN23H12W</a>, viewed in July 2020.</p> <p>AZ Central (n.d.) Tribal and local activists air concerns about Resolution copper mine at Oak Flat for congressional subcommittee. <a href="https://eu.azcentral.com/story/news/local/arizona-environment/2020/03/13/oak-flat-copper-mine-activists-take-worries-congress-subcommittee/5030916002/">https://eu.azcentral.com/story/news/local/arizona-environment/2020/03/13/oak-flat-copper-mine-activists-take-worries-congress-subcommittee/5030916002/</a></p> <p>Resource Centre (2020). Australia: Rio Tinto mining blast destroys ancient Aboriginal sacred site. <a href="https://www.business-humanrights.org/en/latest-news/australia-rio-tinto-mining-blast-destroys-ancient-aboriginal-sacred-site/">https://www.business-humanrights.org/en/latest-news/australia-rio-tinto-mining-blast-destroys-ancient-aboriginal-sacred-site/</a></p>
4	Rio Tinto	2019	A proposed copper mine in the US would adversely affect cultural artefacts and sites of significant spiritual value to Native American tribes.	<p>Reuters (2017), "Massive copper mine tests Trump's push to slash regulation", viewed in December 2018: <a href="https://www.reuters.com/article/us-usa-trump-regulation-mining-idUSKBN19Y0D7/">https://www.reuters.com/article/us-usa-trump-regulation-mining-idUSKBN19Y0D7/</a></p>
30	Salim Group	2017	Several cases of landgrabs for oil palm expansion in Indonesia by Indofood Agri.	<p>AidEnvironment and Rainforest Action Network (2015), Palm oil sustainability assessment of Indofood Agri Resources; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.56., online: <a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p>

31	Samling Group	2016	The MSPP concession overlaps with 38,900 acres of community and agricultural lands belonging to four villages, which were incorrectly classified as "vacant land" by the central Government. The MSPP concession also overlaps with the proposed boundary of Tanintharyi National Park, allowing the company to destroy forest in an area of high biodiversity and an important tiger habitat.	<p>ALARM and Environmental Investigation Agency (2016), Green Desert: Communities in Tanintharyi renounce the MSPP Oil Palm Concession, viewed online July 2020: <a href="https://eia-international.org/wp-content/uploads/Green-Desert-FINAL.pdf">https://eia-international.org/wp-content/uploads/Green-Desert-FINAL.pdf</a></p> <p>Burma Link (2017). Myanmar Communities Fight Back Against Palm Oil Impact <a href="http://www.burmalink.org/myanmar-communities-fight-back-palm-oil-impact/">http://www.burmalink.org/myanmar-communities-fight-back-palm-oil-impact/</a></p>
32	Shandong Iron & Steel	2020	Violent relocation of communities in Sierra Leone between 2010-12 to evacuate concession for iron ore mining; allegations including beatings, false imprisonment and rape.	<p>Leigh Day (2020), "Sierra Leone villagers will seek to appeal Tonkolili Iron Ore case at the Supreme Court", viewed in July 2020: <a href="https://www.leighday.co.uk/News/Press-releases-2020/February-2020/Sierra-Leone-villagers-will-look-to-appeal-Tonkoli">https://www.leighday.co.uk/News/Press-releases-2020/February-2020/Sierra-Leone-villagers-will-look-to-appeal-Tonkoli</a></p> <p>SOMO (2015). African Minerals in Sierra Leone: How a controversial iron ore company went bankrupt and what that means for local communities. <a href="https://www.somo.nl/african-minerals-in-sierra-leone/">https://www.somo.nl/african-minerals-in-sierra-leone/</a></p>
33	Sinar Mas Group	2018	Landgrabs for oil palm expansion in Malaysia.	<p>Friends of the Earth Netherlands and Walhi (2009), Failing governance, Avoiding responsibilities; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil, p.48., online:<a href="https://milieudedefensie.nl/actueel/draw-the-line.pdf">https://milieudedefensie.nl/actueel/draw-the-line.pdf</a></p> <p>Potter, L. (2015). "Who is 'land grabbing'? Who is deforesting? Will certification help prevent bad practice?" <a href="https://www.eur.nl/sites/corporate/files/CMCP_40_Potter.pdf">https://www.eur.nl/sites/corporate/files/CMCP_40_Potter.pdf</a></p>
7	Sinopec	2017	Oil production on ancestral lands of Sápara people in Amazon region in Ecuador.	<p>Intercontinental Cry (2017), "The Sápara Nation vs. The Slimy Oil Mungia", viewed in December 2018: <a href="https://intercontinentalcry.org/sapara-nation-vs-slimy-oil-mungia/">https://intercontinentalcry.org/sapara-nation-vs-slimy-oil-mungia/</a></p> <p>Financial Times (n.d.). Ecuador's indigenous people under threat from oil drilling <a href="https://www.ft.com/content/8e1acf14-e467-11e9-b8e0-026e07cbe5b4">https://www.ft.com/content/8e1acf14-e467-11e9-b8e0-026e07cbe5b4</a></p> <p>Amazon Watch (2019). Historic Victory in the Fight for Indigenous Rights and to End Amazon Crude <a href="https://amazonwatch.org/news/2019/1107-historic-victory-in-the-fight-for-indigenous-rights-and-to-end-amazon-crude">https://amazonwatch.org/news/2019/1107-historic-victory-in-the-fight-for-indigenous-rights-and-to-end-amazon-crude</a></p>

34	Suzano Papel e Celulose	2017	Forced eviction for production of wood chips for energy utilities.	<p>World Rainforest Movement (2015), "Brazil: The countless problems surrounding the Suzano corporation", online: <a href="https://wrm.org.uy/articles-from-the-wrm-bulletin/section1/brazil-the-countless-problems-surrounding-the-suzano-corporation/">https://wrm.org.uy/articles-from-the-wrm-bulletin/section1/brazil-the-countless-problems-surrounding-the-suzano-corporation/</a>.</p> <p>FASE (2017). Fibria Celulose S.A. ameaça comunidades tradicionais no sul da Bahia <a href="https://fase.org.br/pt/informe-se/noticias/fibria-s-a-ameaca-comunidades-tradicionais-na-bahia">https://fase.org.br/pt/informe-se/noticias/fibria-s-a-ameaca-comunidades-tradicionais-na-bahia</a></p>
35	The Navigator Company	2017	Displacement of rural communities for a 356,000-ha eucalyptus plantation in Mozambique.	<p>BankTrack (2017), "Portucel pulp mill Mozambique ", viewed online in December 2018: <a href="https://www.banktrack.org/project/portucel_mozambique_mill">https://www.banktrack.org/project/portucel_mozambique_mill</a></p> <p>EJAtlas (2020). Eucalyptus producer Portucel Group, Mozambique <a href="https://ejatlas.org/conflict/eucalyptus-producer-portucel-group-mozambique">https://ejatlas.org/conflict/eucalyptus-producer-portucel-group-mozambique</a></p>
36	Total	2019	In the context of an oil & gas project set to drill in 2022 in Uganda, Total is involved in a pending legal case before French Courts for not respecting the French Duty of Vigilance law to act on human/environmental impact assessment results and effectively implement its vigilance plan to prevent forced displacement and inadequate compensation to affected local communities. Impacts and risks of future impacts on fundamental human rights include Land & Property, Participation and Access to information, Money & Livelihood, environment and health.	<p>Principles for Responsible Investment (2020), "Ugandan farmers take on French oil giant in game changer case for multinationals," viewed in July 2020: <a href="https://www.pri.org/stories/2020-01-10/ugandan-farmers-take-french-oil-giant-game-changer-case-multinationals">https://www.pri.org/stories/2020-01-10/ugandan-farmers-take-french-oil-giant-game-changer-case-multinationals</a></p> <p>Bogrand, A., Brodeur, C., Mbenna, D., Atine, J.A., Ayebare, C., Twesigye B., and S.A. Sellwood (2020) Empty Promises Down the Line? A Human Rights Impact Assessment of the East African Crude Oil Pipeline, Oxfam International: Oxford. Online: <a href="https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621045/rr-empty-promises-down-line-101020-en.pdf?sequence=1&amp;isAllowed=y">https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621045/rr-empty-promises-down-line-101020-en.pdf?sequence=1&amp;isAllowed=y</a>, viewed October 2020.</p> <p>Business and Human Rights Resource Centre (2019). Uganda: Locals to be displaced by oil pipeline oppose land valuation process; includes Total's comments. <a href="https://www.business-humanrights.org/en/latest-news/uganda-locals-to-be-displaced-by-oil-pipeline-oppose-land-valuation-process-includes-totals-comments/">https://www.business-humanrights.org/en/latest-news/uganda-locals-to-be-displaced-by-oil-pipeline-oppose-land-valuation-process-includes-totals-comments/</a></p>
10	Vale	2016	Violation of human rights in connection with the Belo Monte Dam building project in Brazil.	<p>Sydney Morning Herald (2015), "Brazil court suspends Amazon hydrodam licence on native demands", viewed online in December 2018: <a href="https://www.smh.com.au/world/brazil-court-suspends-amazon-hydrodam-licence-on-native-demands-20160115-gm6nwa.html">https://www.smh.com.au/world/brazil-court-suspends-amazon-hydrodam-licence-on-native-demands-20160115-gm6nwa.html</a>.</p> <p>Business and Human Rights Resource Centre (2011). Consórcio Norte Energia lawsuit (re Belo Monte dam in Brazil). <a href="https://www.business-humanrights.org/en/latest-news/cons%C3%B3rcio-norte-energia-lawsuit-re-belo-monte-dam-in-brazil/">https://www.business-humanrights.org/en/latest-news/cons%C3%B3rcio-norte-energia-lawsuit-re-belo-monte-dam-in-brazil/</a></p>

37	Vedanta Resources	2019	Allegations of water pollution and soil contamination due to copper mining in Zambia claiming to impact health of local communities, and income, livelihood and food security for farming communities. Also, allegations that blasts from the mining operations caused structural damage to houses in a nearby village.	Swedwatch (2019), Copper with a cost. Human rights and environmental risks in the mineral supply chains of ICT: A case study from Zambia, viewed in July 2020: <a href="https://swedwatch.org/wp-content/uploads/2019/05/94_Zambia_uppslag.pdf">https://swedwatch.org/wp-content/uploads/2019/05/94_Zambia_uppslag.pdf</a>  BBC News (2015). 'Rivers of acid' in Zambian villages. <a href="https://www.bbc.com/news/world-africa-34173746#:~:text=Zambian%20villagers%20are%20taking%20a,which%20has%20allegedly%20been%20polluted.&amp;ext=It%20is%20water%20they%20will,with%2C%20drink%20and%20irrigate%20farms.">https://www.bbc.com/news/world-africa-34173746#:~:text=Zambian%20villagers%20are%20taking%20a,which%20has%20allegedly%20been%20polluted.&amp;ext=It%20is%20water%20they%20will,with%2C%20drink%20and%20irrigate%20farms.</a>
38	Vietnam Rubber Group	2013	Land grabbing for rubber plantations in Laos and Cambodia	Global Witness (2013), "Rubber Barons", viewed in December 2018: <a href="https://www.globalwitness.org/en/campaigns/land-deals/rubberbarons/">https://www.globalwitness.org/en/campaigns/land-deals/rubberbarons/</a>  Oxfam (2019). Voluntary Guidelines On Mitigating Socio – Environmental Risks For Vietnamese Outward Investors In Agriculture In The Mekong Subregion. <a href="https://vnrubbergroup.com/media/phattrienbenvung/Oxfam_Voluntary-Guideline_EN.pdf">https://vnrubbergroup.com/media/phattrienbenvung/Oxfam_Voluntary-Guideline_EN.pdf</a>
39	WeBuild	2019	Forced displacement of local communities in Ethiopia to build a hydropower dam, without compensation or FPIC	Oakland Institute (2019), How They Tricked Us: Living with the Gibe III Dam and Sugarcane Plantations in Southwest Ethiopia, viewed in July 2020: <a href="https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/ethiopia-tricked-gibe-dam-sugarcane-plantations.pdf">https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/ethiopia-tricked-gibe-dam-sugarcane-plantations.pdf</a>  Business and Human Rights Resource Centre (2019). Report says Ethiopia's indigenous peoples face acute hunger, displacement by dam and sugarcane plantations <a href="https://www.business-humanrights.org/en/latest-news/report-says-ethiopias-indigenous-peoples-face-acute-hunger-displacement-by-dam-and-sugarcane-plantations/">https://www.business-humanrights.org/en/latest-news/report-says-ethiopias-indigenous-peoples-face-acute-hunger-displacement-by-dam-and-sugarcane-plantations/</a>
40	Wilmar	2019	Fifty communities in West Sumatra, Indonesia reported loss of access and control of their customary lands which were taken over by oil palm plantation companies without their consent and without due FPIC process. Many communities also reported suffering intimidation and criminalisation after raising concerns and complaints with the companies affecting them.	Nagari Institute (2019), Survey of Human Rights Violations in the Oil Palm Concession Areas of Wilmar International in West Sumatra, viewed in July 2020: <a href="https://www.forestpeoples.org/sites/default/files/documents/Report%20on%20Wilmar%20Affected%20Communities%20in%20West%20Sumatra%20Nov%202019.pdf">https://www.forestpeoples.org/sites/default/files/documents/Report%20on%20Wilmar%20Affected%20Communities%20in%20West%20Sumatra%20Nov%202019.pdf</a>
41	Wilmar	2017	Landgrabs for oil palm expansion in Indonesia by Wilmar.	RSPO complaint (2012), Case Tracker [Status: complaint Box H – Closed]; Friends of the Earth Netherlands (2018, July). Draw the line, A black book about the shady investments of Dutch Banks into palm oil., online: <a href="https://milieudefensie.nl/actueel/draw-the-line.pdf">https://milieudefensie.nl/actueel/draw-the-line.pdf</a>



Note that all cases are based on desk research of public external media and NGO reports. This list relied on third party reporting and none of these allegations have been independently verified for this report.

## Appendix 3 Response of companies to the opportunity to comment



**UNCLASSIFIED**

**CORPORATE OFFICE**  
INTERNATIONAL & GOVERNMENT  
RELATIONS  
20 Carlton House Terrace  
London  
SW1Y 5AN  
United Kingdom

14 August 2020

Dear Mr Hooijer,

*(by e-mail)*

### **Response to Oxfam Novib's Claims on Land Rights Violations and COVID-19 Community Risks at Cerrejón**

We would like to acknowledge and thank you for the opportunity to respond to the concerns raised in your forthcoming report.

It's important to note that Cerrejón is an independently managed and operated joint venture between BHP, Glencore and ourselves (each with a 33% share). The joint venture management is responsible for the day-to-day operations of the mine.

While the claims made by your consultants, in preparation of your report, are formulated in a broad and non-specific manner, in this response we address the themes raised. These themes are namely resettled communities, water and air quality and community risk during COVID-19.

### **The Anglo American Group's Procedures, Policies and Related Activities on Human Rights**

At Anglo American, we have a strong commitment to human rights. Respect for human rights is stated explicitly in our Code of Conduct and reflected in our core values of safety, care and respect, integrity and accountability. Our approach to human rights is led by our policies and standards. In this regard, we have a Group Human Rights Policy and a Responsible Sourcing Standard (RSS) for our suppliers. Our commitment to human rights is further expressed through our being a signatory to the United Nations Global Compact and the Voluntary Principles on Security and Human Rights (VPs). We are a supporter of the United Nations Guiding Principles on Business and Human Rights (Guiding Principles).

We have integrated the Guiding Principles and VPs into our policies and standards, including the most recent version of the Anglo American Social Way. Social Way 3.0 defines our governing framework for social performance. Human rights have been embedded throughout the new Social Way policy, toolkit and assurance framework. The policy is underpinned by core human rights principles and based on international reference standards. The toolkit includes procedures, guidelines, and standards required to implement our human rights approach as it relates to social and security risks. The assurance framework, through which compliance is assessed annually, is used to

**A member of the Anglo American plc group**

**Anglo American plc**  
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Incorporated in England and Wales. Registration Number: 3564136

(a) show process against human rights targets; and (b) helps to identify gaps for additional training support.

It is again worth noting that Anglo American is one-third shareholder of Cerrejón, and therefore our policies do not apply directly to the non-managed joint-venture. Cerrejón develops its own policies, drawing on best practice by its shareholders. In cases where Cerrejón adopts our policies and standards, it is voluntary and represents best practice in that particular area, as is the case with the Anglo American Social Way.

#### **Alignment with Cerrejón**

As previously mentioned, Anglo American is a one-third shareholder in Cerrejón, which is independently managed and operated. We have shared the Anglo American standards regarding human rights with Cerrejón and supported them as they have developed their human rights policies. In this regard, we recognise Cerrejón's mature approach to human rights which includes the implementation of best-practice international frameworks such as the IFC Performance Standards, the Voluntary Principles on Security and Human Rights, and the UN Guiding Principles on Business and Human Rights. These efforts have been recognised externally through several awards and certifications on both social and environmental performance.

#### **Resettled Communities**

Resettlements are complicated but are, on occasion, a necessary part of mining. All the families of the five resettled communities at Cerrejón moved into their new homes in 2017. Since then, Cerrejón's focus has been on ensuring the houses provided are maintained and, when necessary, repaired, establishing water supplies, and supporting the communities through livelihood-development programmes. This is a process that has been monitored by the Barrancas Mayor's office since September 2019.

Cerrejón is committed to sustainable development in the area and to open communication with the local communities. It is also widely recognised as having a positive impact in both the local community and in Colombia. The mine contributes to 50% of La Guajira's GDP, and is a major employer in the area, generating approximately 6,000 jobs directly and around 6,100 additional jobs through contracting companies. Many members of the local communities are employed by the mine.

In the past 15 years, Cerrejón has invested more than \$115 million in social programmes, and more than \$543 million in environmental programmes. The Cerrejón Foundation has also invested heavily in and developed food programmes to combat food poverty.

#### **Water and Air Quality**

La Guajira State, where Cerrejón is situated, is a semi-arid environment. There are also indigenous groups for whom the creeks, and rivers, and the water within them has deep-rooted cultural significance. It is against this backdrop that Cerrejón developed a three-pronged water strategy focused on the efficient use of water, a basin approach to assist with the conservation and sustainability of water sources and forming participative multi-stakeholder solutions to water challenges in the region.

Different qualities of water linked to the mine are used to their maximum efficiency, with any run-off fresh water, or water that is of suitable quality, being fed back into creeks and rivers. Between 2017 and 2018, Cerrejón reduced its overall water consumption by 15% and its consumption of water fit for human consumption by 10%. Approximately 91% of the water used by Cerrejón is "mined water", which derives from run-off from the pits and water that comes from the seams when they are mined. It is of a low quality and unfit for human consumption. Around 82% of overall water usage is for dust control and is not suitable for human or agricultural use.

Cerrejón is a minor user of water from the Ranchería river. 92.5% of the total water drawn from the river along its course is used for agriculture and livestock, and 5.7% for services or domestic use. Cerrejón's share makes up 1.75% of the water in the Ranchería river, which is used mainly for human consumption. Where the river flows close by Cerrejón, there are three flow-monitoring stations (to monitor flow before, during and after Cerrejón's operations). Verified data has shown that the volume of the river's flow increases by up to 31% as it passes by Cerrejón aided by the management of the tributaries on Cerrejón land – contrary to the belief that the flow diminishes as it passes the mine.

The Cerrejón Foundation is specifically focused on improving water quality and supply to the local communities of La Guajira. In 2018 alone, the Foundation provided 27.2 million litres of drinking water to communities that neighbour the operation, using the mine's railway infrastructure and water tankers. The Foundation also developed bespoke water solutions for six communities, provided water storage tanks for 66 communities and repaired or constructed windmill-driven water pumps for 11 further communities. Water deliveries have become especially important during the current COVID-19 pandemic. Up to the 26 July over 16 million litres of water had been delivered by Cerrejón to the institutions and communities of La Guajira to support sanitation and livelihoods across the state.

Cerrejón recognises its responsibilities with regards to air quality and implements a range of technical measures to monitor and maintain air quality around the mine. Cerrejón shuts down certain parts of the operation when they pose too great a risk to dust levels. As well as having its own technical-modelling system, there are twelve air quality monitoring stations among communities around Cerrejón. The data is independently verified through an air-quality oversight committee, which includes trained community representatives as well as representatives of local authorities.

#### **Mitigating Community Risk During COVID-19**

In your summary of the research done by your consultants, there appears to be a connection made between COVID-19 and allegations of land rights violations. We respectfully do not think that the issues are linked.

In response to COVID-19, Cerrejón has focused on the humanitarian response in La Guajira, helping to supply water to almost 300,000 vulnerable people in La Guajira, using the railway corridor to facilitate access, partnering with the United Nations' World Food Programme to help tackle the risk of food insecurity. Cerrejón has made contributions of more than US\$1.5 million so far to the humanitarian effort in La Guajira. Cerrejón has also donated medical equipment and infrastructure inclusive of a PCR testing lab and

ventilators to local hospitals in La Guajira, significantly boosting capacity for responding to COVID-19 in the region.

Cerrejón has followed the guidelines of the national public health authorities during the COVID-19 crisis and has implemented five health behaviours to reduce the risk of COVID-19 spreading. These are also the pillars for the gradual reestablishment of the operation and must be fulfilled by all the workers of the company: daily verification of the state of health (people with symptoms must remain at home), maintenance of social distance, signs and instructions to avoid crowds, adequate use of personal protection equipment and frequent hand washing, together with the disinfection of equipment and facilities.

Cerrejón has developed a mobile application called Cuidate, Cuidame, which allows Company workers and employees of contractor companies to verify their health conditions related to COVID-19 on a daily basis. This application, which has already been downloaded by more than 1,300 users, allows the company to keep track of the health status of its workforce in real time to protect their health and reduce the risk of contagion.

Minimising the risk of transmission to and within Cerrejón employees and contractors, and between Cerrejón employees, contractors and the local communities has been a central part of Cerrejón's response. Throughout Cerrejón has drawn on best practice developed in mining around the world, including best practice developed in respect to protecting vulnerable people, including indigenous communities.

#### Going Forward

We would again like to thank you for the opportunity to address the concerns raised in your forthcoming report. As previously mentioned, Cerrejón is an independently managed and operated joint venture, and the Anglo American, BHP and Glencore groups are each one third shareholders in the joint venture company. Therefore, some questions are best posed to the Cerrejón management for a more comprehensive reply.

Please do not hesitate to get in touch if you have any further concerns about these matters or any others you may wish to raise. We would be happy to arrange a meeting to discuss via phone call.

Yours sincerely,

**Jonathan Dunn**  
Head of International Policy and Planning  
Anglo American

**Sikhulekile (Khule) Duma**  
International & Government Relations Specialist  
Anglo American

In this letter, references to "Anglo American", the "Anglo American Group", the "Group", "we", "us", and "our" are to refer to either Anglo American plc and its subsidiaries and/or those who work for them generally, or where it is not necessary to refer to a

## Reply of Fair Pension Guide to Anglo American response:

The Fair Pension Guide (FPG) thanks Anglo American for their reply and using the opportunity to comment, which is included in this report. However, according to several public sources, in 2020/21 new and/or renewed allegations were made against Anglo American for involvement in land rights violations.

Examples: [Involvement in land rights violations](#), [Involvement in land rights violations-2](#), [Involvement in land rights violations-3](#)

## EDF response to request for comment

First of all, we want to underline that, one of the EDF group's fundamental goals is to ensure respect for human rights in all its activities and wherever it operates. EDF has been committed to the United Nations Global Compact since 2001 and has published a Communication On Progress (COP) at "Advanced" level every year since 2012. The Group complies with the UN guiding principles on human rights as well as the OECD Guidelines for Multinational Enterprises. Since 2001, EDF has adhered to the UN Global Compact, a program that requires companies to adopt a socially-responsible attitude.

More specifically and in response to your request, we would like to add some comments and bring some clarifications:

- Before impoundment, for the liberation of the reservoir area, Sinop Energia bought approximately 1000 land properties in the municipalities of Sinop, Itaúba, Ipiranga do Norte and Cláudia.
- In the process of negotiation, an agreement was reached in 90% of the cases. For the remaining 10%, negotiations are still ongoing as there can be personal and specific reasons that might vary for each case.
- For the definition of the land price, Sinop Energia have used the Brazilian technical norm for land evaluation (Associação Brasileira de Normas Técnicas (ABNT)/NBR 14.653-1:2001 e NBR 14.653-3:2004).
- The price was defined by a research based on a sample of 66 properties in the region, using some variable to establish the reference price (as defined in the norm above mentioned).
- Negotiation was done individually with each person and a technical evaluation report (*laudo*) was presented with the offer price.
- Since the agreement rate is at a 90% level, there is an understanding that the reference price proposed reflected the reality of the market in the region.
- The value paid for the population from the rural settlement was based on the same reference for farmers.
- There is a process in the court for the discussion of the value paid, a final decision has not been reached yet. Since the market price was the base for the indemnifications, it is not expected to have a revised value.

Also, please find attached the original document.

We remain at your disposal for any further questions.

Pierre-Franck THOME-JASSAUD

Responsable du Service de Presse

EDF – Direction de la Communication

Service de Presse

22-30 avenue de Wagram

75008 PARIS

**NOTA DE ESCLARECIMENTO**  
**08.09.20**

A Companhia Energética Sinop, concessionária da Usina Hidrelétrica (UHE) Sinop, informa que foram adquiridos aproximadamente 1.000 imóveis nos municípios de Sinop, Itaúba, Ipiranga do Norte, Sorriso e Cláudia, acordo esse realizado com os proprietários e posseiros em cerca de 90% dos casos.

Sobre o cálculo indenizatório esclarece que seguiu rigorosamente os preceitos técnicos estabelecidos pela Associação Brasileira de Normas Técnicas (ABNT)/NBR 14.653-1:2001 e NBR 14.653-3:2004. Especificamente para este Empreendimento a referência de valor foi o Caderno de Preços com amostra composta por 66 imóveis pesquisados na região, considerando cinco variáveis para determinação dos preços da terra nua, ou seja, acessibilidade, manejo da propriedade, vocação de exploração, área interferida e mês. Com relação as indenizações das construções e instalações, por liberalidade da Companhia estas foram indenizadas sem depreciação, como se fossem novas, seja o estado de conservação e a idade aparente identificada em campo. O valor ofertado, negociado e pago aos assentados, seguiu o mesmo critério de indenização aplicado aos fazendeiros da região, mesmo os assentados sendo apenas ocupantes de áreas públicas e os fazendeiros possuindo título de propriedade dos imóveis. Considerando que houve aceitação em 90% da negociação entre assentados e fazendeiros, a Companhia entende que o caderno de preços aplicado representa o valor de mercado da região. Sobre a prova pericial ainda não foi concluída na Ação Civil Pública e, portanto, não há definição do valor da indenização nos autos do processo judicial.

Ainda sobre o assunto, no início das tratativas relativas à aquisição dos imóveis com os moradores da área de influência, esclarece que houve negociação de forma individual, onde foi apresentado e entregue ao interessado o laudo de avaliação com o valor a ser ofertado pela área a ser adquirida pelo Empreendimento. O resultado destas negociações foi a celebração de 90% dos acordos pelo valor ofertado, o que comprova que o preço pago estava de acordo com a realidade de mercado praticado na região.

Além disso, informa que o Ministério Público Federal ajuizou uma ação buscando a revisão dos negócios jurídicos celebrados com os assentados e o processo judicial está em curso, não havendo previsão de revisão do preço pago aos assentados, pois foi feito conforme a realidade de mercado.

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**Reply of Fair Pension Guide to EDF response**

The Fair Pension Guide (FPG) thanks EDF for their reply and using the opportunity to comment, which is included in this report. However, according to several public sources, in 2020/2021 new and/or renewed allegations were made against the company, for example: [EDF Civil Lawsuit](#), [EDF Civil Lawsuit Brazil](#)

## Appendix 4 Investments in companies involved in land rights violations

### Investments by ABP

Source: ABP (2020), Listed investments ABP as of 30 June 2020, viewed on 14 October 2020; ABP (2020), Summary of ABP corporate bonds as at 30 June 2020, viewed on 14 October 2020

Issuer Name	Issuer Country	Reporting	Maturity	Type of financing	Original currency	Per Investor Value (in million EUR)
Anglo American Platinum Ltd	South Africa	30/06/2020		Shareholding	EUR	50
Anglo American Plc	United Kingdom	30/06/2020		Shareholding	EUR	72
Astra International Tbk Pt	Indonesia	30/06/2020		Shareholding	EUR	34
Bhp Group Ltd	Australia	30/06/2020		Shareholding	EUR	127
Bhp Group Plc	United Kingdom	30/06/2020		Shareholding	EUR	111
Bollere Sa	France	30/06/2020		Shareholding	EUR	1
China Petroleum & Chemical Corp	China	30/06/2020		Shareholding	EUR	27
Coca-Cola Femsa Sab De Cv	Mexico	30/06/2020		Shareholding	EUR	8
Electricite De France Sa	France	30/06/2020		Bondholding	EUR	209
Electricite De France Sa	France	30/06/2020		Shareholding	EUR	7
Enbridge Inc	Canada	30/06/2020		Shareholding	EUR	108
Enbridge Inc	United States	30/06/2020		Bondholding	EUR	25
Energy Transfer Lp	United States	30/06/2020		Bondholding	EUR	66



Energy Transfer Lp	United States	30/06/2020		Shareholding	EUR	14
Exxon Mobil Corp	United States	30/06/2020		Shareholding	EUR	239
Exxon Mobil Corp	United States	30/06/2020		Bondholding	EUR	142
Fomento Economico Mexicano Sab De Cv	Mexico	30/06/2020		Shareholding	EUR	61
Glencore Plc	United Kingdom	30/06/2020		Shareholding	EUR	40
Indofood Sukses Makmur Tbk Pt	Indonesia	30/06/2020		Shareholding	EUR	2
Jardine Cycle & Carriage Ltd	Singapore	30/06/2020		Shareholding	EUR	1
Jardine Matheson Holdings Ltd	Hong Kong	30/06/2020		Shareholding	EUR	5
Jardine Strategic Holdings Ltd	Hong Kong	30/06/2020		Shareholding	EUR	2
Marathon Petroleum Corp	United States	30/06/2020		Bondholding	EUR	187
Marathon Petroleum Corp	United States	30/06/2020		Shareholding	EUR	38
Newmont Corp	United States	30/06/2020		Shareholding	EUR	351
Newmont Corp	United States	30/06/2020		Bondholding	EUR	26
Pepsico Inc	United States	30/06/2020		Shareholding	EUR	595
Pepsico Inc	United States	30/06/2020		Bondholding	EUR	120
Phillips 66	United States	30/06/2020		Shareholding	EUR	45
Phillips 66	United States	30/06/2020		Bondholding	EUR	6
Posco	South Korea	30/06/2020		Shareholding	EUR	38

Rio Tinto Ltd	Australia	30/06/2020		Shareholding	EUR	74
Rio Tinto Plc	United Kingdom	30/06/2020		Shareholding	EUR	183
Rio Tinto Plc	United Kingdom	30/06/2020		Bondholding	EUR	2
Sinopec Engineering Group Co Ltd	China	30/06/2020		Shareholding	EUR	1
Sinopec Shanghai Petrochemical Co Ltd	China	30/06/2020		Shareholding	EUR	2
Suzano Sa	Brazil	30/06/2020		Shareholding	EUR	1
Total Sa	France	30/06/2020		Shareholding	EUR	293
Total Se	France	30/06/2020		Bondholding	EUR	221
Vale Sa	Brazil	30/06/2020		Shareholding	EUR	187
Wilmar International Ltd	Singapore	30/06/2020		Shareholding	EUR	1

## Investments by bpf Bouw

Source: bpf Bouw (2020), bpf Bouw equity portfolio as at 31 March 2020, viewed on 22 September 2020; bpf Bouw (2020), Overview corporate bonds bpf Bouw as at 31 March 2020, viewed on 22 September 2020.

Issuer Name	Issuer Country	Reporting Date	Maturity Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Anglo American Platinum Ltd	South Africa	31/03/2020		Shareholding	EUR	4
Anglo American Plc	United Kingdom	31/03/2020		Shareholding	EUR	6
Anglo American Plc	South Africa	31/03/2020		Bondholding	EUR	1
Astra International Tbk Pt	Indonesia	31/03/2020		Shareholding	EUR	4
Bhp Group Ltd	Australia	31/03/2020		Shareholding	EUR	11
Bhp Group Ltd	Australia	31/03/2020		Bondholding	EUR	7
Bhp Group Plc	United Kingdom	31/03/2020		Shareholding	EUR	8
Bollere Sa	France	31/03/2020		Shareholding	EUR	<0.5
China Petroleum & Chemical Corp	China	31/03/2020		Shareholding	EUR	5
Coca-Cola Femsa Sab De Cv	Mexico	31/03/2020		Shareholding	EUR	1
Electricite De France Sa	France	31/03/2020		Bondholding	EUR	24
Electricite De France Sa	France	31/03/2020		Shareholding	EUR	1

Enbridge Inc	Canada	31/03/2020		Shareholding	EUR	11
Enbridge Inc	United States	31/03/2020		Bondholding	EUR	2
Energy Transfer Lp	United States	31/03/2020		Bondholding	EUR	12
Energy Transfer Lp	United States	31/03/2020		Shareholding	EUR	<0.5
Exxon Mobil Corp	United States	31/03/2020		Shareholding	EUR	27
Exxon Mobil Corp	United States	31/03/2020		Bondholding	EUR	4
Fomento Economico Mexicano Sab De Cv	Mexico	31/03/2020		Shareholding	EUR	11
Glencore Plc	Switzerland	31/03/2020		Bondholding	EUR	5
Glencore Plc	United Kingdom	31/03/2020		Shareholding	EUR	3
Indofood Sukses Makmur Tbk Pt	Indonesia	31/03/2020		Shareholding	EUR	<0.5
Jardine Cycle & Carriage Ltd	Singapore	31/03/2020		Shareholding	EUR	<0.5
Jardine Matheson Holdings Ltd	Hong Kong	31/03/2020		Shareholding	EUR	2
Jardine Strategic Holdings Ltd	Hong Kong	31/03/2020		Shareholding	EUR	<0.5
Marathon Petroleum Corp	United States	31/03/2020		Bondholding	EUR	12
Marathon Petroleum Corp	United States	31/03/2020		Shareholding	EUR	3

Newmont Corp	United States	31/03/2020		Shareholding	EUR	87
Newmont Corp	United States	31/03/2020		Bondholding	EUR	3
Pepsico Inc	United States	31/03/2020		Shareholding	EUR	92
Pepsico Inc	United States	31/03/2020		Bondholding	EUR	9
Phillips 66	United States	31/03/2020		Shareholding	EUR	5
Phillips 66 Partners Lp	United States	31/03/2020		Shareholding	EUR	<0.5
Posco	Korea (South)	31/03/2020		Shareholding	EUR	4
Rio Tinto Ltd	Australia	31/03/2020		Shareholding	EUR	7
Rio Tinto Plc	United Kingdom	31/03/2020		Shareholding	EUR	16
Rio Tinto Plc	United Kingdom	31/03/2020		Bondholding	EUR	1
Sinopec Engineering Group Co Ltd	China	31/03/2020		Shareholding	EUR	<0.5
Sinopec Shanghai Petrochemical Co Ltd	China	31/03/2020		Shareholding	EUR	<0.5
Suzano Sa	Brazil	31/03/2020		Shareholding	EUR	<0.5
Total Sa	France	31/03/2020		Shareholding	EUR	45

Total Sa	France	31/03/2020		Bondholding	EUR	20
Vale Sa	Brazil	31/03/2020		Shareholding	EUR	21

## Investments by BPL Pensioen

Source: BPL Pensioen (2020), Investment overview December 2019, viewed on 22 September 2020.

Issuer Name	Issuer Country	Reporting Date	Maturity Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Edf Sa		n.d	n.d	Bondholding	EUR	n.d.
Edf Sa		n.d	n.d	Shareholding	EUR	n.d.
Electricite De France Sa		n.d	n.d	Bondholding	EUR	n.d.
Exxon Mobil Corp		n.d	n.d	Shareholding	EUR	n.d.
Fomento Economico Mex		n.d	n.d	Bondholding	EUR	n.d.
Glencore Finance Europe		n.d	n.d	Bondholding	EUR	n.d.
Glencore Finance Europe		n.d	n.d	Bondholding	EUR	n.d.
Olam International Ltd		n.d	n.d	Shareholding	EUR	n.d.
Pepsico Inc		n.d	n.d	Bondholding	EUR	n.d.

Pepsico Inc /Nc	n.d	n.d	Shareholding	EUR	n.d.
Total Capital Intl Sa	n.d	n.d	Bondholding	EUR	n.d.
Total Sa	n.d	n.d	Bondholding	EUR	n.d.
Total Sa	n.d	n.d	Shareholding	EUR	n.d.
Wilmar International Ltd	n.d	n.d	Shareholding	EUR	n.d.

## Investments by Detailhandel

Source: Pensioenfonds Detailhandel (2020), *Investments of Pensioenfonds Detailhandel as of 31 August 2020*, viewed on 23 September 2020. Data received from Pensioenfonds Detailhandel on 30 November 2020, data corresponding to 30 September 2020.

Issuer Name	Issuer Country	Reporting Date	Maturity Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Adani Abbot Pt Term Pty Ltd Gtd Srsecd Nt		31/08/2020	n.a.	Bondholding	EUR	0,37
Anglo American		31/08/2020		Shareholding	EUR	3,95
Anglo American Cap		31/08/2020	n.a.	Bondholding	EUR	0,37
Anglo American Cap Fixed		31/08/2020	18/09/2025	Bondholding	EUR	0,16
Anglo American Capital		31/08/2020	28/03/2022	Bondholding	EUR	0,17
Anglo American Capital Mtn		31/08/2020	03/04/2023	Bondholding	EUR	0,38
Anglo American Capital Plc		31/08/2020	29/04/2021	Bondholding	EUR	2,15

Bhp Billiton Fin	31/08/2020	n.a.	Bondholding	EUR	0,98
Bhp Billiton Fin	31/08/2020	n.a.	Bondholding	EUR	0,38
Bhp Billiton Fin	31/08/2020	n.a.	Bondholding	EUR	0,28
Bhp Billiton Fin	31/08/2020	29/04/1933	Bondholding	EUR	0,28
Bhp Billiton Finance Ltd	31/08/2020	29/04/2030	Bondholding	EUR	0,25
Bhp Group Limited	31/08/2020		Shareholding	EUR	12,88
Bhp Group Plc	31/08/2020		Shareholding	EUR	4,06
Bollere	31/08/2020		Shareholding	EUR	0,71
Coca Cola Femsa Sa	31/08/2020		Shareholding	EUR	4,58
Edf	31/08/2020		Shareholding	EUR	0,96
Edf	31/08/2020	n.a.	Bondholding	EUR	1,08
Edf	31/08/2020	n.a.	Bondholding	EUR	0,57
Edf	31/08/2020	n.a.	Bondholding	EUR	0,25
Edf	31/08/2020	n.a.	Bondholding	EUR	1,78
Edf	31/08/2020	n.a.	Bondholding	EUR	2,03



Edf	31/08/2020	n.a.	Bondholding	EUR	0,81
Edf	31/08/2020	n.a.	Bondholding	EUR	1,91
Electricite De France	31/08/2020	12/11/2025	Bondholding	EUR	0,54
Electricite De France	31/08/2020	n.a.	Bondholding	EUR	0,93
Enbridge Inc	31/08/2020		Shareholding	EUR	11,07
Exxon Mobil Corp	31/08/2020		Shareholding	EUR	29,56
Exxon Mobil Corp	31/08/2020	n.a.	Bondholding	EUR	0,04
Exxon Mobil Corp	31/08/2020	26/06/2032	Bondholding	EUR	0,45
Exxon Mobil Fixe	31/08/2020	26/06/2024	Bondholding	EUR	0,43
Exxon Mobil Fixe	31/08/2020	26/06/2028	Bondholding	EUR	0,38
Fomento Econ Mexic	31/08/2020	n.a.	Bondholding	EUR	0,37
Fomento Econ Mexic Units	31/08/2020		Shareholding	EUR	3,85
Glencore Fin Eur L	31/08/2020	n.a.	Bondholding	EUR	0,30
Glencore Fin Eur L	31/08/2020	n.a.	Bondholding	EUR	0,15
Glencore Finance (Europe) Limited	31/08/2020	01/04/2026	Bondholding	EUR	0,18
Glencore Finance (Europe) Limited	31/08/2020	n.a.	Bondholding	EUR	0,53

Glencore Finance (Europe) Limited	31/08/2020	n.a.	Bondholding	EUR	0,59
Glencore Finance Europe	31/08/2020	n.a.	Bondholding	EUR	0,21
Glencore Plc	31/08/2020		Shareholding	EUR	1,20
Mhp Lux	31/08/2020	n.a.	Bondholding	EUR	0,40
Mhp Se	31/08/2020	n.a.	Bondholding	EUR	0,37
Newmont Corp	31/08/2020		Shareholding	EUR	12,39
Pepsico In	31/08/2020	n.a.	Bondholding	EUR	51,23
Pepsico In	31/08/2020	n.a.	Bondholding	EUR	0,15
Pepsico Inc	31/08/2020	n.a.	Bondholding	EUR	0,21
Pepsico Inc	31/08/2020	n.a.	Bondholding	EUR	0,25
Pepsico Inc	31/08/2020	n.a.	Bondholding	EUR	0,23
Pepsico Inc	31/08/2020		Shareholding	EUR	0,32
Pepsico Inc Bnd	31/08/2020	n.a.	Bondholding	EUR	0,40
Pepsico Inc Fixed	31/08/2020	n.a.	Bondholding	EUR	0,17
Petrochina Company Limited	31/08/2020		Shareholding	EUR	0,95
Phillips 66 Com	31/08/2020		Shareholding	EUR	0,52

Posco	31/08/2020		Shareholding	EUR	0,30
Rio Tinto	31/08/2020		Shareholding	EUR	3,77
Rio Tinto Limited	31/08/2020		Shareholding	EUR	1,72
Shandong Iron	31/08/2020	25/09/2022	Bondholding	EUR	0,69
Sinopec Grp	31/08/2020	28/04/2022	Bondholding	EUR	1,73
Suzano Sa Com	31/08/2020		Shareholding	EUR	1,63
Total	31/08/2020	n.a.	Bondholding	EUR	0,90
Total	31/08/2020	07/07/2021	Bondholding	EUR	0,63
Total Cap Cda Ltd	31/08/2020	18/09/2029	Bondholding	EUR	1,40
Total Cap Int	31/08/2020	18/05/2031	Bondholding	EUR	0,42
Total Cap Intl	31/08/2020	19/11/2025	Bondholding	EUR	0,11
Total Cap Intl	31/08/2020	08/04/2032	Bondholding	EUR	0,55
Total Cap Intl	31/08/2020	04/09/2030	Bondholding	EUR	1,16
Total Cap Intl	31/08/2020	18/05/2040	Bondholding	EUR	0,59
Total Capital Cana	31/08/2020	n.a.	Bondholding	EUR	1,33

Total Capital Internationa	31/08/2020	31/05/2028	Bondholding	EUR	0,21
Total Capital International	31/08/2020	19/03/2025	Bondholding	EUR	0,86
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	1,04
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	0,21
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	0,56
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	0,98
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	0,22
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	1,07
Total Capital Intl	31/08/2020	n.a.	Bondholding	EUR	0,58
Total Capital Sa	31/08/2020	n.a.	Bondholding	EUR	0,61
Total S.E	31/08/2020		Shareholding	EUR	19,84
Total Se	31/08/2020	n.a.	Bondholding	EUR	1,24
Total Se	31/08/2020	n.a.	Bondholding	EUR	0,52
Total Se	31/08/2020	n.a.	Bondholding	EUR	0,30
Total Se	31/08/2020	n.a.	Bondholding	EUR	0,87
Total Se	31/08/2020	n.a.	Bondholding	EUR	0,81

Vale Sa	31/08/2020	n.a.	Bondholding	EUR	11,08
Vedanta Res Fin li Plc	31/08/2020	23/04/2026	Bondholding	EUR	0,00
Vedanta Res Fin li Plc	31/08/2020	23/04/2023	Bondholding	EUR	0,27
Vedanta Resources Limited	31/08/2020	n.a.	Bondholding	EUR	0,49
Vedanta Resources Limited	31/08/2020	n.a.	Bondholding	EUR	0,27
Vedanta Resources Plc	31/08/2020	30/07/2022	Bondholding	EUR	0,56
Webuild Spa	31/08/2020	26/10/2024	Bondholding	EUR	0,35
Wilmar International Ltd	31/08/2020		Shareholding	EUR	1,97

## Investments by PFZW

Source: PFZW (2020), *Transparency list shares as at 31-12-2019*, viewed on 4 April 2020; PFZW (2020), *Transparency list bonds as at 31-12-2019*, viewed on 4 April 2020; PFZW (2020), "Investments as of 31-12-2019, ISINs list through Fossil Free", viewed on 4 April 2020.

Issuer Name	Issuer Country	Reporting Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Adani Enterprises Ltd	India	31/12/2019	Shareholding	EUR	2
Alcoa Corporation	United States	31/12/2019	Bondholding	EUR	9
Anglo American Platinum Ltd	South Africa	31/12/2019	Shareholding	EUR	4
Anglo American Plc	South Africa	31/12/2019	Shareholding	EUR	44
Astra Agro Lestari Tbk Pt	Indonesia	31/12/2019	Shareholding	EUR	<0.5
Astra International Tbk Pt	Indonesia	31/12/2019	Shareholding	EUR	15
Bhp Billiton Finance Ltd		31/12/2019	Bondholding	EUR	9
Bhp Billiton Finance Ltd		31/12/2019	Bondholding	EUR	9
Bhp Billiton Finance Ltd		31/12/2019	Bondholding	EUR	20
Bhp Billiton Limited	Australia	31/12/2019	Shareholding	EUR	100
Bhp Group	Australia	31/12/2019	Bondholding	EUR	38
Bhp Group Plc	Australia	31/12/2019	Shareholding	EUR	68
Bolloré	France	31/12/2019	Shareholding	EUR	3

Centrais Eletricas Brasilier	Brazil	31/12/2019	Shareholding	EUR	12
Centrais Eletricas Bras-Pr B	Brazil	31/12/2019	Shareholding	EUR	5
China Petroleum &	China	31/12/2019	Shareholding	EUR	2
China Petroleum & Chemical-H	China	31/12/2019	Shareholding	EUR	47
Coca-Cola Femsa S.	Mexico	31/12/2019	Shareholding	EUR	2
Edf	France	31/12/2019	Shareholding	EUR	5
Enbridge Inc	Canada	31/12/2019	Shareholding	EUR	122
Energy Transfer Equity, L.P.	United States	31/12/2019	Bondholding	EUR	7
Exxon Mobil Corp	United States	31/12/2019	Shareholding	EUR	14
Fomento Economico Mexica-Ubd	Mexico	31/12/2019	Shareholding	EUR	10
Glencore Finance (Europe) Ltd		31/12/2019	Bondholding	EUR	18
Glencore Finance (Europe) Ltd		31/12/2019	Bondholding	EUR	15
Glencore Finance (Europe) Ltd		31/12/2019	Bondholding	EUR	20
Glencore Plc	Switzerland	31/12/2019	Shareholding	EUR	35
Glencore Plc	Switzerland	31/12/2019	Bondholding	EUR	53
Golden Agri-Resources Ltd	Singapore	31/12/2019	Shareholding	EUR	1

Indofood Sukses Makmur Tbk P	Indonesia	31/12/2019	Shareholding	EUR	5
Jardine Cycle & Carriage Ltd	Singapore	31/12/2019	Shareholding	EUR	9
Jardine Matheson Hldgs Ltd	Hong Kong	31/12/2019	Shareholding	EUR	24
Jardine Strategic Hldgs Ltd	Hong Kong	31/12/2019	Shareholding	EUR	12
Marathon Petroleum Corp	United States	31/12/2019	Shareholding	EUR	45
Mhp Lux Sa		31/12/2019	Bondholding	EUR	8
Mhp Se	Ukraine	31/12/2019	Bondholding	EUR	35
Mhp Se		31/12/2019	Bondholding	EUR	27
Newmont Mining Corp	United States	31/12/2019	Shareholding	EUR	39
Olam International Ltd	Singapore	31/12/2019	Shareholding	EUR	<0.5
Pepsico Inc	United States	31/12/2019	Shareholding	EUR	347
Pepsico Inc		31/12/2019	Bondholding	EUR	14
Pepsico, Inc.	United States	31/12/2019	Bondholding	EUR	14
Phillips 66	United States	31/12/2019	Shareholding	EUR	83
Posco	South Korea	31/12/2019	Shareholding	EUR	2



Posco Daewoo Corp	South Korea	31/12/2019	Shareholding	EUR	1
Rio Tinto	United Kingdom	31/12/2019	Shareholding	EUR	99
Rio Tinto Ltd	Australia	31/12/2019	Shareholding	EUR	77
Salini Impregilo Spa		31/12/2019	Bondholding	EUR	<0.5
Sinopec Engineering Group-H	China	31/12/2019	Shareholding	EUR	4
Sinopec Oilfield S	China	31/12/2019	Shareholding	EUR	<0.5
Sinopec Shanghai Petrochem-H	China	31/12/2019	Shareholding	EUR	1
Suzano Papel E Celulose S.A.	Brazil	31/12/2019	Bondholding	EUR	50
Total Capital Canada Ltd		31/12/2019	Bondholding	EUR	7
Total Capital International Sa		31/12/2019	Bondholding	EUR	10
Total Capital International Sa		31/12/2019	Bondholding	EUR	4
Total Capital International Sa		31/12/2019	Bondholding	EUR	6
Total Capital International Sa		31/12/2019	Bondholding	EUR	20
Total S.A.	France	31/12/2019	Bondholding	EUR	112
Total Sa	France	31/12/2019	Shareholding	EUR	131

Total Sa		31/12/2019	Bondholding	EUR	17
Total Sa		31/12/2019	Bondholding	EUR	1
Total Sa		31/12/2019	Bondholding	EUR	23
Total Sa		31/12/2019	Bondholding	EUR	24
Vale Sa	Brazil	31/12/2019	Shareholding	EUR	57
Wilmar International Ltd	Singapore	31/12/2019	Shareholding	EUR	10

## Investments by PH&C

Source: PH&C (2020), Transparency List Bonds 31-12-2019, viewed on 16 June 2020; PH&C (2020), Transparency list shares 31-12-2019, viewed on 16 June 2020.

Issuer Name	Issuer Country	Reporting Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Alcoa Corp	United States	31/12/2019	Shareholding	EUR	<0.5
Astra International Tbk Pt	Indonesia	31/12/2019	Shareholding	EUR	4
Bhp Group Ltd	Australia	31/12/2019	Shareholding	EUR	7
Enbridge Inc	Canada	31/12/2019	Shareholding	EUR	7
Fomento Economico Mexicano Sab	Mexico	31/12/2019	Shareholding	EUR	6
Fomento Economico Mexicano Sab	Mexico	31/12/2019	Shareholding	EUR	6

Glencore Funding Llc Regs	United States	31/12/2019	Bondholding	EUR	3
Glencore Plc	Switzerland	31/12/2019	Shareholding	EUR	10
Jardine Matheson Holdings Ltd	Hong Kong	31/12/2019	Shareholding	EUR	4
Jardine Matheson Holdings Ltd	Hong Kong	31/12/2019	Shareholding	EUR	2
Jardine Strategic Holdings Ltd	Hong Kong	31/12/2019	Shareholding	EUR	1
Navigator Co Sa/The	Portugal	31/12/2019	Shareholding	EUR	<0.5
Newmont Corp	United States	31/12/2019	Shareholding	EUR	6
Pepsico Inc	United States	31/12/2019	Shareholding	EUR	18
Rio Tinto Plc	United Kingdom	31/12/2019	Shareholding	EUR	6
Salini Impregilo Spa	Italy	31/12/2019	Shareholding	EUR	<0.5
Sinopec Group Overseas De Regs	British Virgin Islands	31/12/2019	Bondholding	EUR	1
Sinopec Group Overseas De Regs	British Virgin Islands	31/12/2019	Bondholding	EUR	<0.5
Total Sa	France	31/12/2019	Shareholding	EUR	16
Total Sa Regs	France	31/12/2019	Bondholding	EUR	7

## Investments by PME

Source: PME (2020), *Shares, as at 31 December 2019*, viewed on 22 September 2020; PME (2020), *Bonds, as at 31 December 2019*, viewed on 22 September 2020.

Issuer Name	Issuer Country	Reporting Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Alcoa Corp		31/12/2019	Bondholding	EUR	1
Anglo American Plc		31/12/2019	Shareholding	EUR	21
Bhp Billiton Ltd		31/12/2019	Shareholding	EUR	56
Bhp Billiton Ltd		31/12/2019	Bondholding	EUR	11
Bhp Billiton Plc		31/12/2019	Shareholding	EUR	28
Centrais Eletricas Brasileiras		31/12/2019	Shareholding	EUR	1
Coca-Cola Femsa Sab De Cv		31/12/2019	Shareholding	EUR	<0.5
Electricite De France Sa		31/12/2019	Shareholding	EUR	<0.5
Electricite De France Sa		31/12/2019	Bondholding	EUR	5
Energy Transfer Equity Lp		31/12/2019	Bondholding	EUR	3
First Pacific Co Ltd/Hong Kong		31/12/2019	Shareholding	EUR	1
Fomento Economico Mexicano Sab		31/12/2019	Shareholding	EUR	22
Glencore Plc		31/12/2019	Bondholding	EUR	16
Golden Agri-Resources Ltd		31/12/2019	Shareholding	EUR	2

Jardine Matheson Holdings Ltd		31/12/2019	Shareholding	EUR	3
Marathon Petroleum Corp		31/12/2019	Bondholding	EUR	2
Newmont Mining Corp		31/12/2019	Shareholding	EUR	26
Pepsico Inc		31/12/2019	Shareholding	EUR	137
Pepsico Inc		31/12/2019	Bondholding	EUR	33
Posco		31/12/2019	Shareholding	EUR	11
Rio Tinto Ltd		31/12/2019	Shareholding	EUR	18
Rio Tinto Ltd		31/12/2019	Bondholding	EUR	6
Rio Tinto Plc		31/12/2019	Shareholding	EUR	38
Sinar Mas Group Pt		31/12/2019	Shareholding	EUR	<0.5
Sinopec Shanghai Petrochemical		31/12/2019	Shareholding	EUR	1
Suzano Papel E Celulose Sa		31/12/2019	Shareholding	EUR	1
Total Sa		31/12/2019	Shareholding	EUR	74
Total Sa		31/12/2019	Bondholding	EUR	34

### Investments by PMT

Source: PMT (2020), *List Investment Grade Corporate Bonds as at 31-12-2019*, viewed on 22 September 2020; PMT (2020), *List of High Yield Corporate Bonds as at 31-12-2019*, viewed on 22 September 2020; PMT (2020), *List of shares as at 31-12-2019*, viewed on 22 September 2020.

Issuer Name	Issuer Country	Reporting Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Alcoa Corp		31/12/2019	Bondholding	EUR	4
Anglo American Plc		31/12/2019	Shareholding	EUR	27
Bhp Billiton Ltd		31/12/2019	Bondholding	EUR	26
Bhp Billiton Ltd		31/12/2019	Shareholding	EUR	62
Bhp Billiton Plc		31/12/2019	Shareholding	EUR	38
Centrais Eletricas Brasileiras		31/12/2019	Shareholding	EUR	2
Coca-Cola Femsa Sab De Cv		31/12/2019	Shareholding	EUR	1
Enbridge Inc		31/12/2019	Shareholding	EUR	61
Energy Transfer Equity Lp		31/12/2019	Bondholding	EUR	6
Exxon Mobil Corp		31/12/2019	Bondholding	EUR	27
Exxon Mobil Corp		31/12/2019	Shareholding	EUR	151
First Pacific Co Ltd/Hong Kong		31/12/2019	Shareholding	EUR	1
Fomento Economico Mexicano Sab		31/12/2019	Shareholding	EUR	25
Glencore Plc		31/12/2019	Bondholding	EUR	36

Jardine Matheson Holdings Ltd		31/12/2019	Shareholding	EUR	4
Marathon Petroleum Corp		31/12/2019	Bondholding	EUR	4
Marathon Petroleum Corp		31/12/2019	Bondholding	EUR	5
Newmont Mining Corp		31/12/2019	Shareholding	EUR	27
Pepsico Inc		31/12/2019	Bondholding	EUR	65
Pepsico Inc		31/12/2019	Shareholding	EUR	146
Phillips 66		31/12/2019	Shareholding	EUR	38
Posco		31/12/2019	Shareholding	EUR	8
Rio Tinto Ltd		31/12/2019	Bondholding	EUR	10
Rio Tinto Ltd		31/12/2019	Shareholding	EUR	20
Rio Tinto Plc		31/12/2019	Shareholding	EUR	52
Sinar Mas Group Pt		31/12/2019	Shareholding	EUR	<0.5
Sinopec Shanghai Petrochemical		31/12/2019	Shareholding	EUR	<0.5
Suzano Papel E Celulose Sa		31/12/2019	Shareholding	EUR	1
Total Sa		31/12/2019	Bondholding	EUR	71
Total Sa		31/12/2019	Shareholding	EUR	100

## Investments by Van Lanschot Kempen subsidiaries, attributed to StiPP

Sources: Refinitiv Eikon (2020), "Share ownership of selected companies", viewed in October 2020; Refinitiv EMAXX (2020), "Bond holdings of selected companies", viewed in October 2020.

Borrower/Issuer Name	Issuer Country	Issue/Filing Date	Maturity Date	Type of financing	Value (mln US\$)	Value (mln EUR)
Electricite De France Sa, Paris	France	31/07/2020	02/10/2030	Bondholding	4.27	3,8
Electricite De France Sa, Paris	France	31/07/2020	02/10/2030	Bondholding	0.83	0,74
Electricite De France Sa, Paris	France	31/07/2020	13/10/2036	Bondholding	0.83	0,74
Electricite De France Sa, Paris	France	31/08/2020	02/10/2030	Bondholding	0.24	0,21
Electricite De France Sa, Paris	France	31/07/2020	13/10/2036	Bondholding	0.24	0,21
Electricite De France, Paris	France	31/07/2020		Bondholding	5.33	4,75
Electricite De France, Paris	France	31/07/2020		Bondholding	1.30	1,16
Electricite De France, Paris	France	31/07/2020		Bondholding	0.83	0,74
Enbridge Inc		30/06/2020		Shareholding	1.73	1,54
Exxon Mobil Corp		30/06/2020		Shareholding	16.93	15,07
First Pacific Co Ltd		31/03/2020		Shareholding	0.04	0,04
Glencore Finance (Europe) Sa (Luxembourg)	Luxembourg	31/07/2020	18/01/2022	Bondholding	3.21	2,86
Glencore Finance (Europe) Sa (Luxembourg)	Luxembourg	31/07/2020	18/01/2022	Bondholding	0.68	0,61



Glencore Finance (Europe) Sa (Luxembourg)	Luxembourg	31/07/2020	01/04/2026	Bondholding	0.23	0,2
Glencore Finance (Europe) Sa (Luxembourg)	Luxembourg	31/08/2020	18/01/2022	Bondholding	0.19	0,17
Glencore Finance (Europe) Sa (Luxembourg)	Luxembourg	31/07/2020	01/04/2026	Bondholding	0.12	0,11
Newmont Corporation		30/06/2020		Shareholding	1.00	0,89
PepsiCo Inc		30/06/2020		Shareholding	18.51	16,48
Pepsico Inc	United States	31/07/2020	06/05/2024	Bondholding	8.00	7,13
Pepsico Inc	United States	31/07/2020	06/05/2028	Bondholding	6.18	5,51
Pepsico Inc	United States	31/08/2020	16/10/2039	Bondholding	6.05	5,4
Pepsico Inc	United States	31/08/2020	06/05/2024	Bondholding	3.60	3,21
Pepsico Inc	United States	31/08/2020	06/05/2028	Bondholding	2.52	2,24
Pepsico Inc	United States	31/07/2020	06/05/2024	Bondholding	1.58	1,41
Pepsico Inc	United States	31/07/2020	06/05/2028	Bondholding	1.19	1,06
Pepsico Inc	United States	31/08/2020	06/05/2024	Bondholding	0.37	0,33
Pepsico Inc	United States	31/08/2020	06/05/2028	Bondholding	0.31	0,28
Rio Tinto PLC		31/08/2020		Shareholding	21.93	18,38
Rio Tinto PLC		31/08/2020		Shareholding	0.20	17

Total Sa (Total Cie Francaise Des Petroles)	France	31/08/2020		Bondholding	5.38	4,8
Total Sa (Total Cie Francaise Des Petroles)	France	31/07/2020		Bondholding	0.86	0,77
Total Sa (Total Cie Francaise Des Petroles)	France	31/08/2020		Bondholding	0.22	0,2

## Investments by Pensioenfonds Vervoer

Source: Pensioenfonds Vervoer (2019), Corporate bonds as at 15 December 2019, viewed on 28 March 2020; Pensioenfonds Vervoer (2019), Shares as at 15 December 2019, viewed on 28 March 2020.

Issuer Name	Issuer Country	Reporting Date	Type of financing	Original currency	Per Investor Value (in EUR mln)
Alcoa Corporation		15/12/2019	Shareholding		n.d.
Anglo American Plc		15/12/2019	Bondholding		n.d.
Anglo American Plc		15/12/2019	Shareholding		n.d.
Bhp Group Limited		15/12/2019	Bondholding		n.d.
Bhp Group Limited		15/12/2019	Shareholding		n.d.
Bhp Group Plc		15/12/2019	Shareholding		n.d.
Enbridge Inc.		15/12/2019	Bondholding		n.d.
Enbridge Inc.		15/12/2019	Shareholding		n.d.
Energy Transfer Lp		15/12/2019	Bondholding		n.d.
Energy Transfer Partners L P		15/12/2019	Bondholding		n.d.

Energy Transfer Partners L P	15/12/2019	Bondholding	n.d.
Energy Transfer Partners L P	15/12/2019	Bondholding	n.d.
Energy Transfer Partners L P	15/12/2019	Bondholding	n.d.
Exxon Mobil Corporation	15/12/2019	Bondholding	n.d.
Exxon Mobil Corporation	15/12/2019	Shareholding	n.d.
Financiere De L'Odet	15/12/2019	Shareholding	n.d.
First Pacific Company Limited	15/12/2019	Shareholding	n.d.
Fomento Economico Mexicano, S.A. B. De C	15/12/2019	Bondholding	n.d.
Glencore Finance (Europe) S.A.	15/12/2019	Bondholding	n.d.
Glencore Plc	15/12/2019	Bondholding	n.d.
Glencore Plc	15/12/2019	Shareholding	n.d.
Golden Agri-Resources Ltd	15/12/2019	Shareholding	n.d.
Jardine Matheson Holdings Limited	15/12/2019	Shareholding	n.d.
Marathon Petroleum Corporation	15/12/2019	Bondholding	n.d.
Marathon Petroleum Corporation	15/12/2019	Shareholding	n.d.
Olam International Limited	15/12/2019	Shareholding	n.d.
Pepsico, Inc.	15/12/2019	Bondholding	n.d.

Pepsico, Inc.		15/12/2019	Shareholding	n.d.
Phillips 66		15/12/2019	Bondholding	n.d.
Phillips 66		15/12/2019	Shareholding	n.d.
Posco		15/12/2019	Shareholding	n.d.
Rio Tinto Limited		15/12/2019	Bondholding	n.d.
Rio Tinto Limited		15/12/2019	Shareholding	n.d.
Rio Tinto Plc		15/12/2019	Shareholding	n.d.
Suzano S.A.		15/12/2019	Bondholding	n.d.
The Navigator Company		15/12/2019	Shareholding	n.d.
Total Sa		15/12/2019	Bondholding	n.d.
Total Sa		15/12/2019	Shareholding	n.d.
Vale S.A.		15/12/2019	Bondholding	n.d.
Vale S.A.		15/12/2019	Shareholding	n.d.
Wilmar International Limited		15/12/2019	Shareholding	n.d.

## Appendix 5 The survey

### The survey questions:

A score will be assigned based on the following rules:

- For each question (except 6, 7 and 9), we count the number of companies for which the pension fund has shown to have taken the action asked in the question.
- The number of companies relative to the maximum score for each question is the actual score
- For instance, if you show that you have included the right to remedy (question 2) in your engagement with 3 out of 6 companies you have investments in (question 2), your score for this question is  $3/6*1=0.5$ .

		Max points (out of 10)	Points
<b>Investments</b>			
	Is the list of investments found for your pension fund correct	n/a	
<b>Engagement or divestment</b>			
		3	
1	<p>Have you had engagement with any of the 32 companies on their involvement in land grabbing?</p> <p>Engagement could be initiated on your initiative, in collaboration with a CSO and/or through a platform such as PRI. Could you provide evidence of these discussions?</p> <p>Alternatively, a score can be given if you are divesting from a company. If you are divesting, please indicate below and provide any information available to substantiate your answer.</p> <p>Please respond individually on each company on the list where you have invested in.</p>	2	
	Company 1		
	Company 2		
	Company ...		
2	<p>Do you include the right to remedy in your engagement with the companies? Please provide evidence of results of your engagement in terms of improvements in the situation on the ground as a part of remediation?</p> <p>Please respond individually on each company on the list where you have invested in.</p>	1	
	Company 1		
	Company 2		
	Company ...		
<b>Voting</b>			
		2	
3	<p>Are you <b>supporting</b> or <b>taking</b> initiatives for shareholder resolutions asking companies to introduce ambitious policies regarding their involvement in land grabbing?</p> <p>Could you provide evidence of your voting behaviour regarding such shareholder resolutions?</p> <p>Please respond individually on each company on the list where you have invested in.</p>	2	
4	<p>Do you monitor timebound improvement on?</p> <p>a. policy of the company</p> <p>b. behaviour of the company</p> <p>Could you provide evidence on which your replies are based?</p> <p>Please respond individually on each company on the list where you have invested in.</p>	1	

	Company 1		
	Company 2		
	Company ...		
<b>5</b>	Do you monitor timebound improvement on the situation on the ground in terms of land rights (for instance: remediation). Could you provide evidence on which your replies are based? Please respond individually on each company on the list where you have invested in.	<b>2</b>	
	Company 1		
	Company 2		
	Company ...		
<b>Transparency</b>		<b>2</b>	
<b>3</b>	Does your fund communicate about engagement with companies on land rights? If yes, please provide us with a link in your reply below. As we are assuming a general policy on this issue, please show in your reply how you communicate for companies in general, on this issue.	<b>0.5</b>	
<b>7</b>	Does your fund communicate about the result of the engagement on land rights? As we are assuming a general policy on this issue, please show in your reply how you communicate for companies in general, on this issue.	<b>0.5</b>	
<b>8</b>	Does your fund communicate directly with (affected) stakeholders about the engagement with the company regarding land rights? Please respond individually on each company on the list where you have invested in.	<b>1</b>	
	Company 1		
	Company 2		
	Company ...		
<b>Commitments</b>		<b>1</b>	
<b>9</b>	Extra point: is your fund prepared to take additional/additional steps (engagement, divestment, etc.) within 1 year for at least 1 of the companies named in this report as a result of these companies' involvement in land grabbing? If yes, you can report this here. Nb. If desired, we will not mention the name/names of the companies concerned in this report.	<b>1</b>	
<b>Other remarks</b>			
	If you have input that you think is valuable for this study, but could not provide as reply to the questions above, we invite you to provide us with your input below (maximum number of words: 200).		

# Eerlijke Pensioenwijzer

The Dutch Fair Pension Guide is a coalition of organisations that consists of: Amnesty International, Milieudefensie, Oxfam Novib, PAX and World Animal Protection.

