

### Presco

23rd June, 2020

Irikefe V. Dafe (mnes, fcipdm), River Ethiope trust Foundtion, 1, Old Abraka- Sapele Road, Imoni Mini Estate, Urhuoka, Abraka, Delta State.

Dear Sir,

RE: LETTER OF NOTIFICATION OF COMMENCEMENT OF RIVER ETHIOPE WATERSHED IMPACT IDENTIFICATIN AND CUMULATIVE ASSESSMENT STUDY.

We acknowledge receipt of your letter dated 21st June, 2020 notifying us of the commencement of River Ethiope watershed impacts identification and cumulative assessment study.

We confirm Presco Plc's willingness to participate in this collaborative exercise.

As we organize ourselves for the exercise, in line with our business procedures and for good order sake, we consider it proper that you also let us knowl the stakeholders and parties that are collaborating and participating in this exercise with us. Sharing that information with us will be helpful towards the exercise. We believe that you would have carried out your profiling of all the stakeholders of interest in the River Ethiope Basin.

Yours truly,

For: Presco Plc

Felix Nwabuko Managing Director

PRESCO PLC

HEAD OFFICE - OBARETIN ESTATE

Km 22 Benin-Sapele Road | P.O. Box 706 | Benin City | Edo State | Nigeria T +234 803 413 4444 | E: info.presco@siat-group.com | RC 174370 | www.presco-plc.com



### Presco

18 November 2019

Prince Irikefe V. Dafe (MNES) Founder-President, River Ethiope Trust Foundation, Port-Harcourt, Nigeria.

Dear Prince Dafe,

## RE: THE NEGATIVE IMPACTS OF PRESCO'S OIL PALM/RUBBER DEVELOPMENT ACTIVITIES ON THE RIVER ETHIOPE RIVER BASIN AND BIODIVERSITY AND PRESCO'S CONTINUOUS DENIAL OF THE FACT

Please find attached a copy of our letter to the Honorable Minister of Environment, following the mediation meeting that we held at the Environment House in Abuja, on 30th October 2019.

By copy of the letter, we reiterate our commitment and RETFON is encouraged to join hands with us so that we can work as partners to achieve the conservation and sustainable development of the Ethiope River basin.

As indicated in the letter, we are open to collaborate with other stakeholders within the River Ethiope catchment area for the Cumulative Impact Assessment as discussed at the meeting held with the Honorable Minister of Environment.

We assure you of openness and inclusiveness in our operations and approach as a leading sustainable palm oil producer in Nigeria.

Thank you very much for your understanding and cooperation.

Best regards,

Yours sincerely,

For: Presco Plc

Felix Nwabuko Managing Director

cc: Hon. Minister,

Federal Ministry of Environment, Abuja

F. A. Afolabi; Managing Consultant, Foremost Development Services Limited

PRESCO PLC

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### Presco

18th November 2019

The Honorable Minister,
Federal Ministry of Environment,
Environment House,
Independence Way, South Central Business District
Abuja-FCT.

ATTN: Director, Environmental Assessment Department

Dear Sir,

# RE: THE NEGATIVE IMPACTS OF PRESCO'S OIL PALM/RUBBER DEVELOPMENT ACTIVITIES ON THE RIVER ETHIOPE RIVER BASIN AND BIODIVERSITY AND PRESCO'S CONTINUOUS DENIAL OF THE FACT

We refer to your letter FMEnv/EA/EIA/4556/Vol. 1/17 30 dated 15<sup>th</sup> of October 2019 inviting us to a meeting on 30<sup>th</sup> October 2019 at your office, to address the issues raised in the petition against Presco Plc by River Ethiope Trust Foundation (RETFON).

We use this opportunity to express appreciation to you, the Honorable Minister, and the key officer of the Environmental Assessment Department for the mediatory role to close the gaps between the two parties and thus resolving all the issues amicably.

We also like to reiterate our commitment to both the physical and social environment of our project and operational areas. In this particular instance, we have accorded and will continue to accord the Ethiope River all the desirable environmental rights to protect and sustain its integrity. In order to maintain this, we are willing to collaborate with RETFON and any environmental and social NGOs that share the same objectives.

It is in this connection that we welcome RETFON to participate in subsequent Impact Mitigation Monitoring (IMM) and Environmental Compliance Monitoring (ECM) of our Sakponba project. We shall also extend our partnership and work together with RETFON in the interest of the Ethiope River and its basin.

Once again, we thank you for your cooperation and give you the assurances of our highest regard.

Yours faithfully,

For: Presco Plc

Felix Nwabuko Managing Director

cc: Prince Irikefe V. Dafe (MNES),

Founder-President,

River Ethiope Trust Foundation.

PRESCO PLC

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## **River Ethiope Trust Foundation**

(Research, Restoration, Advocacy & Participatory Development) (Founded 1992)

Balancing Economic, Social and Environmental Interests in River Ethiope Basin

INCHMENTAL

31-AUG 2019

DEPROTUSE

14th August, 2019

The Hon. Minister Federal Ministry of Environment . Mabuchi, Abuja Nigeria

Dear Hon. Minister,

Att: Director, Environmental Assessment FMEnv

RE: DESTRUCTION OF RIVER ETHIOPE WATERSHEDS AND HUMAN/NATURE RIGHTS VIOLATIONS BY PRESCO'S OIL PALM/RUBBER DEVELOPMENT PROJECT

Your attention is invited to our letters of 5th June 2018 captioned as above and that of 11th February 2019 captioned "THE NEGATIVE IMPACT OF PRESCO'S OIL PALM/RUBBER DEVELOPMENT ACTIVITIES ON THE RIVER ETHIOPE BASIN AND BIODIVERSITY AND PRESCO'S CONTINUOUS DENIAL OF THE FACT'. Copies attached for ease of reference.

In line with our desire to resolve the matter at the service provider level, we held meetings and joint inspection of the site. Our fears and concerns of the negative impact of the activities of Presco Plc on the River Ethiope basin were irrevocably confirmed.

It is to be noted that the activities of Presco Plc on the river basin are clearly not in tandem with the Terms and Conditions of the Environmental Impact Assessment (EIA) report approved and certified by Federal Ministry of Environment, which the company has refused to make available to us for benchmarking purposes, thus we doubt the sincerity of Presco Plc to resolve the matter at service provider level.

Further note that the activities of Presco Plc have continued to destroy the ecosystem of River Ethiope basin. It is therefore imperative for the Federal Ministry of Environment to intervene with a view to ensuring that Presco Plc fully comply with the terms and conditions in the Environmental Impact Assessment (EIA) certificate issued in line with global best practices.

We request that you expedite action in addressing our fears and concerns on the environmental impact of Presco's project, as we will be left with no option than seek necessary local and international legal means to defend the rights of River

efe V. Dafe (MNES, UN-HwN Expert)

Yoursincerely

Founder-Coordinator, River Ethiope Trust Foundation

CC: Director, Environmental Assessment, FMEnv

ope Source, Umuaja, Delta State, Nigeria 4207, Email. retfon@yahoo.com

UK: 68A High Rd Chadwell Health, Romford Rr Tel: +447956486490



Balancing Economic, Social and Environmental Interests in River Ethiope Basin

11 February, 2019
The Hon. Minister
Federal Ministry of Environment
Mabuchi
Abuja Nigeria

Dear Sir,

RE: THE NEGATIVE IMPACT OF PRESCO'S OIL PALM/RUBBER DEVELOPMENT ACTIVITIES ON THE RIVER ETHIOPE RIVER BASIN AND BIODIVERSITY AND PRESCO'S CONTINUOUS DENIAL OF THE FACT.

We note that, a correspondence from ourselves dated 5 June 2018, RE: "DESTRUCTION OF RIVER ETHIOPE WATERSHEDS AND HUMAN RIGHTS/NATURE RIGHTS VIOLATIONS BY PRESCO'S OIL PALM/RUBBER DEVELOPMENT PROJECT" was not transmitted to your office for your urgent intervention and stop the imminent danger as a result of a star crossed non-compliance's terms and conditions of the EIA approval issued to Presco by the Federal Ministry of Environment.

The reason for the non-transmittal of the said letter was that Presco had desired that they would prefer the matter resolved at a service provider level as advised by the Foundation for Conservation of Nigerian Rivers in the Foundation's correspondence dated 5 November 2018 to Presco Plc which can be found in the Presco's reply dated 9 November 2018 and invited FCNR and RETFON to a meeting at its Headquarters in Obaretin Edo State.

It was also agreed that, after the said meeting, the representative of River Ethiope Trust Foundation (RETFON), the Foundation for Conservation of Nigerian Rivers (FCNR) and PRESCO should undertake a preliminary investigation visit to the project site on the 15<sup>th</sup> November 2018 to ascertain the alleged complaints by RETFON.

During the visit to the project site, the representative of RETFON discovered the irreversible damages that Presco's Oil Palm and Rubber developmental activities and injuries it had inflicted on the sensitive biodiversity ecosystems of River Ethiope basin was bemused.

The RETFON representative further discovered that, the project has reached advanced level without full compliance with the terms and conditions of the EIA approval given to Presco by Federal Ministry of Environment and in order to have fair finding of the matter, the representatives of both FCNR and RETFON requested for the copy of the EIA report and Presco agreed to avail us with copies of the EIA.

However, the EIA report is yet to be made available to neither to RETFON nor to the FCNR as agreed. Nevertheless, FCNR went ahead and released a preliminary report based on the findings of the project site visit on the  $4^{th}$  December 2018.

Conversely, the preliminary report did not go down well with PRESCO PLC. Then Presco Plc tried to avoid responsibility by stating in their recent correspondence to FCNR that, as a responsible company, they have fulfilled all the conditions and terms as contained in the EIA approval and went further to challenge FCNR that it has failed to pinpoint on a map the areas of ecological degradation of the river as mentioned by RETFON and thus instructed a firm of environmental consultants, known as Foremost Development Services Limited to resume communications with FCNR/RETFON

Having exhausted all efforts to resolve the matter at Service provider level and no success, we are therefore constrained to forward our initial but not transmitted correspondence which sets out how Presco has impacted negatively on the Ethiope River Basin.

5<sup>th</sup> June, 2018

The Hon. Minister,

Federal Ministry of Environment

Mabuchi, ABUJA NIGERIA

Dear Sir,

RE: "DESTRUCTION OF RIVER ETHIOPE WATERSHEDS AND HUMAN RIGHTS/NATURE RIGHTS VIOLATIONS BY PRESCO'S OIL PALM/RUBBER DEVELOPMENT PROJECT"

"River Ethiope belongs to all and to nobody. River Ethiope has rights just as human beings do have rights. These rights include but are not limited to: the right to flow; the right to perform essential functions within its ecosystem; the right to be free from pollution; the right to feed and be fed from sustainable aquifers; the right to native biodiversity; and the right to restoration and care. Let us not squander these rights on the platform of business -as- usual" V. Irikefe Dafe (UN Harmony with nature Expert and founder River Ethiope Trust Foundation)

We write on behalf of River Ethiope Trust Foundation (RETFON), we shall hereinafter refer to as RETFON, and we wish to commend your exemplary leadership and adept statesmanship that is fast redeeming our dear nation as exemplified by the Ogoni land cleanup project that is ongoing in Rivers State, Nigeria. This sterling attributes underpins our resolve and confidence to approach you with this plea and cry for justice and restitution in the matter that is set out below.

Please note that RETFON is a nonprofit making and volunteer organization as well as a Non-Governmental Organization(NGO) established to promote wise use and conservation of River Ethiope basin and protect the rights of communities that rely upon River Ethiope for their livelihoods, albeit somewhat, to raise public awareness and push through control measures for cleaner rivers and streams/streams.

We also work to halt destructive ecological developmental projects, encourage equitable and sustainable methods of meeting needs for water, food, energy and flood management in River Ethiope Catchment/Basin. The Foundation was founded in April, 1992, and registered on the 28 August, 1999 at the Corporate Affairs Commission of the Federal Republic of Nigeria, under Companies and Allied Matters Decree No.1, 1990. (PART C-INCORPORATED TRUSTEES) with registration number **RC: 12,239** 

Our goal is to promote the sustainable development and the protection of River Ethiope as a sacred site and such sacred sites have been acknowledged in the Resolution 372, wherein the role of sacred site like River Ethiope in the protection of African people's rights, which also includes the rights to economic, social, and cultural development and the right to a satisfactory environment favorable to their development was set out clearly.

It is important to also note that, RETFON and Earth Law Center in the United States, under the supervision of the United Nations, have completed a draft for the rights of River Ethiope under which it would become the first river in Africa to have legal rights.

We seek a River Ethiope basin that is valued as living systems and is protected and nurtured for the benefits of the human and biological communities that depend on it. Our mission is to be an independent voice that defends, advocates, and motivates others to protect and restore the Ethiope River. We would like Presco to know that, responsible investment is an approach to investment that aims to incorporate environmental, social and governance (ESG) factors into investment decisions to better manage risk and generate sustainable long-term returns.

RETFON is a member of the International Rivers based in United States of America. Today, International Rivers is the world's fastest growing environmental movement, with several networks of organizations protecting rivers, lakes and coastal waterways in six continents.

During the United Nations Conference on Sustainable Development (2012) entitled "The future we want", it was recognized that, planet earth and its ecosystems are our home and that, "mother earth" is a common expression in a number of countries and regions, it was also noted that, some countries recognize the rights of nature in the context of promotion of sustainable development, hence we aim to achieve our goal by the following:

- Monitoring the river on a regular basis
- Investigating pollution problems and demanding accountability.
- Ensuring that our environmental laws and regulations are implemented and enforced.
- Advocating for sensible solutions and necessary policy changes to better protect River Ethiope
- Educating the public about the Ethiope River and the issues impacting its health.
- Developing high quality educational resources and programs.
- Providing frequent opportunities for students and the general public to experience the river through boat trips and field trips.
- Informing, involving, and engaging our members and the community in the efforts to protect and restore the river's health.
- Participating in the public policy decision-making process to represent the interests of the river, our members, and the public.
- Working with citizens to effectively resolve problems impacting the river in their neighborhoods and communities.

#### **Our Complaints**

PRESCO Plc. is developing an oil palm and rubber plantation projects in the sensitive ecosystem of River Ethiope basin that would convert about 15,000 hectares of River Ethiope basin's rain forest, small scale agric lands and human settlement to "green deserts" containing virtually no biodiversity. The project is a colossal threat to River Ethiope basin's resilience to withstand extreme weather conditions as result of degradation of its native biodiversity. The project also possess potential threat to several tourism investments worth billions of naira located in the basin and sources of livelihood of the indigenous people that depend on River Ethiope basin for food, water, protection from flood, climate change impacts, recreational and cultural activities.

Our concerns are that, the project has been designed and being implemented to remove massive native vegetations of River Ethiope basin that used to act as natural filters to River Ethiope basin's water quality and its tributaries thereby leading to the negative impacts of the following:

- Food and water insecurities for the local people that depend on River Ethiope basin for their livelihoods based on the principles of integrated river basin management and science of water cycles.
- Salinization of the soil of the local farmlands due to irrigation and siltation as result of deposits from stormwater run off
- Depletion in volume of underground waters basin due to irrigation, and RETFON would like to know what the impact of the project would be in terms of volume of water withdrawal from River Ethiope basin aquifers and replenishment plan put in place by PRESCO)
- Illegal construction of stormwater retention ponds leading to land degradation and possible breeding grounds for disease causing agents
- Possible pollution of River Ethiope basin underground and surface waters by fertilizers linkages and poor waste management
- Increase in Climate change impacts on River Ethiope and its tributaries.
- Destabilization of the hitherto peaceful co-existence of local people within the River Ethiope basin either due to unprofessional rendering of compensational services and land grab issues.
- Further devaluing of River Ethiope basin to meet UNESCO's heritage site qualifications which the RETFON has been preparing River Ethiope for since 1992.
- ETC

Conversely, we like to inform the Ministry of Environment that, RETFON was not set up to victimize or intimidate any person or corporate bodies interested in investing in the basin. Our goal is to ensure that all activities, intended for River Ethiope basin must be in line with the definition of sustainable development, which states that, 'development should meet the needs of the present without compromising the ability of future generations to meet their own needs'. This is in accordance with the Brundtland Report (1987).

Furthermore, Article 3 of the legal principle specifically deals with Natural Resources and Environmental interferences, and it states in no uncertain terms that, state shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, to preserve biological diversity, and to observe the principle of optimum sustainable yield in the use of living natural resources and ecosystem. Thus Presco Plc should guarantee the state that, their activities will not pollute or degrade River Ethiope basin to the extent that, it will degrade the river resilience to withstand extreme weather conditions.

Our aims and aspirations for River Ethiope have remained the same since 1992 we came into existence as an organization. In 2001, we acted against Julius Berger Railway project that was designed to pass through River Ethiope wetlands and so also with other hospitality industries that were constructed on River Ethiope basin without obeying the laws of the country. Before Presco Oil palm/Rubber Plantation projects on River Ethiope Basin, RETFON has been on ground for close to three decades. So there is no basis for victimization against PRESCO as asserted by its consultant in its letter to FCNR. Therefore the accusation against RETFON by Foremost Development Services Limited was baseless, unfounded and taken on poor and unprofessional rendering of services and judgment.

In the circumstance, we recommend that such a humongous project requires a world class environmental, social and health impacts assessment (ESHIA). However such studies have not be conducted to our knowledge as all effort to have access to such report prove abortive, despite the completion of land clearing and plantation plantings in the area. The opposition to Presco's activities is getting stronger by the day, as the operation is not in line with the fundamental rights of the people.

Please note that, Article 1 clearly affirms that all human beings have the fundamental right to an environment adequate for their health and well-being. The people are opposed to ways and manners in which their lands were grabbed from them by Presco Plc.

Hon Minister Sir, the present administration President is a government that places high value on the environment and sustainable agriculture, and Nigeria is a signatory to many international and regional environmental treaties, boundary on sustainable development and human rights. It would be conflicting with stance of your administration for this grave eco-terrorism and human rights abuses on River Ethiope basin by Presco to be condoned. Nigeria is just trying to recover from the negative image of the Ogoni saga. We don't want another episode. Let us be wiser. Environmental issues are not just national matters but they are now matter of international concerns and interests.

Further note that, the river basin in question is a region of global interest under which it will become the first waterway in Africa to be accorded a legal entity. In the latest United Nations secretary general report released in November 2018, River Ethiope was mentioned as one of such rivers to be given legal right under UN current program and resolution.

You can imagine the global benefits that our dear nation Nigeria will stands to benefit and command in the committee of nations in Africa and globally if Nigeria happens to be the first nation in Africa to pass a law giving right to nature. Of course, all Nigerians will walk shoulder high in any country of the world. And this is why, your urgent intervention on the matter is of utmost important.

Furthermore, and regrettably to us enough as an organization, It is appalling to note that just under 60 yrs of our existence as an independent nation, we have squandered more than half of the country original forests and totally degraded all our surface water resources as result of business as usual syndrome of some greedy and corrupt investors operating in Nigeria. The big question to ask ourselves at this moment is "what would Nigeria ecological budget be when she reaches 100 years old as a nation? Your guess is as good as mine.

#### **Our Prayers**

Going forward, we are demanding the following:

- That the Honorable minister should set up high technical team to verify Presco's compliance with conditions and terms of EIA approval as issued by Federal Ministry of Environment
- That Presco should stop further destruction of River Ethiope basin and proceed to conduct world class Post impact assessment (PIA) and/ or environmental evaluation report (EER) to ascertain the degree of damage and restoration
- RETFON demands one billion naira (1,000,000,000.00) from Presco as restitution for thwarting almost Thirty years of efforts RETFON has invested in River Ethiope in bid to get it ready as potential candidates for UNESCO world heritage site
- Presco should provide the ESHIA report they claimed they conducted for the project for purpose of verification and understanding the baseline information prior to the commencement of the project
- Presco should stop enhancing conflicts among the local people of River Ethiope catchment and ensure compliance with human rights laws and treaties signed by Nigeria
- The Foundation also demand for community resettlement Plan (CRP) and social impact management plan (SIMP)

We have resolve that this fragrant destruction of River Ethiope basin by Presco must stop forthwith and appropriate restoration program initiated, failure to do so will leave us with no option to use both local and international legal means to seek redress or address the anomaly.

This serves as a formal notice, to compel PRESCO to look at these issues raised here and act accordingly in line with global best practices and norms.

Yours- in -River Stewardship.

#### V. Irikefe Dafe (mnes, fcipdm)

UN Expert on Harmony with Nature Program Representing Africa &

Founder- President, River Ethiope Trust Foundation

- Managing Director, Presco PLc
- Director, Department of Environmental Impact Assessment
- Chairman, Senate Committee on Environment
- Chairman, House Representatives Committee on Environment
- National Environmental Regulation and Enforcement Agency (NESREA)
- Speaker, Delta Sate House of Assembly
- Speaker, Edo State House of Assembly
- All Traditional Rulers with jurisdiction on River Ethiope Catchment
- All LGAs Chairmen within River Ethiope Catchment
- Chairman, Human Rights Commission of Nigeria
- Environmental Rights Actions/Friends of the Earth.
- Foundation for Conservation of Nigerian Rivers
- International Rivers, USA
- Earth Law Center USA
- · Relevant National and international news media

RC: 12239

## River Ethiope Trust Foundation (Research. Restoration. Advocacy & Participatory Development)



(Founded 1992)

Balancing Economic, Social and Environmental Interests in River Ethiope Basin

11 February, 2019
The Hon. Minister
Federal Ministry of Environment
Mabuchi
Abuja Nigeria

Dear Sir,





RE: THE NEGATIVE IMPACT OF PRESCO'S OIL PALM/RUBBER DEVELOPMENT ACTIVITIES ON THE RIVER ETHIOPE RIVER BASIN AND BIODIVERSITY AND PRESCO'S CONTINUOUS DENIAL OF THE FACT.

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