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THE OAKLAND INSTITUTE
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Dear Sirs and Madams,

Concerns: PLANTATIONS ET HUILERIES DU CONGO (PHC) / THE OAKLAND INSTITUTE

I am writing to you as PLANTATIONS ET HUILERIES DU CONGO (PHC)'s lawyer, which has given me the article published by your Institute on February 29, 2024, in collaboration with Messrs. Frédéric MOUSSEAU and Jean-François MOMBIA ATUKU.

I first draw your attention to the fact that Mr. MOMBIA is not a neutral participant regarding PHC, since he has already disseminated, on several occasions, inaccurate information about it.

The article published by Oakland Institute appears to confuse several events, attempting to damage my client's reputation.

Referring legal defamatory allegations in your article, the court cases are frivolous. We strongly deny the allegations and are vigorously defending our rights.

Contrary to what your article indicates, it is the new PHC management team set up by Straight KKM2 which agreed to participate in the mediation of the ICM (Independent Complaints Mechanism) when this was no longer necessary since European banks no longer had any investment in PHC. This mediation is viewed by PHC as an opportunity to build constructive relationships between PHC and its surrounding communities. ICM mediation began in June 2022 and is expected to conclude very soon.



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The new management of PHC is determined to carry out and continue to implement numerous actions with social impact in its surrounding communities. PHC has established and manages 4 hospitals with a total of 450 beds and offering more than 150,000 consultations per year for its employees and community members. In addition to hospitals, PHC also has 18 dispensaries and 4 health centers that provide primary health care to employees and communities. PHC builds and rehabilitates schools and equips them with quality furniture to offer children in rural areas a decent environment for good learning. Over the past three years, PHC has built 24 schools which serve to educate thousands of children. PHC has built and regularly maintains more than 70 boreholes to provide access to clean drinking water in the remote rural areas where it has its operations. PHC also established a community development program that supports more than 2,000 households by providing them with inputs, technical assistance, and market access. To expand this impact further, PHC has just created a non-profit foundation (PHC Foundation) whose aim is to amplify PHC's social actions towards communities through partnerships aimed at bringing income generation opportunities to these communities and improve access to adequate educational, health and hygiene infrastructure.

All these actions contribute to the well-being of local populations, who have recognized this, and we invite you to come and see it for yourself. PHC does not engage in human rights abuses in any way. The company has established a Conflict Management Committee and a Social Clauses Monitoring Committee, both chaired by community members, to resolve potential issues that may arise between PHC and the communities and to enable the communities to monitor the implementation of projects in their favor.

Regarding land conflicts, you should know that PHC's ownership of the concessions where its palm oil plantations are located results from a decision by the Congolese state. PHC has valid original title deeds for all concessions granted to it by the Congolese state and which attest to its rights to the land. These titles are renewed periodically in accordance with the laws in force in the DRC and the company pays the royalties relating to these titles each year. This can be verified with the Registrars of Real Estate Titles (*Conservateurs des Titres Immobiliers*) of Ingende and Isangi, as well as by the verification commissions set up by the ICM.

Since the arrival of Straight KKM2 as the new majority shareholder of PHC and the Congolese leadership it has put in place, the company has adopted good agronomic practices and sustainable management methods which have increased its production in its plantations and factories, without increasing the planted areas. This made it possible to increase the number of employees to 10,000, and to give them all direct contracts and salaries in accordance with national legislation. The company has set up the PHC Academy to organize the upskilling of employees to not only increase their productivity but also enable them to move up the ladder in their career at PHC.

The many international institutions and foundations that place their trust in investing in PHC see the enormous positive impact this company is bringing to the most remote rural areas of the DRC.

They appreciate that, under Congolese leadership, PHC has substantially increased its production capacity, increased the number of its employees, and improved their working conditions, and increased social actions in favor of the communities <https://www.youtube.com/watch?v=HGnTBzTJ2ac>.

It is the recent success that has led to envy and legal and medias attacks aimed at creating chaos. My client notes with satisfaction that the Courts of DRC have restored ownership of PHC to rightful owner SKKM in spite of the motions of Larry SERUMA, who you featured in your article.

The conclusion of cases that are before the courts will enlighten opinion in an irrefutable manner. It is astonishing that a serious institution would allow itself to speculate on cases that are currently being judged and give credence to inaccurate allegations and disseminate them without verifying them.

I therefore ask you to publish this right of reply and to refrain from publishing false allegations regarding PHC in the future. Failing this, my client will take all useful measures to protect her rights, including through legal action.

Yours sincerely,

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Partner
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