

# Dole Human Rights Impact Assessment

El Muelle Pineapple Project of Cutris District



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# NOMOGAIA

## GLOBAL HUMAN RIGHTS

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## Acronyms

CIRI	Cingranelli-Richards – Human Rights Data Project
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GlobalGAP	Global Good Agricultural Practices
HIA	Health Impact Assessment
HIV/AIDS	Human Immunodeficiency Virus/Auto-Immune Deficiency Syndrome
HRIA	Human Rights Impact Assessment
IFC	International Finance Corporation
IOM	International Organization for Migration
NGO	Nongovernmental Organization
OHS	Occupational Health & Safety
SIA	Social Impact Assessment
STI	Sexually Transmitted Infection
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commission on Human Rights
UNICEF	United Nations Children’s Fund
WEF	World Economic Forum
WHO	World Health Organization

## Executive Summary

The El Muelle plantation, owned and operated by Dole, is one of the most responsible employers in the area and possibly in the industry. Workers have access to on-site medical care, flexible hours (with limitations), and toilets. Workers are generally given the option to make more than minimum wage, and housing conditions reflect the adequacy of salaries. Even laid off workers have positive words for the Company that recently fired them. One woman credits the Company with providing her leadership skills that she employs in her daily life even after her dismissal.

Employee families, too, benefit from Company policies. Annual vision and dental exams are a key benefit for families of workers, and standards of living are high for the area. Children of employees are provided school supplies, and the company's generous scholarship program has sent many workers children through secondary school. Workers, provided transportation to work, can live near their extended families rather than move to the Project area, promoting the Right to Privacy and the Right to Housing.

Employee policies would be above reproach but for some recent and complicated dealings with labor leaders in a case of stolen social security funds. The firings and rumors that have followed the theft raise questions about the independence, strength, and capacity of the Permanent Committee and the Asociacion Solidarista, the labor organizations present. Freedom of Association is at risk.

Dole has implemented a top-of-the-line environmental program for the industry. It has created the Costa Rican standard for erosion management and minimized herbicide and pesticide use compared to surrounding pineapple operations. The environmental performance is quite high at the project, though monitoring is less rigorous than mitigation practices. As it stands, there is no way to verify the success of erosion policies as suspended solids and fertilizer materials are not monitored in Project area watersheds. EPA suggests that soil monitoring is the best way to monitor erosion (USEPA *Soil Quality Institute Technical Pamphlet No. 2, Phosphorus in Agriculture*), and this is not done. However, long-term average annual soil loss has been estimated and limited through the use of the Universal Soil Loss Equation (USLE). The USLE is an empirical technology that has been applied around the world to estimate soil erosion as the product of six parameters (rainfall and runoff, soil erodibility, slope length, slope steepness, cover and management, and support practice) related to raindrop impact and surface runoff. The Company has established mitigation practices (contour planting, vetiver grass plantings, bamboo stakes in drains, etc.) that diminish erosion; these practices have been researched for their effectiveness and incorporated into erosion calculations that are performed for the specific situation of each farm. USLE calculations were not made available to assessors.

Process water settling ponds are only tested for chlorine content. However, process water is monitored every six months before discharge to the environment for compliance with national law. A thorough study by the Organic certifier showed such clean (pesticide free) packhouse water that the Company may use the same discharge tanks for both conventional and organic fruit.

kendyl salcito 11-12-15 3:25 PM

**Comment [1]:** Even truer today, as exhibited by the recent development of a union on site.

kendyl salcito 11-12-15 3:25 PM

**Comment [2]:** Given this, why was the water treatment plant necessary? Were there surprises when other tests were conducted, revealing elevated Nitrogen content or somesuch?



The greatest weakness in Dole's human rights regime is its approach towards the communities nearest to the project. The Company has struggled to see that rightsholders relevant to its operations are not just employees but also the people external to the project, who are impacted by operations both directly and indirectly. This perspective has resulted in declining human rights protections for residents, particularly in the town of San Jorge, and may, if unchanged, result in human rights campaigns and lawsuits against the company. Residents of San Jorge town have seen declining protections for their Rights to Education, Health, Adequate Standards of Living (and Housing), a Clean Environment, Adequate Supply of Water and Privacy. There is a global pattern of businesses ignoring community complaints and later being slapped with lawsuits.<sup>1</sup> Whatever the cost of addressing grievances, it is less than that of fighting a court case. More importantly to this assessment, it is the appropriate way to ensure the company is not associated with human rights violations.

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<sup>1</sup> Ruggie, 2009 p. 22



## User's Guide to HRIA

A Human Rights Impact Assessment is a detail-rich, broad-sweeping document. The data included in the extended catalogs is vital to establish a foundation for assessors' conclusions but can be difficult to follow, particularly for anyone with limited time. This user guide is intended to direct readers to the sections they will find most valuable.

Pages  
7 - 16

**Background information** explaining the purpose and structure of the HRIA, and an overview of the capital project assessed (the "Project"), the project proponent (the "Company") and relevant facts about the area and country in which the Project is being built (the "Context").

Pages  
17-58

**Catalogs** are the analytical core of the HRIA. In them, detailed information on the Project, Company and Context are organized by those issues which form the foundation of each internationally recognized Human Right.

Page  
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**Special Topics**, which present rights issues of particular interest to the Project under assessment, and **Human Rights Issues** of more general interest to the Project are explained and elaborated in this section.

Pages  
63-71

**Human Rights Ratings** are the heart of the impact assessment, where the negative and positive impacts of a Project are quantified

Page  
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**Recommendations** are issued as proposed mitigating steps to protect human rights from negative impacts of the Project and to promote the positive impacts.

## 1. Introduction

### 1.1. Human Rights and Business

Although international agreements have endowed governments with the express duty to protect human rights, large transnational corporations often have undeniable influence on human rights in the countries where they operate. With this power, such companies have acquired responsibilities; businesses are now held to human rights standards. In 2005, the Secretary-General of the United Nations appointed Professor John Ruggie to serve as Special Representative on Human Rights



and Transnational Corporations. His mandate, as dictated by the UN, is, "to identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights."<sup>2</sup> Professor Ruggie issued a pivotal report in June of 2008, broadly defining a corporate role to "respect" human rights and detect potential impacts in advance. Wide corporate support for Professor Ruggie's recommendations has emerged. The International Fund for Agricultural Development (IFAD) and the Food and Agriculture Organization (FAO) have come to support his framework, as has, perhaps more significantly, a global alliance of socially responsible investors.<sup>3</sup> Ruggie is currently working to "operationalize" his recommendations, and human rights impact assessment is a central focus.

### 1.2. Human Rights Impact Assessment

For large capital projects, impact assessment is now standard. Social, environmental, and health impacts are investigated using internationally accepted methodologies and are commissioned to anticipate multiple classes of challenges. Each impact assessment addresses a defined area or topic. Experience has shown that standard assessments cannot capture the full range of issues that might trigger or exacerbate human rights claims. A Human Rights Impact Assessment (HRIA) relies on traditional assessments when possible and does not duplicate them, but employs a different scope, methodology and perspective to foresee impacts.

### 1.3. Rights to be Considered

HRIAs are conducted based on the rights enumerated in the United Nations' Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Labor Organization's "Core

<sup>2</sup> <http://www.un.org/News/Press/docs/2005/sga934.doc.htm>

<sup>3</sup> Statement by Socially Responsible Investors to the Eighth Session of the Human Rights Council on the Third Report of the SRSG on Business and Human Rights.



Conventions”. In addition, depending on the Project and the specified goals of the HRIA, other internationally recognized human rights conventions may be considered.<sup>4</sup>

## The Human Rights Perspective Enables a Project Proponent to:

- Understand significant human rights at risk in the Project area
- Anticipate and mitigate negative impacts on human rights caused by the Project- through alterations in Project design, policies, procedures and involvement of third parties
- Anticipate and document positive impacts on human rights caused by the Project
- Understand risk from topics not covered by other impact and community assessments
- Consider the Project from the point of view of rightsholders
- Identify vulnerable groups – those at greatest risk and those who are most likely to spark a controversy
- Prioritize local vulnerabilities and opportunities in rights protection
- Increase needed institutional sensitivity to high priority rights issues
- Create appropriate grievance procedures and mechanisms to allow orderly resolution of perceived rights infringements
- Establish a baseline of a community’s perspective on the potential impact of the Project’s presence and document local perceptions of improvement or declines in local human rights
- Develop institutional capacity on rights-sensitive business practices
- Protect Projects and communities

Applicable laws are also taken into account as informative of human rights. Please see **Appendix 1** for a list of relevant rights drawn from these documents.

### Potential Rights

Labor	Environmental / Welfare	Social/Political
▪ Right to Work	▪ Right to Life	▪ Right to Liberty
▪ Right to Favorable Working Conditions	▪ Right to Health	▪ Freedom from Arbitrary Arrest
▪ Right to Just Remuneration	▪ Right to Adequate Supply of Water	▪ Freedom from Degrading Treatment and Torture
▪ Freedom from Exploitive Child Labor	▪ Right to Clean Environment	▪ Freedom of Thought
▪ Freedom from Involuntary Labor	▪ Right to Adequate Standard of Living	▪ Freedom of Expression
▪ Equal Pay for Equal Work	▪ Right to Food	▪ Freedom of Assembly

<sup>4</sup> These may include such sources such as the Declaration of the Rights of Indigenous Peoples, the Convention on the Rights of the Child, as well as regional conventions such as the African Charter on Human and Peoples Rights.

▪ <b>Nondiscrimination</b>	▪ <b>Right to Housing</b>	▪ <b>Freedom of Religion</b>
▪ <b>Right to Belong to a Trade Union</b>	▪ <b>Right to Security of Person</b>	▪ <b>Right to Participate in the Cultural Life of the Community</b>
▪ <b>Right to Strike</b>	▪ <b>Right to Privacy</b>	▪ <b>Right to Education</b>
▪ <b>Freedom of Association</b>	▪ <b>Freedom of Residence</b>	▪ <b>Right of Self-Determination</b>

### 1.3. Rightsholders

Human rights are held by individuals referred to as “rightsholders.” HRIAs necessarily employ this term, which is not used in other assessments, because rights analysis starts with the individuals whose human rights could be at risk. Traditional impact assessment, in contrast, focuses on groups that have a “stake” in the project – be it financial, social, environmental or otherwise. Most impact assessments categorize stakeholders by proximity, dividing them into host community, host country, and “wider community” (see, e.g. IFC p. 39). The rightsholders relevant to an HRIA are more exclusive – a subset of the stakeholder group.<sup>5</sup>

Rightsholders generally live within the project vicinity (there are exceptions, such as child laborers in the supply chain). They are integral to a Human Rights Impact Assessment, particularly if they are not well represented by government, trade unions, NGOs, or any other organization. Community leaders, traditional government leaders and NGO leaders may have positions and opinions reflective of rightsholder concerns, and so should be heard, but more vital are the voices of the “voiceless” – those whose interests are rarely taken into consideration, sometimes to the detriment of all. The goal of rightsholder analysis is to determine, as accurately as possible, the effect of the Project on rights, whether or not the rightsholders are in power.

### Potential Rightsholders

Labor Rightsholders	Environmental Rightsholders	Social / Political / Welfare Rightsholders
<b>Directly Impacted</b>		
▪ <b>Employees</b>	▪ <b>Project area inhabitants</b>	▪ <b>Communities whose health, education, water &amp; sanitation infrastructure are burdened by the Project</b>
▪ <b>Contractors and subcontractors</b>	▪ <b>Residents whose wells are impacted and/or air quality</b>	▪ <b>Indigenous people with traditional uses for the Project area</b>
		▪ <b>Residents dwelling near to blast sites</b>
<b>Indirectly Impacted</b>		
▪ <b>Employees, business owners in the Project’s supply / production chains</b>	▪ <b>Subsistence farmers with impacted lands</b>	▪ <b>Food purchasers struggling with inflated prices</b>
▪ <b>Farmers or tradesmen who have lost livelihoods to the Project</b>	▪ <b>People who are likely to lose possession of their land</b>	▪ <b>Residents in communities that draw particularly large numbers of employees</b>

<sup>5</sup> There is some debate over the definition of stakeholders. By “subset” we include all proximate stakeholders, even those who have no interaction with the project, for example villagers from communities with no marketable skills but who live proximate to the project.

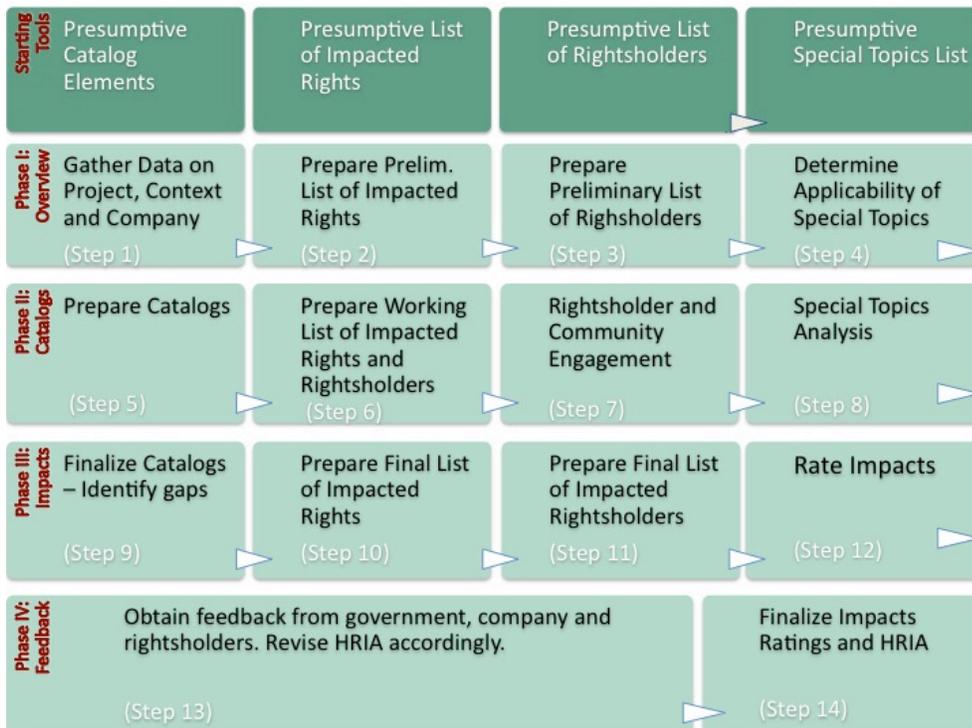


<ul style="list-style-type: none"> <li>Minorities and disenfranchised groups not employed by the Project</li> </ul>	<ul style="list-style-type: none"> <li>Residents dwelling near to roads whose use will increase</li> </ul>	
	<ul style="list-style-type: none"> <li>Users of downstream water</li> </ul>	

## 2. Methodology

HRIAs are conducted to determine whether and to what extent the Project will interact with pre-existing social, economic, environmental or political conditions (the “Context”) to impact particular human rights positively or negatively. The status of rights protection before the project begins serves as a baseline; changes in that status constitute impacts. Rights can be impacted in complex ways – sometimes simultaneously positively and negatively, sometimes indeterminately, given currently available information and the rightsholders considered.

An HRIA is performed in the following steps:



This Human Rights Impact Assessment was conducted five years after the plantation was developed, well after most other Project assessments and studies. It builds on preexisting data and analysis and is augmented with on-site investigation. Several site visits were required. Site visits provide human rights assessors the opportunity to independently confirm or question existing data and



conclusions, as well as to conduct rightsholder engagement and spot trouble areas that represent gaps in other studies. New information was collected as needed.

### 3. Overview

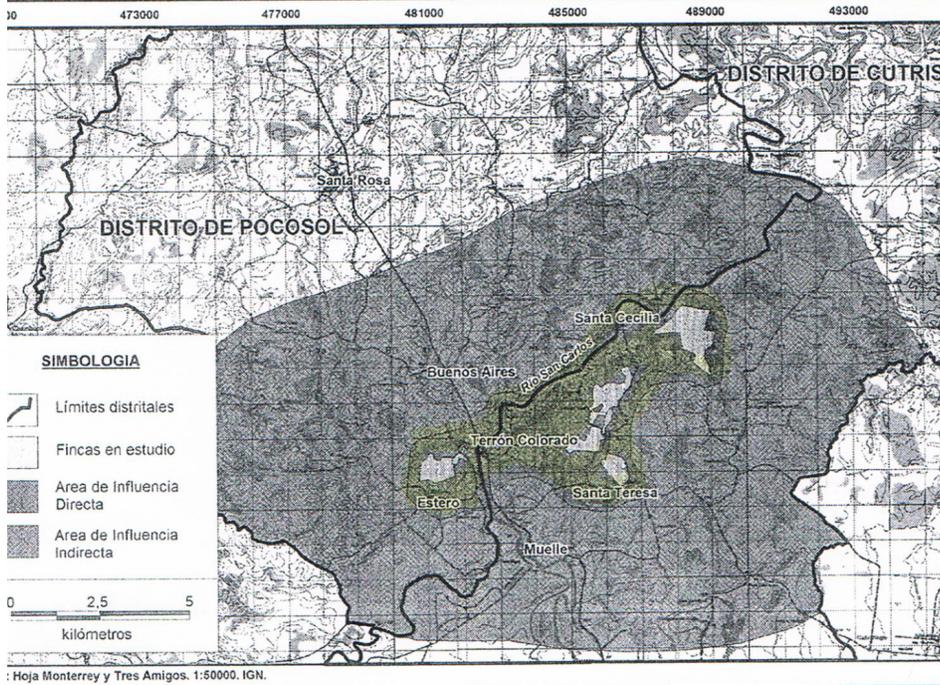
#### 3.1. Context

##### 3.1.1. Local

The Muelle pineapple plantation is located in the San Carlos canton of Alajuela Province, on the border of the Cutris and Pocosol districts. The area’s rolling hills were once covered with rainforest but have been agricultural land – for oranges, sugar cane, crops, and cattle – for many decades. In the 18 months prior to Dole’s arrival in 2004, a neighboring pineapple company purchased the land that is now Dole’s. There are conflicting accounts of how this changed the local landscape, but Project area inhabitants describe a process of Costa Royal pineapple company clearing all trees, razing mountains and diverting (or eliminating) streams. The Company has seen no evidence of such destructive processes - ruined soils, buried trees, etc – but local residents describe the change in landscape in emotional terms.

(Maps, from top left: Costa Rica by Province, Alajuela Province, Next page, Cutris and Pocosol Districts within Alajuela Province, Project area within Cutris and Pocosol Districts) (Source: costaricaroadmaps.com)





Source: Organic EIA

The local climate is tropical and humid, with average temperatures ranging between 23°C and 28°C. The average rainfall of 2,000 to 2,500 mm/year reduces (but does not eliminate) water needs from surface and subsurface waters. The Project area and its surroundings supported approximately 10,500 inhabitants in 2005. Sugar cane, citrus, marketable trees (teak, Melina), pineapples and livestock provide employment for most of the population. San Carlos canton has one of the highest populations of Nicaraguan immigrants (both legal and illegal) in Costa Rica. Nicaraguans are still a growing contingent of the local population, and they have not integrated fully into the Costa Rican social system, but can be treated as outsiders for decades after their naturalization. Population density in general remains extremely low, between nine and 19 people per square kilometer (Cutris and Pocosol, respectively), and men outnumber women in both districts.

The Project EIA indicates that upper respiratory illnesses, joint pains (arthritis), hypertension and diabetes are the leading causes of morbidity. Local clinicians say occupational injuries (back pain, cuts, fractures and contusions) are the most common causes for clinic visits. Additionally, undocumented Nicaraguan children are frequent patients, suffering bacterial intestinal illnesses caused by poor sanitation in extremely tight living quarters. Local facilities include the Santa Rosa de Pocosol clinic, the Boca de Arenal community clinic, the Bella Vista clinic and a company-built clinic in Santos de Cutris (which is staffed one day weekly by the Boca de Arenal doctor). There are elementary schools in several towns in the project area (Santa Teresa, San Jorge, Santa Cecilia, Bella Vista, Terron Colorado, San Pedro, Esterito), and secondary schools in Buenos Aires and Boca de Arenal. Attendance is low for basic

schooling: 69 percent in Cutris compared to the national average of 85 percent. Literacy rates are low as well, at 85 percent in Cutris compared to 95 percent nationally.

### **3.1.2. National**

The Costa Rican government is based in San Jose, approximately 85 miles south of the Project. The agencies charged with permitting and oversight for the project include INS for labor law, the Ministry of Health and the Council for Occupational Health, the National Technical Environmental Secretary (SETENA), the Ministry of Environment Energy, and Telecommunications (MINAET), and the Ministry of Agriculture (MAG).

Costa Rica is a democratic republic divided into seven administrative provinces. The President is directly elected, and the legal system is based on Spanish civil law. Elections are every four years and the legislature is unicameral. The most recent presidential election occurred on February 7, 2010. Former Vice President Laura Chinchilla won and took office in May 2010.

Corruption has been low in Costa Rica, historically, but global indicators – and local inhabitants – suggest that it has increased in recent years (see Catalogs below). Costa Rica is the most stable country in Latin America and has dedicated significant government resources to infrastructural development and education since 1949 when it abolished its military. As such, the native population (in contrast to the immigrant Nicaraguan population) is highly trained, skilled and mobile. The national economy is based on technology exports, ecotourism, and, to a lesser degree, agriculture (only nine percent). A major structural weakness in Costa Rican policy is its domestic public debt (total government borrowings minus repayments). As of 2010, Costa Rican public debt was estimated at \$14.69 billion (US), or approximately half of its gross domestic product.

### **3.2. Project**

At the time of purchase, the Project area was a collection of Costa Royal pineapple plantations, cattle ranches, sugar cane and orange plantations, and local farms. Costa Royal was owned 51 percent by Maui Pineapples and 49 percent by local shareholders, some of whom now hold shares in neighboring farms owned by Agromonte. The Project's pineapple fields, roads, and processing plant cover 1951 hectares, 928 of which are protected under Costa Rican environmental law (Dole Presentation, Aug 2010). Conventional pineapples occupy 770 hectares, organic occupy 300 (10-K, 2009). The Project is designed as a long-term operation, and it uses industry best practices to promote longevity in soil nutrient retention. It is located near the San Carlos River, which flows north to the Nicaraguan border. Organic operations did not commence until 2007, when Dole leased 300 additional hectares from local ranchers on a six-year lease.

Labor is organized through a dual system involving an "Asociacion Solidarista," and a separate, unaffiliated Permanent Committee. The Asociacion Solidarista is a Costa Rican creation designed to obviate the contentious relations between management and workers that were fostered in the presence of unions. These Asociaciones are a source of pride for Costa Rica, as they appear to have broken down barriers between labor and management, but the ILO does not view them as fully sensitive to labor rights, and conflicts arise resulting from supervisors' ability to join (and hold leadership positions in) the Asociaciones. The Project's Asociacion Solidarista runs Project buses, organizes pensions, and has a leadership council, elected annually, to bring social and labor concerns to management. Membership in the Asociacion is voluntary – between 75 and 80 percent of the Project's workforce has opted in. While the Asociacion Solidarista does not officially have bargaining power or involvement in labor relations, it consolidates power among workers through the elections it holds, businesses it runs, and funds it manages.

Collective bargaining is carried out through a Permanent Committee, which is separate from the Asociacion Solidarista. All workers are eligible to elect members to the Permanent Committee, and the Committee officially represents all workers. The three-member Permanent Committee is elected by all workers (excluding senior management) that choose to attend the election meeting every three years. It is charged with writing and maintaining a “Direct Agreement” between management and workers to set the terms of employment.

The Right to Strike is not fully supported by either labor entity, though this is more of a technicality than a rights violation. The constitutional right to strike is rarely supported by the Ministry of Labor, so strikes are generally informal, and management has few legal means to halt a labor-initiated work-stoppage<sup>6</sup> This has never been at issue at the Project, as labor disputes are addressed before they become contentious enough to require a strike. El Muelle uses temporary laborers to meet labor needs during harvest. Six percent of the workforce was temporary in the 2010 low season (a greater percentage is hired on a temporary basis during peak harvest in June).

The Project is SA 8000 certified, which requires it to uphold certain standards in social accountability, including fair wages, vacation days, pension funds, occupational health and safety, child labor and discrimination laws. The Project does not provide worker housing but provides transportation to and from work by contracting out buses from the Asociacion Solidarista. The Project is also certified to the Rainforest Alliance standard – which is accompanied by environmental and social commitments.<sup>7</sup>

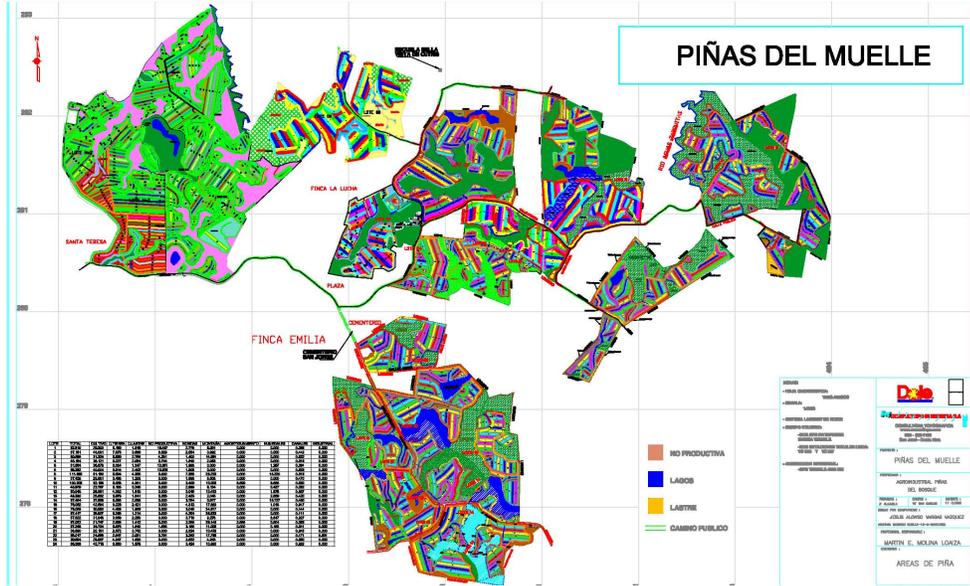
The local community (non-employees) is ambivalent toward the Project. By purchasing land recently cleared by other pineapple companies, the Project is considered by locals to be responsible for displacement of much of the population. All land was acquired legally and with fair pay, but the loss of population decimated the clientele at local shops and reduced the demand for local mechanics. (Schools and churches have seen steadily declining attendance since the Project began clearing fields. The Evangelical pastor recently joked to the primary school teacher in San Jorge, “Where will we get children? We are running out.” Pineapple transportation trucks create, as one local phrased it, “mountains of dust” in San Jorge town, which has negatively impacted the teacher, students, shopkeepers and all other inhabitants.

The Project employs 630 workers (low season count – August 2010) – from planting to packing to administration. Seventeen percent of workers are women, and 40 percent are foreign (predominantly Nicaraguan). Sixty-seven percent of workers have worked 2-4 years on the Project, which began operation six years ago. This represents significantly less turnover than exists at surrounding plantations. The company divides the year into 13 four-week periods. Pineapples are cultivated for nine periods (36 weeks), from planting to harvest. They are fertilized twice monthly and sprayed with herbicides (quarterly) and pesticides as needed (based on surveys applications can be done every one to three months). Pineapples are induced to produce fruit by “forcing” (spraying with ethylene), which is sprayed after the plants weigh approximately 2.8 kilos and the resulting fruits are of appropriate size for markets in Europe (smaller) and North America (larger).

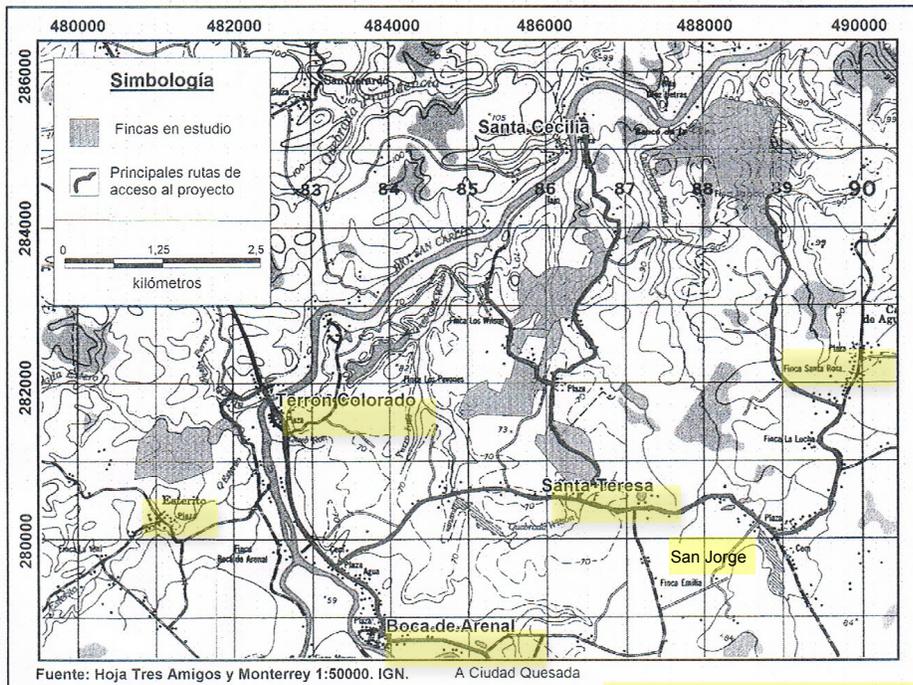
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<sup>6</sup> The Right to Strike is enshrined in the Constitution, but only with pre-approval from the Ministry of Labor, 60 percent support from all employees of the striking entity, and only in certain industries. Less than two percent of strikes in the past 20 years have been declared lawful, the ILO has estimated.

<sup>7</sup> Including decreases in water pollution, soil erosion, waste, water consumption and threats to the environment and public health. Wildlife habitat is protected and farm management is made more efficient while worker conditions are improved.



The organic operation comprises Santa Rosa, Santa Teresa and Terron Colorado farms. The conventional farms include Finca Emilia and Finca La Lucha. The Project is divided into 24 lots, pictured above.



Not pictured: Bella Vista, San Pedro, San Marco

Project infrastructure includes a cold storage unit for harvested fruit, a large, modern packing facility, a fertilizer and chemical shed, numerous trails and roads, including bridges that require reinforcing, and internal drainage canals within the fields. Administrative offices and parking lots, guardhouses, a covered composting facility and several wells were also built. Equipment for the project (tractors, dump trucks, excavator truck, backhoes, cistern tanks, sprayers, harvesters, etc) is acquired from Ciudad Quesada. The Project owns most of its farm equipment and operates a maintenance and repair shop for its machinery.

### 3.3. Company

The Standard Fruit Company of Costa Rica is a wholly owned subsidiary of the Dole Food Company, the largest producer and distributor of fresh fruit in the world, with sales or operations in about 90 countries worldwide of fruit and vegetables for consumption and processing. The Project is part of yet another subsidiary, called Agroindustrial Pinas del Bosque S.A.. Dole is the second largest global producer of fresh pineapples and controls cultivation, packaging, export, shipping, and import of all of its products.

Dole has been present in Costa Rica since the 1950s under the name of Standard Fruit and in Latin America since 1899 under the name Vaccaro Brothers. The tropical fruit industry was historically highly exploitative, although prolonged attention by human rights and environmental NGOs, coupled with changing national legislation and policy has created a backlash against inadequate labor conditions. Dole's Costa Rican subsidiary has not faced legal disputes over working conditions, however there are currently 72 labor cases pending in Costa Rica against the Company under the national insurance



program. These are all regarding banana operations. Allegations of sickness caused by the pesticide DBCP have been largely discredited in recent years.

Dole's two main products are bananas and pineapples. The cultivation of Dole pineapples takes place mainly in Latin America, with additional operations in the Philippines, Thailand and Hawaii. In Costa Rica alone, Dole owns approximately 2,400 hectares of pineapples. Five independent pineapple growers that meet Dole's Corporate Social Responsibility policies also supply fruit. Most of Dole's pineapple expansion has come within the last 10 years as consumer demand in the United States and Europe has grown.

Studies analyzed in this HRIA included:

Date	Author	Title (Citation symbol in HRIA)
July 2005	Eco I Eco	Estudio de Impacto Ambiental Proyecto Cultivo Pinas del Muelle (Expediente 1363-2004 SETENA; Resolucion 574-2005 SETENA) (Conventional EIA 2005)
2005 (written. Passed in 2008)		Estudio de Impact Ambiental Proyecto Siembra de Pina, Kooper San Carlos Expediente No 1476-2008
April 2008	Ecodesarrolladores, Ingenieros, Empresarios Costarricenses S.A.	<i>Estudio de Impacto Ambiental: Proyecto Ecopinas del Arenal</i> (Environmental Impact Assessment: Organic Pineapples of Arenal Project)(Organic EIA)
November 2008		Evaluacion Ambiental Proyecto Siembra de Pinas, Kooper San Carlos
October 2009	Secretaria Nacional (SETENA)      Tecnica Ambiental	<i>Diagnostico Ambiental A Proyectos Pineros Con Expediente Abierto Por la SETENA en Costa Rica</i> (Environmental Diagnostic)
March 2010	Caja Costarricense de Seguro Social/ Dr. Pablo Artavia Jimenez)	<i>Programa de Atencion Primaria Sistema de Informacion 2009</i> (EBAIS Data, 2009)
Nov '09- Mar '10	Dole	Informe Regencial Nos 1-3

Additional sources included

- Various legal documents and publicly available country resources
- Communications with key Company personnel
  - Richard Toman – VP Pineapple Operations, Costa Rica
  - Jorge Viquez –Human Resources Manager, Costa Rica
  - Keylor Chavez – Head of Management Systems, Costa Rica
  - Oscar Porras – Farm Manager, El Muelle
  - Various Human Resources, Research, Field Maintenance, Production Management Personnel
- Communications with key NGO and public sphere personnel
  - Gabriela Cuadrado – CEDARENA
  - Nicolas Boeglin – Professor of Law, University of Costa Rica
- Communications with relevant government personnel
  - William Villegas – SETENA pineapples expert
  - Pablo Artavia Jiménez – EBAIS doctor, Bella Vista
  - Nurses and Support Staff under Dr. Marcel Crus - EBAIS nurse, Boca de Arenal
- Documentation of local complaints against the Project since 2004
- Company standards and guidelines
  - Dole CSR website, at <http://dolecsr.com/Home/tabid/383/Default.aspx>



- El Muelle Farm website, at <http://www.dolecsr.com/PlanetDole/Farms/EIMuelleFarm/EIMuelleFarm/tabid/5423/Default.aspx>
- Erosion management system
- Code of Conduct 2009

### 3.4. Catalogs

Social, political, and environmental conditions all figure into the human rights setting of a community. Exploration of those three topics and their respective subtopics will suggest which rights may be impacted. Not all questions can be answered definitively. Evaluation of the data in these tables is found in **Section 11, Human Rights Impacts** below.

## 4. Context Catalog

### 4.1. LABOR

Wages	
Local and national wage rates	<p>The national minimum wage for unskilled labor is updated semi-annually and is currently 7,193.97 colones/day for day laborers (in fields/plants) and 206,045 colones/month for more extended hires (in administration). Semiskilled labor earns a minimum of 221,949 colones/month and skilled labor earns 233,518 colones/month. This is enforced in San Jose but not in rural areas, and only Dole workers described their base salary as at or above this level – plantation workers for most other companies earn less and lack social benefits.</p> <p><b>Rights:</b> Right to Just Remuneration <b>Rightsholders:</b> Employees of Project and Contractors</p>
Local employability/skill level for Project jobs	<p>The Districts of Pocosol and Cutris, where the project is located, have the lowest education and literacy rates in the San Carlos Canton. However, communities are extremely familiar with farm work and have the necessary skills for low-wage jobs. Mid-level positions are attained by low-level workers who acquire skills on the job over time. Additionally, some jobs require innate skills – for example, fast hands are needed for workers in the packing plant.</p> <p><b>Rights:</b> Right to Work; Right to a Basic Standard of Living <b>Rightsholders:</b> Local workforce; Contract workers</p>
Unions	
Legality of unions	<p>Unions are legal and prevalent in the formal sector (DoS HRR). However, in Costa Rica a movement for "Solidarity Associations" (Asociaciones Solidaristas) largely supplanted unions in the 1980s and 1990s. These Associations are looked on more favorably by management and have substantially less contentious relationships with management. Permanent Committees conduct collective bargaining.</p> <p><b>Rights:</b> Right to Favorable Working Conditions; Right to Just Remuneration; Right to Belong to a Trade Union; Right to Strike; Freedom of Association <b>Rightsholders:</b> Employees of Project and Contractors</p>
Presence and power of	Unions have minimal presence and power in Costa Rican plantations. Many

kendyl salcito 11-12-15 4:01 PM  
**Comment [3]:** Unions are back. This one is called SINTRAPIFRUT



unions	<p>farm workers have no labor associations at all – often they are illegally in the country and have no rights or protections. Asociaciones Solidaristas, where they exist, have extremely strong membership and a very significant financial arm (workers pay five percent of their salaries to the Association, and companies contribute according to the direct agreement, in Muelle’s case three percent). As an officially non-labor body, the Association does not allow for workers to strike, although informal strikes have been initiated by Association groups in other industries. Well-working Permanent Committees normally resolve labor issues before they become so contentious as to result in non-constructive solutions such as a strike.</p> <p><b>Rights:</b> Freedom of Association; Right to Belong to a Trade Union; Right to Strike; Right to Just Remuneration</p> <p><b>Rightsholders:</b> Project Employees/Contractors; Retrenched/Fired Workers</p>
<b>Exploitive Practices</b>	
Presence of child labor in the area	<p>Child labor is present in the agricultural sector in Costa Rica but has declined with the help of government and international initiatives. Financial support for farming families is provided so that children are not needed in the fields at harvest. There is no documentation of child labor in the Project area, and teachers say there are no seasonal absences among students for agricultural work. In 2009 only one person under the age of 15 was documented as working in the greater Project vicinity (Almendros town, 25 kilometers from the Dole Project) (EBAIS Data 2009).</p> <p><b>Rights:</b> Freedom from Exploitive Child Labor</p> <p><b>Rightsholders:</b> All</p>
Presence of child labor in the supply chains	<p>Child labor is most prevalent in the country on small farms. This is unlikely to be significant in Project supply chains, where Company labor standards are implemented.</p> <p><b>Rights:</b> N/A</p> <p><b>Rightsholders:</b> N/A</p>
Labor trafficking in the area	<p>No labor trafficking is recorded. Many laborers voluntarily cross the Nicaraguan border in search of work on Costa Rican plantations.</p> <p><b>Rights:</b> N/A</p> <p><b>Rightsholders:</b> N/A</p>
Labor laws	<p>The constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of 48 hours weekly. While there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily shift. Hourly work regulations are generally well enforced in the formal labor market in San José but are poorly enforced in rural areas and in the informal sector. Workers have the legal right to join unions of their choosing without prior authorization. The law also provides for the right not to join a union or to leave a union. Enforcement mechanisms for these laws are in place. In the Project area (outside the Project workforce) there is little familiarity with labor laws; salaries at and below minimum wage are considered “normal.” In Costa Rica, companies must pay a month’s salary for every year of</p>



service when firing workers. There are no other laws for mass layoffs.  
**Rights:** Right to Favorable Working Conditions; Right to Just Remuneration; Right to a Basic Standard of Living  
**Rightsholders:** Employees of Project and Contractors

**Discrimination**

Local/cultural rules regarding women working

Gender inequality is significantly more severe in rural areas than in San Jose. Nationwide, the average estimated earned income for women is just over half what it is for men. A 2008 study by the Census Institute reported that women represented 39.1 percent of the labor force. Approximately 4.2 percent worked in agriculture, 13.1 percent in manufacturing, and 82.7 percent in the service sector. According to a 2007-08 UN Development Program (UNDP) report, women occupied 40 percent of professional and technical positions and 25 percent of high-level legislative, senior official, and managerial positions. Men are generally the sole employed person in the household, with women doing unpaid work in the house. Nationwide, women work in lower paid jobs. (No mention of Dole pwr equality for women and men)  
 Nicaraguan populations in the Project area have cultural mores that loosely restrict women from working, but this is demonstrably declining in the Project workforce. Project-employed women express optimism for their daughters' opportunities.  
**Rights:** Right to Work; Right to Just Remuneration; Equal Pay for Equal Work; Nondiscrimination  
**Rightsholders:** Women, Project Area Inhabitants

Local practices concerning work days – prayer days, taboo days

Locals are predominantly Catholic, though Nicaraguans tend to be Evangelist and Seventh Day Adventist, and they represent a large part of the community and workforce. Christian holidays are respected.  
**Rights:** Right to Holidays with Pay; Freedom of Religion  
**Rightsholders:** All

Minority groups / Local attitudes toward minorities

The Costa Rican population is highly nationalistic, and the Project area has an extremely large Nicaraguan immigrant population. Costa Rica has become increasingly xenophobic in recent years as crime rates and (illegal) immigration have risen in tandem (see, e.g., Lea Bishop, [Anti-Nicaraguan Xenophobia and Newspaper Editorial Policy in Costa Rica](#); UNHCR Press, [UNHCR uses video to tackle xenophobia in Costa Rica](#); US Dept. of State Human Rights Reports, etc.). In the Project area, native Costa Ricans do not treat immigrants as locals or as equals. Nicaraguans work the lowest-paid jobs and live in the worst conditions in the area, but certainly much better than the conditions they left as they immigrated in search of a better life. New laws prohibit undocumented Nicaraguans from obtaining non-emergency healthcare, and a 2009 Bill has been used to limit Nicaraguan children's access to schooling. (However, the legislation has also provided clear mechanisms for legalization so that employers are obliged to respect labor legislation and insure foreign workers in the social security and health care system.)  
**Rights:** Right to Work; Right to Favorable Working Conditions; Nondiscrimination; Equal Pay for Equal Work; Right to Freedom of Movement; Right to an Adequate Standard of Living; Right to Housing;



**Right to Education**  
**Rightsholders:** Nicaraguan Immigrants, Employees of Project and Contractors

Groups at risk for marginalization

Nicaraguan immigrants, women, residents of female-headed households (11 percent) and the elderly are all at risk for marginalization. Additionally, the Project area occupies significant land that housed residents of disperse communities that scattered and shrank with the arrival of Costa Royal, prior to Project acquisition. The remaining community members are marginalized by the decline in population, which has diminished school matriculation (and reduced the school staff from four teachers to one), clientele for shops, and opportunities for youth and job-seekers. The elderly shopkeepers are at particular risk, because they have few potential alternative livelihoods – they struggle to supplement their income and cannot move elsewhere.

**Rights:** Right to Work; Nondiscrimination; Equal Pay for Equal Work; Freedom of Association; Right to Health; Right to an Adequate Standard of Living

**Rightsholders:** Nicaraguan Immigrants, Women, Residents of female-headed Households, the Elderly

Gender unemployment rates	Global Gender Gap Index <a href="http://www.weforum.org/en/initiatives/gcp/Gender%20Gap/Countries2008/index.htm#2">http://www.weforum.org/en/initiatives/gcp/Gender%20Gap/Countries2008/index.htm#2</a>	Female	Male	Ratio
	Labour force participation	47%	83%	.56
	Wage equality for similar work (survey)	N/A	N/A	.65
	Estimated earned income (PPP US\$)	7,073	12,951	.56
	Legislators, senior officials, and managers	27%	73%	.37
	Professional and technical workers	50%	50%	1.00

## 4.2. HEALTH

**Local health infrastructure**

**Hospitals and clinics** The nearest hospital is in Ciudad Quesada, but the health facility in Santa Rosa de Pocosol is well equipped and stocked. Additional clinics exist in Boca de Arenal and Bella Vista. The Company built a clinic for workers in Santos de Cutris, staffed Saturdays by the Doctor from Boca de Arenal. The rest of the week no doctor is present. Ambulances in Boca de Arenal are available for emergencies, including pregnancies. All Costa Rican clinics are well stocked and tidy.

**Rights:** Right to Health; Right to an Adequate Standard of Living  
**Rightsholders:** Project Area Inhabitants

**Private doctors/ midwives** Ninety-nine per cent of births are attended by medical staff in hospitals in Costa Rica. All babies born in 2009 in the Project area were born in hospitals (WHO, Pan-American Health Organization; EBAIS Data, 2009).

**Rights:** N/A  
**Rightsholders:** N/A

**Public sanitation** Nationally, water supply service reached 97.5 percent of the Costa Rican population in 1999, and sanitary sewerage reached 96.1 percent of the



population. However, only 26 percent of this sewage was disposed of by sewer lines and only four percent received sanitary treatment. Forty-seven percent of municipalities disposed of their refuse in sanitary landfills, and the remaining 53 percent used open dumps (WHO, Pan-American Health Organization [http://www.paho.org/English/DD/AIS/cp\\_188.htm](http://www.paho.org/English/DD/AIS/cp_188.htm)). 2006 data indicates that 99 percent of urban residents have access to improved water sources and sanitation, while 96 percent of rural residents do (WHO). In the Project area 80 percent of households use septic tanks (the remaining 20 percent use latrines of varying quality). The whole population has improved water through local chlorinated wells. Most wells are individually owned and within houses, and over half have electronic pumps. However, San Jorge and Santa Teresa (as well as residents in several other communities) do not have piped water or sanitation systems, despite government promises (EBAIS data, 2009).

Wells run dry in summer months in San Jorge and Santa Teresa, usually for several hours in the afternoon each day. This has been the case for nearly 10 years (which is before the project was initiated)

**Rights:** Right to Adequate Supply of Water; Right to Clean Environment; Right to Standard of Living Adequate for Health; Right to Health

**Rightsholders:** All

Health regulations

Costa Rica's public healthcare system covers all citizens and legal residents. Supervised by the Ministry of Health, the system includes disease and maternity care managed by the Social Security Administration (CCSS); a National Insurance Institute (INS) which manages injuries from work or transportation-related accidents; and the Costa Rican Institute of Water and Sewage Systems (AyA), which works to ensure access to clean water and sanitary disposal of wastewater (WHO, Pan-American Health Organization). Documented Nicaraguans also have access to health facilities. New regulations were passed in 2008 restricting the ability of undocumented Nicaraguans from receiving non-emergency care.

**Rights:** Right to Standard of Living Adequate for Health; Right to Health; Right to Adequate Supply of Water; Right to Clean Environment

**Rightsholders:** All

Infectious Diseases Indicator

The risks presented to business by public health are ranked at 0, owing to Costa Rica's excellent health care system (World Economic Forum Estimates)

Infectious Diseases at significant levels

Malaria is largely eradicated in Costa Rica, and local clinics report very few cases of Dengue, although it was a major health issue in the past. Upper respiratory illnesses dominate, which may be attributable to dust and smoke inhalation as well as infections. Eight parasite cases are reported per 1000 people annually. Tuberculosis incidence is 11 per 100,000 (WHO, Pan-American Health Organization). EBAIS data shows abnormally high rates of epilepsy among men (55 cases in the area). There have been no (medically treated) epileptic incidents among Project workers (EBAIS 2009).

**Rights:** Right to Health

**Rightsholders:** N/A

Childhood nutrition

Under seven percent of children are born with low birth weight (compared



	to Canada's six percent). Stunting affects six percent of Costa Rican children and wasting affects two percent according to UNICEF data and WHO surveys. Rates are worse in rural areas (see <a href="http://www.unicef.org/infobycountry/costarica_statistics.html">http://www.unicef.org/infobycountry/costarica_statistics.html</a> ).
	<b>Rights:</b> Right to Food, Freedom from Hunger; Rights of Children; Right to Health; Right to Adequate Standard of Living <b>Rightsholders:</b> All; Children
Under 5 malnutrition Rates Indicator	0.4 percent of children are severely underweight – this is in line with developed countries including the United States and Canada.
Under 5 mortality indicator (per 1000)	The under 5 mortality rate was 11 per 1000 in 2007, ranking the country at 26 <sup>th</sup> percentile, globally (WHO Mortality Country Fact Sheet – lowest malnutrition rate is 1 <sup>st</sup> percentile)
Immunization rates	Costa Rica has achieved near perfect immunization coverage, maintaining extremely low disease rates (UNICEF). Vaccines cover Diphtheria, Pertussis, Tetanus (DPT), Measels, Mumps and Rubella (MMR), Polio, diseases caused by Haemophilus influenzae (Hib), SRP, Hepatitis, Haemophilus, Neumococo, and Varicela. In the Project area immunization is actually 104%, because all local children are vaccinated and migrant Nicaraguan children, who are not counted among the population, are immunized when they come in for care. <b>Rights:</b> Right to Health; Rights of Children <b>Rightsholders:</b> All, Children
HIV Indicator	Costa Rica is in the 51 <sup>st</sup> Percentile (86 of 170) for HIV rates, on par with France, Italy, and Canada (CIA World Factbook, 2008 World Economic Forum Estimates).
HIV rates	HIV prevalence is estimated at 0.4 percent of 15-49-year-olds. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A
Life expectancy indicator	Life expectancy is 79 years, putting Costa Rica at the 75 <sup>th</sup> percentile worldwide for longevity (CIA World Factbook, WHO Mortality Country Fact Sheet)
Maternal mortality per 100,000 births	30 (UNICEF, <a href="http://www.unicef.org/infobycountry/costarica_statistics.html">http://www.unicef.org/infobycountry/costarica_statistics.html</a> )
<b>Proximity and size of population to project features</b>	
Population within one kilometer of fence	The EIA estimates that 10,500 people live in the Project area (within a 20 kilometer radius, as plantations sprawl and the workforce is bused from towns 20 kilometers from site) in small communities and on farms surrounding the Project's several distinct landholdings in the area. This is higher than current figures, owing to displacement of independent farmers by commercialized large-scale farming. The estimated population in la Cajeta, Santa Teresa, San Jorge, Bella Vista, San Pedro, San Marcos, Pueblo Nuevo, Betania and Almendros (the nearest communities to the Project), combined, was 2,322 in 2009 (EBAIS data). When Boca de Arenal's population is included, population size for the area increases to 7,208. <b>Rights:</b> Right to an Adequate Standard of Living; Right to Housing; Right to Property; Right to Security of Person <b>Rightsholders:</b> Project Area Inhabitants
Population downstream	The Project is located next to the San Carlos River, which flows, ultimately,



to the international border with Nicaragua, the San Juan River. Downstream populations include a number of tilapia farmers, whose operations are highly sensitive to water quality.

**Rights:** Right to Clean Environment; Right to Food

**Rightsholders:** Project Area Inhabitants, Downstream Residents, both Costa Ricans and Nicaraguans

**Food**

**Food security** Government subsidizes rice, beans, and other food staples within the "canasta basica" -- starvation is not recorded as an issue in health facilities or in public discourse.

**Rights:** Right to Food

**Rightsholders:** N/A

**Local food production** Crops are largely for export in the area, and food is purchased at markets, not grown for subsistence, though some farmers keep gardens for home consumption.

**Rights:** Right to Food; Right to an Adequate Standard of Living

**Rightsholders:** N/A

**Agricultural value added per worker** \$4,499 (World Bank, WDR 2009)

**Value added from agriculture as a percentage of GNP** Nine percent (compared to 60 percent for service industries) (World Bank WDR 2009)

**Percent of arable land under cultivation** Only 4.4 percent of Costa Rica's land (224,000 hectares) is considered arable by the World Bank, however at least double this is currently under cultivation. FAO estimates that over half of Costa Rica is "agricultural" land (2.7 million hectares, while the country is 5 million hectares in size) (FAO)

**Cropland per capita of agricultural population** 525,000 hectares currently under cultivation translate to 0.7 hectares per capita (World Bank, WDR 2008)

**4.3. ENVIRONMENT**

**Physical Environment**

**Physical Landscape** The rolling hills of the Project area were once rainforest but have for decades been used as pastureland and farmland. In the 18 months prior to Dole's arrival, Project area land was cleared by Costa Royal pineapple company. Locals report, anecdotally, that Costa Royal's field preparation involved leveling steep hills, diverting streams, and clearing woodlands. The landscape is now largely rolling hills with a smattering of lagoons and streams.

The climate is tropical with over 2500 mm of annual rainfall (Organic EIA reports that as a tropical zone it originally saw 3000-4000mm of annual rainfall). Dry season, in April and May, can see no rain at all (farm rainfall chart shows short dry spells, but never that long; add/send farm graphs to Kendyl). Farms and plantations in the area grow teakwood, melina, sugar cane, citrus fruits, yucca, palm, and pineapples.

**Rights:** Right to Clean Environment



**Rightsholders: All**

**Water Sources**

**Ground Water**

The Organic and Conventional EIAs describe two separate aquifers of vastly different depths. The shallow aquifer is 80 meters thick and begins at less than 10 meters depth (Organic EIA Section 7.5, P. 40). A deeper aquifer, 30 meters thick, begins at 140 meters depth (Organic EIA P. 89). Risks of pollution to groundwater in the lower aquifer are almost nil. Porous soils and a shallow upper aquifer, however, make for easy percolation of chemicals. In the organic operations, few chemicals are used, and mitigating steps are taken to ensure that there are no residual effects on subterranean water. Groundwater quality is monitored in wells for chemical content, and no pesticides have been found to date. Pesticides used generally disintegrate on contact with soil. Groundwater has high nitrogen and chlorine content (chlorine from government sanitation) and no bacteria count (water monitoring data, Dole 2010). Lacking baseline water data, there is no means to establish whether elevated nitrogen is from fertilizer or from natural causes.

**Rights:** Right to Adequate Supply of Water; Right to Clean Environment

**Rightsholders:** All

**Surface Water**

Five streams, listed below, run through farmlands that were, at the time of EIA in 2007, dedicated to organic operations. These are described in "Water Quality" below. Valleys act as seasonal streams and all surface water flows to the Rio San Carlos, and ultimately the Rio San Juan. Presently the Project management only recognizes the La Tejona stream as running through the Project.

**Rights:** Right to Adequate Supply of Water; Right to Clean Environment

**Rightsholders:** Project Area Inhabitants, downstream individuals

**Water Quantity**

**Ground Water (including boreholes)**

Water for the project is primarily used to fill washing tanks in the packing plant (55,000 liters per tank, two tanks, refilled monthly) (Staff data 8/10/10), as well as 1000-1500 cubic meters per week for liquid herbicide/pesticide/fertilizer sprays (EIA 2005), laundry, and sanitation.

**Rights:** Right to Adequate Supply of Water; Right to Health

**Rightsholders:** Project Area Inhabitants

**Surface Water**

The most significant water body near the project is the San Carlos River, which runs northwest towards the Nicaraguan border and ultimately joins the San Juan River. Lake Nicaragua is to the southwest of the Project and is not impacted by the Project. The streams in the area include Wilson Stream, Estero Stream, Tabla Grande Stream, and an unnamed stream. These streams flow at the following rates, respectively: 8.82 m<sup>3</sup>/s, 122.7 m<sup>3</sup>/s, 39.32 m<sup>3</sup>/s, and 20.57 m<sup>3</sup>/s.

**Rights:** Right to Adequate Supply of Water

**Rightsholders:** Project Area Inhabitants

**Depletion rates**

Project data states that depletion rates are not a factor in this rainy area. This is not borne out by well levels. The water table has been in decline for at least a half-decade and almost certainly longer. Increasingly towns see





Uses

Drinking water

Drinking water is treated with chlorine throughout the area. The table below shows that the national Aqueducts and Sewer department has provided piped water to three of the nine communities in the project area. Households without piped water use indoor and outdoor wells – in San Jorge people share wells. Within the Project Area, the vast majority of households have water supplied within their houses. San Jorge, San Pedro, Betania and Almendros have the worst access to drinking water, often drawing water from outdoor wells without pumps.

Town	In-House	Out of House	Aqueducts and Sewer	With Pump	Without Pump
LA CAJETA	55		55		
SANTA TERESA	41		33		8
SAN JORGE	49	8		49	8
BELLA VISTA	95		92	3	
SAN PEDRO	58	11		58	10
SAN MARCOS	77			72	5
PUBLO NUEVO	40			38	
BETANIA	33	4		33	1
ALMENDROS	60	3	0	42	18

**Rights:** Right to Health; Right to an Adequate Supply of Water  
**Rightsholders:** Local Area Inhabitants without treated water

Agricultural

Agricultural water is drawn from wells and streams. When streams run dry in the summer, cattle ranchers provide water to cattle from their own wells.  
**Rights:** Right to Adequate Water; Right to Clean Environment  
**Rightsholders:** Farmers; Individuals Without Improved Water Sources

Other

Household needs include bathing, cleaning, etc. Costa Rica’s energy system is predominantly built on hydroelectricity, so watersheds in the country are vital to the national power source. There is no mining in the area, but water is used in a sugar mill down the road from the Project area, and in a proximate cement plant. Water is also used by cattle for ranchers in the surrounding hills.  
**Rights:** Right to Adequate Water; Right to Work; Right to Clean Environment  
**Rightsholders:** All

Air

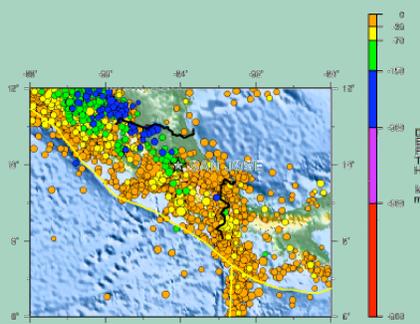
Quality

EIA indicates that air quality is good and unaffected by industry. The sugar mill in Boca de Arenal is a visible refutation of that claim. In the direct Project area, dust from plantation vehicles increased exponentially with the opening of the project – it impacts every resident of San Jorge town. Gas emissions from these vehicles have also increased markedly. This has not been assessed by the Project or the government.  
**Rights:** Right to Clean Environment  
**Rightsholders:** All

Geology



Seismicity / Volcanic activity



Seismicity of Costa Rica, 1990 - 2006

Costa Rica is a country with high seismicity, but risks posed by seismic events to farm areas are minimal. Floods associated with seismic events are the greatest concern (for Project Emergency Response Plans see the Project Catalog below).

**Rights:** Right to Adequate Standard of Living  
**Rightsholders:** All

Other soil-related environmental concerns

The permeability of soils on farms is highly variable, but data from nearby wells suggest an average permeability of 0.1 meters per day. Transmissivity is 10 -40m<sup>2</sup> per day (EIA p. 40; Siembra de Pinas EIA). Erosion has been a problem in the past, due to the replacement of forest with pasture and agricultural land. Extensive farming and grazing has compacted the subsoil, creating conditions that made deep plowing necessary during plantation development. The Project has an extensive erosion mitigation plan (see below in Project Catalog, Section 5).

**Rights:** Right to an Adequate Standard of Living; Right to Work; Right to Clean Environment  
**Rightsholders:** Project Area Inhabitants

4.4. POLITICAL/ LEGAL

Form of Government

Government Effectiveness Indicator Costa Rica ranks in the 66<sup>th</sup> percentile worldwide for Government Effectiveness, down from 75 percent in 1998 (World Bank Governance Indicators)

Functioning democracy

Costa Rica is a constitutional democracy governed by a president and a unicameral Legislative Assembly, which are directly elected in free multiparty elections every four years. In 2006 Oscar Arias Sanchez of the National Liberation Party (PLN) won the presidency in elections that generally were considered free and fair. Civilian authorities maintain effective control of the security forces (DoS HRR). The 2010 election was held on February 7. Laura Chinchilla, the standing Vice President was elected and took office in May 2010.

**Rights:** Right to Self-Determination  
**Rightsholders:** All

Traditional government structure in place

There is no remaining traditional government in Costa Rica – the centralized system is ubiquitous. However, in the area community leaders, usually involved in local organizations, play an important role in local dynamics. Community Development Committees are charged with issuing grievances to the Company. These committees are small, built of long-time area



	<p>residents (who are usually well-off). <b>Rights:</b> Right to Self-Determination <b>Rightsholders:</b> All, Project Area Inhabitants</p>
<p>Regulatory Quality Indicator Elections, reform processes, human rights record</p>	<p>Costa Rica ranks in the 66<sup>th</sup> percentile for Regulatory Quality, down from 79 percent in 1998 (Bertelsmann scoring / World Bank Governance Indicators) Costa Rica has an excellent reputation for governance, but that reputation has been tarnished since the 1990s when two presidents were charged with corruption. Elections have been free and fair since 1949, and the country has the best human rights record in Latin America, owing in part to the fact that it abolished its military in 1948. Human rights in Costa Rica are enshrined in the constitution and the Civil Code, but due process suffers delays. Libel laws are historically quite strong. <b>Rights:</b> Freedom of Speech; Freedom from Violence/Coercion; Right of Self-Determination <b>Rightsholders:</b> All</p>
<p>Law Systems</p>	
<p>Rule of Law Indicator</p>	<p>Costa Rica ranks in the 63<sup>rd</sup> percentile for Rule of Law, down from 70 percent in 1998 (Global Integrity Index / World Bank Governance Indicators) <b>Rights:</b> Rights to Life, Liberty, Security; Freedom of Thought and Expression <b>Rightsholders:</b> All</p>
<p>Legal code and relevant legislation</p>	<p>The Costa Rican Constitution and Civil Code are based on the Civil Code of Spain. Passed November 8, 1949, the Civil Code provides for detailed and comprehensive laws that deal with most aspects of private law and limit judicial interpretation. It guarantees basic individual and political rights, including free and compulsory primary education, widespread secondary education (Title VII), and a nationalized health care system. Environmental policy protects up to 1/3 of the country's landmass in the form of National Parks and sets up stringent environmental standards for all industry. The Ministry of Environment, Energy, and Telecommunications (MINAET), created in a reorganization by the General Assembly in 1995, administers all environmental laws and is in charge of hydroelectric energy, which supplies 99% of the country's fixed energy demand (MINAET website, CIA World Factbook). The country has also declared a goal of carbon neutrality by 2021, which would make it the first in the world (BBC World). Article 50 of the Constitution requires that the Costa Rican government ensure the right to a healthy and ecologically balanced environment. The Water Act establishes requirements governing the use, maintenance, ownership and operation of water resources. Labor laws set work hours and minimum wage and prohibit child labor <b>Rights:</b> Right to Clean Environment; Right to Political Participation; Right to Education; Right to Health; Right to Equal Protection under the Law <b>Rightsholders:</b> All</p>
<p>Political evolution, occupation/colonization</p>	<p>Christopher Columbus was the first European to set foot in Costa Rica, in 1502. It was included among Spanish colonies, but owing to its low population and high mountains, it was useful neither as a source of laborers</p>



nor as a viable path to Guatemala City (then-hub of the Spanish empire). As such, it was neglected and, in isolation, developed an egalitarian, democratic system of governance. Costa Rica signed on to the Central American declaration of independence from Spain in 1821, briefly joined the Central American Federation, and in 1838 declared independence. In the 1880s the Costa Rican government contracted out a railroad construction project to a US businessman in exchange for large tracts of land, which he used to produce bananas. Thus Costa Rica became part of the banana belt. Costa Rica's history was blighted with violence twice in the 20<sup>th</sup> century, first in 1917 for two years under dictator Federico Tinoco Granados, and again in 1948, when a disputed presidential election resulted in a 44-day coup (and 2000 dead). The junta abolished the military on December 1, 1948; held democratic elections for an assembly, oversaw the drafting of a new constitution, and relinquished control to a newly elected president in November 1949. Every election since has been free and fair.

**Rights:** Right to Self-Determination; Freedom from Violence/Coercion; Freedom of Speech

**Rightsholders:**

Tax structure

**Corporate Income Tax**

For Corporate entities the following tax table prevails:

- Gross income up to ₡21,468,000 (\$43,000) 10%
- Gross income up to ₡43,183,000 (\$86,000) 20%
- Gross income over ₡43,183,000 (\$86,000) 30%

Any industrial corporation is allowed to make deductions from their annual gross income.

**Tax on Corporate Assets**

The Tax Adjustment Law introduced a 10% tax on the assets of corporations whose assets exceed ₡30,000,000.00. The law has several exemptions.

**Tax on Capital**

This tax is also known as the "Education and Culture Tax". Every corporation as well as its subsidiaries that are recorded in the Costa Rican Mercantile Registry must pay an annual tax based on its net capital or equity according to the following table:

- Net capital up to ₡250,000 (\$500): ₡750 (\$1.50) per year (also applicable to negative capitals, i.e., liabilities higher than assets).
- Net capital of ₡250,001 and up to ₡1,000,000: ₡3,000 (\$6) per year.
- Net capital over ₡1,000,001 (\$2000) and up to ₡6,000 (\$12) / year.
- Net capital over ₡2,000,001 (\$4000): ₡9,000 (\$18) per year.

**Annual Property Taxes**

Property taxes are submitted annually/quarterly/otherwise to the Local Governments (Municipalidades) where the property is located. They generally do not exceed one percent, though this is slated to change in 2010.

**Rights:** Right to Property; Right to Education

**Rightsholders:** All Costa Ricans

Strength of Governance

Perception of Corruption Indicator Costa Rica ranks in the 70<sup>th</sup> percentile for noncorruption, down from the 82<sup>nd</sup> percentile in 1998 (out of an ideal score of 100 (World Bank Policy and



Institutional Assessment scoring)	
Corruption	<p>Corruption is palpably on the rise in Costa Rica – residents say that they have felt the change in the past two decades. In August 2008 the housing minister resigned following controversy over using a foreign donation, designated to build housing for the poor, to pay fees to various government consultants and to purchase equipment. A month later the Comptroller's Office filed a legal complaint with the Prosecutor's Office against the minister and others allegedly responsible for improperly administering the donation. Previous investigations of two former presidents, Rafael Angel Calderon Fournier and Miguel Angel Rodriguez Echeverria, resulted in indictments for separate and unrelated earlier cases of corruption. In the Calderon case, the trial began on November 3, 2008. In the Rodriguez case, a trial started in Summer 2010. A third former president has faced serious allegations of bribery and fraud but has been cleared of charges (though he fears coming back to Costa Rica as new charges could be filed).</p> <p><b>Rights:</b> Right to Self-Determination; Right to Public Participation <b>Rightsholders:</b> All Costa Ricans</p>
Effectiveness of police	<p>The Ministry of Public Security has 1,500 open disciplinary cases against police officers for charges ranging from unauthorized absence to drug use and corruption. Several police officers have been dismissed for corruption, and several have been exonerated in accusations of brutality. US State Department reports suggest that police forces' effectiveness has been hampered by inadequate funding, equipment, and training and lack of police professionalism (US HRR). Police have a minimal presence in the Project and come only when called. They are stationed in Boca Arenal, 20-30 minutes away.</p> <p>In the Project area, each town used to have a police officer. Residents say that the government assumed that Dole's private security would monitor communities and thus withdrew police. It is possible that residents confused the arrival of Dole with the government's security reorganization. The previous system of "Guardia de Asistencia Rural" was replaced with a more centralized one. The government never requested, and the Company never adopted, responsibility for community security.</p> <p><b>Rights:</b> Freedom from Corruption; Freedom from Arbitrary Arrest/Imprisonment; Right to Security of Person; Right to Privacy <b>Rightsholders:</b> All Costa Ricans</p>
Effectiveness of civil courts	<p>Civil courts operate on significant delays. In an effort to ameliorate that, on January 1, 2008, the Contentious Administrative Procedural Code, which provides for expedited court proceedings as well as oral procedures in civil cases between citizens and the government, entered into force. Its effectiveness has not been evaluated.</p> <p><b>Rights:</b> Right to Public Participation; Right to Legal Redress <b>Rightsholders:</b> All Costa Ricans</p>
Civil war, conflict	
Recent, likely, or current conflict zone	<p>Costa Rica has the most peaceful history in the region. Disputes with Nicaragua have not become violent for many years (since the 1970s, when Contras crossed the border in the area).</p>



	<p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Local military size, military structure, and military presence	<p>Costa Rica has no military. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Availability of weapons –kind, cost, abundance	<p>Weapons are not readily available. Violence is generally not a problem outside of San Jose, where weapons are said to come in from Caribbean Islands. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
History of ethnic/religious strife	<p>No ethnic or religious strife has been present since colonial times. However, there is racism in Costa Rica, which is increasingly directed at Nicaraguans, Jamaicans, and other immigrants from lower-income countries. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
<b>Free speech/protests</b>	
Political Rights and Civil Liberties Indicator	<p>Costa Rica ranks in the 91<sup>st</sup> percentile for civil liberties (Freedom House ranking)</p>
Laws/Attitude of local police regarding demonstrations	<p>Peaceful demonstrations are legal. Police rarely (only once in 10 years) respond to demonstrations with violence. <b>Rights:</b> Right to Life, Liberty, and Security of Person; Freedom from Arbitrary Arrest/Imprisonment; Freedom of Expression; Freedom of Assembly <b>Rightsholders:</b> All</p>
Voice and Accountability Indicator	<p>Costa Rica ranks in the 77<sup>th</sup> percentile for voice and accountability, down from the 87<sup>th</sup> percentile in 1998 (Bertelsmann Transformation Index as well as on the CRI Human Rights Database for public voice and government accountability)</p>
Freedom of Press	<p>Costa Rica has a vibrant and active press, but libel laws are harsh, often including lengthy jail sentences. <b>Rights:</b> Free Speech; Freedom of Thought; Freedom of Expression <b>Rightsholders:</b> All, National Press</p>
State of local activism	<p>Costa Rica’s activist community is strong and vocal, often rallying around environmental issues. Local NGOs are well linked in with international organizations. In the Project area, activism is low, however protests were significant in the first year of pineapple development (prior to Project arrival), including accusations of increased miscarriages among women, threats to the safety of watersheds, and illegal (or immoral) cutting of trees. <b>Rights:</b> Freedom of Association; Right to Clean Environment; Right of Public Participation <b>Rightsholders:</b> All, local NGOs</p>
Intensity of opponent groups locally,	<p>National and international opposition to the pineapple industry at large is on the rise. Costa Rica, having gone from the tenth largest pineapple producer</p>



nationally and internationally

to the number one pineapple producer in a single decade, has seen the most rapid rise in activism. Among the most vocal groups opposing pineapple farming in Costa Rica are the Center for Environmental Law and Natural Resources (CEDARENA) and the National Front of Social Sectors Affected by Pineapple Production (FRENASAPP). The Company has never been at the center of complaints.

**Rights:** Freedom of Association; Right to Public Participation

**Rightsholders:** All

**Indigenous Peoples**

Indigenous Peoples

Indigenous peoples are not present; as such no risk of conflicts, cultural degradation, or cultural ties to land are anticipated.

Cultural practices tied to land

There are few cultural practices tied to land, but whole communities are connected to and dependent on the land, since agriculture is such a significant element of the local economy. This changed completely when the Project bought large tracts from small farmers.

**Rights:** Right to Subsistence; Right to Food

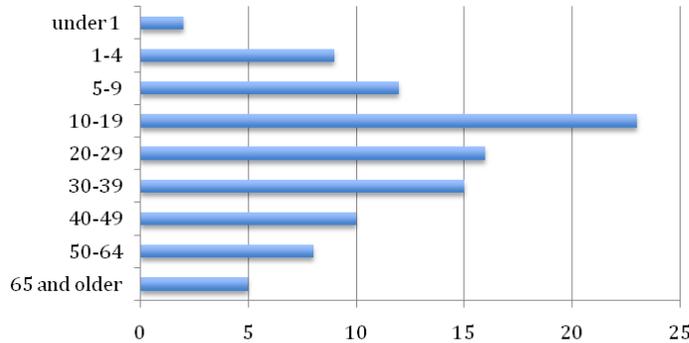
**Rightsholders:** Project Area Landowners

**4.5. SOCIAL**

**Demographics**

Age pyramid

**San Carlos Age Pyramid (by %)**



Both the local and the district populations are young by Costa Rican standards. In the Project area, 35.6 percent of the population is under 15 (EBAIS data, 2009). Divides between newcomers and longtime residents aren't shown in demographic pyramids, but few of the young adults in the area were born there; many are of Nicaraguan descent and working in pineapple plantations.

**Rights:** Rights of Children

**Rightsholders:** Children



Gender balance	In the Cantón, the balance is 52 percent male and 48 percent female, similar to the rates in the Project area (EBAIS 2009). The gender disparity is almost identical in children as in adults. <b>Rights:</b> Right to Work <b>Rightsholders:</b> Project Area Inhabitants, Women, Immigrants
Ethnicity	There are some cultural differences between Nicaraguans and Costa Ricans in the area, but no actual ethnic divides. The local population is approximately 35 percent Nicaraguan – the highest rate in the country. <b>Rights:</b> Nondiscrimination <b>Rightsholders:</b> Nicaraguans
Languages	Spanish is the only local language. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A
Density of local population	Pocosol district has a population density of 19 people per square kilometer. Cutris has only nine residents per square kilometer. <b>Rights:</b> Right to an Adequate Standard of Living <b>Rightsholders:</b> Project Area Inhabitants

**Religion**  
Predominantly Christian. Costa Rica natives are generally Catholic; Nicaraguans are Catholic, Evangelical, Seventh Day Adventist, and various other denominations.

#### 4.6. ECONOMIC

GDP Indicator	Per capita GDP in 2008 was \$6,579.879 (US) in current prices, and \$10,752.038 (US) PPP (IMF World Economic Outlook Database, Oct. 2008)
Standard of living/ Poverty rates	Costa Rica nationally has low poverty and high standards of living, but in the Project area, some social services are absent, a significant portion of the population consists of Nicaraguan immigrants (both legal and illegal). A wide spectrum of incomes and standards of living is observed in the area, where some landowners have a high standard of living, while laborers (particularly foreign-born workers) live in poverty under harsh labor conditions (Organic EIA p. 63). Nicaraguan laborers are paid poorly on many plantations and tend to stay in the area only briefly, swiftly heading south seeking better opportunities. <b>Rights:</b> Right to Favorable Working Conditions; Right to Just Remuneration; Right to an Adequate Standard of Living <b>Rightsholders:</b> Project Area Inhabitants, Nicaraguan Immigrants, Workforce
Population living below \$1.25/ day; \$2 a day	As of 2005, 2.4 percent live on under \$1.25 a day, and 8.6 percent live on less than \$2 a day. These figures are not representative of the Project Area, which has a higher concentration of poor, foreign-born workers than the rest of Costa Rica. (World Bank Human Development Report 2008, Poverty Supplement).
Source of local	Costa Rica's economy is based largely on tourism and electronics exports,



livelihoods	<p>neither of which exists in the Project area. Locals work predominantly in farming, as hired laborers, subsistence farmers, or plantation owners. Sources of employment as listed in the EIA are regional and not based on direct surveys or observations, although surveys were carried out by the Company. Thirty-six percent of the regional population works in agriculture, 13 percent work in services (primarily trade), and 10 percent work in manufacturing or production. In Cutris and Pocosol, 53 and 44 percent work in unskilled labor, respectively. Much of this work is in large agricultural production.</p> <p><b>Rights:</b> Right to Work; Right to Adequate Standard of Living <b>Rightsholders:</b> Project Area Inhabitants</p>					
Major industries	<p>Agriculture is the major industry. Palms, sugar cane, citrus fruits and pineapples are grown for export. Teak and Melina trees are also grown and exported. Sugar mills employ workers in the area as well.</p> <p><b>Rights:</b> Right to Work; Right to an Adequate Standard of Living <b>Rightsholders:</b> Project Area Inhabitants</p>					
Employment rates	<p>Forty-six percent of the San Carlos canton population is considered economically active, 94 percent of whom are employed, making the official unemployment rate six percent. Employment in Cutris is estimated at 88 percent. The open unemployment rates are higher: 4.6 percent nationally, 6.1 percent in San Carlos, 11.6 percent in Pocosol and 11.7 percent in Cutris. Economic and employment conditions are unfavorable (EIA p. 58). Unskilled labor is the major employment sector in the area.</p> <p><b>Rights:</b> Right to Work; Right to Favorable Working Conditions <b>Rightsholders:</b> Project Area Inhabitants</p>					
Natural resources	<p>Soils in the area range from moderately good (volcanic based) to fairly poor (heavily used and depleted) (Type IV and Type II, respectively). Indigenous forests have been reduced to patches surrounding watersheds in the area, including on Project land – these are mostly secondary forest protected by the Company. The ecosystem has changed, but soil and streams are still appropriate for farming. No mineral resources exist in the area.</p> <p><b>Rights:</b> Right to Clean Environment; Rights to Natural Resources <b>Rightsholders:</b> Project Area Inhabitants</p>					
Availability of housing	<p>In Cutris and Pocosol, an average of 4.7 persons live in each dwelling, slightly up from the (San Carlos) canton average of 4.3 persons. Throughout the area, there is a high incidence of abandoned houses and ghost communities in some areas, while other areas are densely populated. Community members said the reason for this was unemployment and/or the sale of former residents' lands to pineapple growers, who were increasing their cultivation. Vacant houses remain visible, but some have been rented out to workers who have come from out of town/country (EIA 57). San Jorge, near to the Project packing plant, has struggled to obtain renters; they attribute this to the dust from heavy road traffic and the delay on transitioning from well water to piped water.</p> <table border="1" data-bbox="386 1449 1115 1497"> <tr> <td data-bbox="386 1449 548 1497">Quality of Housing</td> <td data-bbox="548 1449 685 1497">Good</td> <td data-bbox="685 1449 834 1497">Acceptable</td> <td data-bbox="834 1449 984 1497">Poor Condition</td> <td data-bbox="984 1449 1115 1497">Abandoned</td> </tr> </table>	Quality of Housing	Good	Acceptable	Poor Condition	Abandoned
Quality of Housing	Good	Acceptable	Poor Condition	Abandoned		



	Condition			
Cutris (EIA)	45	56.8		
Pocosol (EIA)	37	63		
Boca de Arenal (EBAIS)	64	20	9	8
La Cajeta	32	9	14	
Santa Teresa	25	9	7	
San Jorge	35	14	8	
Bella Vista	58	20	17	
San Pedro	38	17	14	
San Marcos	53	18	6	
Pueblo Nuevo	25	11	4	
Betania	21	9	7	
Los Almendros	40	9	14	
Total from individ comm.	327	116	29	
Percentages	69%	25%	6%	

**Rights:** Freedom of Residence; Right to Housing; Right to Property; Right to an Adequate Standard of Living

**Rightholders:** Project Area Inhabitants, Immigrants

Land ownership structure

Land is freely bought and sold in Costa Rica, but in the San Carlos canton there is a long history of landholdings concentrated in the hands of a few, while workers rent houses and work for pay. In 2005 90 percent of land was held by largeholders (EIA 2005, graphic 4, 8.2.5, p 69), nine percent by mid-sized landowners, and only one percent by smallholders (Siembra de Pinas EIA). Local residents say that prior to 2005 and Agromonte's arrival, most of the land was medium-sized farms with tree barriers between lots and a multitude of lagoons. The Nicaraguan workers who immigrate to Costa Rica generally cannot afford to buy land (there are subsidies to help Costa Rican farmers purchase holdings, but they don't extend to immigrants). Many Project workers live in a community called Managueta, east of Boca de Arenal. They do not pay for the land but they have been given permission to build houses and plant gardens. It is unclear who owns the land, but it is equipped with electricity and piped water. In the Project area, large corporations own an increasing percentage of land.

**Rights:** Freedom of Residence; Right to Housing; Right to Property; Right to Adequate Standard of Living

**Rightholders:** Project Area Inhabitants, Nicaraguan Immigrants

Style / material of housing

Costa Rican houses are often stylistically and materially different than Nicaraguan houses, even within the same communities. Established Costa Rican families in the area live in cement and stucco painted houses with insulated roofs. Nicaraguans often live in wooden houses with corrugated tin roofs and sometimes siding. Undocumented Nicaraguans rarely have rain-proof walls unless they are living with relatives who have acquired residency.

**Rights:** Right to Housing; Freedom of Residence; Right to an Adequate Standard of Living

**Rightholders:** Project Area Inhabitants



**Education**

**Local school infrastructure**

In 2005 Cutris district had 34 primary schools and two secondary schools, while Pocosol district had 40 primary schools, one secondary school, and one technical school. Schools have electricity, windows, running water and flushing toilets. The neighboring Quesada district has 26 and six, respectively. The nearest university is in Ciudad Quesada and another in Santa Clara. Student populations are small in the area and have shifted significantly since the Project began operating.

School	Student Pop. 2004 (EIA)	Student Pop. 2009 (EBAIS)	Student Pop. 2010 (Survey)
Santa Teresa	32 (17 by 2005)	10	11
San Jorge	34	21	16
Bella Vista	61	66 (78 w kinder)	
Esterito	45		
Terron Colorado	59 (2005)		
San Pedro	61 (2005)	58 (69 w kinder)	Over 100
Secondary School – Boca de Arenal	258 (2005)		324
Secondary School – Buenos Aires	142 (2005)		

This data may not represent all school-age children in the area, because undocumented Nicaraguan children who migrate with their parents do not all attend school. Alternatively, some Nicaraguan workers without papers leave school-age children with relatives in Nicaragua. Teachers state that students are gender-balanced.

**Rights:** Rights of Children  
**Rightsholders:** Children, All

**Education Indicator (gender disaggregated)**

91 percent of Costa Rican children complete primary school. This is not representative of the Project area, where Nicaraguan women tend to have no education and men tend not to have completed primary school (UNESCO, EIA).

**Educational attainment**

In Cutris, 69 percent of the population aged 5-15 has received basic education, and in Pocosol, 74 percent has, compared to 85 percent nationwide (EIA 55). These rates are increasing in the Project area.

**Rights:** Right to Education; Rights of Children  
**Rightsholders:** Children, All

**Literacy Indicator**

The national youth literacy rate is 99 percent (and 95 percent overall) – one of the best in the world (UNESCO, EBAIS).

**Literacy rates**

Literacy is 86 percent in the Project districts, compared to 92 percent for the canton of San Carlos, 93 percent in the Bella Vista EBAIS area, and 95 percent at the national level.

**Rights:** Right to Education; Right to Adequate Standard of Living; Rights of Children  
**Rightsholders:** Children, All

## 5. Project Catalog

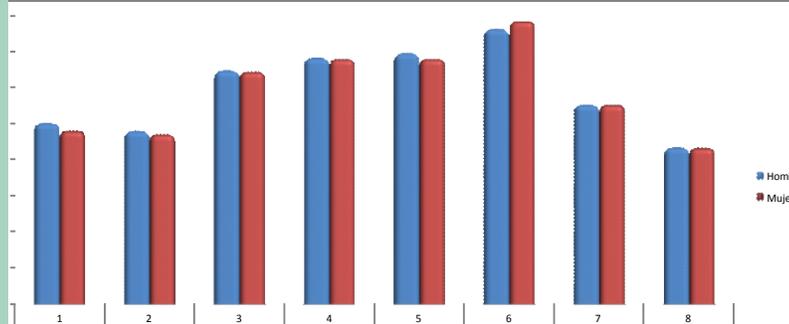
### 5.1. LABOR

#### Wages

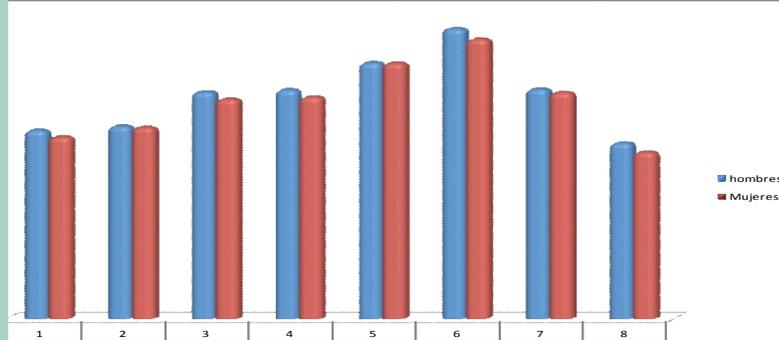
##### Wage scale

At the Project, base salary is just above minimum wage, but average wage is over 11,000 colones per day (264,000 colones per month) for farm operations, excluding administration. This is attributable partly to graduated salaries (few workers earn minimum wage) and partly to overtime work. Project employees work an average of four hours of overtime each week (more during harvest season, less during low season). That is not to say workers are in fields 12 hours daily; Dole employees work by "tariff" – getting paid per unit, not per hour. An eight-hour shift might require planting a minimum of 4000 seeds – work some laborers can accomplish in three hours. Wages increase with the amount of technical skill required for the job, with spray boom operators earning the highest salaries.

Gender Distribution of Salary in Packing Plant from Jan-Aug 2010



Gender Distribution of Salary in Harvest Operations from Jan-Aug 2010



**Rights:** Right to Just Remuneration; Right to an Adequate Standard of Living; Right to Favorable Working Conditions

**Rightsholders:** Project Employees/Contractors



Unions

Number of workers who would likely be members of existing unions

The Project's workforce operates under a dual system of representation. An Asociacion Solidarista represents 80 percent of the permanent workforce and provides social security benefits, workers services, and loans. The seven-person board of directors is elected by members (including farm workers and salaried employees, but not senior management) every year. All members can be elected to the board, resulting in the Human Resources supervisor's election to the position of Treasurer in 2008 and 2009 – a situation that has been described as a significant conflict of interest by many employees.

Dispute resolution and collective bargaining are conducted through a Permanent Committee, elected every three years by the whole workforce and unaffiliated with the Solidarista group. Some human rights activists question this mechanism's adequacy, as it comes with no formal right to strike (nominal constitutional protections have proven ineffective) and Permanent Committee meetings are held in the presence of management. Workers have found effective ways to circumvent legal barriers to strikes, but the independence of the Permanent Committee remains a concern for workers, particularly because salaried employees with offices adjacent to management offices can serve as representatives for workers who spend their days in fields. Workers feel that the strength of the Permanent Committee is contingent on the attitudes of management personnel. A dedicated Human Resources Supervisor will empower the Committee to speak freely and seek remedies for worker issues; a less flexible HR Manager will silence the Committee. The workforce has been concerned about layoffs in 2010, as the Project has reduced its employment by 23 percent this year (from 819 workers at peak season in 2009 to only 630 in low season of 2010). No complaints or concerns have been brought to management; workers say this is because the Committee fears the reaction from the current HR Supervisor. (Suprising feedback. Company feels one of its strengths is good, open communication with the labor force and the reductions were largely a common-sense fusion of the workforces of the organic and conventional farms to avoid redundancies and inefficiencies) The 20 percent of permanent employees who do not belong to the Asociacion Solidarista cannot afford to give up a percentage of their monthly wages, have felt cheated by the Association in the past, or feel it inadequately addresses their interests.

A significant incident occurred in 2009/2010 when checks were stolen from the Solidarista treasurer's office and used to siphon 11 million colones from the Association's account. The company hired a private investigator (and collaborated with local authorities) to sort out the theft, but no information has been formally released and speculation has been rampant. A year later, the police have privately identified the people who cashed the check but have not begun detaining and interrogating them. Four members of the SA leadership have been fired since the incident, but none on suspicion of the theft. Rumors have centered around the treasurer himself, who is also the HR supervisor and has a contentious relationship with workers (workers allege he frequently threatens to fire people for minor offenses). He stepped down from the position of treasurer shortly before the SA's Fiscal was fired. The Fiscal had worked at the company almost without incident for over six years. Workers now say they feel powerless against management. These allegations are being investigated (as of October 2010), as they are not in accordance with Company policy or corporate culture.

**Rights:** Freedom of Association; Right to Belong to a Trade Union; Right to Strike; Right to Work

kendyl salcito 11-12-15 4:06 PM

**Comment [4]:** Company didn't address the independence of the workforce leadership at the time of assessment... assessors' concerns are validated by the development of a union.

kendyl salcito 11-12-15 4:08 PM

**Comment [5]:** This concern remains true and is named as a reason for joining the union



**Rightsholders:** Project Employees/Contractors

Employment

Employment profile

The Project reduced its workforce by twenty-three percent between high season 2009 and low season 2010 when it had 630 employees (Interviews, Notes August 2010). These figures include temporary workers and workers on the organic pineapple operation. Operations require:

- farm maintenance workers
- harvesters
- machinery operators
- seeders/sowers
- "suckerers"
- administrators, technicians and engineers
- workers for seed selection
- surveyors and samplers (checking for plagues and plant diseases)
- researchers
- agricultural services
- spray boom operators
- land preparers
- warehouse workers and laundry
- laboratory workers
- workshop (*taller*)
- supervisors
- granulate applicators

The Project uses temporary and permanent laborers, who are largely paid by "tariff" and generally complete more than a single tariff each day. Most tariffs are worth minimum wage. Tariffs are the same for identical work whether performed by temporary or permanent, male or female workers. If the units worked do not bring the worker to at least minimum wage, an adjustment is made to that level. Staff Industrial Engineers constantly review tariffs for fairness and adequacy. 40 percent of workers are Nicaraguan, 17 percent of workers are female (2010 data, slightly down from 2009), and the age distribution of staff is concentrated in the 18-35 age group (71 percent) (Site Visit 8/9/10).

**Rights:** Right to Favorable Working Conditions; Right to Work; Nondiscrimination; Right to an Adequate Standard of Living

**Rightsholders:** Project Employees/Contractors

Conditions of work

Pineapple harvesting, planting and weeding is arduous work. Shifts start at 6am and end in mid-afternoon (buses take workers from the field at 1:30, 3:30 or 4:30). Workers are required to wear full protective gear, which is extremely hot during dry season. When workers suffer heat stress, electrolyte serum is provided on site. If they don't recover in 30 minutes, they are sent home and paid for the full day's work. Dole provides all social benefits stipulated by the applicable labor laws, including maternity leave, minimum wage, vacation days (three per month), pension funds, occupational health and safety, child labor and discrimination laws. The Project does not provide worker housing but provides transportation to and from work, giving workers greater flexibility in where to live. Farms are equipped with toilet facilities in all areas based on local regulations and Good Agricultural Practice standards (Global GAP), and all Conventional plantations are marked with signs detailing herbicide/pesticide spray schedules.

Because tariffs can sometimes be completed by experienced workers in less than

kendyl salcito 11-12-15 4:08 PM

**Comment [6]:** Workforce is now 500-600



eight hours, the Project initiated rules in some departments to require workers to remain working at the plantation a full eight hours, completing more work and increasing their incomes (including planting) (employee interviews 2010).

**Rights:** Right to Favorable Working Conditions; Right to a Basic Standard of Living  
**Rightsholders:** Project Employees/Contractors

Project training programs for workers

Training is conducted year-round to promote Company values, Project safety and community leadership. On-the-job training at work can lead to promotion within the workforce as well – many workers have risen from field laborer to machine operator through years of service to the Company. Project is ISO 9001, 14001, SA 8000, Rainforest Alliance, GMP/Primus Labs, Organic (NOP and EU), and GlobalGAP certified. All workers are aware of the Project’s SA 8000 rating and its implications for their wellbeing. Worker training expands to social matters, including group marriage counseling.

**Rights:** Right to Favorable Working Conditions; Right to Work  
**Rightsholders:** Project Employees/Contractors

Project jobs profile, job not suitable for women

Seventeen percent of El Muelle Farm plantation workers are female. Work is more contingent on skill set than on gender – plant workers must have fast hands (25 percent of plant workers are women), and seed suckerers must be strong to tear apart plants and reach new “eyes” for planting.

**Rights:** Right to Work; Nondiscrimination  
**Rightsholders:** Women, Project Employees, Project Area Inhabitants

Means to differentiate locals and recent immigrants for hiring

There is no effort to distinguish between locals and Nicaraguans, but undocumented workers are not hired, according to Costa Rican law. Papers are checked before jobs are offered. The local population is quite small and has not expressed competitive feelings over jobs. The wide majority of Costa Ricans are not interested in pineapple plantation work.

**Rights:** Right to Work  
**Rightsholders:** Project Area Inhabitants, Nicaraguan Immigrants

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**Comment [7]:** Now 14% down from 18% in 2008

kendyl salcito 11-12-15 4:11 PM  
**Comment [8]:** This is no longer true.

kendyl salcito 11-12-15 4:12 PM  
**Comment [9]:** This is true but not relevant... more than half the workforce is Tico

## 5.2. HEALTH

### Facilities

Project clinics

The company built a small medical center in Santos de Cutris, staffed on Saturdays by the doctor from Boca de Arenal. Through the Solidarity Association, the Company offers annual health fairs to provide employees with dental and orthodontic care, cancer prevention education and other services (EIA 4.2). All workers have health insurance and visit government clinics free of charge. This is done as a convenience for workers, who have long hours and benefit from the proximity and availability of a doctor whose wait times in the government clinic can be several hours long.

**Rights:** Right to Health; Right to Favorable Working Conditions  
**Rightsholders:** Project Employees/Contractors, Project Area Inhabitants

Project clinics, Government health facilities –

Government health facilities are well stocked, frequently cleaned, and fully staffed, run through the extremely effective EBAIS health system. Clinics have sufficient beds and space but remain busy throughout the day.



medical stocks,  
wards, beds

Health engineering of Project: infectious disease vectors

There are low incidences of infectious diseases in the area. Area doctors indicate that hygiene-related illnesses have increased among undocumented Nicaraguan children, owing to extremely tight living quarters and poor sanitation. This is not true of even the lowest-paid Project workers, whose houses show no signs of overcrowding.

Stable fly control is more challenging for organic pineapple operations, as insecticides cannot be used if outbreaks are detected. These flies are not known to transmit diseases to humans.

**Rights:** Right to Health  
**Rightsholders:** Project Area Inhabitants

Existing sanitation systems

Latrines at clinics are tidy, with flushing toilets, running water and soap. Houses have a range of facilities, from outhouses to clean, indoor flushing toilets. Most schools have flushing toilets and sinks with soap. They are of varying levels of cleanliness.

Flushing toilets do not exist in San Jorge or most households in Santa Teresa.

Project's community development programs for health

The (non-employee) community is not aware of any Project programs to promote their health. The Project confirms that no such programs exist.

**Rights:** Right to Health; Right to an Adequate Standard of Living  
**Rightsholders:** Project Area Inhabitants

Response to pressure on employee health centers to serve wider community.

There is no pressure on the employee clinic to serve the wider community. Government clinics are widely considered to be extremely effective. On the contrary, government clinics have seen increased pressure from plantation workers, owing to increased occupational injuries among a large workforce employed by Dole and other plantations. Prior to the Project, there were fewer individuals working in tough agricultural conditions, the doctors and nurses say.

**Rights:** Right to Health  
**Rightsholders:** Project Area Inhabitants

Health Impact Assessment

No HIA was conducted, without which it is difficult to present a verifiable account of changing health issues in the area.

**Rights:** Right to Health  
**Rightsholders:** Project Area Inhabitants; Project Employees

Risks

Project risks power line injuries

The entire area has access to electricity, and power lines flank every street. It is unlikely that the Project has increased risks. Electricity is supplied by Coopelesca, which provides all electricity in the region.

**Rights:** Right to an Adequate Standard of Living  
**Rightsholders:** Project Area Inhabitants

Biological risks

Organic pineapple farming creates a greater risk of increased stable fly populations. Stable flies cause painful (?) bites in humans and livestock and significantly impact quality of life. Measures such as applying microorganisms to decompose crop residue faster and installing sticky paper traps in and around the farm are taken to maintain this problem in check.

Conventional pineapple farming is conducted with the use of numerous fertilizers, pesticides and herbicides. These can be harmful to workers, residents, livestock,



fish populations, and natural flora and fauna when not carefully administered. For Company agrochemical policy, please see Company Catalog (Section 6) below.

**Rights:** Right to Privacy; Right to Health

**Rightsholders:** Project Area Inhabitants; Employees; Downstream Farmers

**Traffic accidents**

Traffic has increased between farms and the packing plant, and between the packing plant and ports. The risk of traffic accidents has increased, though significant accidents have not been reported. Communities worry about their children, teachers say, but no schoolchildren have been struck by Project vehicles to date.

**Rights:** Right to Adequate Standard of Living; Right to Health

**Rightsholders:** Project Area Inhabitants

**Risk of explosions**

Ethylene, an explosive gas, is used to induce flowering of pineapple plants. It is trucked in in cylinders and stored on-site in a locked facility, observing appropriate safety measures. The EIA also notes that solvents and combustible chemicals may be needed in the maintenance and operation of the heavy machinery involved in harvesting and transport (Organic EIA at 26).

**Rights:** Right to Health; Right to Favorable Working Conditions

**Rightsholders:** Project Employees/Contractors

**Risk of escape of hazardous materials**

On the Project's organic farms, the potentially hazardous materials include: vehicle batteries, petroleum products, paints, solvents, fuel additives, and wastewaters derived from certain processes (EIA p. 26). The primary herbicides and pesticides used for conventional farms are: Diurex, Ametrex and Evigras (Site Visit 8/9/10). Escape is possible through spills or seepage, though insecticides are designed to deteriorate upon contact with soil. USEPA maximum residue (lifetime health advisory) is set at .06 ppm for Ametrex (Ametryn). The Drinking Water Equivalent Level for Diurex (Diuron) is .01 ppm (USEPA "Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision (TRED) for Diuron"). Ametryn and Diuron do not have official MCLs set by EPA. Evigras, as a glyphosate, is one of the most widely used herbicides in the world. Excessive exposure can cause kidney failure, though it degrades quickly in soil. USEPA drinking water limits are 0.7ppm (see EPA data on these substances in the References section of this document).

Pineapple byproducts (crowns and unsuitable fruits) were previously stored uphill from a local fish farm, and significant rains caused seepage that is thought to have killed thousands of tilapia in 2005, one day after Dole purchased the farm and before company practices for buffer areas and reforestation were fully implemented. Corrective actions taken included implementing large buffer area, composting of all crowns at the composting facility and compensating neighbor for loss. Nearly 3 years later (Sept. 17, 2007) there was an additional incident. The canal influencing the neighbor's tilapia pond carries water from several upstream agricultural producers and the cause of the second incident was also unknown. The Company in agreement with the neighbor made an investment to deviate all water from this channel from his pond in order to avoid recurrence of any similar incident. Dole continues to maintain good relations with this neighbor and no further situations have been reported.

**Rights:** Right to a Clean Environment; Right to Health

**Rightsholders:** Project Area Inhabitants



Soil risks	<p>Erosion, waste seepage and chemical seepage are dominant concerns. The company is an industry leader in erosion control techniques and sustainable planting. It has instituted a plowing system and crop rotation in pineapple fields to ensure nutrients are cycled properly. Barriers, ground covers (plant and artificial) and terracing control erosion. EIA suggested that constant monitoring of above-ground water would be used to ensure erosion is minimized, however the project does not monitor for suspended solids in surface water (only in groundwater). All materials used on organic pineapples are non synthetic, and pests are treated through biological means, including predatory insects and fungi, which do not impact soil quality. Chemicals used on conventional pineapples are designed to neutralize upon contact with soil – groundwater testing has demonstrated the success of this.</p> <p>Dole has instituted GlobalGAP agricultural management techniques, which include all of its Costa Rica pineapple operations whether owned farms or independent growers.</p> <p><b>Rights:</b> Right to Clean Environment; Right to Adequate Supply of Water <b>Rightsholders:</b> Project Area Inhabitants</p>
Risk of increased disease from population influx	<p>No disease increase was foreseen in EIA. Population density remains low, and there is already a great deal of unskilled labor in the area, so an influx due to this specific project is unlikely. Sanitation-related disease has increased among undocumented Nicaraguan children living in overcrowded spaces. There is strong evidence that these children are linked to pineapple workers, but no evidence that they are linked to Dole employees.</p> <p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>

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### 5.3. ENVIRONMENT

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<p>Air Quality</p> <p>Dust from operations and road traffic</p>	<p>Dust is produced by transportation of pineapples from fields to the packing plant and from the packing plant to ports on the dirt roads surrounding the Project area. Large trucks and tractors significantly increase dust entrainment. San Jorge, which is located directly on the major Project transportation route, is severely affected by dust. Dole: We are considering reforestation plan expansion to include the donation of live plants for use by neighbors in this community if they wish to use as dust barriers.</p> <p><b>Rights:</b> Right to Health; Right to Education; Right to Work; Right to an Adequate Standard of Living; Right to Privacy <b>Rightsholders:</b> Residents of San Jorge, Santa Teresa, Other Towns Along Major Project Roads</p>
<p>Air emissions from operations and traffic</p>	<p>Harvesting, fertilizing, herbicide/pesticide spraying, tilling, land-forming, and compost-mixing require the use of heavy, diesel-run vehicles. Additionally, all pineapples are transported by truck or tractor to the packing plant, and from the packing plant they are transported to the port of Moin or Caldera in sealed containers.</p> <p>Odors are sometimes at issue in pineapple plantations, from waste dumps, used</p>



water disposal, industrial emissions and vehicular emissions. Project Area Inhabitants complain that organic pesticides smell far worse than chemicals – a particular spray, which is garlic-based, causes nausea and headaches among school children and area inhabitants. The Company’s Research Department continuously looks for alternatives, and odor reduction is one of the criteria for selecting new and additional alternatives. The farm has a live barrier program to help isolate the farming practices from neighboring roads and structures. Locals find this ineffective.

**Rights:** Right to Clean Air; Right to Privacy  
**Rightsholders:** Project Area Inhabitants; All

**Surface Water**

Community water sources for drinking and cleaning

Wells are located inside houses and in backyards. Some are hand-drawn (with buckets and pulley systems) and others are pumped electrically. Bella Vista, La Cajeta and (part of) Santa Teresa have piped water in houses but other communities are still waiting for piped water, as promised by the central government (through the A y A department). Worker towns, including Managuita and the more major cities (Boca de Arenal, el Muelle) have piped water.

Project’s water quality or quantity impacts affect agricultural water use

During rainy season, extra runoff from canals between pineapple fields may increase sediment and flow levels in surrounding streams. This is not currently monitored but may impact fish populations and cattle drinking water. One of the main soil conservation practices of the farm is a deep land preparation to increment infiltration capacity of soils, thereby reducing runoff and thus erosion. Project drainage design may be accelerating the drawdown of the local aquifer; this is not currently monitored by the Project, but decreasing water levels have diminished available water for livestock (San Jorge and Santa Teresa interviews, 2010). Project experts argue that the drainage system removes only excess water and is not likely have a direct effect on ground water or aquifer levels, but there is no research on the subject.

A number of major tilapia kills have occurred on fish farms near the Project. The cause of these are generally unknown but have been blamed on inadequate disposal of pineapple crowns (by Crown Royal, prior to Project purchase), pesticide spills and industry in general. The Project notes that there is also upstream influence on the water.

**Rights:** Right to Adequate Supply of Water  
**Rightsholders:** Project Area Inhabitants

Project-supplied water for drinking

Project supplies two 20-liter tanks of ice and water for each 15-person team working in the fields. Project also supplies electrolyte serum for workers suffering from dehydration.

Diversion of surface water

Company personnel state that no surface water is diverted for the Project. The organic EIA suggests that the Project diverts water from several streams that drain into the San Carlos River; this is not accurate. Any landscaping is performed to increase drainage of the soils and prevent plant mortality. Natural streams and legally mandated buffer zones are respected.

Estimated usage varies by stream and field within the Organic operations:

- Estero Stream
  - Estimated flow: 123.50 m<sup>3</sup>/s
  - Total stream volume used: 0.65%
- Wilson Stream
  - Estimated flow: 9.78 m<sup>3</sup>/s



- o Total stream volume used: 10.88%
- Nameless Stream
  - o Estimated flow: 20.57 m<sup>3</sup>/s
  - o Total stream volume used: 5.43%
- Tabla Grande Stream
  - o Estimated flow: 39.32 m<sup>3</sup>/s
  - o Total stream volume used: 2.88%

(Hydrological investigation, Organic EIA, p. 37-38)

**Rights:** Right to Adequate Supply of Water; Right to a Clean Environment

**Rightholders:** Project Area Inhabitants

Water treatment plans

Human wastewater is treated in septic tanks at all registered houses in the Project area (EBAIS 2009) and at the Project packing plant. Chlorinated wastewater from the packing plant (55,000 liters per tank, two tanks), emptied monthly, is treated in three seepage ponds. Water from these ponds soaks into the ground or evaporates within weeks. Effluents are monitored every 6 months for compliance with national legislation. Chlorine levels drop to negligible levels within 24 hours.

**Rights:** Right to Clean Environment; Right to Favorable Working Conditions

**Rightholders:** Project Area Inhabitants, Employees/Contractors

Ground Water

Total water usage

Well usage for the Organic Project was estimated at 65 to 85 cubic meters per day, generally for human consumption, laundry, and cleaning (EIA p. 24). Fertilizers and pesticides are mixed on site to proper dilution levels. Water is drawn from several wells. Additional water usage for the conventional plantation includes cleaning tanks in the packing plant (55,000-110,000 liters per month) and domestic uses, including water for toilets, washing facilities and dining facilities.

**Rights:** Right to Adequate Supply of Water

**Rightholders:** Project Area Inhabitants

Effect on ground water

Organic EIA presents mitigation plans that are not employed by the Project, including integrating surface and groundwater controls. However, the Project does monitor biodiversity, with recent findings suggesting that large endangered species are increasingly present in the area, possibly due to improved protection of riverine areas, and the Project analyzes groundwater for contaminants (though not for phosphorus or potassium, which could be present from fertilizers), and it uses agrochemicals that dissolve in soil and are allowed by the Ministries of Agriculture and Public Health. Additionally, the Project's water demands are low, so drawdown of aquifers is not as important as the impacts of drainage channels on subsurface water levels, which are not known or monitored (EIA p. 140).

**Rights:** Right to Adequate Supply of Water; Right to Clean Environment

**Rightholders:** Project Area Inhabitants

Ecosystem

Project risks causing collateral damage: erosion, floods, landslides, mudslides

The high variability of soil permeability increases the possibility that chemicals (from fertilizers) will seep into watersheds and contaminate water and soil. Erosion is a significant issue, addressed above, under "Soil risks". The Project's tilling methods loosen hard packed subsoil developed through years of cattle grazing and shallow farming and increase soil mobility (EIA 44). It was predicted that overall erosion might actually be reduced, compared to neighboring Agromonte plantations and small farms, if best practices mitigation techniques are properly

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**Deleted:** [There is a fauna/flora inventory done by a third-party for Muelle 2008. In addition Fundecor (a well-known local NGO) has been contracted for a follow-up study to be conducted in November 2010] and regularly reporting on subsurface water impacts. The Project does, however,

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followed (EIA p. 43-44). This is not monitored on an ongoing basis (EPA's recommended method for monitoring is soil tests). Flood risks are estimated to be low from organic operations. Added runoff was calculated for both a 5-year storm and a 10-year storm, for each stream. Flow increase ranged from 0.8 m<sup>3</sup>/s, to 1.29 m<sup>3</sup>/s, representing percentage flow increases from 0.65 percent to 11.19 percent flow increases. The latter is for Wilson Stream, which has such a low flow rate that the percentage increase remains insignificant (EIA p. 37-39). Erosion is mitigated with groundcover (plant and manmade) and barriers. Flooding at the much larger conventional plantations presents a more significant risk, though these were not quantified in documents available to assessors.

**Rights:** Right to Adequate Supply of Water; Right to Clean Environment; Right to Health; Right to Favorable Working Conditions; Right to Adequate Standard of Living

**Rightsholders:** Project Area Inhabitants

#### 5.4. SOCIO/POLITICAL

##### Civil Society

Intensity and scope of media scrutiny

As indicated in Section 4.4, media scrutiny has been on the rise in regard to pineapple cultivation at large. The Project has avoided scrutiny to a significant degree since its first year. International competitor Del Monte has seen more public relations issues, largely as a result of its recent purchase of Costa Rican company Frutex, which used herbicides (specifically, bromacil) that allegedly spread into watersheds in 2009. However, scrutiny of pineapple farming tends to be industry-wide, and critics very rarely distinguish between Dole and other companies. On the contrary, many activist reports will cite the practices of small pineapple growers and then imply that Dole operates in a similar fashion.

**Rights:** Freedom of Thought; Freedom of Expression

**Rightsholders:** All

Presence/strength of NGO activity in community

There is minimal NGO presence in the area, but the Project is a three-hour drive from San Jose, where opposition is concentrated. Project area inhabitants who feel wronged by the Project are easily accessible to non-local activists.

**Rights:** Freedom of Thought; Freedom of Expression; Right to Public and Political Participation

**Rightsholders:** All

##### Legal and / or civic actions against the project to date

Environmental

Environmental protests surrounding the industry at large include complaints against tree-cutting and fears of herbicides and pesticides in watersheds.

**Rights:** Right to a Clean Environment; Freedom of Thought; Freedom of Expression

**Rightsholders:** All, Project Area Inhabitants

Health

The Project's primary issue with health is associated with the move to organic pineapple farming and the elimination of Paraquat. Paraquat is used to desiccate pineapple plants after harvest. Without it, plant stumps begin oozing sap as they decompose, in which stable flies lay eggs. These flies bite cattle and people,



causing great discomfort. (One community alleges that a calf nearly killed itself trying to run from the biting pests.) The communities around the Project issued complaints to the Ministry of Agriculture, which has shut down operations on occasion while the issue is addressed. Currently the fly population is being contained through deep tilling, rapid incorporation into soils, the use of biological decomposers and the placement of adhesive fly-bait bags throughout plantations (and wherever community members request them). For background on health complaints against the Company at large, please see the Company Catalog below. Early in Project developments, some communities claimed that miscarriages had increased. This is not borne out in EBAIS data. EBAIS data shows surprisingly elevated levels of seizures in the Project area, which have gone unexplained. Seizures are a recognized, but very uncommon, effect of pesticide exposure. The Project reports no cases of seizures within its workforce (EBAIS 2009, EPA – see Seizures in Reference Section, Company Interviews 2010), and no children have been diagnosed with epilepsy or seizures.

**Rights:** Right to Health; Right to Clean Environment; Right to Favorable Working Conditions

**Rightsholders:** Project Area Inhabitants, Employees/Contractors

Human Rights

In 2010 two workers claimed the Company had shortchanged their government-mandated severance. In the first instance, the Company was found to be in compliance with the law. In the second instance, severance had been miscalculated and full payment was made.

**Rights:** Right to Fair Pay

**Rightsholders:** Retrenched workers

Psychological Impacts

Local fears

Ninety-five percent of locals interviewed during EIA in 2007 believed that the Project would cause social or environmental harm in the area (Source: Survey of local populations, EIA p. 62-68). The top concerns were:

1. Tree clearcutting (76 percent)
2. Soil erosion (37 percent)
3. Elimination of streams and lakes (32 percent)
4. Aquifer contamination (30 percent)
5. Population displacement (29 percent)

These concerns were well-founded, based on experiences of Costa Royal's arrival in the area. Dole bought plantation land from Costa Royal and has since become associated with the former's agricultural practices (Interviews, April and August 2010). Fears of population displacement have become realities, as the populations of Santa Teresa and San Jorge continue to decline (for more, see student enrollment rates in the Context Catalog above).

**Rights:** Security of Person; Right to Clean Environment

**Rightsholders:** Project Area Inhabitants

Emergency response plans

Dole conducted risk analysis and contingency plans in its EIA (p. 129). The company has a General Emergency Response Plan, subdivided into specific risk/contingency plans in the case of seismic events, fire, workplace injury, and environmental problems:

- Seismic Events
  - Collect info on the key areas to observe in case of an earthquake; i.e. signs



indicating potential flood zones and safe areas, signs with emergency numbers posted

- In case of injury, arrange transport to nearest medical center or setup of a temporary infirmary
- Revision of plan after the event to ensure more effective responses
- Constructing all infrastructure strictly under the Seismic and Foundations Code, using all engineering recommendations in construction
- Fire
  - Easy access to fire department, Red Cross, and hospital phone numbers
  - Accessible water sources for firefighters
  - Clearing buildings as quickly as possible
  - Alarms and smoke detectors, hoses and fire extinguishers
  - Isolate flammable materials; adequate internal drainage to prevent spills and combustion
  - Design buildings to discourage fires, especially in the kitchens, drying, and pressing areas, which use electric heating generation
  - Maintain adequate criteria for separation of materials; especially those with the potential to chemically react or explode with each other
  - Maintain security lists with the principal flammable materials present on the Project site which include the level of danger and toxicity
  - Emergency exits will be secure, free of obstruction, and well signed
  - Install a lighting system that will illuminate clear corridors to emergency exits
  - Correct signage of evacuation areas, fire-fighting equipment, warnings and prohibitions (i.e. no smoking)
  - Every building must have extinguishers which are accessible, well signed, illuminated in emergencies, tested periodically, and should be at least 95% red on the exterior.
- Workplace Injuries
  - Use all protection provided for the particular work being done
  - Erase all stereotypes and prejudices against the use of protective equipment (i.e. does not cause sterility)
  - Maintain a first-aid kit at each work site which is capable of dealing with light and heavy wounds.
  - If there is a grave accident, report it immediately to have an ambulance sent or arrange transportation to the nearest medical center
  - Encourage participation in CPR courses and Red Cross first-aid classes
  - Create teams of workers who work together daily and can serve key roles in the event of an individual or collective accident
  - Incentivize training in occupational health, both at initial employment and periodically during the time of employment
  - Maintain permanent files of accidents, including the statistics regarding the accident, method of attention, etc. which can serve as future references and will permit evaluation of good practices.
  - Encourage free preventative care to ensure healthy workers in the fields
  - Create strategic alliances with government and NGOs for training and consulting on prevention and mitigation of accidents
- Analysis of risks and mitigation of environmental impacts
  - Risks were analyzed pre-operation and mitigation is an ongoing challenge

**Rights:** Right to Favorable Working Conditions; Right to a Basic Standard of Living; Right to Health

**Rightsholders:** Project Employees/Contractors, families of Employees/Contractors

#### Demography and Economy

**Influx of workers** The Project has drawn workers from throughout San Carlos and beyond, both



	<p>Nicaraguan (naturalized) and Costa Rican. However, most of these workers have not moved directly into the Project area, opting to live farther from the plantations and take buses to work. Commutes are up to one hour. The proliferation of pineapple plantations in the area (owned by other companies) has drawn many legal and non-legal immigrants to the area. Though this is not associated uniquely with the Project, the distinction is somewhat fine – locals know the difference between Dole workers and others, but non-locals (including San Jose activists) do not. Furthermore, Dole workers have become hosts to their undocumented relatives, contributing (in local perceptions) to illegal immigration.</p> <p><b>Rights:</b> Right to Work; Nondiscrimination; Equal Pay for Equal Work <b>Rightsholders:</b> Nicaraguan Immigrants, Project Employees/Contractors</p>
<p>Project employment of locals</p>	<p>Forty percent of Project employees are foreign-born, predominantly from Nicaragua. Most of the remaining workers, outside upper management, come from towns 15 to 50 kilometers from site. Many workers come from San Carlos district, but relatively few come from the local communities themselves – those people have kept their previous employment, farms, and lifestyles, to the extent possible in the changing economy.</p> <p><b>Rights:</b> Right to Work; Equal Pay for Equal Work <b>Rightsholders:</b> Project Area Inhabitants, Employees</p>
<p>Project population influx significantly increases food prices</p>	<p>The Project does not contribute to food inflation. However, global conditions have forced the government to raise the price of the Canasta Basica. (the Canasta Basica (or basic grocery cart) is the sum of the costs of a list of common foodstuffs, not a government calculation. However, the official value for this has increased) While minimum wage is updated every 6 months to accommodate inflation, workers argue that wages increase more slowly than inflation, because rice costs have inflated more rapidly than other elements, falsely deflating the cost of standard meals (rice and beans).</p> <p><b>Rights:</b> Right to Food <b>Rightsholders:</b> N/A</p>
<p>Project student population influx</p>	<p>There has been a significant influx of students to some schools (Bella Vista, Boca de Arenal), while others have seen marked declines in student populations (Santa Teresa, San Jorge). The communities most proximate to the Project have had student declines as former landowners sold their property to the plantation (Costa Royal) and departed. Communities farther away have become home to the nearly 700 workers on the Project. Please see Education within the Context Catalog above for more on this.</p> <p><b>Rights:</b> Rights of Children; Right to Education <b>Rightsholders:</b> Children, Project Area Inhabitants, Immigrants</p>
<p>Markets and shops – prices and variety of available food and goods</p>	<p>Rice, beans and several other staples are subsidized by the government and are priced affordably in all markets. Food is accessible in small shops in San Pedro, San Jorge, Bella Vista and elsewhere, and a large grocery store is in Boca de Arenal. A wide array of produce, grains, snack foods and proteins are available, including locally grown root vegetables and imported tomatoes, onions, peppers, and fruits.</p>
<p>National impacts</p>	<p>The Project is part of a nationwide pineapple industry boom that has made Costa Rica the world’s number one fresh pineapple producer. This large plantation is part of that boom, providing low-skill employment to many itinerant workers and</p>



changing the socioeconomic makeup of the area. The El Muelle Plantation itself has an impact only as part of the industry as a whole. The Project is modeled as an example of sustainable and responsible production, both on the labor and environmental fronts. In 2009 and early 2010 Dole and Canapep {exporters} association have hosted 6 training sessions on soil erosion mitigation for industry participants including small producers and competitors. However, other farms have been slow to adopt the Company's erosion, pesticide, and labor standards.

**Rights:** Right to an Adequate Standard of Living; Right to Fair Wages; Right to a Clean Environment

**Rightsholders:** All

**Infrastructure**

Project's community development programs for education

By law, there are primary schools in each community surrounding the project, as well as secondary schools in San Marcos, Almendros, Boca de Arenal and Buenos Aires. Company documents state that the Project helps fund maintenance of these schools, but this is not visible in Santa Teresa and is only minimally apparent in San Jorge and the Boca de Arenal secondary school (Dole CSR; Staff Interviews). Employee children are provided with school supplies, but this is not extended to local children whose parents do not work for the Project. Records of supply donations to non-employee children were not made available to assessors. During 2009 and 2010 the Company reports investing an additional \$10,000 in community programs such as soccer field maintenance, roadwork, and material transportation. Communities have not viewed this as a major contribution.

**Rights:** Right to Education; Rights of Children

**Rightsholders:** Children of Project Employees; Local Children

**Indigenous Groups**

Indigenous Groups

Prior consent from and royalties/commitments to indigenous groups is not a rights issue, due to the absence of indigenous communities.

**Rights:** N/A

**Rightsholders:** N/A

**5.5. SECURITY**

Security plans/ Extent of Project to be Patrolled

The Project warehouse, packing plant and headquarters are fenced and gated with manned security checkpoints. Plantations are surrounded by shrubberies and patrolled. Security is contracted out and guards have access to weapons, although arms have never been used. The surrounding communities have no police forces nearer than Boca de Arenal.

**Rights:** Right to Security

**Rightsholders:** Project Employees

Availability of items to be stolen, including petrol tapping

Pineapple theft was a significant problem early in operations. The Project has erected barbed-wire fences to deter intruders (and wandering livestock). Petrol theft has been a problem, though tank monitors are now used to show sudden decreases in fuel levels. Chemical theft is among the more major and costly materials available for theft. Agrochemicals (Fertilizers), transported to site in liquid form, have been siphoned off and the tanks refilled with water, leaving a



	<p>weaker chemical solution for use on the Project. Theft by warehouse workers occurred in early 2010, resulting in the firing of four warehouse workers</p> <p><b>Rights:</b> Security of Person <b>Rightsholders:</b> Project Employees; Project Area Inhabitants</p>
Heavy road use by/for Project will increase traffic injuries	<p>The transport of pineapples to sorting facilities and later to market requires the use of heavy trucks and machinery. The Project has resulted in a marked increase in Project-area traffic, particularly on the dirt roads between the fields and packing plant, and National Route 35, which connects Ciudad Quesada with La Fortuna. General risks, especially for pedestrians, bicyclists and motorcyclists who use these roads, are inherently higher and were predicted to be so (EIA p. 60). However, no incidents have occurred to date.</p> <p><b>Rights:</b> Right to Adequate Standard of Living; Right to Health <b>Rightsholders:</b> Project Area Inhabitants</p>
Project relationship with military and police	<p>There is no police presence in the villages located nearest the Project Area. The government removed officers during a centralization process that coincided (coincidentally) with pinera proliferation in the area. The Project has no direct relationship with public security. The nearest police post is in Boca de Arenal, 10 kilometers from the Project area.</p> <p><b>Rights:</b> Right to Security, Right to Privacy <b>Rightsholders:</b> Project Area Inhabitants</p>

**5.6. ECONOMIC – INFRASTRUCTURE, LAND and LIVELIHOOD**

Proximity of Project to urban areas	<p>Ciudad Quesada is the nearest city, about 75 kilometers from the Project Area. Boca de Arenal is the nearest semi-urban area with hotels, supermarkets, and banks.</p> <p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Improvements	
Improvement of communications links	<p>No improvement directly associated with the Project is apparent in communication infrastructure. The area already has developed communications infrastructure. Cell phone service is limited but not significantly needed by the Project. Clinics rely on radio to communicate.</p> <p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Improvement of transportation corridors (goods, food, etc)	<p>Roads to Project Area are maintained by both the government and the Company, from excellent paved two-way national highways to graded dirt roads in the general Project vicinity. There is no specific improvement attributable to El Muelle Farm, and locals feel that the Project operations destroy the roads and are slow to repair them, particularly during harvest season. (Dole: The responsibility for road maintenance lies with the Government authorities which unfortunately are underfunded and tied-down by bureaucracy. The Company invests in road maintenance to ensure adequate access to the farm and diminish road damage to fruit quality. )</p> <p><b>Rights:</b> Right to Adequate Standard of Living</p>



<b>Rightsholders:</b> Project Area Inhabitants	
Training programs for community, potential employees	No specific programs exist for community training and development. Training is oriented towards workers and worker families. <b>Rights:</b> Right to an Adequate Standard of Living <b>Rightsholders:</b> Project Area Inhabitants (not affiliated with Project)
<b>Risks</b>	
Project dependent on few transportation points or paths	The Project site is accessible from several different transportation points, but there is only one dirt road from the packing plant to the major tarmac road between Muelle and Boca de Arenal, Route 4. <b>Rights:</b> Right to Privacy; Right to Property <b>Rightsholders:</b> Individuals living alongside Project transportation routes
<b>Land the project occupies</b>	
Proposed houses – all plans for resettled rightsholders	N/A
Relocation of populations	Project land was purchased from farmers and cattle ranchers who willingly sold their property at fair market value. However, relocation was reported as a top concern of locals surveyed. Farmers, fieldworkers, and laborers left the area after the land was sold to pineapple farmers prior to farm being purchased by Dole, having lost the houses they inhabited and the jobs that sustained them. Residents whose houses were in town could not find immediate work at the project (field preparation required fewer workers than ongoing pineapple farming does), and residents who lived on farmland lost their houses. (Current residents remain traumatized by the site of heavy machinery digging holes next to houses, flipping houses upside-down into the holes, and depositing dirt on top, leaving no evidence that the area was ever inhabited). (Dole; if this happened, was prior to our involvement; and sounds dramatic to attract more attention; a typical house “razing” would be more economical and likely to sell or donate materials (wood planks, tin roofing, windows, doors, etc)). <b>Rights:</b> Freedom of Residence; Right to Housing; Right to an Adequate Standard of Living; Right to Property <b>Rightsholders:</b> Project Area Inhabitants, Nicaraguan Immigrants
Relocation of land used for food production	Land formerly used for local food production is now primarily for single-crop export. This creates trade balance concerns on a national and industry scale but the Project will not directly affect local prices for domestic foods on its own. <b>Rights:</b> N/A <b>Rightsholders:</b> N/A
Current houses – of village leaders, of the village poor, of Project Employees, and of non-employees	Housing is not provided for employees. Workers build, buy or rent their own homes in communities in a 20-kilometer radius from the Project and are bused to work. Houses for area natives are generally cement, stucco and tile, with glass windows, painted walls and bars on doors. Houses for newcomers and Nicaraguans are generally wood-paneled with tin roofs. All have electricity and well or piped water. Stucco houses have tile floors, walls and counters, generally. Wooden houses are often on stilts with wooden floors and uncovered windows or wooden paneled windows. These, too, use well water.

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Impacts on populated or cultivated lands surrounding Project

Project water demands depletes supply, impacts livelihood	<p>The Project does not report water depletion concerns, mostly due to high precipitation in the Project Area. Area residents have seen the water table drop for several years, and some blame the Project (as the Company does not monitor aquifer depletion, there is no current data on whether the Project contributes to depletion). Project groundwater use is very limited; packing and fertilizer mixing are the only uses and no irrigation is needed, however, there is a possibility (though unsubstantiated) that by changing flow patterns in fields, seepage into aquifers is decreased. Cattle ranchers say that streams dry up more quickly than they did before Costa Royal changed the landscape. They water livestock through their wells in April and May, and wells run dry by afternoon each day. Residents say there is not enough water.</p> <p><b>Rights:</b> Right to Water <b>Rightsholders:</b> Cattle Ranchers, Project Area Inhabitants (specific complaints came from Santa Teresa and San Jorge)</p>
Loss of homes, timber, productive trees or crops to Project	<p>76 percent of locals reported concerns about habitat/forest loss when interviewed regarding the project. The Company has set aside 487 hectares (of 1449) for reforestation programs along lakes (lagoons) and canals. (Dole CSR, El Muelle Farm). Local livelihoods have not been visibly impacted by the loss of these natural and cultivated resources, owing partly to the significant population declines in the areas where they were eliminated. Cattle ranchers, however, believe that lagoons have shrunk and dried up as a result of pineapple cultivation. Dole has implemented buffer areas and reforestation around all wetlands and lagoons found on the properties after purchasing the farm.</p> <p><b>Rights:</b> Right to Clean Environment; Right to Work <b>Rightsholders:</b> Project Area Inhabitants</p>
Housing of employees	<p>There are no on-site dormitories or similar types of housing; the company does not provide housing of any kind. Laborers interviewed lived in habitable structures.</p> <p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Project separates people from farms/jobs	<p>Project elements surround and envelop small communities but do not separate local farmers from crops. Project employees are provided bus transport services to and from work.</p> <p><b>Rights:</b> N/A <b>Rightsholders:</b> N/A</p>
Occupation of other sources of employment	<p>Other sources of employment in the area are mainly agricultural and low-skill. Many (but not most) workers move through after one to two years. The main industries in the area are pineapple, sugarcane, citrus fruit, teak and melina timber farms and corresponding mills/plants.</p> <p><b>Rights:</b> Right to Favorable Working Conditions; Right to Work <b>Rightsholders:</b> Project Area Inhabitants; Nicaraguan Immigrants</p>



## 6. Company Catalog

### 6.1. LABOR / NON-DISCRIMINATION

#### Discrimination

Company plans regarding discrimination and equal pay

The company abides by SA 8000 Standards, a social accountability standard that includes non-discrimination policies, as well as ILO Conventions 100 on equal remunerations and 111 on discrimination. Policies prohibit discrimination on the basis of gender, race, age, religious belief or political affiliation. Dole also prohibits sexual harassment in the workplace (Dole CSR, Labor Principles – note: CSR Website omits race from the list of nondiscrimination, though it is in the Company Code of Conduct 2009).

**Right:** Nondiscrimination; Equal Pay for Equal Work; Freedom of Religion

#### Unions

Unionization policies

Dole policy cites ILO Conventions 87, regarding freedom of association, and 98, on the right to organize and participate in collective bargaining, through its commitment to SA8000 standards. However, the ILO does not see Asociaciones Solidaristas as sufficient to support labor rights. Even without the direct support of ILO experts, the Company provides workers the rights to associate, bargain, and protest in practice under the current system. The Company does not discriminate against employees who wish to join trade unions and states it has collective bargaining agreements with 30,000 workers worldwide.

**Right:** Freedom of Association; Right to Belong to a Trade Union; Right to Strike; Right to Just Remuneration

Relations with unions

There are only three pineapple worker's unions in Costa Rica: SITRAP, SITRAPINDECO (specifically for PINDECO workers), and SITAGAH. The Company engages employees through an Asociacion Solidarista and a Permanent Committee rather than through a union. Solidarista is a legally recognized social/labor movement within Costa Rica. "The primordial purposes of the Solidarity Associations are to procure peace and social justice, employee-employer harmony, and the comprehensive development of its associates," founder Don Alberto Martén has said. The Solidarista model is promoted through the Escuela Juan XXIII, where workers acquire training in Asociacion practices.

The Solidarista movement consists of workers choosing representatives to sit on a council with company-selected representatives to negotiate work contracts and community/employee needs. This system is billed as one way to give a voice to undocumented workers and ensure the needs of the company's broader community are met. However, it has also been seen as an attempt to limit union association and collective bargaining from equal standing.

There are reports of anti-union activities by Dole in other countries (i.e. the Philippines), but no major labor union issues have arisen within Costa Rican operations in recent years. The Company's El Bosque farm laid off its entire workforce in 2009 and rehired them three days later at lower wages, with an 80% return rate. There were no reports of worker resentment.

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**Comment [10]:** Sintrapifrut was founded in Sept 2009 specifically to enable migrant workers in the fruit and pineapple industries to unionize



**Right:** Freedom of Association; Right to Strike; Right to Collective Bargaining

Free speech and assembly policies

Dole commits itself to ILO Conventions 87 and 98, as well as SA 8000, Article 4 and local laws that prohibit discrimination against union activities and freedom of assembly. It gives its Costa Rican workers a voice through Permanent Committees.

**Right:** Freedom of Association; Right to Strike

**Child labor**

Policies re child labor

SA 8000 Standard and ILO Conventions 138 and 182 (Dole CSR - Labor) prohibit Company use and/or support of child labor. No children under age 18 are allowed to work on the farm, in line with their worldwide labor policy.

**Right:** Rights of Children; Freedom from Exploitative Child Labor

Policies re child labor in supply chain/contractor

None. However, Dole controls its products from land preparation through shipping.

**Right:** Rights of Children; Freedom from Exploitative Child Labor

**Employee wellbeing**

Policies re working conditions (IFC Labor Housing Standards)

Dole requires workers to wear protective clothing and subjects pesticide sprayers to periodic medical examinations. The company promises social benefits such as illness/maternity, savings and loans, injury, insurance, training, social assistance, vacation, retirement, severance payment, and long-term disability, and annual dental/visual exams. The company abides by legal maximum hours rules. No forced labor is employed at any Dole plantations, per ILO Conventions 29 and 105.

**Right:**

Grievance procedure for all laborer complaints

There is no publicly available written grievance procedure. Worker grievances are addressed by managers and if unresolved they are passed along to the Permanent Committee. The Social Responsibility System certified to SA8000 has a grievance procedure which is presented during worker training sessions. (This is procedure RH009 "Management and Resolution of Suggestions, Petitions, Complaints & Grievances) Grievances can be anonymous and channeled through the Permanent Committee.

**Right:** Freedom of Association; Right to Favorable Working Conditions; Right to Belong to a Trade Union; Right to Strike; Right to Just Remuneration

Training standards and methods

All workers are required to receive training in good practices, environmental programs, and employee safety and protection, including safe application of pesticides. The company also regularly distributes publications and guidance documents to increase awareness of environmental and social policies.

**Right:** Right to Favorable Working Conditions

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**Deleted:** There are no anonymous grievance mechanisms.

**6.2. HEALTH**

HIV Policies

N/A.



**Right: Nondiscrimination**

Worker Safety	<p>Dole is SA 8000 certified in all of its Costa Rican banana and pineapple farms as of 2005. The company requires training and protective measures to limit or eliminate exposure to hazardous chemicals (i.e. pesticides) in their fields, including protective clothing, occupational safety monitoring on application sites, training in safety and injury prevention, contingency plans and first aid on-site to handle occupational injuries, and limiting hours worked.</p> <p>The Dole health policy was devised pursuant to SA 8000 Standards. Protective clothing appropriate to activities is required. Occupational safety professionals monitor safe handling of crop protection products and correct problems on site. Workers who handle pesticides undergo periodic medical exams. The company uses top GPS and GIS technology in aerial crop spraying [this application method applies to banana production only] and prohibits workers from entering fields prior to the Reentry Intervals [REIs] established on MAG-approved product labels.</p> <p><b>Right:</b> Right to Favorable Working Conditions; Right to Health; Right to Clean Environment</p>
Worker health (non-safety)	<p>The Company offers periodic medical examinations for workers who handle pesticides. Management also collaborates with local governments to provide adequate sanitation services and ensure clean drinking water for neighboring communities.</p> <p><b>Right:</b> Right to Standard of Living Adequate to Health; Right to Clean Environment; Right to Adequate Standard of Living</p>
Communities	<p>Dole claims a policy of building infrastructure (hospitals, clinics, medical units) depending on population density, and providing basic services for the surrounding communities, including preventative treatment, inoculation and vaccinations, basic surgeries, and health education programs. This is not visibly implemented in the Project area, where government fulfills these needs (the policy applies in rural areas where Governments do not provide these services, as in Honduras and Ecuador).</p> <p><b>Right:</b> Right to Health; Right to Adequate Standard of Living</p>
Company policy towards marginalized groups	<p>The company abides by a nondiscrimination policy in hiring, including that of various marginalized groups.</p> <p><b>Right:</b> Right to Work; Nondiscrimination</p>
Company policy toward Indigenous rights	<p>Not relevant to the Project at hand</p> <p><b>Right:</b></p>
Company relocation policy	<p>Not relevant to the Project at hand</p> <p><b>Right:</b></p>
<b>Company policy toward community health</b>	
Company policy on community safety, hazardous materials	<p>The Company takes steps to ensure that pesticides are distributed so as not to affect local population centers, including use of GPS and GIS systems to ensure proper aerial spraying for bananas (this method is not applied to pineapple production), and takes mitigating steps to avoid contamination of aquifers or surface waters. There is no Company policy on addressing harm to community</p>



members (or their livelihoods) – on repeated occasions, the Project has negatively impacted livelihoods and acknowledged error. The follow-up on remedial actions have been mixed, with the Company sometimes fully compensating Community members and sometimes failing to follow up at all. Dole has a very strict global policy covering the use of agrochemicals in all operations (Code of Conduct). The policy indicates that pesticides may only be used where and when needed, and use must fulfill all legal requirements. These include compliance with local registrations, market tolerances and maximum residue levels, as well as strict abidance to label instructions including use of personal protective equipment, reentry intervals, rates and volumes, and pre-harvest intervals.

**Right:** Right to Clean Environment; Right to Adequate Supply of Water; Right to Health

Medical Facilities

The company provides financial and logistical support for local government agencies to construct and/or maintain medical facilities to serve communities surrounding its projects. At the Project, the company provided supplies and labor to construct a new EBASIS in Bella Vista. Minimal support is visible in other clinics (interviews – medical staff and patients).

**Right:** Right to Health; Right to an Adequate Standard of Living

Company Malaria / other policies

The company provides for preventative inoculation and vaccination of local communities as needed, depending on the location and potential impact of disease on a given community.

**Right:** Right to Health

**6.3. ENVIRONMENT**

Company environmental standards (USEPA/Local Laws, etc.)

The company complies with national standards where it operates, and it is ISO 14001 and Rainforest Alliance certified in environmental management systems. The company is also GlobalGAP (Good Agricultural Practices) compliant. The Company prides itself on being an industry leader in environmental standards and continues to develop newer, “greener” ways of doing business, including deep tilling, crop rotation, and a recent initiative that will reduce the use of water by 80 percent in banana packing plants (New Millennium Packing System). The company has banned the use of some common pesticides, including Gramoxone and the “dirty dozen” pesticides with the most harmful environmental/human health effects. Farms are noticeably orderly and mitigate erosion quite well in comparison to other plantations visited. The Company is also a member of the United Nations Environmental Program’s Climate Neutral Network, and has pledged to work with the Costa Rican government in establishing carbon neutrality by 2021. This is currently being achieved in product transportation through the purchase of carbon credits. The general strategy behind achieving carbon neutrality for Standard Fruit is:

- 1) Measurement of Greenhouse Gas emissions
- 2) Mitigation programs
- 3) Offset programs
- 4) Stakeholder Engagement

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**Right: Right to Clean Environment**

Company history of environmental problems

The tropical fruit industry has been plagued by a history of environmental/public health problems, mainly from pesticide contamination of water supplies or workers being exposed to hazardous pesticides with severely deleterious health effects.

According to SEC filings, the company is currently exposed to as much as \$42.3 billion in damages for its use of DBCP, a pesticide, in the 1980s. The chemical caused environmental damage and sterilized a number of male workers in Nicaragua.

<http://www.sec.gov/Archives/edgar/data/18169/000089256908000277/a38643e10vk.htm#106>

The Company has faced massive health complaints in the past and is still fighting several lawsuits, globally. Costa Rica's pineapple industry has come under fire for the use of various pesticides. Dole does not use DBCP, in fact it is no longer available on the market, but communities, workers and protesters do not appear to differentiate among companies, pesticides and plantations.

**Right:** Right to a Clean Environment; Right to Standard of Living Adequate to Health

**6.4. POLITICAL / SECURITY**

**Grievances**

Company policies regarding security

No public documentation exists on grievance procedures or security regulations.

**Right:** N/A

Company policies regarding corruption

Dole is ISO 14001 certified, which is a measurement of transparency and a company's internal auditing systems. The company has a global Code of Conduct sent by the Chairman that every employee needs to review and sign-off on every year. It contains an anti-corruption section titled "Non-United States Governmental Payments, which states "No employee or director shall directly or indirectly pay, give or offer money or anything of value to any foreign government officer, employee or representative, or to any foreign political party or candidate for or incumbent in any foreign political office, in order to assist in obtaining permits or other government authorizations, and retaining or directing business." In the local management system, anti-corruption is included in procedure POL01. The Company's relationships with Latin American governments have historically been troubled. Major changes in Latin American governance, Company policy, and legal structures have significantly altered these relationships. The historical hearsay regarding political intervention in banana-producing countries has been focused on a competitor.

**Right:** Right to Public and Political Participation; Freedom of Thought; Freedom of Expression

Grievance procedures for communities (non-employee)

Dole policy purports an active role in communities, and pursuant to SA 8000 provides mechanisms for stakeholder engagement. Standard Fruit de Costa Rica has received numerous awards from the Costa Rican government for its Corporate Social Responsibility programs. In the farm's management system there is a procedure on External Communications (No. RG09) whereby third-

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party communications (written or oral) need to be processed and answered by the organization. Community members do not believe the company has an active role in communities and are not aware of the External Communications Procedure. They see stakeholder engagement as one-sided, minimal, and insufficient.

**Right:** Right to an Adequate Standard of Living

**Experience**

History with the Product being developed/mined/etc

Dole and its subsidiaries have been involved in pineapple cultivation and processing since acquiring the Hawaiian Pineapple company in 1932. In Costa Rica, the expansion is more recent, with 42% of pineapple production based in El Muelle.

**Right:** Right to Public and Political Participation; Right to Favorable Working Conditions

History in Country

Pineapple production has grown very rapidly over the last 10 years in Costa Rica, and Dole/Standard Fruit is considered one of the "Big Three" producers. The Company has been present in Costa Rica since the 1950s and cultivating pineapples there since 1997. The Company has approximately 7,500 hectares of bananas and 2,400 hectares of pineapples planted in Costa Rica (1000 at Muelle). There are approximately 7,000 employees on 6 banana farms and 3 pineapple plantations. The company has received ISO 9001, 14001, SA 8000, GlobalGAP, and Rainforest Alliance certifications for its operations in Costa Rica. It has received awards for its CSR operations, quality systems and processes, innovation and technology, environmental management, occupational safety, and a "Best Community Contributor" Award given by the American Chamber of Commerce of Costa Rica.

**Right:** All Rights of Rightsholders

## 7. Special Topics

### 7.1. Grievances

The UN Special Rapporteur for Human Rights and Business has conducted extensive research on the subject of unresolved worker and community grievances. The findings have been unequivocal: small grievances that go unaddressed by companies escalate into large-scale human rights allegations and, often, lawsuits.<sup>8</sup> In many cases, bureaucratic delays on remedies create a culture of distrust between communities and companies, leaving communities to seek support for their complaints elsewhere, including from activist groups.

Dole is aware of the risks of activist intervention in operations. Pineapples have become a hot-button rights issue in Costa Rica, and Dole's reputation has been repeatedly tied to the actions of less responsible pineapple companies. Human rights campaigns are not always launched against the most rights-irresponsible companies, but against the companies most susceptible to global outcry. Dole is a likely target for activism, given its size, visibility, and recognizable brand. Dole needs only to create conditions for third-party activists to publicize harms attributable to the company to position itself as a target for human rights allegations.

Current conditions at El Muelle plantation make it a prime target for activist intervention. Local communities have lost jobs, incomes and their sense of community as pineapple fields have replaced neighborhoods. Dust, noise, and constant traffic have made San Jorge miserable. Promises to help churches, fish farmers and schools have gone unfulfilled. Activists looking to prove that pineapples are bad for Costa Rica can find willing witnesses (and victims) in San Jorge.

## 8. Preliminary List of Impacted Rights

Rights listed below may be positively or negatively impacted. They are included on the list simply because catalogs presented topics where there would be noticeable change from baseline. Rights are labeled positively impacted (P), negatively impacted (N), or both, in cases where different rightsholder groups are impacted differently.

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<sup>8</sup> For background on this, see, ex.: Wright, Michael. Corporations and Human Rights: A Survey of the Scope and Patterns of Alleged Human Rights Abuse. April 2008, as well as Ruggie, John. Report to the UNCHR, April 2009

**Labor**

Right to Favorable Working Conditions (P)  
Nondiscrimination (P)  
Equal Pay for Equal Work (P)  
Right to Just Remuneration (P)  
Right to Holidays with Pay (P)  
Freedom of Association/Unionization (P)

**Health/Environment**

Right to Health (P/N)  
Right to Clean Environment (P/N)  
Right to Clean Air (N)  
Right to Adequate Standard of Living (P/N)  
Right to Adequate Supply of Water

**Security**

Right to Privacy (N/P)

**Rightsholder-Specific**

Right to Education (P/N)

These rights are addressed in **Section 11**, below. **Section 8** provides clarification on corporate responsibility for certain rights that occasionally generate confusion.

**8.1. Right to Privacy**

The Right to Privacy is laid out in Article 12 of the Universal Declaration of Human Rights and elaborated in Article 17 of the International Covenant on Civil and Political Rights. As stated in these documents, “No one shall be subjected to arbitrary interference with his [or her] privacy, family, home or correspondence.” Furthermore, Article IX of the OAS Declaration on the Rights and Duties of Man (adopted by Costa Rica and the United States in 1948 when it was written) states that, “Every person has the right to the inviolability of his [or her] home.” A home can be “violated” by noise, dust, pollution and/or physical invasion. This right is further codified in the OAS Convention on Human Rights, Article 12.

**8.2. Right to Health / Right to Clean Air and Environment**

The Right to Health, as stated in Article 26 of the Universal Declaration of Human Rights, incorporates a right to food, clothing, housing, medical care, social services, and unemployment protection. These welfare rights are the responsibility of governments to provide and corporations to respect. The Right to Health is found in the Declaration of Economic Social and Cultural Rights. Article 12 ensures all humanity the right to health and environmental hygiene, including the right to adequate water, clean air, and access to information about disease. In its duty to respect the Right to Health and Environmental Hygiene, the Project should uphold, at a minimum, the “do no harm” principle.<sup>9</sup> Given the significant negative impacts of perpetual dust entrainment in communities alongside major Project roads, the Project has a positive responsibility to respect this right in its operations. Similarly, given the crucial nature of access-to-water for farmers and ranchers in the area, any additional strain the Project puts on water sources must be considered an impact.<sup>10</sup> Project water use is quite limited. However, Dole has

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<sup>9</sup> UN Special Representative John Ruggie’s Framework for Business and Human Rights presents principles by which a transnational business should operate. “Do no harm” is the most fundamental; responsible businesses build from there.

<sup>10</sup> The Right to Water and Sanitation was codified by the UN General Assembly in August 2010. The most current and comprehensive study on the human right to water was conducted by the Institute for Human Rights and Business and made public in September 2008. Drafters of the report *Business, Human Rights & the Right to Water* included the Roundtable on Business in partnership with the United Nations Global Compact Human Rights Working Group, and NGO Realizing Rights, as well as representatives from business, civil society, socially-responsible investors, and national and international human rights organizations. The report identifies three potential responsibilities of business concerning water: as a consumer of water, an enabler of access to water, and a provider or distributor of water. Businesses increasingly agree that they should report on water use and monitor their “water footprint.” The Project needs to consider this right as it continues to gain respect and attention.

suggested it will hire the “Soil and More” organization to undertake a water footprint project comparing conventional and organic agriculture in late 2010.

### **8.3. Right to an Adequate Standard of Living**

The Right to an Adequate Standard of Living derives from Article 25 of the Universal Declaration of Human Rights. Corporate responsibility to respect this right includes not only the rights of workers, but the rights of all individuals impacted by the Project. Fair wages protect employees rights to an adequate standard of living, but in Projects where few locals become employees, Companies have a responsibility to ensure that local standards of living are not negatively impacted. If shops lose clientele or farmers lose land (without selling at fair market value), local standards of living decline.

### **8.4. Right to Education**

Similarly, Companies impact the Right to Education for workers’ children and for local children. The Right to Education is derived from article 26 of the Universal Declaration as well as Article 13 of the International Convention on Economic and Social Rights. If schools lose government funding, teachers, and/or supplies because student matriculation declines, that marks a negative impact resulting directly from Project activities.

## **9. List of Presumptive Rightsholders**

Human rights are held by individuals referred to as “rightsholders.” HRIAs necessarily employ this term and concept, which is not used in other assessments, because rights analysis starts with the individuals whose human rights could be at risk; traditional impact assessment, in contrast, focuses on groups that have a “stake” in the project – be it financial, social, environmental or otherwise. Most impact assessments categorize stakeholders by proximity, dividing them into host community, host country, and “wider community” (see, e.g. IFC p. 39). The rightsholders relevant to the HRIA are a more exclusive group – a subset of the stakeholder group.

It is occasionally argued that a Project’s positive impacts on the majority of rightsholders should outweigh negative impacts on the minority. This is not how human rights are assessed. Because rights are held by every individual, a negative impact on one rightsholder cannot be neutralized by a positive impact on another. Rights-responsible companies commit to a “do no harm” principle. If even one rightsholder is harmed, it still must be noted in HRIA and should be remedied by the Project under assessment.

Rightsholders generally live within the project vicinity (there are exceptions, such as child laborers in the supply chain). They are integral to a Human Rights Impact Assessment, particularly if they are not well represented by government, trade unions, NGOs, or any other organization. Community leaders, traditional government leaders and NGO leaders may have positions and opinions reflective of rightsholder concerns, and so should be heard, but more vital are the voices of the “voiceless” – those whose interests are rarely taken into consideration, sometimes to the detriment of all. The goal of rightsholder analysis is to determine, as accurately as possible, the effect of the Project on rights, whether or not the rightsholders are in power.

Rightsholders relevant to a Project are those whose lives are shaped by impacted rights. **Environmental rightsholders** will experience positive or negative impacts to their health or livelihood as a result of changes in environmental conditions. **Welfare rightsholders** are impacted by the positive effects of expanding local economic activity or the negative effects of a shrinking economy or an economy that grows and leaves them behind. **Labor rightsholders** are both direct Project employees and participants in the supply chain of Project inputs and Project products.

Based on the rights listed in **Section 8** and the rightsholders evoked throughout the Context and Project Catalogs, rightsholders who are most susceptible to certain rights impacts include:

**Labor Rightsholders - By Work**

- Employees
- Temporary contract workers
- Fired/retrenched workers

**Environmental Rightsholders - By Locality**

- Residents of San Jorge and other communities on dusty thoroughfares
- Fish farmers and others deriving livelihoods from water sources downstream of the Project

**Welfare Rightsholders - By Needs**

- Inhabitants of San Jorge, Santa Teresa, and other communities whose populations and economies shrank when pineapple plantations replaced smaller landowners (prior to Dole ownership)
- Elderly inhabitants who cannot seek new work elsewhere
- Children of employees, locals, and newcomers
- Local children attending local schools
- Frequenters of local clinics, including workers and local inhabitants

## 10. Rightsholder Engagement

As the people most vulnerable to rights violations, rightsholders are the individuals to be targeted in mitigation steps by the Company. Separate Rightsholder Engagement is integral to HRIA, even when Stakeholder Engagement has already been conducted. Before commencing organic operations in the area, Dole conducted stakeholder perception studies to understand fears and concerns among the local population. The surveys were a valuable resource serving as a baseline for fears, in contrast to the realized risks and benefits that have resulted from operations.

Rightsholder engagement for the Dole Project was limited to interviews and focus groups, as survey data was already widely available in the area. These conversations were conducted informally, usually without a recorder, in an effort to keep conversation easy and promote free flow of dialog. Key interviewees – both rightsholders and stakeholders – included:

- Boca de Arenal nurses and staffers
- District education officials
- Bella Vista Doctor Pablo Artavia Jiménez
- Clinic patients
- Project employees – harvesters, machinery operators, drivers, pineapple sorters, seeders, others
- Retrenched and fired workers
- Employee families
- Non-Dole employees – from competitor farms at Agromonte, Pinas Bella Vista and others
- Teachers in primary schools in the project area and in the Boca de Arenal Secondary School
- Shop owners – in San Jorge, San Pedro, Bella Vista, Santa Teresa, and Boca de Arenal
- Area residents in Santa Teresa, San Jorge, San Pedro, and Bella Vista

These discussions aimed at pinpointing the differences between official descriptions of on-the-ground situations – from company, government, and NGOs – and local experiences.

## 11. Human Rights Ratings

Using the list of impacted rights generated in **Step 6**, and synthesizing the information gained from the Topic Catalogues, we have rated the extant and anticipated rights impacts on a five-grade scale, red to blue, with red having, potentially, the potentially most negatively affected rights and blue the most potentially positive.

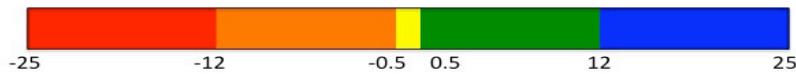
		Intensity of Impact Incl. Severity and Directness		
		Low	Medium	High
Extent of Impact Incl. # of Rightsholders impacted and Extent of Company Responsibility	Low	+/-1	+/-3	+/-5
	Medium	+/-3	+/-9	+/-15
	High	+/-5	+/-15	+/-25

Ratings are contingent on the interplay among Context, Project and Company, with an eye to where these elements overlap. The ratings system is numerical, defined by the extent and intensity of impact that Project actions will have on a given rights issue. Ratings are converted into color codes by averaging the positive and negative values assigned to issues relevant to a single right, and placing that numerical value on a weighted spectrum (see below).

Intensity is defined as the extent to which an impact will significantly alter life for even a single person, and the extent to which the Company is

responsible. Extent is defined as the breadth of the impact. If, for example, only one hundredth of the population is hired by a Project at a wage rate triple the local norm, extent will be low but intensity will be high. The issue will have a +5 score.

The average score of all issues related to a single right becomes that human right's rating score, which can range from -25 to +25. As seen in the spectrum below, the range for yellow ratings is only one, compared to double-digit ranges between other color ratings. This apparent disparity presents the reality of rights issues. A blue score requires significantly more intensity and extent of impact than an average of medium/medium (+/-9 – see matrix above) presents. And there is only a small range of opportunities for the positive and negative rights impacts of a Project to truly negate each other and achieve a yellow rating.



In extenuating circumstances, rights issues that numerically fall on the cusp of two ranges are color-coded to the neighboring color. For example, when a marginally positive impact scores in the yellow range (+0.5) but demands acknowledgement of the net-positive outcomes, it may be rated green. When this is done it is clearly noted in the Ratings Chart.



**Red** A red rating indicates that a right is likely to be severely negatively impacted by the Project to the extent that it poses risk to the success of the Project itself.



**Orange** An orange rating indicates that the Project has the potential to impact a right in negative ways.



**Yellow** A yellow rating is a warning sign, indicating that the impacts of the Project on a right are variable but are likely to be significantly positive or negative. All yellow ratings require a clear explanation of why the rating was given and what the foreseen impact(s) is/are. Because of the contingent nature of yellow ratings, monitoring is necessary to determine whether, which way, and how severely the rights end up being impacted.



**Green** A green rating indicates the Project is likely to impact a right in positive ways.



**Blue** Rights rated blue are expected to improve significantly as a direct result of Project activities. Blue ratings indicate impacts, which can positively affect a company's reputation and can be examples of outstanding positive influence in a community.

In addition to the colored ratings, there are times when the assessment is based on future events that are currently too difficult to predict. This would include such things as whether a new company will abide by its stated policies or whether a relocated population will be fairly compensated. In such situation, the ratings box will explain the uncertainties and the right will be assigned a grey or black rating.



**Grey** A grey rating indicates that the right will ultimately either be in the positive or negative area depending on future events which are too difficult to accurately predict.



**Black** A black rating is a strong caution sign that there is significant potential to dramatically negatively impact the right. It is a warning that the topic needs to be monitored and managed.

Context (Con)/ Company (Com)/ International Standards (Intl)		Rating (original)	Rating (monitoring)
11.1. LABOR			
Right to Work / Nondiscrimination / Equal Pay			
Con	Prior to Project operations, many people were self-employed farmers, or plantation employees. Employment figures are estimated at double what they were prior to Project commencement by local health authorities.	<p>● BLUE</p> <ul style="list-style-type: none"> <li>• Job creation in low employment area (700 long-term jobs)(+9)</li> <li>• Project jobs are more secure than previous employment opportunities (+15)</li> <li>• Women at 18 percent of the workforce, are better represented in Project payrolls than in other plantations' (+15)</li> <li>• Equal employment opportunities are extended to men and women (+9)</li> <li>• Equal pay is issued to men and women for equal work (+15)</li> </ul> (Rating +12.7)	<p>● BLUE</p> No Change
Com	Company hires workers in the area for all elements of operations, with promotion occurring through experience and on-the-job training		
Intl	IFC Performance Standard 2; Universal Declaration, Articles 1-2, 6-7, 23; International Covenant on Economic, Social and Cultural Rights, Article 7; International Covenant on Civil and Political Rights; SA 8000 5.1 – 5.3		
Right to Just Remuneration / Holidays with Pay			
Con	Landowners profited from their farming and ranching, but hired hands earned wages well below the national minimum and had no insurance.	<p>● GREEN</p> <ul style="list-style-type: none"> <li>• Overtime and holidays are respected at the Project. (+3)</li> <li>• Time-and-a-half is paid for overtime and holiday work. (+3)</li> <li>• Wages at the Project are better than wages any other agricultural employer in the area. Both fair and progressive. (+9)</li> <li>• Workers at the plant have a one-hour lunch break and subsidized meals</li> </ul>	<p>● GREEN</p> No Change
Com	Company insures all workers, provides access to healthcare, pays minimum wage and conducted an operations-wide Livable Wage study in 2008 to ensure just remuneration. Holidays are respected and time-and-a-half is paid for overtime work.		
Intl	IFC Performance Standard 2		

	<p><u>ILO Decent work and Vocational Training</u>  <a href="http://www.ilo.org/public/english/region/ampro/cinterfor/publ/sala/dec_work/ii.htm">http://www.ilo.org/public/english/region/ampro/cinterfor/publ/sala/dec_work/ii.htm</a>  <u>ILO Minimum Wage Fixing Convention 1970</u>  <a href="http://www.ilo.org/ilolex/cgi-lex/convde.pl?C131">http://www.ilo.org/ilolex/cgi-lex/convde.pl?C131</a>  <u>ILO Employment Paper addressing \$1/day extreme poverty</u>  <a href="http://www.ilo.org/public/english/employment/st_rat/download/ep13.pdf">http://www.ilo.org/public/english/employment/st_rat/download/ep13.pdf</a>                      SA 8000 8.1 – 8.3</p>	<p>(fieldworkers do not, generally preferring to leave the fields by lunch time) (+5)                      (Rating +5)</p>	
<b>Freedom of Association</b>			
Con	<p>Labor was not well organized prior to Project arrival.</p>	<p>● GREEN                      • 80 percent of permanent workers are members of the Solidarista Association (+15)                      • Membership is voluntary, open to all workers, both Costa Rican and Nicaraguan. (+15)                      • Workers can, through annually elected Solidarista representatives, barter for improved tariffs and benefits. (+15)                      • No workers interviewed mentioned having any such association in previous places of employment. (+15)                      • Workers who are not members express distrust. A theft of Solidarista funds has raised ongoing corruption concerns and resulted in a series of alarming firings (-9)</p>	<p>● GREEN                      • 50 percent of permanent workers are members of the Solidarista Association (+15)                      • Lacking confidence in the actions of the Solidarista Association and the Permanent Committee, workers have begun joining the national fruit workers union, SINTRAPIFRUT. (+15)                      • Union membership is approaching 50% among harvesters and farm maintenance workers. (+15)</p>
Com	<p>Company supports an Asociacion Solidarista in Costa Rica, which provides social security, health insurance, pension money, and other long-term savings opportunity. Additionally it has a council to address grievances between workers and management, including wage disputes and working hours. Collective Bargaining is conducted through a Permanent Committee, elected every three years. Each department elects one member, creating a committee with approximately a dozen members.</p>		
Intl	<p>IFC Performance Standard 2                      ILO Convention 87 Freedom of Association                      SA 8000 4.1 – 4.3</p>	<p>• Collective Bargaining is conducted through the Permanent Committee, which has had complex</p>	

		and problematic overlap with the leaders of the Asociacion Solidarista. (-9) (Rating +7)	
Right to Favorable Work Conditions			
Con	Prior to Project arrival, Project area jobs included farm work with sugar cane, orange plantations, teak and Molina plantations, and animal husbandry. For self-employed landowners, working conditions were self-set. For hired laborers, working conditions included long hours without overtime pay, no social insurance, and rare use of protective gear. Pineapple plantation work is arduous. Workers are rain-drenched through wet-season and sweltering through dry season. Pineapple plants are fibrous and spiny, and jobs that require extracting seeds or conducting the harvest invariably set workers right into the spines of the plant. Pesticides and herbicides are used, and heavy machinery is regularly employed.	<ul style="list-style-type: none"> <li>● GREEN</li> <li>• Health care is provided by government. The Project clinic has nurses working full-time and a government doctor once weekly. (+1)</li> <li>• Workstations have 40 liters of ice water for every 15 workers, and electrolyte serum in the case of heat stroke. (+9)</li> <li>• Dole employees informed assessors that they would work for no other company, citing favorable working conditions as the primary reason. (+5)</li> <li>• All workers wear protective gear at all times. Signposts keep workers out of fields recently sprayed with hazardous chemicals. (+15)</li> <li>• Sun-sick and heat-sick workers who don't recover with water, shade and serum are paid for the day while they recover. (+9)</li> <li>• Benefits include health insurance (and transportation to facilities) and a pension fund, both of which workers consider extremely valuable. (+5)</li> <li>• Workers are extremely well informed of their rights as laborers, owing to intensive education efforts by the human resources department regarding SA8000. (+15)</li> <li>• Skills training is conducted regularly. (+9)</li> <li>• Pineapple work is always arduous, uncomfortable, and intense. Any positives are working to counter its inherent discomfort. (-15)</li> <li>• There are ongoing fears that workers who don't work overtime will be fired. Retrenchment policies are absent and do not adhere to SA 8000 presentations by Dole that workers who do not transgress rules have secure jobs. (-9)(Dole: Our certified Social Responsibility System has a grievance system whereby this type of situation can be raised and corrected, if necessary. Management is not aware of specific cases and the yearly SA8000 external audits have not identified noncompliance with the Company policy regarding employment or forced labor. ( ))</li> <li>• Workers who have been fired or retrenched still say Dole is an "excellent company", feel they learned a great deal on the job, believe they've gained life skills, and would seek employment with the company again, if key personnel were removed from positions of authority (+25) (Rating +6.4)</li> </ul>	● GREEN No Change
Com	SA 8000 certification sets standards for working conditions, which the Company upholds.		
Co.	IFC Performance Standard 2; ILO Fundamental Conventions; FSC Principle #4; Universal Declaration, Article 23; International Covenant on Economic, Social and Cultural Rights, Article 7; SA 8000 general		
11.2. HEALTH / ENVIRONMENT / ECONOMIC			
Right to Housing – San Jorge			

Con	The Project area has a long history of Nicaraguan immigration, but Nicaraguan and Costa Rican houses are of strikingly different make. Nicaraguan houses are generally wooden, sometimes on stilts, and they often have poorer sanitation and water supply. Costa Rican houses are generally cinderblock and stucco, painted and tiled, with manicured lawns. Almost all houses have tin roofs and gates.	<p>● RED</p> <ul style="list-style-type: none"> <li>• Non-employee housing has declined in quality along major Project routes, resulting from Project dust and noise. (-9) (Rating: -9)</li> </ul>	<p>● RED</p> <p>No Change</p>
Com	Company policy has shifted in recent decades away from “worker villages” towards salaries sufficient for workers to provide their own houses.		
Intl	SA 8000 2.1; Universal Declaration, Art. 25; International Convention on Economic, Social and Cultural Rights, Art. 11; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Art. 43; IFC Workers Accommodation: Processes and Standards		
Right to Housing – Other than San Jorge			
Con	The Project area has a long history of Nicaraguan immigration, but Nicaraguan and Costa Rican houses are of strikingly different make. Nicaraguan houses are generally wooden, sometimes on stilts, and they often have poorer sanitation and water supply. Costa Rican houses are generally cinderblock and stucco, painted and tiled, with manicured lawns. Almost all houses have tin roofs and gates.	<p>● GREEN</p> <ul style="list-style-type: none"> <li>• Employee housing has undergone significant changes at the hands of the workers themselves. Workers who previously lived in crowded houses with extended families have procured their own dwellings. Some workers are constructing their own houses, adding rooms as desired, by saving from each paycheck. (+9)</li> </ul>	<p>● GREEN</p> <p>No Change</p>

Com	Company policy has shifted in recent decades away from “worker villages” towards salaries sufficient for workers to provide their own houses.	<ul style="list-style-type: none"> <li>• Houses in what locals consider the “worst” neighborhoods have electricity, wells, and piping in preparation for piped water. Many are tiled inside and stuccoed outside in the Costa Rican fashion, even for Nicaraguan workers. (+9) (Rating +9)</li> </ul>	
Intl	SA 8000 2.1; Universal Declaration, Art. 25; International Convention on Economic, Social and Cultural Rights, Art. 11; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Art. 43; IFC Workers Accommodation: Processes and Standards		
Right to Health			
Con	Project arrival coincided with significant improvement in vaccine availability in the area, so health has improved nationwide.	<ul style="list-style-type: none"> <li>● GREEN</li> <li>• Population growth resulting from Project activities has earned the area a new EBAIS clinic with excellent staff and regular supplies. (+15)</li> <li>• Workers and their families are provided transportation and insurance for healthcare, including annual dental and vision exams. Additionally, workers have access to healthcare on Saturdays on site, provided by the Company. (+9)</li> <li>• Back problems have</li> </ul>	<ul style="list-style-type: none"> <li>● GREEN</li> <li>No Change</li> </ul>
Com	Company policy includes a mandate to ensure that surrounding communities have adequate sanitation facilities and clean drinking water. This is not visibly in effect in the Project area. Company policy also guarantees support to local health facilities; at least one local facility denies that it receives any support.		

Intl	Universal Declaration, Article 25; International Covenant on Economic, Social and Cultural Rights, Article 12; WHO Constitution; Performance Standards 2, 3, and 4; SA 8000 3.1 – 3.6	increased as a direct result of Project work, doctors say. (-3) • Doctors’ workloads (and clinic crowding) have increased as a result of population growth. (-5) • Health issues are at risk related to the significant increase in dust entrainment in San Jorge. (-3) (Rating: 2.6)	
Right to Clean Environment			
Con	The Project area had already suffered significant environmental degradation before the Company purchased the land. Cattle ranchers, plantation owners and farmers were unmonitored or minimally monitored in their consumption of surface water and their use of herbicides and pesticides.	● YELLOW ● GRAY (lacking data) • Project efforts to mitigate erosion, including manmade and flora-based groundcover and barriers, have set industry standards. (Monitoring data of surface water suspended solids would further improve this rating). (+5)	● GREEN • Project efforts to mitigate erosion, including manmade and flora-based groundcover and barriers, have set industry standards. (Monitoring data of surface water suspended solids would further improve this rating). <b>Erosion was visible on site during the Dec 2011 visit. Anti-erosion plants had been uprooted in the heavy rains (+5)</b>
Com	The company complies with national standards where it operates, and it is ISO 14001 certified in environmental management systems. The company is also GlobalGAP (Good Agricultural Practices) compliant. The Company has also banned the “dirty dozen” pesticides viewed worldwide as environmentally destructive and has cut carbon emissions and water consumption in operations worldwide.	• Project minimizes herbicide and pesticide use to “as needed” basis (less than monthly) and conducts regular monitoring of surface water and soil agrochemical content (none found in recent months). (+9) • Anecdotal evidence suggests that environmental protections	• Biodiversity monitoring has revealed an increase in rare species in

Intl	Performance Standards 3 and 6; Rainforest Alliance; International Covenant on Economic, Social and Cultural Rights, Article 12	<p>are better under Project activities than before – a downstream tilapia farmer in the town of Muelle says fish kills were worse under previous management, though they still occur. (+5)</p> <ul style="list-style-type: none"> <li>• Natural forests and grassy rangeland have been replaced with tilled fields (by previous owners, and furthered by Project owners), inevitably eliminating reducing biodiversity. This negatively impacts human rights in so far as people in the area were emotionally and culturally connected to the landscape. A loss of sense-of-place has occurred. The use of herbicides and pesticides have contributed to the sense that the environment, a loved resource, is no longer pure. (-9)</li> </ul> <p>(Rating: +0.2)</p>	<p>the area, owing partly to improved protections of riverine areas (+5)</p> <ul style="list-style-type: none"> <li>• Wastewater is now treated for dissolved oxygen content as well as sediments and chemical properties (+5)</li> </ul> <p>(Rating: +5)</p>
Right to Clean Air – San Jorge			
Con	Dust creation is an issue associated with large vehicles from other plantations in the area.	<p>● RED</p> <ul style="list-style-type: none"> <li>• The Project conducts no mitigation for dust entrainment. (Dole; see earlier ideas re donated plants for hedges/dust barriers) Teachers struggle to lecture without coughing, shopkeepers struggle to keep wares clean, and towns along major Project routes have become undesirable living</li> </ul>	<p>● RED                  No Change</p> <ul style="list-style-type: none"> <li>• The Project dust mitigation plan has not been enacted. No local consultations have been conducted. (-15)</li> </ul>
Com	No dust entrainment is conducted, no monitoring is ongoing.		
Intl	Performance Standards 3 and 6; Rainforest Alliance; International Covenant on Economic, Social and Cultural Rights, Article 12		

		spaces. (-15) (Rating: -15)	
<b>Right to Clean Air – Other Rightsholder Areas</b>			
Con	Much land was destroyed by the brief previous owners of Project land. Prior to that, rangeland and medium-sized farms were mixed with large holdings, leaving live barriers (trees) present. Tree plantations also improved air quality	<p><b>● YELLOW</b></p> <ul style="list-style-type: none"> <li>• Tree clearing was necessary in limited areas to plant pineapple fields, and chemical spraying has been introduced. Scope and severity reduced because area already had pineapple cultivation (-3)</li> <li>• Company-wide carbon neutral projects have come into effect in the Project area. Product transportation is offset by carbon credits, which do not improve local air quality. (+1)</li> <li>• The previous owner of Dole’s pineapple fields used more airborne chemicals; Dole’s operations represent a comparative reduction. Dole has also ceased burning fields to clear pineapple fields – a significant improvement in air quality over other plantations, if not over preexisting conditions (+3)</li> <li>• In Santa Teresa, odors from organic spraying cause nausea and headaches. (-1)</li> </ul> (Rating: 0)	<p><b>● GREEN</b></p> <ul style="list-style-type: none"> <li>• New biodiesel initiative at Project reduces emissions while using locally-produced biodiesel (+5)</li> </ul> (Rating: 1.67)
Com	The Company is committed to reducing its carbon footprint.		
Intl	Performance Standards 3 and 6; Rainforest Alliance; International Covenant on Economic, Social and Cultural Rights, Article 12		
<b>Right to an Adequate Supply of Water – Santa Teresa and San Jorge</b>			
Con	In the years before Project development, land was transitioning from forest to agriculture. Concurrent with this transition, the water table began dropping, such that wells began	<p><b>● ORANGE</b></p> <p><b>● UNCERTAIN</b></p> <ul style="list-style-type: none"> <li>• Wells run dry every day of the summer in Santa Teresa and San Jorge. The duration of dry spells</li> </ul>	<p><b>● ORANGE</b></p> <p><b>● UNCERTAIN</b></p> <ul style="list-style-type: none"> <li>• Two very rainy years have resulted in replenished wells and rising water</li> </ul>

	running dry in summer	increases annually, residents say. The Project conducted no baseline data on aquifer levels, drawdown, or the impacts of Project drainage systems on groundwater. (-3 Uncertainty) • Residents believe the Project may be compounding preexisting water shortages (-3 Uncertainty) (Rating: -3, Uncertainty)	tables. This does not obviate concerns about climate change permanently altering water availability in the area (-1 Uncertainty) • The Project still conducts no aquifer size studies, complicating efforts to understand its potential impacts on water (-3 Uncertainty) (Rating: -2.5, Uncertainty)
Com	Company policy includes a mandate to ensure that surrounding communities have clean drinking water. While the government of Costa Rica ensures that water is clean, the Company has made no effort to ensure it is not impacting the water table.		
Intl	Universal Declaration, Article 25; International Covenant on Economic, Social and Cultural Rights, Article 12; WHO Constitution; Performance Standards 2, 3, and 4; SA 8000 3.1 – 3.6		
<b>Right to Adequate Standard of Living – Employees</b>			
Con	Project employees generally began work as unskilled, uneducated workers. Few had previously earned even minimum wage.	● GREEN • Purchasing power has increased for workers. (+3) • Worker salaries are sufficient to pay rent, buy small houses, and build houses in the area. (+9) • There is no food insecurity in the area (+1)	● GREEN No Change
Com	Company policy mandates that workers earn a livable wage that will provide for the needs of employees and their dependents (SA 8000).	• In San Pedro, where many workers live, shop owners have profited from a growing population (+5) (Rating: +4.5)	
Intl	<a href="http://human-rights.unglobalcompact.org/themes_dilemmas/minimum_wage/">Adequate Standard of Living - Global Compact Issues</a> <a href="http://human-rights.unglobalcompact.org/themes_dilemmas/minimum_wage/">http://human-rights.unglobalcompact.org/themes_dilemmas/minimum_wage/;</a>		
<b>Right to Adequate Standard of Living – Santa Teresa and San Jorge Inhabitants</b>			
Con	Many communities surrounding the project have significantly shrunk in size, because the Project	● ORANGE • Elderly shop owners have lost clientele and income	● ORANGE No Change

	bought land and previous owners moved away.	precipitously as neighbors have left, first because pineapple plantations replaced houses, and then because neighbors left, finding the town unpleasant as dust and noise accumulated. They cannot leave, having nowhere else to go, and they struggle to make ends meet. (-15)	
Com			
Intl	<a href="http://human-rights.unglobalcompact.org/themes_dilemmas/minimum_wage/">Adequate Standard of Living – Global Compact Issues http://human-rights.unglobalcompact.org/themes_dilemmas/minimum_wage/</a>	<ul style="list-style-type: none"> <li>▪ Merchandise is ruined by dust, customers are repelled. (-5)</li> <li>▪ Shop owners in San Pedro have profited from population shifts. (+5)</li> </ul> (Rating: -5)	
<b>Children’s Rights – Right to Education – Worker’s Children</b>			
Con	Schools in the area have seen significant enrolment shifts since Project activities commenced. Some of these changes are unrelated to Project activities – including occasional spikes in undocumented Nicaraguan student enrolments – but some are direct results of Project land acquisition.	● GREEN <ul style="list-style-type: none"> <li>▪ Children of workers experience similar alterations in school maintenance, upkeep and staffing as local children (see directly below). (-5)</li> <li>▪ Project scholarships offer opportunities to worker children that they would not otherwise have. (+5)</li> </ul>	● GREEN No Change
Com	The Company supports ongoing education for children of employees and funds scholarships for students of all ages in all project areas. The Company does not provide Company schools in the Project area.	<ul style="list-style-type: none"> <li>▪ Project provides school supplies to all children of workers. (+15)</li> </ul> (Rating: 5)	

	Intl	Universal Declaration, Art. 26; International Covenant on Economic, Social and Cultural Rights Art. 14; UNESCO Convention Against Discrimination in Education; 1 <sup>st</sup> Protocol of ECHR; 1981 Convention on the Elimination of All Forms of Discrimination against Women		
Children's Rights – Right to Education – Local Children				
	Con	Schools in the area have seen significant enrolment shifts since Project activities commenced. Some of these changes are unrelated to Project activities – including occasional spikes in undocumented Nicaraguan student enrolments – but some are direct results of Project land acquisition.	<p>● RED</p> <ul style="list-style-type: none"> <li>Decreased enrollment decreases state funding for local schools leading to declining school upkeep (-15)</li> <li>Students in single-teacher schools have lower achievement rates and shallower learning curves (-15)</li> </ul> <p>(Rating: -15)</p>	<p>● RED</p> <p>No Change</p>
	Com	The Company has no policy to protect the Right to Education for non-employee children who are impacted by Company activities		
	Intl	Universal Declaration, Art. 26; International Covenant on Economic, Social and Cultural Rights Art. 14; UNESCO Convention Against Discrimination in Education; 1 <sup>st</sup> Protocol of ECHR; 1981 Convention on the Elimination of All Forms of Discrimination against Women		
11.3. SECURITY				
Right to Privacy – Workers				
	Con	Among workers from other regions, none indicated that privacy was lessened by new employment.	<p>● BLUE</p> <ul style="list-style-type: none"> <li>Worker ability to select housing and neighborhoods</li> </ul>	<p>● BLUE</p> <p>No Change</p>

	Com	Company does not provide housing for workers, instead paying adequate wages to allow workers to choose their own towns, housing structures, and neighbors.	(no “worker villages”) allows for a great deal of privacy for workers and worker families. (+15) (Rating: +15)	
	Intl	Universal Declaration of Human Rights Art. 12; International Covenant on Civil and Political Rights Art. 17; <i>American Declaration on the Rights and Duties of Man, Art 9;</i>		
<b>Right to Privacy – Communities</b>				
	Con	The area was previously less developed, with fewer vehicles on streets and significantly less industrialized farming. Farms and ranches were held by smallholders and Agromonte had just recently begun pineapple production in the area.	<p>● <b>ORANGE</b></p> <ul style="list-style-type: none"> <li>• The Project has significantly increased the number of vehicles on roads, particularly between the packing plant and the main tarmac roads. (-15)</li> <li>• Noise pollution and dust impact people’s ability to carry out daily activities. (-5)</li> </ul>	<p>● <b>ORANGE</b>          No Change</p>
	Com	Company has no dust entrainment or noise pollution policies		
	Intl	Universal Declaration of Human Rights Art. 12; International Covenant on Civil and Political Rights Art. 17; <i>American Declaration on the Rights and Duties of Man, Art 9;</i>	<ul style="list-style-type: none"> <li>• Downstream rightsholders experience fewer disruptions to livelihood owing to Project’s decreased water toxicity issues (+3) (Rating: -5.7)</li> </ul>	
<b>11.4. Rights Unlikely to be Impacted</b>				
The rights without significant foreseeable impact include: Freedom from Exploitive Child Labor; Freedom of Religion; Freedom from Degrading Treatment and Torture; Freedom from Arbitrary Arrest and Imprisonment; Indigenous Rights; Freedom of Residence; Right to Property; Right to Food; Freedom of Assembly; Right to Political and Public Participation; and Right to Security of Person.				

## 12. Gap Analysis and Further Work

Environmental data from EIAs and monitoring were provided, briefly, to assessors. This data lacked sufficient clarity on the subjects of surface water quality related to erosion or groundwater drawdown. **(comments to this first draft should clarify on water quality)** EIA did not identify a dropping water table in the area, though this reality likely predates the Project by several years. Without such data, residents are see the Project as at least partly responsible for their dry-season water shortages. Clarification on the theft of Solidarista funds and the ensuing firings is needed to establish the extent to which labor (unionization) rights are upheld.

## 13. Recommendations

The dominant issues requiring company action are oriented towards the Project's impacts on the particularly negatively impacted community of San Jorge. Income loss, dust, and population decrease resulting in diminished educational opportunities can be addressed in the following ways:

### 13.1. Dust Mitigation

The road through San Jorge should be paved or regularly bowsered. The Project can hire a local to hose down the road during the dry season or can use trucks to spray water. Paved roads would be preferable, but it is assumed that such a remedy is not financially viable at this time. Donation of plants for hedges/dust barriers

### 13.2. Income Generation

Shop owners and mechanics in San Jorge, who expected to see increased business from the Project's presence nearby have been disabused of this optimism. Few workers live in the town, and even fewer stop by for shopping, vehicle repairs, or errands. The town, made uninhabitable by poor water access (a government failing), and perpetual noise and air pollution, is being destroyed by the Project. Population declines are precipitous, as are income losses. By bypassing the community for skills and supplies they can supply, leaving them with fewer clientele as the populations in San Jorge and Santa Teresa shrink, the Company negatively impacts the right to an Adequate Standard of Living.

To mitigate this, the Project should support businesses in San Jorge and Santa Teresa. Company policy of purchasing from the lowest bidder should be reconsidered in this situation. If the Project cannot or will not buy goods from shops in San Jorge, Solidarista buses should add a bus stop in the town, so that workers themselves can stop in to make purchases. Similarly, mechanics, who have been passed over for employment, should be reconsidered for contract work with the project and trained to do vehicle repairs on light vehicles that do not require factory maintenance.

### 13.3. Grievances, Education

Dole should create a storefront in San Jorge, staffed by a Community Relations Officer and stocked with Project information (regarding hiring, retrenchment, environmental monitoring, and grievance forms) relevant to community life. The Community Relations Officer should work only in the storefront (he/she should not have an office in the main building) and should be receptive and responsive to community complaints. This office should also forewarn communities when organic spraying will occur – odors associated with certain herbicides and pesticides cause nausea and headaches among the community, and forewarning would at a minimum prepare them for the scents. The Company is considering hosting an Open House for the nearest communities and/or inviting community members to file comments and grievances at the farm entrance or through the Solidarity Association commissary. These possible grievance systems will only be sufficient if complaints are swiftly and sufficiently addressed.

In recognition that decimated student populations have reduced the quality of education provided by governments, Dole is encouraged to support local education by providing opportunities for computation. The Community Relations storefront could contain a handful of (used) computers that students can use to practice computation (one of the two subjects missing from the San Jorge and Santa Teresa schools). If these computers are loaded with English language software, the Company could actually support **both** missing academic subjects. This would not only counter the negative impact that student enrollment declines have had on education, it would represent a palpably positive impact for otherwise underprivileged students. Or donate same to the local school?

#### **13.4. Labor**

Human Resources personnel should be removed from eligibility for Asociacion Solidarista leadership positions. The conflict of interest is not tenable, as exhibited in the Solidarista theft scandal, where the same person associated with the scandal was the management representative in meetings with the Permanent Committee. A thorough and public investigation is recommended on persons responsible for the ill will among workers pertaining to the 2009 theft of Solidarista funds.

## APPENDIX #1 Substantive Human Rights at Risk – By Source

Rights Topics	Right / Freedom	Source
UD = <i>Universal Declaration of Human Rights</i> ; ESC = <i>International Covenant on Economic Social and Cultural Rights</i> ; CP = <i>International Covenant on Civil and Political Rights</i>		
<b>I. Labor</b>		
A. Working Conditions	1. Right to Favorable Working Conditions	UD 23, ESC 7
	2. Right to Work	UD 23, ESC 6,
B. Child Labor	1. Freedom from Exploitive Child Labor	ESC 10
C. Non-Discrimination	1. Nondiscrimination	UD 1, 2, 6, 7 ESC 2, 7 CP 2, 3, 16, 26
	2. Equal Pay for Equal Work	UD 23, ESC 7
	3. Freedom of Religion	UD 2, CP 18
D. Right to Unionize	1. Freedom of Association	UD 20, CP 22
	2. Right to Belong to a Trade Union	UD 23, ESC 8
	3. Right to Strike	ESC 8
E. Fair pay	1. Right to Just Remuneration	UD 23, ESC 7
	2. Right to Holidays with Pay	UD 24, ESC 7
	3. Right to a Basic Standard of Living	UD 25
<b>II. Security</b>		
A. Freedom from violence/coercion	1. Rights to: Life, Liberty, Security of Person	UD 3, CP 6,8, 9, 10, 11
	2. Freedom from Degrading Treatment/Torture	UD 5, CP 7
	3. Freedom from Arbitrary Arrest, Imprisonment	UD 9, CP 14, 15
B. Free speech/freedom from intimidation	1. Freedom of Thought	UD 18, CP 18
	2. Freedom of Expression	UD 19, CP 19
	3. Freedom of Assembly	UD 20, CP 21
<b>III. Health / Environment</b>		
A. Environment	1. Right to Adequate Supply of Water	ESC 12
	2. Right to Clean Air/Environment	ESC 12
B. Health	1. Right to Std. of Living Adequate for Health	UD 25
	2. Right to Health	ESC 12
<b>IV. Property / Economic</b>		
A. Housing	1. Freedom of Residence	UD 13
	2. Right to Housing	UD 25
B. Livelihood	1. Right to an Adequate Standard of Living	UD 25
C. Property	1. Right to Property	UD 17
D. Privacy	1. Right to Privacy (Noninterference)	UD 12, CP 17
E. Food	1. Right to Food, Freedom from Hunger	UD 25, ESC 11
<b>V. Education</b>		
A. Education	1. Right to Education	UD 26, ESC 13
B. Childhood	1. Rights of Children	CP 24
<b>VI. Political</b>		
A. Corruption	1. Right to Public and Political Participation	CP 25
B. Immigration	1. Freedom of Movement, Immigration	UD 13
<b>VII. Indigenous Rights</b>		
A. Informed consent	1. Right of Self Determination, Natural Resources	ESC 1 ESC 1, CP 1
	2. Right to Subsistence	
B. Culture	1. Right to Cultural Participation	UD 27, CP 27

## APPENDIX #2 Survey Data for Topics

A blank right hand column represents a body of information that has not been produced or provided to assessors. (P) indicates partially analyzed

Topic	Information Body
<b>LABOR</b>	
<b>WAGES</b>	
What are local wage rates	
Locals have skills to enable them to be employed by Project	EIA
<b>UNIONS</b>	
Presence, legality and power of unions	US DoS HR Report
<b>EXPLOITIVE PRACTICES</b>	
Presence of child labor in the area	
Human trafficking in the area	US DoS HR Report
<b>HEALTH</b>	
Infectious disease profiles and trends	Govt Clinics
Local health infrastructure	Govt Clinics
<b>SURFACE WATER</b>	
Quantity and Quality	EIA
Use and sources (agricultural, industrial, domestic, drinking, bathing)	EIA (P)
<b>GROUND WATER</b>	
Uses (drinking water, agricultural, domestic)	EIA (P)
Depletion rates; Quantity and Quality	
<b>AIR QUALITY</b>	EIA (P)
<b>POLITICAL/GOVERNMENT</b>	
<b>FORM OF GOVERNMENT</b>	
Traditional government structure in place	EIA (P)
Confidence in government to provide basic welfare rights, liberty rights	
Confidence in government to effectively regulate Project	
Corruption	WB Gov'ce Indices
Effectiveness/brutality of police	EIA; DoS HR Report
Effectiveness of civil courts	WB Gov'ce Indices
<b>CONFLICT</b>	
Recent, likely, or current conflict zone	History Texts
Local military size, military structure, and military presence	CIA
History of ethnic/religious strife	CIA
<b>FREE SPEECH / PROTESTS</b>	
Attitude of local police towards demonstrations	US DoS HR Rpt (P)
State of local activism, Intensity of Project opposition (local, national, etc)	
<b>SOCIAL</b>	
Local attitudes toward minorities/marginalized groups	
<b>ECONOMIC</b>	
Standard of living/ Poverty rates	EIA (P)
Presence of illegal labor in the area	EIA (P)
Availability of housing	EIA (P); Govt Clinics
<b>EDUCATION</b>	
Local school infrastructure	EIA (P); Govt Clinics
Educational attainment	EIA; Govt Clinics
<b>PROJECT</b>	
Fears of harm from the Project	EIA (P)
Respect for Project Management	

### APPENDIX #3 UN High Commission on Human Rights

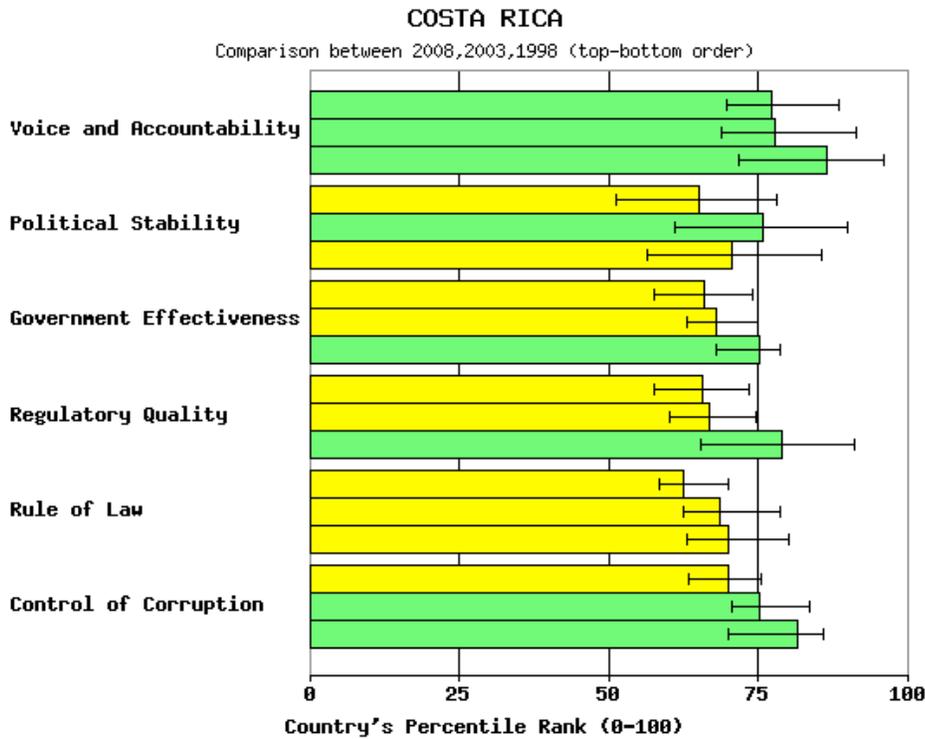
#### Costa Rica's Ratifications and Accessions of Global Human Rights Treaties

CODE	TREATY NAME	SIGNED/RATIFIED
CAT	CONVENTION AGAINST TORTURE AND OTHER CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	12/98
CAT OP	OPTIONAL PROTOCOL	N/A
CCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS	7/77
CCPR OP1	OPTIONAL PROTOCOL	N/A
CCPR OP2	OPTIONAL PROTOCOL	N/A
CED	CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE	N/A
CEDAW	CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	5/99
CEDAW OP	OPTIONAL PROTOCOL	N/A
CERD	INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION	1/70
CESCR	INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS	9/77
CMW	INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES	N/A
CPD	CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES	10/10 (PENDING)
CPD OP	OPTIONAL PROTOCOL	
CRC	CONVENTION ON THE RIGHTS OF THE CHILD	10/92
CRC OP AC	OPTIONAL PROTOCOL (ARMED CONFLICT)	11/05
CRC OP SC	OPTIONAL PROTOCOL (CHILD PROSTITUTION/PORNOGRAPHY)	5/04

Source: UNHCHR

<http://www.unhcr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=186#186>

## APPENDIX #4 World Bank Governance Indicators



Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2009: Governance Matters VIII: Governance Indicators for 1996-2008

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

## APPENDIX #5 Global Competitiveness Index WEF

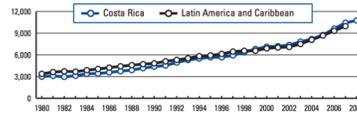
2.1: Country/Economy Profiles

# Costa Rica

### Key indicators

Population (millions), 2008.....	4.5
GDP (US\$ billions), 2008.....	29.8
GDP per capita (US\$), 2008.....	6,579.9
GDP (PPP) as share (%) of world total, 2008.....	0.07

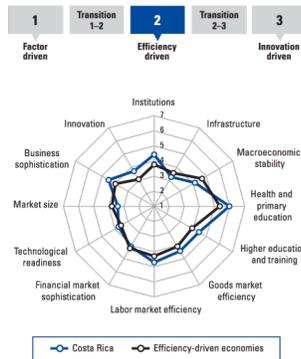
GDP (PPP int'l \$) per capita, 1980–2008



### Global Competitiveness Index

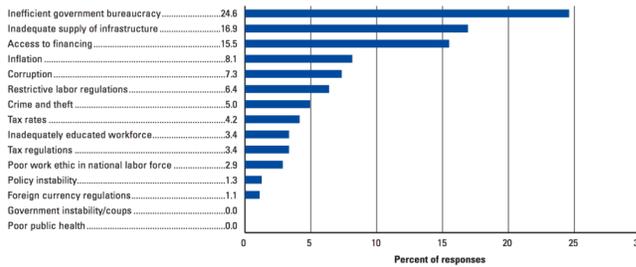
	Rank (out of 133)	Score (1–7)
<b>GCI 2009–2010</b> .....	<b>55</b>	<b>4.2</b>
GCI 2008–2009 (out of 134).....	59	4.2
GCI 2007–2008 (out of 131).....	63	4.1
<b>Basic requirements</b> .....	<b>62</b>	<b>4.4</b>
1st pillar: Institutions.....	47	4.4
2nd pillar: Infrastructure.....	82	3.2
3rd pillar: Macroeconomic stability.....	101	4.1
4th pillar: Health and primary education.....	29	6.0
<b>Efficiency enhancers</b> .....	<b>58</b>	<b>4.1</b>
5th pillar: Higher education and training.....	44	4.4
6th pillar: Goods market efficiency.....	47	4.4
7th pillar: Labor market efficiency.....	36	4.7
8th pillar: Financial market sophistication.....	79	4.1
9th pillar: Technological readiness.....	62	3.7
10th pillar: Market size.....	77	3.4
<b>Innovation and sophistication factors</b> .....	<b>37</b>	<b>4.1</b>
11th pillar: Business sophistication.....	41	4.5
12th pillar: Innovation.....	34	3.7

### Stage of development



120

### The most problematic factors for doing business



Note: From a list of 15 factors, respondents were asked to select the five most problematic for doing business in their country/economy and to rank them between 1 (most problematic) and 5. The bars in the figure show the responses weighted according to their rankings.

## Appendix #6 – Commentary and Feedback from the Company

Comment: The farm HR person was freely elected in the Solidarity Association, as treasurer by the member assembly, although he is no longer in this position. All SA members are eligible for a position on the board. The SA and the Permanent Committee (PC) are distinct entities. The PC is the organization for labor negotiation and relations. Management representatives including HR personnel are not allowed to be elected onto the PC according to CR law. Attachment 1 has a summary of the CR regulations regarding these.

Reply: While all of the above is true, I'm not sure what bearing it has on the workforce perception that the PC has no power in the presence of a non-receptive HR supervisor, particularly as AS leadership members were getting fired in rapid succession. I realize that direct election should make all PC members popularly supported, but it isn't clear to me how many people actually participated in the vote – most of the workers I met didn't attend the meeting. While that's their prerogative, it belies the notion that the PC truly represents the workforce. Also, I appreciate the technical distinction between the PC and SA, but think it is important to note that workers themselves see the SA as a labor organization. As such, "dual systems of representation" seems like the most apt description. The semantics and legalities do not seem as relevant as worker perceptions here.

Comment: Surface water is routinely monitored 4 times per year for nitrates, phosphates, total suspended solids, and pesticides. However these are not indicators of erosion.

Reply: Outflow water from the packing plant is monitored 4x yearly for N,P,TSS, but I haven't seen this for streams and lagoons, but for RA. The surface water is monitored for pesticides (based on documents provided to Nomogaia). I understood that these generally disintegrate in contact with soil, so it seems they wouldn't be very good indicators of erosion.

Comment: There is no way to monitor erosion, instead erosion is calculated through the Universal Soil Loss Equation

Reply: EPA suggests that soil monitoring is the best way to monitor erosion (USEPA *Soil Quality Institute Technical Pamphlet No. 2, Phosphorus in Agriculture*. USLE Calculations would be useful to assessors.

Comment: "This perspective has resulted in human rights violations" is overstrong and requires clarification.

Reply: Phrasing changed to "This perspective has resulted in declining human rights protections" – ensuing sentences clarify.

Comment: Rainfall estimations are low. "The climate is tropical with over [3000] mm of annual rainfall." Company also debates that there are rainless periods.

Reply: All are drawn from Project documents. Company-supplied monthly rainfall chart was inconclusive for estimating annual rainfall data as it didn't include actual rainfall amounts for averaging. Organic EIA says 2700-3100 based on generalizations about climate zones. It also says in its "natural state" it got 3000-4000mm of annual rainfall. but 2009-2010 precipitation data sheet provided looks lower. Though the sheet shows weekly

rainfall, rather than estimating annual rainfall, it looks like the average is between 2000 and 2500. Please let me know if there's data showing that 3000 is the more accurate number. Re dry season: According to provided rainfall chart for 2009, 2010, it looks like there was no rain from week 12 to week 15, then a few mm before another 2-3 weeks of dry. That's approximately 6 weeks without real rain. (section 4.3 of Context chart)

Comment: There is no doubt that for recent immigrants, integration is difficult. However, second generation Nicaraguans integrate quickly as language, culture and religion are similar.

Reply: This was not borne out in interviews with Costa Ricans, Nicaraguans, or Costa Ricans of Nicaraguan descent. Accents, housing style, skin color, and heritage all present cultural barriers. If there's literature to contrast my observations I'd be grateful to see it

Comment: Clarifications on Asociacion Solidarista and Permanent Committee

Reply: Incorporated as appropriate. Assessors felt that the AS should still be qualified as a labor organization, since, despite not having official collective bargaining capacity, workers view it as an empowering organization.

Comment: Company asserted that people moved by choice as a natural process of urbanization. Further comment on mechanics perhaps not seeking work with the Company are also addressed.

Reply: This wasn't substantiated in interviews with workers or locals. In my research I found that most Dole workers do, indeed, live where they want to, but they never lived in the local area. Simultaneously, most locals have never worked for the company, because they have always been ranchers, landowners, and the like, not laborers. There are some newcomers to certain towns – San Pedro, for example – and locals credit the Company for San Pedro's expansion as readily as they blame the Company for San Jorge's contraction. Perhaps the confusion is over my diction "The Project is considered responsible" isn't my Nomogaia's, it's local residents'. Re Mechanics in San Jorge: All those interviewed expressed a desire to work for the Project. They did not know why they had not been hired.

Comment: "The tropical fruit industry was *considered by some to be* highly exploitative" – italics added by Company

Reply: It seems disingenuous to suggest there's debate on this subject. Alterations not incorporated.

Comment: In Context (baseline) catalog Company commented that living conditions were better in Costa Rica for migrant labors than in Nicaragua.

Reply: Assessors met men living in a pigsty. Certainly his wages and prospects are better than they were in Nicaragua, but I don't think anyone considers that adequate housing or standard of living. Again, this is contextual – none of these people are Dole workers, as is established in the "project" catalog below.

Comment: Surface and ground water analyses show nitrate levels well below the national recommended standard {25 ppm} and EPA drinking water standard {10 ppm}. When interpreting the lab results there was confusion as to the units of the nitrate levels; in particular

the use of a “coma” instead of a “period”. The “coma” is used as the decimal point in Costa Rica and most countries other than the U.S. The use of 3 decimals leads to the appearance that there is over 1,000 ppm of nitrates. However, this is actually just over 1 ppm.

Reply: The corrections are noted and changed. However, no provided water monitoring data shows this; data was drawn from Rainforest Alliance one-time tests.

Comment: Company notes that groundwater flow and aquifer recharge is complex and impacts on local aquifers may be from very remote areas

Reply: Groundwater mapping and aquifer recharge is extremely hard to measure and predict. From a human rights perspective, if the Project’s drainage methods reduce flow into aquifers by redirecting water to streams, there is an impact. From a corporate risk perspective, NGOs are often keen to find communities without water and blame Coke, Hanes, Big Ag or whoever is largest and nearest.

Locals report that their wells run dry during dry season afternoons. They also say water levels have declined for nearly a decade, possibly longer. This COULD be related to climate change, land-use change, or any number of conditions. Dole would be wise to investigate, though. Any data (current or historic) Dole has on the water table would be helpful.

Comment: Company feels one of its strengths is good, open communication with the labor force and the reductions were largely a common-sense fusion of the workforces of the organic and conventional farms to avoid redundancies and inefficiencies

Reply: Interesting. People who were laid off were shocked. They spoke of a presentation (I have the PPT slides) where people were assured their jobs were secure if they followed basic rules, then they were laid off and left guessing why. People started attributing their firings to personal grudges or to 4-year-old absences on their files. How did the company explain the workforce consolidation to workers?

Comment: Clarification over tariffs and working hours. Company diction “Because tariffs can sometimes be completed by experienced workers in less than eight hours, the Project initiated rules in some departments to require workers to remain working at the plantation a full eight hours, completing more work and increasing their incomes”

Reply: It seems unlikely that the Company is forcing people to work overtime – as I understand it, workers can sit under a tree for a full 8 hours, or they can leave as soon as they finish 1.5 tariffs. Further clarification is sought

Comment: Company questions whether stable fly bites are painful

Reply: Assessors don’t see cause for debate. Language stands.

Comment: lab analyses include total suspended solids in surface water four times per year

Reply: I don’t have this data. I only have TSS data for packing plant outflow, not for streams.

Comment: Company seeks clarification on fish kills

Reply: Two separate farms reported incidents to assessors. One farmer, nearer to the Packing plant reported two incidents. The other farmer, farther downstream, reported only

one. Both reported delays in Company response to the situation (the latter commented that no compensation or Company reply has been forthcoming to requests).

Comment: the Canasta Basica (or basic grocery cart) is the sum of the costs of a list of common foodstuffs, not a government calculation. However, the official value for this has increased)

Reply: It was my understanding that minimum wage was actually calculated based on the canasta basica plus health costs and a margin for other expenses.

Comment: There are supply donations to local schools where not all children are related to Company employees. In addition to the school donations stipulated in the Direct Agreement with the Permanent Committee during 2009 and 2010 an additional \$10,000 was invested in community programs such as soccer field maintenance, roadwork, and material transportation

Reply: Positive assessment requires documentation of a net non-negative (or positive) impact on the right to education. This is not demonstrated, possibly because documentation is lacking. Dilapidated buildings and teacher shortages have outweighed benefits, in the eyes of the community.

Comment: Dole: The responsibility for road maintenance lies with the Government authorities which unfortunately are underfunded and tied-down by bureaucracy. The Company invests in road maintenance to ensure adequate access to the farm and diminish road damage to fruit quality.

Reply: Do Dole vehicles worsen road conditions? If so, how is it not a Dole responsibility to maintain them?

Comment: If houses were tipped into holes dug by tractors and mountains were lobbed off, it was prior to our involvement; and sounds dramatic to attract more attention; a typical house “razing” would be more economical and likely to sell or donate materials (wood planks, tin roofing, windows, doors, etc).

Reply: If it’s false it has become part of local lore – I heard it repeatedly from various corners of the community. It was most certainly prior to Dole’s involvement – informed people acknowledge that... the less informed conflate all pineras.

Comment: Debate on landholdings in Costa Rica. Company says the company has 7,500 ha of bananas and 2,400 ha of pineapples.

Reply: Clarification sought: 2009 Annual Report says “we own approximately 31,500 acres in Costa Rica ... related to banana production, although some of the acreage is not presently under production.” “We own approximately... 7,300 acres of land in Costa Rica... related to pineapple production, although some of the land is not presently under production.” that equates to roughly 12,000 hectares of bananas and 3000 hectares of pineapples.”

Comment: Rumor needs to be separated from fact regarding SA theft

Reply: agreed. Any advancement on the case would be helpful, including any reports made to the workforce.

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