

A BRIDGE TOO FAR?

SOCIAL AND ENVIRONMENTAL CONCERNS IN BRIDGESTONE'S LIBERIAN RUBBER PLANTATION AND A PLAN FOR REMEDIATION

Article #22 Court #1 Collective Bargaining Agreement of Firestone Agricultural Workers Union of Liberia, which states that: "Employee serving at all times for investigation or for any other reason deemed appropriate by the Company and his/her absence for a period of ten (10) consecutive days or twenty (20) days over a period of six (6) months shall constitute abandonment of the job and the Company may summarily dismiss the employee with or without reference to the purpose for which he/she was suspended."

In view of the foregoing, you were suspended for time indefinite for sending a hit message against the management of Firestone (the Farm) on FAWUL radio.

NOTICE TO VACATE

WI
None

Ref: BRN-1D
Date: December 20, 2018

From: Housing Section, Community Affairs Department

Our records indicate that you have been **terminated for continuous absence** from Firestone Liberia effective **October 26, 2018**. Therefore, we request that you turn over the house # **BRN-1D** which you are occupying at **DIVISION 39 CAMP** to the Housing Section.

You have seven (7) days, effective **December 20, 2018** to do so or you will be evicted through the courts of the Republic of Liberia.

Subject : Suspension

that you will lose all allowances due to this action.

Date : November 2, 2018

You incited workers to engage in illegal strike action on October 28, 2018 through radio message and also on October 29, 2018, when you moved into the field and ask the workers to abandon their jobs.

You had earlier called a meeting informing the workers about the illegal strike action.

Therefore, we wish to inform you of management's decision to suspend you for time indefinite effective November 3, 2018 pending the completion of an investigation.



MIGHTY
EARTH

Acknowledgements

First and foremost, Mighty Earth would like to offer its thanks to Tania Bernath, who served as the principal researcher and author of this publication. We would also like to express our sincere gratitude to the dedicated staff at Green Advocates, in Monrovia in Liberia, who facilitated the fieldwork that informed this report, and who have for many years been leading efforts to hold Firestone accountable for its legacy in Liberia. In addition, we would like to acknowledge the important contributions of the following individuals to

the production of this publication: Isaac Bloom, Alex Wijeratna, Heather Weiss, Abdul Tejan-Cole, Dr. Julian Oram, Margaret Kran-Annexstein, Etelle Higonnet and Glenn Hurowitz. Our thanks also goes to Jason Frostholm, Tina Frostholm, and Laurence Gold for their invaluable assistance. Finally, Mighty Earth would like to acknowledge the Bridgestone Corporation for its willingness to engage with us over the findings from this research.

I. Introduction

This report discusses labor and environmental sustainability issues at the Firestone Rubber Plantation in Liberia, which is the single largest rubber plantation on the planet. Firestone Liberia is a wholly owned subsidiary of the Bridgestone Corporation, the world's largest tire and rubber company.¹

The research, which was conducted in March 2019, involved an assessment of any ongoing concerns relating to: 1) employees' rights, including violations of labor laws or international norms,² and/or undermining the position of trade union workers; and 2) environmental problems, especially regarding pollution of local fresh water resources. The research scope also included understanding steps that Firestone Liberia has taken to respond to any ongoing labor or environmental issues.

Work on this report commenced over a year after Bridgestone published its Global Sustainable Procurement Policy (February 2018).³ This policy set out clear principles to ensure that Bridgestone, as the world's single largest purchaser of natural rubber, does not contribute to social and environmental harms

such as deforestation, wildlife habitat destruction, water pollution, land grabbing, corruption, and labor and human rights violations. However, despite this important milestone in the company's history, a concern held by Mighty Earth at the time was that Bridgestone had failed to publish a plan for how this policy would be implemented on the ground – either within its own operations (i.e. at Firestone Liberia) or within its wider natural rubber supply chain. At the time of publication, any such strategy is still yet to be published.



Dark pollution in the Farmington River near the Firestone plantation in Harbel in Liberia

II. Summary of Key Findings

The main findings of this report center on the issues around labor rights and environmental problems, and were confirmed through interviews with a diverse set of stakeholders and supported by desk research. Mighty Earth believes that these concerns warrant deeper investigation and urgent resolution by Firestone Liberia.

Labor rights concerns

The 2007 election of an independent Firestone Agricultural Workers' Union of Liberia (FAWUL) and the negotiation of the 2008 Collective Bargaining Agreement (CBA) and subsequent agreements were considered key steps forward for worker and labor rights in Liberia. Our research has found that Firestone Liberia blatantly disregards the CBA and a host of labor rights. The key issues highlighted in this research include unfair dismissal of union officials, summary eviction from company housing, and continuing poor labor practices, including problems transferring Firestone's pension liabilities to the state.

In mid-2018, the management of Firestone Liberia failed to recognize the independent re-election of the FAWUL trade union leadership in violation of the 2016-2018 CBA. Soon after their re-election, six newly elected union leaders were not recognized by Firestone Liberia as full-time employees of the union, FAWUL, and FAWUL's elected Chairman and Grievance Officer were allegedly unfairly dismissed. While Firestone Liberia and Japan-based parent company Bridgestone Corporation maintain they are complying with changes to the country's labor laws and union recognition and exclusive bargaining agent provisions in the Decent Work Act (2015),⁴ the lack of recognition of legally elected independent trade union leaders and grave doubts surrounding the circumstances of their dismissal mean that there is a major gap in representation of Firestone Liberia rubber plantation workers, which seriously jeopardizes any labor rights gains made to date.

Additionally, thousands of Firestone Liberia retirees are at risk of losing access to their company pensions unless pressure is put to bear on Firestone Liberia to ensure that pensions continue to be paid by Firestone, at least until the Government's social security agency, NASSCORP, is able to guarantee that the full pensions of former Firestone employees can be fully provided for.

Environmental issues

Concerns also persist about the impact of Firestone Liberia's operations on local water sources, particularly in nearby Owensgrove, Zenge town, Kpanyatown, and other communities along the Farmington River. Local people interviewed for Mighty Earth in March 2019 still complained of serious water contamination of the river, creeks, and wells due to Firestone's operations, and the subsequent disappearance of fish from the river, leading to the loss of livelihoods for local fisher people.

Affected communities have raised concerns about water pollution and environmental degradation associated with Firestone Liberia's operations since 2006,⁵ while the International Labor Rights Forum (ILRF) and Liberia-based Save Our Future Foundation (SAMFU) documented and reported on pollution of the Farmington River and the effects on communities in Owensgrove and beyond in 2008.⁶ In 2009, the Liberian government's Environmental Protection Agency (EPA) tested the water in the Farmington River and confirmed the presence of pollutants and directly attributed those pollutants to Firestone Liberia.⁷

It should be noted that representatives from Bridgestone and Firestone Liberia acknowledged in a meeting with Mighty Earth in October 2019 that there was still an unacceptable volume of pollutants being released into a nearby creek, despite the fact they installed a state-of-the-art wetland water treatment system that began operating in 2008 to reroute discharged water and deal with the problem at the rubber processing factory beside the Farmington River.⁸

Following that meeting, Firestone stated:

Firestone Liberia is currently installing proven wastewater treatment technology that has been successfully implemented in other operations as expeditiously as conditions allow. The new system is expected to be online during the first half of next year [2020] and is designed to ensure compliance with the Liberian EPA-issued discharge permit limitations.⁹

II. Summary of Key Findings (cont.)



Local communities use the Farmington River on a daily basis

However, Firestone’s effluent discharge testing results have not been corroborated by an independent source, nor by the government, and the findings are not easily publicly available or locally disseminated.

Lack of effective community engagement

Another key finding from our research is the ineffectual communication between the company and local communities within and adjacent to the rubber concession area. Historically and still today, affected communities say they lack agency to engage with Firestone Liberia, and lack ways in which to engage against ongoing environmental issues and an unresolved legacy of past social problems or labor abuses. We found government agencies lack the capacity and political will to provide support to plantation workers and affected communities, leaving it up to Firestone Liberia alone to act in accordance with national and international laws. Therefore, Firestone Liberia is in effect free to operate without sustained regulatory supervision. It is clear from our research that major gaps in government enforcement still persist.

The need for a transparent implementation plan in Liberia and beyond

Firestone Liberia is not only one of the oldest concessionaires in Liberia, but is also the country’s largest

private employer. Bridgestone, which owns Firestone, must aspire to make this plantation a gold standard for other concessionaires to follow. Bridgestone should work with local groups to co-commission a comprehensive, independent environmental and social audit of Firestone Liberia that is then published and accessible to Liberian and international stakeholders. This would both help to shine a light on any lingering issues at Firestone as well as demonstrate Bridgestone’s wider commitment to implementing its Global Sustainable Procurement Policy in an open and transparent manner.

But the significance of Firestone’s environmental and social responsibilities extends far beyond Liberia’s borders. As the world’s leading rubber and tire manufacturer, Bridgestone Corporation has 180 plants and R&D facilities worldwide and buys more natural rubber globally than any other company.¹⁰ Since publishing its Global Sustainable Procurement Policy in February 2018,¹¹ Bridgestone has committed to respecting human rights and addressing social and environmental problems within its natural rubber supply chain. In order to know that it is dedicating sufficient resources and energy towards these commitments, it is imperative that Bridgestone publish a detailed global implementation plan and timeline for achieving key milestones within the Policy.

III. Background

In 1926, United States-based rubber manufacturer Firestone negotiated a 99-year lease for concessions on one million acres in Harbe in Liberia, and formed the Firestone Rubber Plantation. Upon approval of the concession agreement by the country's legislature, Firestone inserted a controversial 'clause K' that required the Liberian government to take a \$5 million loan from a subsidiary of Firestone. Despite protests from within Liberia, the US government asserted pressure and the Liberian government agreed to take the loan. Upon signing, Firestone was handed exclusive rights to one million acres, at a cost of six cents an acre, for 99 years. The \$5 million loan also put Liberia under the influence of the US government, with a US government staffer assigned to approve the budget every year.¹²

Natural rubber is now Liberia's most important cash crop, providing critical employment and revenue – nearly 60% of the country's export earnings are from rubber.¹³ Firestone is the single largest rubber producer, and is the country's largest private employer. The company's concession agreement has been renegotiated several times over the years with various Liberian leaders.¹⁴ While Firestone has provided significant tax revenue to the Liberian

government, Firestone's initial investment, estimated at USD \$30 million, has been repaid many times over.¹⁵ These huge returns have been attributed within some academic analyses to low labor costs, efficient production, and periods of high rubber prices on international commodity markets over previous decades.¹⁶

Firestone's ability to demand highly favorable business terms from the government of Liberia has been one of the most striking aspects of its 93-year tenure in the country. For example, the renegotiation of the concession agreement in 2005 reduced Firestone's export sales tax to 1%; lowered the turnover tax from 2% to 1%; gave the company an exemption from goods and services tax; slashed the nonresident dividend withholding tax from 15% to 10%; eliminated the ECOWAS tax; provided customs duty exemptions for select items; and reduced the corporate income tax rate to 25% from the 35% required by law. In addition, the agreement had a broad stabilization clause exempting Firestone from most changes to Liberian law during the term of the contract.¹⁷ Although this agreement was subsequently renegotiated again in 2008, it shows how Firestone has been able to exercise considerable power in Liberia.

IV. Methodology, Challenges and Constraints to the Research

The overall methodology used to carry out this research included a desk review, interviews, and photographic evidence. Interviews were held with staff of environmental civil society organizations (CSOs), Firestone Liberia workers, union leaders, government officials, and members of local communities in March 2019. Where possible, supporting documents and high-resolution photographic evidence were gathered and retained.

The consultant researcher worked closely with a staff member from the Liberian group Green Advocates for the fieldwork when engaging with former and current Firestone Liberia workers, union leaders, and affected communities. Green Advocates played a major role in this research by providing background to the issues and access to both workers and community members.

Precautions taken when carrying out the research included ensuring that interviews with Firestone Liberia employees were conducted outside of the plantation, at a location where those interviewed felt safe to meet, as well as changing throughout this report the names of those at risk who were interviewed. There were some challenges meeting with government authorities. The consultant held meetings with the Environmental Protection Agency (EPA), the National Bureau of Concessions (NBC), the Forest Development Authority (FDA), and the Human Rights section of the Ministry of Justice (MoJ). However, despite concerted efforts, the consultant was unable to meet with the Ministry of Agriculture (MoA) and the Ministry of Labour (MoL).

IV. Methodology, Challenges and Constraints to the Research (cont.)

Furthermore, it was difficult to reach staff of CSOs except for Green Advocates. Even though organizations such as Save My Future Foundation (SAMFU) and Sustainable Development Initiatives (SDI) had been engaged with issues related to Firestone Liberia in the past, these organizations were no longer involved, due to lack of resources and other priorities, and did not respond to communications sent.

Regarding the communities, a local community-based organization that had been active in the past had lost its leader. Those that now represented the group, although committed, had not visited the local communities for some time, and therefore when meetings were organized on behalf of the consultant, not all of the community leadership appeared to be present. It was thus difficult to tell with full certainty if the community members the consultant met with were those with the most up-to-date information on the situation between Firestone Liberia and their community.¹⁸

Additionally, Firestone Liberia officials were initially uncommunicative, although they did engage upon seeing an early draft copy of our report. Historical concerns related to deforestation are not dealt with in this report, given that most deforestation within the Firestone

concession took place in the decades after the land was handed over to Firestone by the government of Liberia in 1926, and there is no evidence of ongoing deforestation of existing forests beyond the margins of the plantation today. The potential effect of on-plantation agro chemical use was also not within the scope of this report.

Another issue not considered within this paper is legacy land disputes. However, there are some communities that in the recent past have made historical claims on land. Until the recent land law was put into effect in 2018, the 1956 Public Lands Law was in effect. Previous governments appeared to interpret this old law as meaning that the state had ownership over customary lands, which in turn meant that the country's former leaders conceded huge areas of land to private companies for agriculture (including rubber and palm oil production), timber extraction, and mineral exploitation.¹⁹ The new land law passed in 2018 has been considered a historic win for local and indigenous communities, as it has given people greater control over their land and could even lead to communities regaining land within existing concessions through a process of self-identification. However, it is not yet clear whether this law will be applied retroactively, and further research is needed to make this determination.^{20 21}

V. Previous Labor, Human Rights and Environmental Concerns at Firestone Liberia

Firestone Liberia has had a long and checkered history related to labor rights in Liberia, with a number of CSOs and local advocates having raised concerns and carried out campaigns on issues relating to workers' rights. From the outset, a continuous supply of cheap labor was promised by the Liberian government, which was subsequently accused of forcibly recruiting laborers from Liberia's interior and bringing them to Firestone Liberia. In 1930, the League of Nations, in what would become known as the Christy report, alleged that: "Labor for private purposes is forcibly impressed by the Government,

and used in the Firestone Plantations."²² It was estimated from government records that, of the 10,000 laborers in the plantation in 1930, 8,500 had not come to work for Firestone Liberia voluntarily. The recruitment system largely carried out by the Frontier Force – government security forces – compelled villagers to leave their homes and go to the Firestone Liberia Rubber Plantation. This practice reportedly continued until the 1960s.²³

In the 1990s, Firestone Liberia and its vast plantation played a highly controversial role during one of the

V. Previous Labor, Human Rights and Environmental Concerns at Firestone Liberia (cont.)

darkest periods of the country's devastating civil war.²⁴ After the plantation was violently invaded by rebel warlord Charles Taylor in 1990, Firestone Liberia agreed to re-open and re-invest in the rubber plantation and signed a deal with Taylor in January 1992, which saw Firestone Liberia making large tax payments to Taylor's rebel administration.²⁵ Some USD \$2.3 million was paid in tax to Taylor's administration by the end of that year, and Firestone Liberia also poured USD \$35.3 million into rehabilitating the plantation between mid-1990 and early 1993 – including some \$12.3 million of which was for "miscellaneous obligations and expenses."²⁶

Under the deal, 300 of Taylor's soldiers provided protection for Firestone Liberia's plantation and Taylor went on to use the plantation as a command post to launch attacks on nearby capital Monrovia in an attempt to overthrow the government in October 1992.²⁷ Thousands were killed, raped, tortured, and displaced in those attacks on the capital – characterized by Taylor's use of child soldiers – and atrocities against civilians were widespread throughout the wider decade-long civil war.²⁸ Taylor went on to be elected president of Liberia in 1997, but was later convicted of war crimes and crimes against humanity.²⁹

The first concession agreement in the post-civil war period was in 2005; Firestone Liberia negotiated with the National Transitional Government of Liberia (NTGL).³⁰ In 2008, a new concession agreement was signed between the newly elected government and Firestone Liberia. It was considered an improvement, including better social benefits for workers such as entitling each employee to housing, building 2,300 new homes and refurbishing existing houses to new standards including an indoor bathroom, constructing a high school within the concession area, more employment of Liberians in management positions, and committing to security forces adhering to the law.³¹ However, there were concerns raised by Global Witness, which cautioned that "a number of clauses in the 2008 concession agreement deserved careful attention as they may carry undesirable implications for the Government and the Liberian people in the mid to long term."³²



Fence at Firestone Liberia plantation. The sign reads: "No Trespassing No Swimming, Fishing, Violators will be prosecuted"

Today, Firestone Liberia employs approximately 6,000 direct employees, of which almost all are Liberian citizens; however, expatriates dominate top management.³³ There have been increasing layoffs in their workforce in recent years due to the drop in the global price of rubber, high overhead costs, low natural rubber production, and, reportedly, due to conditions of the latest concession agreement with the government.³⁴ Altogether, commercial rubber farms in Liberia employ more than 20,000 people and up to 60,000 smallholder households are involved in the growing of rubber trees.³⁵

Accusations against Firestone of labor rights violations, human rights abuses, and environmental pollution gathered momentum in the mid-2000s, coinciding with the first democratically elected government following the war, which came into power in 2003.

V. Previous Labor, Human Rights and Environmental Concerns at Firestone Liberia (cont.)

The Save My Future Foundation (SAMFU) published reports in 2005 and 2008 highlighting a range of issues related to labor, human rights, and environmental rights violations.³⁶

In November 2005, the ILRF filed a class action lawsuit on behalf of Firestone Liberia workers (who formerly worked as child laborers) and their children against Firestone Liberia in California in the United States.³⁷ Reportedly, the unreasonably high quota of 650 trees per day required that tappers bring family members including their children to earn a barely livable wage.³⁸ Children often worked 10 to 12 hours a day carrying heavy buckets of rubber latex treated with toxic pesticides.³⁹ These conditions meant that these children did not attend school and their health and welfare were negatively impacted by the working conditions. Other labor related concerns highlighted during this period were the low wages and poor living conditions of workers.⁴⁰

In 2006, the United Nations Mission in Liberia (UNMIL) published a comprehensive report on the rubber sector and found frequent child labor and that poor and hazardous working conditions and inadequate schools, housing, and sanitation were pervasive at Firestone Liberia.⁴¹ In 2007, an international coalition of human rights, labor rights, environmental, and African solidarity organizations formed the Stop Firestone Coalition to hold Firestone accountable for alleged human rights abuses at the Firestone Liberia rubber plantation.⁴² In 2009, the ILRF published a report with similar concerns regarding the violation of labor rights of workers.⁴³

Labor rights and worker representation issues came

to a head in the mid-2000s. For many years, FAWUL was considered a company union, with Firestone Liberia both appointing the leadership and paying their salaries. The FAWUL leadership did not involve plantation workers in negotiations with Firestone. This lack of representation led Firestone Liberia workers to create an aggrieved workers' committee that led a series of wildcat strikes in 2006 and 2007 in protest of conditions and lack of genuine representation.⁴⁴

Finally, in July 2007, free and fair union elections were held. However, those elected were not recognized by the management of Firestone Liberia. Strikes continued and the case was taken to Liberia's Supreme Court. The Supreme Court's landmark ruling recognized the union elections, ushering in for the first time a new, truly independent leadership of FAWUL. This recognition created a platform for the newly elected union to negotiate a new CBA.⁴⁵ The 2008 CBA and successive agreements have succeeded in addressing wage increases, quota reductions, and other labor related issues. However, many challenges still remain today, especially related to the implementation of the CBA. This total lack of accountability to respect the agreements made in the CBA continues to be the most difficult challenge



Firestone Liberia rubber factory

V. Previous Labor, Human Rights and Environmental Concerns at Firestone Liberia (cont.)

faced by FAWUL and its mother union, the Agricultural Agro-Processing and Industrial Workers' Union of Liberia (AAIWUL), today.

Environmental concerns also came to a head in the mid-2000s, as communities along the Farmington River, which the Firestone factory overlooks, raised concerns about the impacts of pollution from the rubber processing plant upon their health and livelihoods. CSOs and the UN documented the release of suspected toxins into the environment, the Farmington River, and other tributaries.⁴⁶ Although Firestone Liberia made some initial attempts to address these concerns, fears that efforts by the company to stem pollution were insufficient have persisted, a problem compounded by an apparent lack of adequate engagement with impacted local communities, as well as inadequate regulatory oversight and monitoring of environmental protection laws and regulations by government agencies, as revealed in the next section of this report.

There is little doubt that the internal and external pressure that Firestone Liberia encountered throughout the 2000s has led to some changes in their operations and engagement with workers. Children are no longer seen working beside their parents. Houses are being built, there are dozens of primary schools throughout the concession, and today there is a high school within the concession area. Legal and policy changes such as the passing of the Decent Work Act (2015) have further helped to raise standards for workers. Nonetheless, despite these positive recent developments, there is still a need for sustained action to ensure that Firestone Liberia, and its parent company Bridgestone, honor their commitments to human rights, labor rights, and environmental sustainability, and for an engaged civil society to ensure that Firestone stays accountable.

VI. Findings from Mighty Earth's Research

1. Workers' rights and labor issues

Interviews with union leaders and Firestone Liberia workers in March 2019 highlighted a host of worker and labor rights issues, including a lack of recognition of an independent FAWUL leadership.⁴⁷ Unfair labor practices such as unfair dismissal without recourse and poor conditions of work were key issues highlighted. The poor labor conditions included long hours without breaks and workers expected to carry heavy bags of raw latex on their backs for miles without protective gear. There were also serious concerns about summary eviction of dismissed workers from company housing and poor sanitary conditions in living conditions, including housing that lacked running water, electricity, and indoor latrines.⁴⁸

Lack of recognition of union leadership: FAWUL and Firestone Liberia management and other labor-related issues

As highlighted above, workers at the Firestone Liberia were represented by FAWUL, a registered trade union legitimized in 2007, marking the first time an independent union was elected to represent workers' concerns since 1926 when Firestone first came to Liberia. There have been CBAs negotiated with FAWUL every two years beginning in 2008 with the last agreed between 2016 and 2018.⁴⁹ Union elections were held in 2018 resulting in new union leadership of FAWUL.⁵⁰ In total, six men were elected, including Abel Ngigie and Edwin Fallah as Chairman and Grievance Officer, respectively.⁵¹

VI. Findings from Mighty Earth's Research (cont.)

On 25 October 2018, both Mr. Ngigie and Mr. Fallah were accused of being absent from their jobs for 10 days in a row, allegedly in violation of both the CBA and the Decent Work Act of 2015, and were abruptly fired from Firestone Liberia.⁵² Under the CBA, union representation is a full-time job.⁵³ Yet when Mr. Ngigie⁵⁴ and Mr. Fallah⁵⁵ were elected they were not recognized by Firestone Liberia as full-time employees of their union, FAWUL. Given this lack of recognition, they were ordered to go back to work to their normal non-union Firestone Liberia duties and expected to do their union duties as a secondary function to their non-union full-time work. An undated memo (below) written by the management of Firestone Liberia in relation to the 2018 FAWUL leadership elections stated:

The recent and ongoing worker situation is unfortunately the result of misinformation spread by individuals in and out of the employ of the company. The Management of Firestone would like to make a few clarifications.

As a company, we recognize the Agricultural Agro-Processing and Workers' Union of Liberia (AAIWUL) as the official Trade Union that represents Firestone

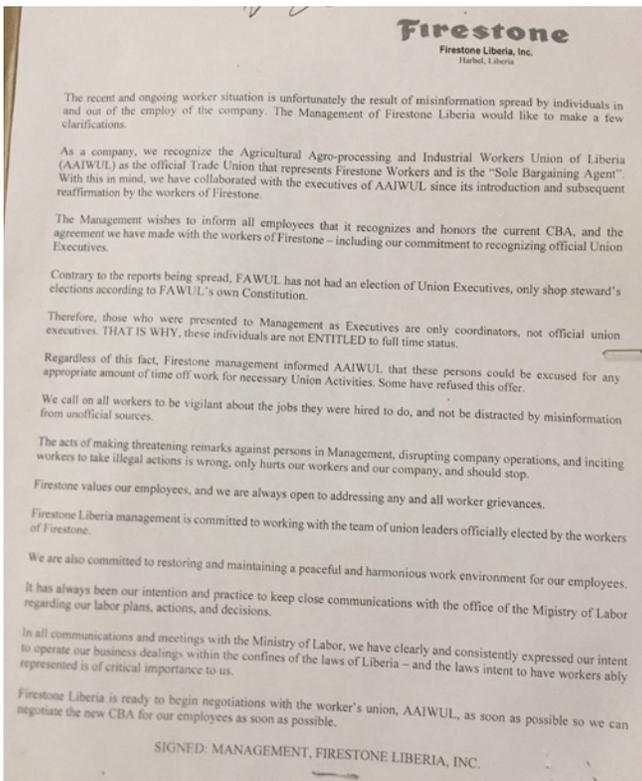
Workers and is the "Sole Bargaining Agent". With this in mind, we have collaborated with the executive of AAIWUL, since its introduction and subsequent reaffirmation of it by the workers of Firestone.

The Management wishes to inform all employees that it recognizes and honors the current CBA, and the agreement made with the workers of Firestone - including our commitment to recognizing official Union Executives. Contrary to the reports being spread, FAWUL has not had an election of Union Executives only shop steward elections according to FAWUL's own constitution. Therefore, those who were presented to Management as Executives are only coordinators, not official union executives. THAT IS WHY, these individuals are not ENTITLED to full time status.

Regardless of this fact, Firestone management informed AAIWUL [Agricultural, Agro-Processing and Industrial Workers Union of Liberia] that these persons would be excused for any appropriate amount of time off work for necessary union activities. Some have refused this offer.⁵⁶

Prior to the termination, both Mr. Ngigie and Mr. Fallah sought advice from the Ministry of Labor (MoL). According to them, the MoL advised them to stay in the union office and carry out their union work full time as is stated by the CBA.⁵⁷ A letter dated 19 October 2018 from the MoL to the Firestone Liberia General Manager highlighted that they had "received communication from the Agricultural Agro-processing and Industrial Workers Union of Liberia (AAIWUL)...that the Management of Firestone Liberia Inc. has refused to grant funds for time spent on union's [sic] activities to the newly elected six coordinators at the workplace across the plantation in line with FAWUL 2016/2018 CBA."⁵⁸ In the letter, the MoL invited Firestone Liberia to a meeting with the MoL, AAIWUL, and the six newly elected FAWUL union leaders on 24 October 2018 in their office.

The letter also stated, "In addition we advise the management of Firestone Liberia Inc. [sic] full time off work pending the outcome of the investigations. Considering the importance attached, we request that you treat this communication with serious consideration as we strive to improve the labor sector."⁵⁹



Recent undated Firestone memo on FAWUL and union recognition

VI. Findings from Mighty Earth's Research (cont.)

The day after the meeting, on 25 October 2018, a second letter was sent from the Acting Minister of the Ministry of Labour, Phil Tarpeth Dixon, addressed to Todd Knopf, General Manager of Firestone Liberia, acknowledging the presence of Firestone Liberia at the meeting. In the letter, the MoL informed Firestone Liberia that the newly implemented Decent Work Act of 2015 had no bearing on the CBA, FAWUL, and the roles and the responsibilities of the union leadership. MoL reminded Firestone Liberia that the CBA was clear on these responsibilities and should stand. The letter instructs Firestone and clearly states:

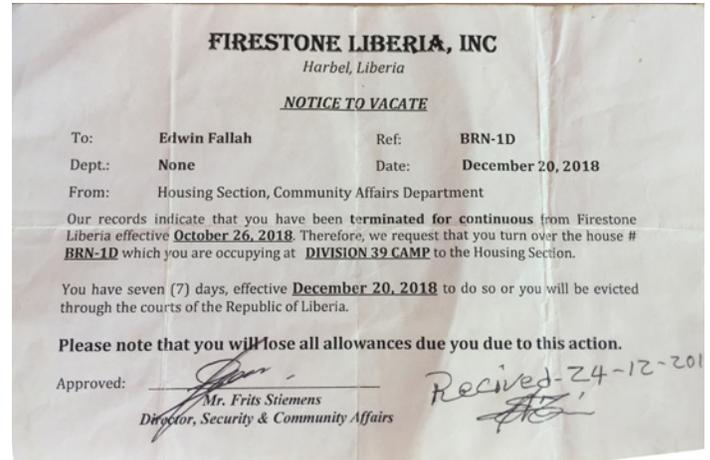
A review of the CBA conducted by the Ministry informs us that the workers request for six leaders to be paid while performing full time Union duties is consistent with the CBA and as such, said request should be granted.⁶⁰

Despite the correspondence from the MoL to Firestone Liberia, both Mr. Ngigie, the elected Chairman, and Mr. Fallah, the Grievance Officer, received letters dated 26 October 2018 terminating their employment with Firestone Liberia. Each letter was identical and stated that:

We regret to inform you of management's decision to terminate your services effective October 26, 2018, for continuous absence without providing good cause of explanation for a period exceeding 10 consecutive days in one (1) [sic] month in keeping with section 14.3(d)(vii) of the Decent Work Act Chapter 2015.⁶¹

Soon after, Edwin Fallah was given notice to vacate his company-owned housing, which he had occupied during his 24 years of service to Firestone – and was given just seven days to vacate or face eviction.⁶²

When both Mr. Ngigie and Mr. Fallah received their termination letters, they asked the MoL for further support to address this situation. They saw this as a clear violation of the CBA and therefore the responsibility of the government, specifically the MoL, to take up on their behalf. Rather than helping them directly, the MoL suggested that they get a lawyer and take the issue to court.



Edwin Fallah's 7-day Notice to Vacate from Firestone company-owned housing

Without money for lawyer's fees, and with no confidence in the Liberian justice system, they decided not to take the case forward in court. Mr. Ngigie and Mr. Fallah also felt that the onus should be on the MoL and AAIWUL to help them fight the issue. However, no other support was forthcoming from the MoL or AAIWUL. Meanwhile, AAIWUL has publicly condemned the actions taken by Firestone Liberia.⁶³ To date, however, this has not led to any changes.

The positions of Chairman and Grievance Officer have not been filled and the other newly elected leaders are working at their normal Firestone jobs and carrying out their union duties part time. Bridgestone Corporation asserts that FAWUL voluntarily handed all power over to the mother union AAIWUL during a mediated process presided over by the Ministry of Labor. Neither FAWUL nor the MoL interpret whatever agreement was made in this way, as both their public communications to Firestone Liberia and their later actions have shown.⁶⁴

Unfair dismissal without recourse

In the period following the firing of Mr. Ngigie and Mr. Fallah, at least three other Firestone Liberia workers were unfairly dismissed under dubious circumstances without any form of recourse. The three men are Nathaniel Binda, John Tambah, and Akei P F Geiwoe. On 6 October 2018, Mr. Binda was elected by Firestone Liberia workers to be the FAWUL Union Workplace Representative.⁶⁵ Soon after Mr. Ngigie and Mr. Fallah were dismissed on 26 October

VI. Findings from Mighty Earth's Research (cont.)

2018, Mr. Binda was suspended for allegedly inciting workers to engage in strike action while participating as a caller on a famous FAWUL radio talk show.⁶⁶ In a later interview with the consultant, Mr. Binda said:

*I've done nothing wrong. I was fired because I was close to the union. I've done nothing wrong. I worked at Firestone for eight years and four months and I leave after that long with nothing. I receive no benefit.*⁶⁷

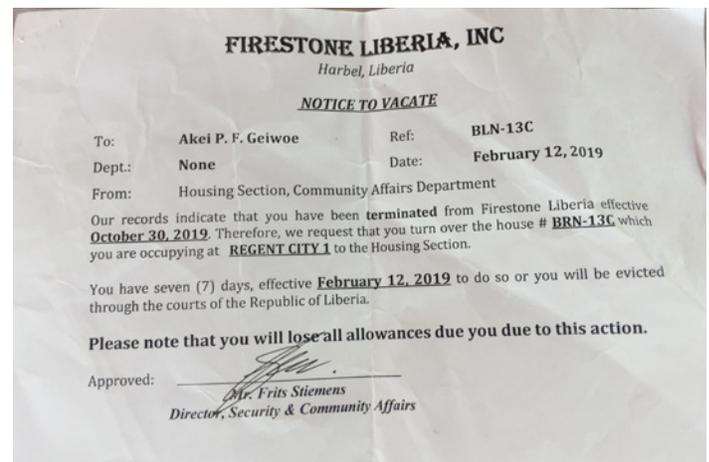


Nathaniel Binda's FAWUL Union Workplace Representative certificate

In the two other related cases, John Tambah and Akei Geiwoe, both longtime employees of Firestone Liberia's Plant Protection Department (PPD), were retroactively dismissed as of 30 October 2018. Letters show both men were dismissed for showing support for FAWUL as callers on a radio talk show and for encouraging workers to go-slow.⁶⁸ Alongside his unfair dismissal, Akei Geiwoe was also served notice to vacate his company-owned house and was given just seven days' notice to vacate or face eviction.⁶⁹ In an interview, both said they did not know that making their views known in this way would get them fired. Mr. Tambah said: "I did nothing wrong. I don't know why I was fired. I was showing support for the union leaders because as PPD we are also part of the union."⁷⁰

Mr. Geiwoe feels as though it was some kind of warning or a message to others. "Firestone's actions are a warning to others to keep silent," he said. "There was no investigation done."⁷¹ Mr. Ngigie, the former Chairman of FAWUL, said more generally that:

*It feels as though Firestone is trying to purposely be disruptive to the union now to render us unable to address the issues coming up. In the last few months, issues such as the business with the pensions and the recent announcement of layoffs of up to 800 people have come up. If we were still there, we would be following these issues. Firestone has violated the CBA on all these issues and that's what we'd be following up.*⁷²



Akei Geiwoe's 7-day Notice to Vacate from Firestone-owned company housing

Both Mr. Ngigie and Mr. Fallah believe that their firing was a deliberate attempt to weaken FAWUL and to effectively silence it. Mr. Ngigie went on to say: "Without a strong and independent FAWUL there's no avenue for workers to address issues as they arise and no recourse to address any of these situations. The AAIWUL also can't help because they don't have any money to help pay for lawyers."⁷³

Bridgestone contends that all workers at Firestone Liberia are dealt with through the same HR system that they use throughout the world, and that those HR practices are held to international standards across all Bridgestone properties, including Firestone Liberia. While demurring on individual cases, Bridgestone contends that all of those fired were dismissed for serious breaches of the company's policies and terms of employment, not because of their union activities.⁷⁴ Bridgestone says all employees were given due process within the HR system, warned in appropriate instances, and fired for cause.⁷⁵ These statements would appear to contradict the experiences of the workers fired who were union executives or close to FAWUL.

VI. Findings from Mighty Earth's Research (cont.)

More broadly, Bridgestone unequivocally denies any suggestion that they are involved in any concerted attempt to damage the independent trade union at Firestone. In discussions with Mighty Earth after seeing draft findings of this report, Bridgestone stated that:

*Firestone Liberia's decisions with respect to union leadership positions were a direct result of maintaining compliance with changes in the country's labor laws. We continue to negotiate and interact in good faith within the union framework as stipulated by the country's Decent Work Act of 2016. The Decent Work Act clearly dictates the company's role and responsibilities regarding union interactions, and the company works closely with union leadership and the Ministry of Labour to ensure ongoing compliance.*⁷⁶

Changes to the pension scheme⁷⁷

In March 2019, the consultant interviewed over 30 retirees of Firestone Liberia.⁷⁸ Their main concern was that when they went to receive their pension at the Firestone Liberia human resources office on 1 March 2019, as they had done every month since their retirement, they only received a small fraction of it. Some were given the equivalent of just USD \$2 per month (see Table 1). Additionally, when they tried to find out the reason for the much lower than expected amount, they say they were told to go to the National Social Security Corporation (NASSCORP), the social security administration of Liberia, to receive the balance of their pension. The few that did go to NASSCORP were told that no agreement had been made with Firestone Liberia and therefore they did not have the money to pay them. As a result, none of the retirees received their full pension on 1 March 2019.⁷⁹

VI. Findings from Mighty Earth's Research (cont.)

Below is a table that shows a comparison of the amount of the pension that the retiree received per month from Firestone Liberia and what they received on 1 March 2019.

Table 1: Comparison of Firestone pension benefits received

Name ⁸⁰	Position	Years worked for Firestone	Pension (USD)	Amount given on 1 March 2019 (USD)
Chea	██████████	1978-2015	83	2
Sekou	██████████	1970-2004	385	118
Alexander	██████████	1981-2014	11	2
Rennie	██████████	1987-2014	122	9
Roland	██████████	1979-2014	120	10
Samuel	██████████	1982-2018	53	7
Enoch	██████████	1973-2013	108	Never went to check
Abdullah	██████████	1978-2009	131	24
Momolu	██████████	1984-2013	63	Unwell
Ernest	██████████	1979-2008	175	18
Henry	██████████	1986-2010	82	12
Michael	██████████	1973-2009	108	17
James	██████████	1978-1997	35	Never went to check
Tamba	██████████	1984-2012	120	Never went to check
Collins	██████████	1971-1997	53	10
Dulee	██████████	1971-1997	156	21
Wesley	██████████	1986-2015	135	0
Bhawoh	██████████	1967-2008	156	5
Comfort	██████████	1984-2009	49	14
Abu	██████████	1970-2008	60	Too crowded
Francis	██████████	1982-2012	146	Too afraid to go
George	██████████	1961-2009	136	50
Sheikh	██████████	1970-2004	138	14
Robert	██████████	1978-2010	107	18
Benjamin	██████████	1974-2009	55	13
Lafayette ⁸¹	██████████	1992-2018	140	Not received pension yet
Elias	██████████	1975-2014	57	2
Wilton	██████████	1979-2015	75	8
Amos	██████████	1980-2015	82	9

VI. Findings from Mighty Earth's Research (cont.)

Letters that the consultant obtained from the retirees appeared to be received on the 20 September 2016, 17 December 2018, and 1 March 2019.⁸² The 20 September 2016 letter alerted staff members who retired after 1 November 2016 that they would receive their pensions directly from NASSCORP and not from Firestone Liberia. The 17 December 2018 letter highlighted that from 1 March 2019 onward, all pensions would be received through NASSCORP rather than through Firestone Liberia.⁸³ It also highlighted that Firestone Liberia would ensure that they would continue to receive 40% of their final salary and that if they received anything less than 40% from NASSCORP, Firestone Liberia would pay the difference. On 1 March 2019, the letter handed to them along with their greatly reduced pension slip highlighted the amount they would receive based on the number of contributions they had made.

Given the fact that retirees had not received their full pensions from either Firestone Liberia or NASSCORP, a number of them collectively hired a lawyer to take the case to court. The Director General of NASSCORP, Dewitt B. von Ballmoos, responded to a letter from their lawyer on 6 February 2019. The letter stated that NASSCORP did not have an agreement with Firestone Liberia regarding the matter of the pensions. He wrote:

NASSCORP as of the date of your communication has not consummated an agreement nor render [sic] a decision or executed any memorandum with Firestone Liberia Inc. regarding the retirees of Firestone Liberia. In view of the aforementioned, we want to make it clear that nothing as of yet agreed or finalized between NASSCORP and Firestone Liberia Inc., concerning the Firestone retirees.⁸⁴

Bridgestone says that they had informed all employees that the pension system was going to be discontinued as soon as it was ascertained that NASSCORP was solvent and would be able to provide pensions to Firestone Liberia workers. In instances where the amount provided

by NASSCORP would be insufficient to reach the levels of the pensions being provided, Firestone would make up some percentage of the rest. However, these statements appear to contradict the lived experience of the workers on the ground.⁸⁵

NASSCORP does not appear to be solvent or able to meet basic requirements to take over the pensions of the largest private employer in Liberia, with decades long commitments to these workers. Even if an agreement had been reached between Firestone Liberia and NASSCORP, such important changes in their pension scheme need to be much better communicated and considerate of the needs of retired employees, considering that it impacts thousands of men and women who are elderly and often illiterate and depend upon that monthly stipend for their survival.

Once an individual is retired from Firestone Liberia, they are entitled to receive their full salary for five months and then they start collecting their pension. They are also entitled to payment in the form of a travel disbursement to go home if they are not originally from Harbel or the surrounding area.⁸⁶ However, once they start to collect their pension they must travel to the Firestone Liberia office in Harbel to collect their pension each month.⁸⁷ Thousands of retirees live outside the Harbel area, making it difficult for them to travel each month to get their pension. According to the CBA, Article 17, "for pensioners, such pension, when due will be paid only to the Pensioner himself/herself on producing his/her identification and pension rights are not inheritable." The retirees said they could only have a proxy if they can prove they are too incapacitated to pick up the check themselves.

VI. Findings from Mighty Earth's Research (cont.)

2. Environmental concerns including pollution of water and air

Throughout the 2000s, environmental and human rights CSOs raised concerns about Firestone Liberia's environmental practices. Initially, the main focus was on communities along the Farmington River, because agricultural waste products and wastewater from the rubber factory were being dumped directly into the Farmington River and impacting the health and livelihoods of local communities. Following advocacy carried out by SAMFU and Green Advocates in reports⁸⁸ and a class action lawsuit in the US,⁸⁹ Firestone Liberia took some steps in 2008 to address some of the issues.⁹⁰



Firestone's existing wastewater facility

ENVIRONMENTAL POLLUTION: OWENSGROVE AND FIVE COMMUNITIES ALONG THE FARMINGTON RIVER

Communities interviewed in March 2019 along the Farmington River included Owensgrove (just across the river from the Firestone rubber processing factory and water treatment facility) and Zenge town (on the Farmington River near Robertsfield International Airport). These communities complained of water degradation and air pollution, which they believe to be resulting from the Firestone Liberia operations.

Local fishermen in Owensgrove stated that during the dry season there were almost no fish in the river, resulting in a crucial loss of livelihood. Other community members complained that wells had to be closed because of toxic waste contamination. Community members in Owensgrove said the air pollution is the worst at 3pm each day with a strong ammonia smell that sometimes gets so bad that it makes people's eyes sting. They also reported that most of the waste from the Firestone Liberia's plant is dumped in the middle of the night around 2am, which they say goes into the Farmington River. Firestone denies this dumping takes place.

Observations made by the consultant in March 2019 along the Farmington River found that the Firestone Liberia's wastewater appeared to be released very close to the Farmington River. Visual inspection of the water did appear to corroborate local peoples' complaints that it was

contaminated. However, without laboratory testing it is difficult to know the full extent of the water contamination, or to attribute direct causality to the rubber factory. The consultant confirmed the strong odor in the air in Owensgrove around 3pm the day of their visit.

The Green Advocates staff member who accompanied the consultant said that the complaints were identical to those that communities had lodged between 2005 and 2010, but that very little had changed.

The National Bureau of Concessions (NBC) reported that they had conducted a monitoring trip to Firestone Liberia in February 2019 and the report findings had recently been submitted to the legislature. Overall findings were positive, but there was reportedly pollution in the creeks off the Du River affecting communities on that side. According to NBC, Firestone Liberia was aware of the issue and had been taking steps to address it, but their plans were disrupted when Ebola hit in 2014. According to communications with NBC in February 2019, Firestone Liberia plans to address the remaining issues related to pollution in the next two years.⁹¹ Additionally, in August 2019 NBC reported setting up multi-stakeholder-platforms throughout Liberia including in Harbel in communities around the Firestone Liberia plantation.⁹²

VI. Findings from Mighty Earth's Research (cont.)



Local fisherman at Owensgrove

With regard to polluting the Farmington River, Bridgestone stated publicly in 2008 that Firestone Liberia had built a state-of-the-art water treatment facility. They said:

We'd like your readers to know that Firestone has completed and is operating a new state-of-the-art, multimillion dollar water treatment facility that re-routes water from its factory through equalization and clarification tanks and into constructed wetlands on the Firestone property for natural, biological treatment. This process was developed in cooperation with the Liberian Environmental Protection Agency and the foremost environmental wetlands expert in the world, Dr. Robert Knight.⁹³

According to Firestone Liberia's website:

The system includes an equalization tank and clarifying tanks that remove solids from process water and treat it. The process water is then sent to constructed wetlands, which further filters it....

We are preparing construction of a third-generation treatment system that, as designed, will further improve wastewater quality.⁹⁴

The wastewater treatment plant aimed to ensure that any water discharged from the rubber processing factory would be treated and rerouted from the Farmington River to wetland areas. However, upon completion of the plant, wastewater was rerouted and appears not to have been adequately treated; it thus ended up negatively affecting another community. This diversion of wastewater resulted in a major outcry from the Kpanyah community, which attracted the attention of President Ellen Johnson Sirleaf, then president of Liberia. One important move made by the president was to put an independent panel together to review the situation. One member of the panel interviewed for this research said:

It was very clear from the findings of rashes, dirty water, and dead fish that there was a serious environmental impact on surrounding communities and the environment.⁹⁵

There appear to be conflicting accounts of how the results of the independent study findings were reported and used, considering that the environmental impacts had been so strong.⁹⁶ A proposal document written by members of the Kpanyah community includes concerns related to the known and unknown health effects of the pollution on their community linked to the industrial discharge.⁹⁷ In one account in 2010, a human and civil rights activist highlighted the following:

There are a lot of things to discuss, but one of the sticky issues is pollution. Pollution is the most serious issue confronting the people of this region...they came and built their processing plant at the bank of the river. They started polluting the air and the water that we drink. Today we are brave to stand up and fight for our rights like our grandparents never did because they were sometimes afraid of the government and Firestone. Today we are brave to stand up and say Firestone is treating us badly. We are not saying that Firestone should pick up and leave, but they should abide by the environmental laws of the land.

VI. Findings from Mighty Earth's Research (cont.)

Government officials do not back us because they are often afraid of Firestone. They do get vexed with Firestone for what the company does to us.... They say Firestone is paying taxes to the government and that's all. I am happy today we have the Environmental Protection Agency. The agency has been doing well but they need to do more. We will continue to campaign because human rights advocacy is a process...a very long process. We will campaign until our rights are achieved [sic].⁹⁸

A report commissioned by the Ministry of Planning and Economic Affairs and the EPA alluded to the fact that orthophosphate levels at the Ninpu and Vah Creeks near Firestone Liberia exceeded the recommended levels required for the maintenance of the aquatic ecosystems and a potable water supply. The presence of orthophosphate was also said to be creating a chain reaction that led to the death of aquatic life in nearby creeks and rivers.⁹⁹

Since 2010, it is unclear how Firestone Liberia has dealt with addressing the environmental issues in the Kpanyah community or in the communities along the Farmington River. Although the consultant did not speak to any

member of the Kpanyah community, Owensgrove and Zenge town community members said that the Kpanyah community had received several hand pumps and some of the community children received scholarships to go to the Firestone Liberia schools.¹⁰⁰

A meeting that the consultant had with the EPA in March 2019 revealed that Firestone Liberia regularly reports on the status of their Environmental Management Plan (EMP), which is a plan that Firestone Liberia puts together that describes the environmental effects of production intended to be managed and the general means by which Firestone Liberia plans to manage them.¹⁰¹ Air, ground, and surface water are all covered in the EMP. The company also reportedly conducts soil and water testing.

According to the EPA, the only issues in the past were related to a landfill and water processing facility, but they say these issues have been addressed. The EPA said that Firestone Liberia's EMP was in order and there had not been any complaints from the community. The EPA communicated that the only issue of concern that has been raised was linked to sanitation within the plantation, which Firestone Liberia says they are trying to address.



Wastewater channel running out from the Firestone factory



Wastewater in channel running out from the Firestone factory

VI. Findings from Mighty Earth's Research (cont.)

Despite these assurances, the EPA also confirmed that they are unable to regularly monitor Firestone Liberia activities due to lack of funding. From the meeting with the EPA Managing Director, it was unclear when the last time a monitoring visit to Firestone Liberia had happened.¹⁰²

In a follow up conversation, Firestone Liberia was up front about the fact that the levels of the pollutants in the creek are still at an unacceptable level, though they disagree with those pollutants being at levels that would be harmful to people along the Farmington River or other creeks and rivers.¹⁰³

Firestone confirm they are installing a new water treatment system to state-of-the-art levels and using best practices to treat their effluent discharge.¹⁰⁴

While the prospect of Firestone finally having proper water treatment facilities in place will be welcome news to the communities affected by ongoing water pollution, it is totally unacceptable that inadequate treatment of factory effluent is still causing problems over 10 years since Firestone first announced in 2008 that it had "completed and was operating a new state-of-the art multi-million dollar water treatment facility."¹⁰⁵ Firestone and Bridgestone's senior leadership must take full responsibility for this long legacy of corporate negligence.

VI. Findings from Mighty Earth's Research (cont.)

3. Community engagement

Without strong leadership at the community level or support from international and national CSOs, there appears to be little to no engagement between communities such as Owensgrove and Zenge town and Firestone Liberia. The link that Firestone Liberia or members of government have with the Kpanyah community is unclear. Firestone more widely says they have a robust and productive relationship with the local community and put a lot of effort into community relations outreach.

In terms of its concession agreement with the government, there does not appear to be any contractual obligation for Firestone Liberia to engage with surrounding local communities.¹⁰⁶ Although the 2008 concession agreement helped to improve conditions for workers, it lacked input from CSOs and community-based organizations (CBOs) that could play a role in representing a wider array of local interests.¹⁰⁷ According to Bridgestone, Firestone Liberia tries hard to engage with local communities:

Firestone Liberia has a very active ongoing community relations department that engages regularly with both residents of 100+ communities on the farm, and in communities that border our operation. We have been in Liberia for more than 90 years and have worked to improve this outreach along the way. Notwithstanding current practice, Firestone Liberia has always sought, and will continue to seek, better and more impactful ways to interact with the residents and neighboring communities where we operate. To that end, we are inventorying our current practices and evaluating any areas of improvement.¹⁰⁸

Firestone Liberia says that it has multiple people engaged to do community outreach, and that these employees make contact approximately once a month with any given community. This contradicts much of what the consultant heard in interviews with workers who maintained that no community outreach had been done.

There is a community radio station, Voice of Firestone, where people call in and talk about community concerns. However, some community members complained that, even when they do call in to these radio programs, it has not resulted in any engagement or response to community concerns from the government or Firestone Liberia. One community member from Zenge town said:

We called on the radio to complain about what has happened. But it didn't result in any changes. We want safe drinking water, clean air, school and health care. But they never engage with us. It was only in 2008 or 2009 that there was a big town hall meeting to discuss these issues. But there hasn't been anything since then. But the situation is exactly the same.¹⁰⁹

It is difficult to determine the full extent of the continuing impact of air and water pollution on these communities without a full review of the Environmental Management Plans (EMPs) and EPA's related reports. Another major gap in communications is the almost total lack of engagement between local communities and national governmental agencies that engage with Firestone Liberia, such as the Ministry of Agriculture, Ministry of Labor, Environmental Protection Agency, and National Bureau of Concessions. The Human Rights section of the Ministry of Justice and the Independent National Human Rights Commission of Liberia both mentioned in interviews the need for a greater focus on business and human rights, which could be a potential avenue for communities to begin to engage.

The National Bureau of Concessions in an interview talked about multi-stakeholder platforms they are involved in for palm oil concessions in Liberia, where the platforms include communities and focus on ensuring alternative livelihoods and peace and security issues.¹¹⁰ However, Firestone Liberia does not appear to be involved in any such multi-stakeholder platforms for natural rubber in Liberia.

Recommendations



a. To the Government of Liberia

Overall

- The Government of Liberia should ratify all international and regional human rights treaties, including International Labour Organization (ILO) Conventions, which are relevant to the human rights situation on Liberia's rubber plantations.
- The Government of Liberia should ensure a role for genuine community representatives and CSOs in any future renegotiation of the agricultural and forest land concession agreements.

Labor

- The Ministries of Labor and Justice should jointly establish an independent tribunal or ombudsman service to arbitrate outstanding labor dispute cases at Firestone Liberia.
- There needs to be NASSCORP and Firestone workers' pension funds reform, beginning with an urgent and comprehensive audit of Firestone Liberia's workers' pension rights and liabilities.

Environment

- Government agencies such as the Environmental Protection Agency (EPA) should fully regulate and carry out the due diligence of regularly monitoring the activities of concessionaires such as Firestone Liberia.
- The government should ensure that funds are prioritized to enable monitoring visits to the Firestone Liberia operation by the EPA, and that EPA's reports are made publicly available.
- Local communities, CSOs, and the public should be given full access to Firestone Liberia's Environmental Management Plans (EMPs) to ensure accountability for what is reported.

- The EPA should conduct an Environmental and Social Impact Assessment (ESIA) on the use of agricultural chemicals on Firestone's plantation.

b. To Firestone Liberia and Bridgestone Corporation

Overall

- Given the discrepancies between the problems reported by local people and the accounts of Firestone/Bridgestone – as well as the lack of scrutiny by key government agencies – Bridgestone Corporation should, in conjunction with local civil society and trade unions, engage an independent auditor to perform a comprehensive, independent social and environmental assessment of Firestone's Liberia's operations. The results of this assessment should be made publicly available.
- This review should be assessed against an analysis of the concession agreements negotiated, reporting during the periods cited by the EPA, the National Bureau of Concessions (NBC), the Forest Development Authority (FDA), and the Human Rights section of the Ministry of Justice (MoJ), to compare their promises with what Firestone has actually delivered.
- Bridgestone should publish a detailed implementation strategy and timetable for its Global Sustainability Procurement Policy with regards to natural rubber, while Firestone Liberia should publish its own action plan for implementing this group policy.
- Bridgestone Corporation, as a leader within the new Global Platform for Sustainable Rubber (GPSNR), should publish its group-wide implementation plan and timetable for rolling out the company's Global Sustainable Procurement Policy in relation to natural rubber.

Recommendations (cont.)



Labor

- Firestone Liberia should redress highlighted labor injustices and recognize all legitimate independent trade union representation.
- Firestone Liberia should agree to an independent arbitration/ombudsman service to review individual cases of union officials who have been unfairly dismissed.
- Firestone should stop all summary evictions of dismissed workers and their families from company-owned housing and instead should respect all legitimate tenancy rights and protections.
- Firestone Liberia should immediately agree to directly pay all existing and outstanding pension obligations of retired employees (including any previously missed payments) until such time as a satisfactory alternative arrangement is reached and publicly communicated with NASSCORP.
- Firestone Liberia should respect and implement international human rights and best practices relating to decent work in agriculture.

Environment

- Firestone Liberia should urgently accelerate the installation of wastewater treatment technologies to minimize and urgently clean up rubber factory effluent into local water sources.
- Firestone Liberia should work with the EPA to undertake regular testing of the water and publish results in a publicly transparent manner. It should also declare what actions it intends to take where waterways are found to have been contaminated by the company's operations.
- Firestone Liberia should explore ways to minimize and ultimately eliminate pollution caused by runoff of agricultural chemicals, e.g., by implementing more agro-ecologically sustainable rubber cultivation methods as quickly as possible.

- Firestone Liberia should consider undertaking further forest restoration on degraded land, both within and outside the concession area, in close consultation with local communities.
- Firestone should discuss and agree to remediation with local communities that have been affected by pollution from the company's operations entering local waterways over the past decade, including for the effects on peoples' health, livelihoods, and right to food.

Social

- Firestone Liberia should review and reform mechanisms for regular and fully inclusive community dialogue. One of the key issues revealed by our research was the lack of effective communications between Firestone Liberia and communities in and around the plantation and factory.
- Firestone should engage independent experts to set up effective and inclusive community dialogue processes and fora to both provide information to local communities and hear and respond to community concerns or grievances.
- Along with government, Firestone Liberia must ensure a role for genuine community representatives and CSOs in future renegotiation of concession agreements.

Other

- While it is outside the scope of this report, Mighty Earth supports local and international civil society calls for Firestone Liberia to work with local CSOs and unions to create a Truth and Reconciliation Commission. There is real value in such a commitment, in order to engage with the communities about how to resolve major historical grievances.

References

'Amended and Restated Concession Agreement between the Republic of Liberia and Firestone Liberia Inc.', Ministry of Foreign Affairs, Government of the Republic of Liberia, 31 March 2008

'Bridgestone Nurses Heavy Losses in Liberia as Rubber Price Falls', *Financial Times*, 8 April 2016

Global Witness (2008) *Briefing Document: Liberia Needs to Learn Lessons from Firestone Contract Renegotiation*, Global Witness: London, UK

'Business and Human Rights: Two Days High-Level Forum. With relevant government institutions, selected businesses, other relevant partners and INCHR, February 2019

League of Nations (1930) *Communication by Government of Liberia: Commissions Report, International Commission of Inquiry in Liberia*, League of Nations, 15 December 1930

UNDP (2019) *Extractive Industries for Sustainable Development: Background*, United Nations Development Programme (UNDP), July 2014 to December 2019

'Firestone lawsuit (re Liberia)', Business & Human Right Resource Center, see: <https://www.business-humanrights.org/en/firestone-lawsuit-re-liberia-0>

'Firestone Liberia Accused of Falsifying Legal Papers in US \$1.6 M 'Bad Labour' Case', *Frontpage Africa*, 16 October 2018

Tete Bropleh (2017) 'Firestone Liberia, Workers' Union Sign New CBA', *Daily Observer*, 3 February 2017

'Firestone Management Refutes Report of Bad Labor Practices in Liberia', *Frontpage Africa*, 31 January 2019

Leiserson E et al (2017) 'Governance of Agricultural Concessions in Liberia: Analysis and Discussion of Possible Reforms' *Allard K. Lowenstein International Human Rights Clinic at Yale Law School*, 13 March 2017

UN Mission in Liberia (2006) *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, United Nations Mission in Liberia: Monrovia, Liberia

'Liberia: Worker Union Accuses Firestone of Unlawful Dismissals, Bad Labour Practices', *Frontpage Africa*, 8 January 2019

Verité (undated) *Rubber Production in Liberia: An Exploratory Assessment of Living and Working Conditions, with Special Attention to Forced Labor*. Verité: Amherst, MA

Center for International Conflict Resolution (2012) "Smell-No-Taste", *The Social Impact of Foreign Direct Investment in Liberia*, Center for International Conflict Resolution Columbia University, School of International and Public Affairs: New York

'To Avoid Recurrent Strike Action Firestone Must Stop Paying Starvation Wages to its Workers', *Daily Observer*, 14 April 2018

Sarah Conteh, 'Africa's Second largest Rubber Plantation Needs More Transparency', *Namati*, 27 April 2015

Tarnue, J (2010) *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach*, AuthorHouse: Indiana, United States

Revenue Watch Institute (2009) *Getting a Better Deal from the Extractive Sector: Concession Negotiation in Liberia, 2006-2008*, Revenue Watch Institute: New York

SAMFU (2006) *The Heavy Load, A Demand for Fundamental Changes at the Bridgestone/Firestone Rubber Plantation in Liberia, Save Our Futures Foundation (SAMFU): Montserrado, Liberia*

Footnotes

¹ Bridgestone (2018) *Annual Report 2018, Operational Review*, Bridgestone Corporation: Tokyo, Japan

² International human rights include upholding the freedom of association and recognition of the right to collective bargaining, and elimination of all forms of forced, compulsory or child labor

³ For Bridgestone's Global Sustainable Procurement Policy, see: <https://www.bridgestone.com/responsibilities/procurement/> (last accessed 9 January 2020)

⁴ Private communication from Bridgestone Americas to Mighty Earth, 8 November 2019

⁵ UN Mission in Liberia (2006) *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, United Nations Mission in Liberia: Monrovia, Liberia

⁶ J Nathaniel Daygbor, 'Firestone Linked to Pollution and Abuses', *The Analyst (Liberia)* via the International Labor Rights Forum, see: <https://laborrights.org/in-the-news/firestone-linked-pollution-and-abuses> (last accessed 11 November 2019)

⁷ 'Liberia Says Firestone Polluting Water', Voice of America, 2 November 2009, see: <https://www.voanews.com/archive/liberia-says-firestone-polluting-water> (last accessed 11 November 2019)

⁸ Meeting with Bridgestone, Bridgestone North America, Firestone Liberia, the consultant and Mighty Earth in Washington DC, 3 October 2019

⁹ Private communication from Bridgestone Americas to Mighty Earth, 8 November 2019

¹⁰ Bridgestone (2018) *Annual Report 2018, Operational Review*, Bridgestone Corporation: Tokyo, Japan

¹¹ 'Procurement, Global Sustainable Procurement Policy,' Bridgestone, see: <https://www.bridgestone.com/responsibilities/procurement/> (last accessed 11 November 2019)

¹² Revenue Watch Institute (2009) *Getting a Better Deal from the Extractive Sector: Concession Negotiation in Liberia, 2006-2008*, Revenue Watch Institute: New York

¹³ Forest Carbon Partnership (undated) 'The Liberia Forest Program', see: <https://www.forestcarbonpartnership.org/system/files/documents/Libera%20Forest%20Program%20%20pager.pdf> (last accessed 11 November 2019)

¹⁴ Tarnue J (2010) *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach*, AuthorHouse: Indiana

¹⁵ It is estimated that from 1926 to 1977, total profits made by the company amounted to between \$410 million to \$425 million clearly dwarfing payments to the Liberian government. In fact, between 1956-1960 the country declared profits of about \$95 million, which meant net profits of \$66 million or \$13 million per year during that period. See: Tarnue J (2010) *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach*, AuthorHouse: Indiana, United States

¹⁶ Tarnue J (2010) *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach*, AuthorHouse: Indiana

¹⁷ Revenue Watch Institute (2009) *Op. cit.*

¹⁸ In Owensgrove, the consultant interviewed a community member in March 2019 who was also part of the Concerned Citizens Advocacy for

the Protection of Ancestral Lands (CCAPAL). The community member was very knowledgeable about the situation in Owensgrove. The consultant did speak with a group of local fisherman who also toured the consultant around highlighting the situation of the wells and the status of the water. The consultant however did not speak with the Town Chief or any other official representative of Owensgrove. In Zenge town the consultant did meet with the local leadership, however, the Town Chief was not present for that meeting due to a conflicting priority.

¹⁹ Leiserson E et al (2017) 'Governance of Agricultural Concessions in Liberia: Analysis and Discussion of Possible Reforms', *Allard K. Lowenstein International Human Rights Clinic at Yale Law School*, 13 March 2017

²⁰ In September 2018, the President of Liberia signed the Land Rights Act into law. It clearly asserts the right to what is known as "customary land" territory that can be claimed through oral testimony and community agreement. However, the following clause within the agreement is considered a major flaw: "for those living on the quarter of the country's land set aside for concessions: it is not retroactive." Therefore, for those who live close to concessions, this law will not positively impact their situation. This issue is further addressed in: Jennifer O' Mahony (2019). 'Liberia's new land rights law hailed as victory, but critics say it is not enough', *Mongabay Series: Global Forests, Global Palm Oil*, 22 March 2019

²¹ In an interview with founder and lawyer Alfred Brownell of Green Advocates in March 2019, he said the issue of retroactivity is contentious. During the negotiation to pass the Land Rights law those pushing for retroactivity of the law had to compromise but there is a potential legal loophole through local communities' rights to Free, Prior and Informed Consent (FPIC).

²² 'The Firestone Loan: Sovereignty impaired', *Liberia Past and Present*, see: http://www.liberiapastandpresent.org/Howard_King.htm (last accessed 11 November 2019)

²³ 'The Firestone Loan: Sovereignty impaired', *Liberia Past and Present*, see: http://www.liberiapastandpresent.org/Howard_King.htm (last accessed 11 November 2019)

²⁴ T Christian Miller and Jonathan Jones (2014) 'Firestone and the Warlord, The untold story of Firestone, Charles Taylor and the tragedy of Liberia', *ProPublica/PBS Frontline*, 18 November 2014

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ Truth and Reconciliation Commission (2009) *Final Report, Republic of Liberia Truth and Reconciliation Commission, Volume II: Consolidated Final Report*, 29 June 2009, Republic of Liberia Truth and Reconciliation Commission: Monrovia, Liberia

²⁹ Owen Boycott (2013) 'Charles Taylor's 50-year sentence upheld at war crimes tribunal,' *The Guardian*, 26 September 2013

³⁰ According to the UN Mission in Liberia report in 2006, there were questions whether the NTLG had the legitimacy to negotiate these concession contracts, see: <https://www.refworld.org/pdfid/473dade10.pdf>

³¹ The differences within 2005 and 2008 concession agreements is further explored in Appendix 5 of Revenue Watch Institute (2009) *Getting a Better Deal from the Extractive Sector: Concession Negotiation in Liberia, 2006-2008*, Revenue Watch Institute: New York

Footnotes (cont.)

³² Global Witness (2008) *Briefing Document: Liberia Needs to Learn Lessons from Firestone Contract Renegotiation*, Global Witness: London

³³ 'Background: Firestone Liberia', Firestone Natural Rubber Company, see: <https://www.firestonenaturalrubber.com/about-us/background/> (last accessed 11 November 2019)

³⁴ Firestone Liberia (2019) 'Firestone Liberia, Inc. Statement Regarding Workforce Reduction' 18 March 2019. Firestone announces that it will reduce its workforce by 13 percent (approximately 800 employees) by early second quarter of 2019 at the company's Firestone Liberia operation. Headcount reductions will take place throughout the company's operations and include retirements, the discontinuation of certain work contracts and redundancies. They explain that the action is to be attributed to continued and unsustainable losses resulting from high overhead costs associated with the company's Concession Agreement with the Government of Liberia, low natural rubber production because of the prolonged civil wars and continued low global natural rubber prices. Additionally, in 2016 there was also a reduction of at least 189 jobs because of significant and sustained losses due to depressed rubber prices.

³⁵ Forest Carbon Partnership (undated) 'The Liberia Forest Program', see: <https://www.forestcarbonpartnership.org/system/files/documents/Libera%20Forest%20Program%202%20paper.pdf>

³⁶ See: SAMFU (2005) *Firestone: The Mark of Modern Slavery, Save My Future Foundation (SAMFU): Montserrado, Liberia*.and SAMFU (2006) *The Heavy Load, A Demand for Fundamental Changes at the Bridgestone/Firestone Rubber Plantation in Liberia*, SAMFU: Montserrado, Liberia

³⁷ International Labor Rights Forum. 'Exploitation in Liberia', *The Analyst*, 21 April 2006, see: <https://laborrights.org/in-the-news/exploitation-liberia> (last accessed 11 November 2019)

³⁸ In order for tappers to meet their quotas they had to work long hours each day giving them no choice but to include family members, including children, to help them in order to make a livable wage. The conditions created by these high quotas can be considered as to what led to child labor being used and no active effort from Firestone to discourage it until after the case was filed in a US court.

³⁹ UN Mission in Liberia (2006) *Op. cit.*

⁴⁰ Up until mid-2000s workers daily wages ranged from \$2.65-\$4.38 per day and many of the workers lived in squalid conditions in housing that had not been renovated since its construction in 1926.

⁴¹ UN Mission in Liberia (2006) *Op. cit.*

⁴² Roxanne Lawson and Tim Newman (2006) 'Stopping Firestone: Getting Rubber to Meet the Road', *Foreign Policy in Focus*, 7 December 2006

⁴³ International Labor Rights Forum (2009) *Labor Rights Abuses Continue on Firestone Liberia Plantation*, International Labor Rights Forum, 28 July 2009

⁴⁴ Tully J (2011) *"The Devil's Milk: a social history of rubber"*, NYU Press: New York

⁴⁵ Verité (undated) "Rubber Production in Liberia: An Exploratory Assessment of Living and Working Conditions, with Special Attention to Forced Labor," see: https://www.verite.org/wp-content/uploads/2016/11/Research-on-Working-Conditions-in-the-Liberia-Rubber-Sector__9.16.pdf

⁴⁶ UN Mission in Liberia (2006) *Op. cit.*

⁴⁷ 'Liberia: Worker Union Accuses Firestone of Unlawful Dismissals, Bad Labor Practice', *Front Page Africa*, 8 January 2019, see: <https://frontpageafricaonline.com/news/liberia-worker-union-accuses-firestone-of-unlawful-dismissals-bad-labor-practice/> (last accessed 11 November 2019)

⁴⁸ Consultant interviews with Firestone workers and community members, March 2019

⁴⁹ Tete Bropleh (2017) 'Firestone Liberia, Workers' Union Sign New CBA', *Daily Observer*. 3 February 2017, see: <https://www.liberianobserver.com/business/firestone-liberia-workers-union-sign-new-cba/> (last accessed 11 November 2019)

⁵⁰ Richard D Baysah (2018) 'FAWUL Elects New Leaders', *Daily Observer*, 17 September 2018, see: <https://www.liberianobserver.com/news/fawul-elects-new-leaders/> (last accessed 11 November 2019)

⁵¹ The other elected FAWUL members were Levi Sayway (Co-Chairman), Jacvo Kerkula (Secretary General), Ben Henries (Treasurer) and Mama Koleh (Chaplain).

⁵² Prince Parker (2018) 'FAWUL Members Identified with Dismissed Leader', *The News Liberia*, 28 November 2018, see: <https://thenewslib.com/fawul-members-identified-with-dismissed-leaders/>

⁵³ Article 31 of the 2016 CBA gives the union leadership the authority to engage in full time union activities and be paid by the company.

⁵⁴ Abel Ngigie started at Firestone Liberia in 2001 as a factory machine operator and in 2003 was promoted to production factory clerk where he worked until he was appointed to the FAWUL union in 2008 as the Grievance Chairman. Following that, he became the Treasurer and was elected as Chairman in September 2018.

⁵⁵ Edwin Fallah started in 1990 and worked for Firestone for 24 years including as union chair group leader for nine years.

⁵⁶ The full memo was found pinned up outside the public relations office at Firestone Liberia in March 2019.

⁵⁷ The remaining four, including the Vice Chairman, Secretary General, Treasurer and Chaplain, all went back to work and therefore the FAWUL union is not functioning as it was envisioned in the CBA.

⁵⁸ Letter from Hon. Togba R C Porte, Assistant Minister for Trade Union Affairs and Social Dialogue, Ministry of Labour, to the General Manager of Firestone Liberia, 19 October 2018

⁵⁹ *Ibid*

⁶⁰ Letter from Phil Tarpeh Dixon, Acting Deputy Minister Manpower & Planning, Ministry of Labour, to Todd Knopp, General Manager, Firestone Liberia, dated 25 October 2018

⁶¹ Letter from Marion N Wreh, Firestone Liberia, Human Resources Manager, to Abel F. Ngigie, dated 26 October 2018

⁶² Firestone Liberia, Inc. Harbel, Liberia, Notice to Vacate, To: Fallah, From: Housing Section Section, Community Affairs Department, house BRN-1D, Division 39 Camp, Date: December 20, 2018, Approved Mr. Frits Stiemens, Director, Security & Community Affairs

⁶³ 'Liberia: Worker Union Accuses Firestone of Unlawful Dismissals, Bad Labor Practice', *Front Page Africa*, 8 January 2019, see: <https://frontpageafricaonline.com/news/liberia-worker-union-accuses-firestone-of-unlawful-dismissals-bad-labor-practice/>

Footnotes (cont.)

⁶⁴ Letter from Phil Tarpeh Dixon, Acting Deputy Minister Manpower & Planning, Liberia Ministry of Labour, to Todd Knopp, General Manager, Firestone Liberia, dated 25 October 2018

⁶⁵ Union Workplace Representative is not a full-time paid position under the CBA but a voluntary position that individuals who are elected to this position take on in addition to their normal Firestone Liberia jobs.

⁶⁶ Termination letter from Marion N. Wreh-Socree, Firestone Liberia Human Resources Manager, to Nathaniel Binda, 19 December 2018

⁶⁷ Interview with Nathaniel Binda, March 2019. According to the Decent Work Act 2015, in order to receive any sort of pension benefit an employee must work for at least 10 years. Prior to 2016 when this law took effect, workers had to work for 25 years in order to receive a pension.

⁶⁸ John Tambah was dismissed by Firestone Liberia on 17 December 2018 and cites the reasons in a letter from Marion N Wreh-Socree, Human Resources Manager, as: "Violating Article #45 Count #2 of the Collective Bargaining Agreement when you participated on [sic] a famous radio talk show as a caller (Around the Farm) which was air [sic] on FAWUL Radio, thereby motivating and inciting workers of FSLB to go-slow. You also violated Section 14.4 (a) (i) (2); (ii), which states that an employee can be dismiss [sic] for acts contrary to their employment contract and any collective agreement that applies to their work. The conduct of the employee at work, while on duty and calling for employees to go slow in solidarity with their Union leaders. Therefore, you were suspended on the 30th of October 2018, pending the outcome of an investigation. The Plant Protection Department authorities on December 3, 2018 conducted an initial investigation and forward said report to the Human Resources Department. Meanwhile, a follow-up investigation was conducted at the Industrial Relations Department on December 6, 2018, at which time you admitted to the violation thereof, pleaded for mercy, and promised not to ever repeat said act. The said plead was not discuss [sic] because your conduct violated both the Collective Bargaining Agreement (2016-2018) and the Decent Work Act of 2015."

⁶⁹ Firestone Liberia, Inc, Harbel Liberia, Notice to Vacate, To: Akei P. F. Geiwoe, From Housing Section, Community Affair Department, house BRN-13C, Regent City 1, Date: February 12, 2019, Approved Mr. Frits Stiemens, Director, Security & Community Affairs

⁷⁰ Interview with John Tambah, March 2019

⁷¹ Interview with Akei Geiwoe, March 2019

⁷² Interview with Abel Ngigie, March 2019

⁷³ *Ibid*

⁷⁴ Meeting with Bridgestone, Bridgestone North America, Firestone Liberia, the consultant and Mighty Earth in Washington DC, 3 October 2019

⁷⁵ Meeting with Bridgestone, Bridgestone North America, Firestone Liberia, the consultant and Mighty Earth in Washington DC, 3 October 2019

⁷⁶ Private communication from Bridgestone Americas to Mighty Earth, 8 November 2019

⁷⁷ The CBA Article 17 on retirement and pensions states that "pensions will be paid as per Liberian law", making no reference to NASSCORP specifically.

⁷⁸ Interviews with 30 Firestone pension holders in Harbel, March 2019

⁷⁹ *Ibid*

⁸⁰ All names have been changed to protect identities

⁸¹ This pensioner had not received a pension yet because once a person retires they are paid for five months and then they start receiving their pension. Since he retired in 2018, his pension had not yet started.

⁸² All the letters that the consultant obtained were photographed and the photographs are retained by Mighty Earth. There may have been others, but these are the letters that the consultant is aware of.

⁸³ Additionally, another memo from Firestone Liberia was sent to all employees dated 17 December 2018 stating that in accordance with the Decent Work Act of 2015, no "NEW" retirees will receive pensions from Firestone Liberia after 1 March 2019, but would receive them from NASSCORP instead. The letter also clarified the age of retirement and the length of service that an employee would have to work in order to receive benefits and what the percentage of those benefits were based upon the number of years worked.

⁸⁴ Letter from Dewitt B. von Ballmoos, Director General of the National Social Security & Welfare Corporation (NASSCORP) to Cllr. J. Jonny Momoh, Counsellor-At-Law, Firestone Liberia, 6 February 2019

⁸⁵ See: 'Firestone Liberia Announces Changes to its Pension Program', Firestone Liberia, 14 March 2019, see: <https://www.firestonenaturalrubber.com/firestone-liberia-announces-changes-to-its-pension-program/>

⁸⁶ All reference to amounts paid once retired are found in the CBA.

⁸⁷ SAMFU (2006) *The Heavy Load, A Demand for Fundamental Changes at the Bridgestone/Firestone Rubber Plantation in Liberia*, SAMFU: Montserrado, Liberia

⁸⁸ See: SAMFU (2005) *Firestone: The Mark of Modern Slavery, Save My Future Foundation (SAMFU): Montserrado, Liberia*.and SAMFU (2006) *The Heavy Load, A Demand for Fundamental Changes at the Bridgestone/Firestone Rubber Plantation in Liberia*, SAMFU: Montserrado, Liberia

⁸⁹ In November 2005, a group of adults and children who live and work on the Firestone Liberia rubber plantation in Liberia filed a class action lawsuit in the US federal court in California in the US. The plaintiffs made claims against Firestone under the Alien Tort Claims Act (ATCA) alleging that the working conditions at the rubber plantation amounted to forced labor. It also claimed that the company profited from child labor. Further explanation of this issue can be found at: 'Firestone lawsuit (re Liberia)', Business & Human Right Resource Center, see: <https://www.business-humanrights.org/en/firestone-lawsuit-re-liberia-0>

⁹⁰ 'Response of Bridgestone Firestone to Save My Future Foundation statement,' Christina T Gaines, Bridgestone Firestone Diversified Products, 15 August 2008, see: <https://www.business-humanrights.org/en/liberia-ngo-report-alleges-continuing-abuses-on-bridgestonefirestone-rubber-plantation>

⁹¹ One community member reported to the consultant in March 2019 that recently a large hole had been dug on Firestone Liberia's property close to the Farmington River. The community appeared to be unaware of why this hole had been dug but it may be linked to Firestone plans to further address the issues related to waste water pollution.

Footnotes (cont.)

⁹² According to a press release of National Bureau of Concessions of Liberia 3 August 2019 a project called 'Strengthening Conflict Prevention and Improve Alternative Livelihood through the Establishment of Multi-Stakeholder Platforms' has been set up with funds from the Peacebuilding Fund that carry out monitoring and evaluation of compliance of concession agreements by companies.

⁹³ See: 'Response of Bridgestone Firestone to Save My Future Foundation statement, 15 August 2008, Christina D. Gaines, Director, Public Affairs, Bridgestone Firestone Diversified Productions, see: <https://www.business-humanrights.org/en/liberia-ngo-report-alleges-continuing-abuses-on-bridgestonefirestone-rubber-plantation#c42901>; 'Water Treatment Plant', Firestone Liberia, Copyright 2014, see: <https://www.firestonenaturalrubber.com/sustainability/water-treatment-plant/> (last accessed May 2019). Given the copyright date it is unclear if this is the current water treatment plan. And; 'Response of Bridgestone Firestone to Save My Future Foundation statement,' Christina T Gaines, Bridgestone Firestone Diversified Products, 15 August 2008, see: <https://www.business-humanrights.org/en/liberia-ngo-report-alleges-continuing-abuses-on-bridgestonefirestone-rubber-plantation>

⁹⁴ 'Water Treatment Plant,' Firestone Liberia, Copyright 2014, see: <https://www.firestonenaturalrubber.com/sustainability/water-treatment-plant/> (last accessed May 2019)

⁹⁵ Interview with consultant in Liberia in March 2019

⁹⁶ One member of the panel said the report was buried while others say that it has led to changes. The consultant has been unable to get a copy of the report and therefore it is difficult for the consultant to make a clear determination.

⁹⁷ Tarnue J (2010) *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach*, AuthorHouse: Indiana

⁹⁸ *Ibid*

⁹⁹ *Ibid*

¹⁰⁰ When Green Advocates contacted the Kpanyah community in March 2019 to set up a meeting for the consultant, community representatives said they were not interested in meeting.

¹⁰¹ According to an Act ratifying the amended and restated concession agreement between the Republic of Liberia and Firestone Liberia, Inc. of 31 March 2008, section 15 (b), states that "Firestone Liberia as part of its annual update of the Development Plan, shall report the status of its implementation of the Environmental Management Plan (EMP) including any relevant environmental events and any proposed modifications of the EMP. In coordination with Government's Environmental Protection Agency (EPA) Firestone Liberia shall within twelve months after the Effective Date, provide government by notice with an environmental assessment report and its corresponding EMP describing the environmental effects of Production intended to be managed, and the general means by which Firestone Liberia plans to manage them consistent with this Section. The EMP shall also describe all operational areas and disposal areas with the Concession Area and their status. Government shall have 90 days thereafter to review and approve or reject the EMP, which approval shall not be unreasonably withheld and shall be deemed granted if government has not denied approval by notice to Firestone, Liberia and provided in writing full details of the basis for that denial. For avoidance of doubt, the provisions of Section 27 apply to disputes pursuant to this section."

¹⁰² The consultant was unable to obtain any of the reports from the EPA and could not find them to be publicly available on the EPA website. According to lawyer Alfred Brownell of Green Advocates, they can file for access to environmental information under the environmental law and freedom of information laws.

¹⁰³ Meeting with Bridgestone, Bridgestone North America, Firestone Liberia, the consultant and Mighty Earth in Washington DC, 3 October 2019

¹⁰⁴ Private communication from Bridgestone Americas to Mighty Earth, 8 November 2019

¹⁰⁵ 'Response of Bridgestone Firestone to Save My Future Foundation statement, 15 August 2008', Christina D. Gaines, Director, Public Affairs, Bridgestone Firestone Diversified Products, see: <https://www.business-humanrights.org/en/liberia-ngo-report-alleges-continuing-abuses-on-bridgestonefirestone-rubber-plantation#c42901>

¹⁰⁶ Section 14 of the Concession Agreement refers to community resources, most of which refers to support to rubber farmers without reference to any relationship with surrounding communities.

¹⁰⁷ Revenue Watch Institute (2009) *Op. cit.*

¹⁰⁸ Private communication from Bridgestone Americas to Mighty Earth, 8 November 2019

¹⁰⁹ Interview in Zenge town in March 2019

¹¹⁰ Funding provided by the Peacebuilding fund through the UNDP and NBC has been helping to create multi-stakeholder platforms for communities to engage in discussions; however, the focus has been mostly on palm oil concessions. The platform in Grand Kru, the Concession Communities Development and Advocacy Committee (CoCoDAC), helps to promote, maintain, and enhance peace in their communities and the county at large.



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February 2020

The work of Mighty Earth is supported by Waxman Strategies. Waxman's work on forest conservation is funded in part by the Center for International Policy. Waxman is required under 22 U.S.C. § 614 to disclose that this material is distributed on behalf of the aforementioned organization, working under grant from the Norwegian Agency for Development Cooperation. Additional information is on file with the Department of Justice, Washington, D.C.