

His Excellency
Ernest Bai Koroma
President of the Republic of Sierra Leone
State House, State Avenue, Tower Hill
Freetown, Sierra Leone
Email: jkawusu-konte@statehouse.gov.sl

June 16th 2016

Re: Urgent solution required for the communities of the Malen Chiefdom facing land grabbing and criminalisation

Your Excellency,

This letter is submitted by a large coalition of 42 organisations gathering members of the [Global Convergence of Land and Water Struggles](#) in West Africa, members of the [Global Network for the Right to Food and Nutrition](#), members of the European Alliance “[Hands on the Land for Food Sovereignty](#)” and other international social movements and civil society organisations (CSOs) working on food sovereignty, the human right to food and nutrition, land rights and the protection of human rights defenders. We would like to express our deep concern over the impact of an investment project of SOCFIN Agricultural Company Sierra Leone Ltd. (SOCFIN), a subsidiary of the Belgo-Luxembourgish company SOCFIN (part of the French group Bolloré). This project, which operates large-scale industrial palm oil plantations in Malen Chiefdom, Pujehun District in Sierra Leone, has deprived the communities living in the area from their access to farmland and related natural resources. This has had serious adverse impacts on their livelihoods and enjoyment of their human rights, especially their right to food and nutrition. The affected communities affirm that the land acquisition was not transparent, and that neither proper community consultation nor participation in the decision making process was ensured. We also observe an increasing criminalisation of community leaders and land rights activists related to this land grabbing. You will find attached to this letter a detailed background of the case and the human rights abuses and violations (Annex I).

Your Excellency, as you recently stated, “your government will never back SOCFIN in any attempt to exploit [the people of Sahn Malen]” and “is always open for round table talks if the need arises”¹. We believe an urgent solution is required to avoid new escalation of the conflict in the Malen Chiefdom and to put an end to the human rights abuses and violations suffered by communities and land rights defenders. According to national and international human rights law, the Government of Sierra Leone has the obligation to respect, protect, and fulfil the human rights of its citizens with special attention to marginalised and disadvantaged groups, such as the rural communities in Malen, and especially women and children (see relevant human rights instruments in Annex II). We also note that the Government of Sierra Leone has expressed specific commitment to implement the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#) (VGGT) as it was reaffirmed in the process of the elaboration of the National Land Policy and in the “Land Partnership” signed in December 2015 between the Government of Sierra Leone, the FAO, and the Government of the Federal Republic of Germany.

¹ State House, « President Koroma commissions Socfin production mill », <http://www.statehouse.gov.sl/index.php/component/content/article/34-news-articles/1507-president-koroma-commissions-socfin-production-mill> (accessed 26/05/2016).

In line with those human rights obligations, and based on the demands of the Malen communities, we request the Government of Sierra Leone to:

- ensure that the Malen communities are not deprived of their access to and control over land and related natural resources on which they rely to cultivate their own food and economic crops and to meet their basic needs (Constitution of Sierra Leone, article 21 and [International Covenant on Economic Social and Cultural Rights](#) – ICESCR, article 11).
- Guarantee that any process of acquisition of land is conducted with all affected parties ensuring their active, free, effective, meaningful and informed participation (VGGT §9.9, 12.10 and 3B6). In this regard, the lease agreement with SOCFIN need to be reviewed and renegotiated based on good-faith consultations with the communities without intimidation and in a climate of trust (VGGT, §9.9) and taking into account existing power imbalance (VGGT, §3B6). The Government should not serve as an intermediary by leasing the land to the Tribal authorities but should rather make sure that the agreement respects the human rights of the affected people. Measures must be put in place in order to ensure that land and plantation owners are not pressurized to lease their land and have the possibility to choose if they want to get restitution of their land (VGGT §4.9) or lease it to the company.
- Regulate the operations of SOCFIN to protect the human rights of the communities and to ensure compliance with the provisions of the VGGT regarding responsible investments (VGGT §12). This includes ensuring that private land acquisitions do not contribute to food insecurity (VGGT §12.12). In this respect, a minimum of 500m “buffer zones” around villages should be respected by the company and adequate plots of farmland should be relinquished to the communities for food production and adequate support programmes for farmers put in place².
- Ensure the protection and security of the land rights activists of MALOA and to effectively guarantee their right to meet and assemble peacefully (Constitution, article 26 and [UN Declaration of Human Rights Defenders](#)³, art. 2 and 5). In this regard, we believe that the Government should offer presidential amnesty to the formerly convicted prisoners and restitution of the money paid for the fines as a first step in the de-escalation of the land conflict. Any other judicial procedure against MALOA members or other supporting groups related to the land dispute should be put on hold. The Government should also investigate the restriction measures taken by local authorities and the local police to hinder meetings and activities of MALOA and about the use of force by some members of the local police to repress peaceful demonstrations of the communities. Those responsible should be held accountable for their actions.
- Ensure the right of the Malen communities to complain and have their complaint promptly reviewed before an independent, impartial and competent authority ([UN Declaration of Human Rights Defenders](#), art. 9 and VGGT §21). In this respect, the mediation work on the case initiated in 2013 by the Human Rights Commission of Sierra Leone (HRC) could be revived and serve as starting point. However, given the previous difficulties experienced in the mediation process, we believe that the work of the HRC needs to be reinforced in order to ensure sufficient capacities and strong independence of the procedure. In this regard, the Government of Sierra Leone should seek the assistance of the international community to provide additional capacities (technical, financial and human) and ensure the independence of the procedure. The Land partnership between Sierra Leone, FAO, and Germany should provide additional capacities and monitor the process.
- Provide adequate legal assistance to the communities during the mediation/dialogue process (VGGT, §21.6).
- Create an independent monitoring mechanism after the mediation/dialogue process to ensure the implementation of the decisions.
- Put in place effective safeguards that protect the human and tenure rights of affected people and communities in the context of land acquisitions (VGGT, §12.6).

² A first farm project of 190 ha of bolilands for food production was initiated in 2015. This project should be evaluated and, if relevant for food security, should be replicated in several areas in the concession.

³ Adopted by General Assembly resolution 53/144 of 9 December 1998

In addition, according to the Extraterritorial Human Rights Obligations of States in the Area of Economic, Social and Cultural Rights (See [Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#)), we call on the international community to support the Government of Sierra Leone in the conflict resolution and to ensure that the human rights of the Malen communities are respected and protected. In particular :

- Belgium, Luxemburg, France and Switzerland as home states of SOCFIN/Bolloré should take necessary measures to regulate SOCFIN's operations in Sierra Leone and to ensure that SOCFIN do not nullify or impair the enjoyment of economic, social and cultural rights. These include administrative, legislative, investigative, adjudicatory and other measures. (Maastricht Principles, article 24).
- FAO and Germany, which are engaged in a Land Partnership with the Government of Sierra Leone, should support the Government in the conflict resolution (Maastricht Principles, article 33 and objectives 3.1 and 6 of the Land Partnership).
- The EU and the World Bank, which promoted the land deal through their support to the Sierra Leone Import and Export Promotion Agency (SLIEPA), should also provide international assistance to the communities and to the Government to solve the land conflict. (Maastricht Principles, article 33 and VGGT §12.15).
- All States have the obligations to ensure the protection of the human rights defenders addressing economic, social and cultural rights (Resolution of the Human Rights Council Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, Doc A/HRC/31/L.28).

Excelsency, we thank you for your attention and kindly request you to keep us informed about the actions taken by your Government.

Yours faithfully,

Cc:

- Chief of staff
- Attorney General and Minister of Justice
- Minister of Agriculture, Forestry and Food Security
- Minister of Lands, Country Planning and Environment
- Chairman of the Human Rights Commission
- Chairman of the Parliamentary Committee on Land
- Chairman of the Parliamentary Committee on Agriculture
- Paramount Chief BVS Kebbie
- Chairman of the District Council – Pujehun District

Cc to international partners and institutions:

- UN Resident Coordinator to Sierra Leone
- Country Representative of the FAO
- Country Director of the World Bank
- UN Special Rapporteur on Human Rights Defenders
- UN Special Rapporteur on the Right to Food
- Head of the EU Delegation to Sierra Leone
- Ambassador of the United States of America
- Ambassador of Germany
- Ambassador of Ireland
- Ambassador of Belgium
- Ambassador of Luxemburg
- Ambassador of France
- Ambassador of Switzerland

List of signatories:

Members of the Global Convergence for Land and Water struggles

Name of the organisation	Country
HIC Africa	Regional
Ecumenical Association for Sustainable Agriculture and Rural Development (ECASARD)	Ghana
Ghana Federation of Agricultural Producers (GFAP)	Ghana
Farmers Organization Network Ghana (FONG)	Ghana
Fédération Nationale pour l'Agriculture Biologique (FENAB)	Senegal
Association Sénégalaise pour la Promotion de l'Agriculture Biologique et Biodynamique (ASPAB)	Senegal
Centre d'Initiatives et de Recherches Paysannes pour l'Environnement et le Développement Durable (CIRPED)	Senegal
READ	Senegal
COPAGEN Senegal	Senegal
CCPA Senegal	Senegal
GIPA Thiomby/Gandiaye Senegal	Senegal
UACDDDD/NO-VOX-MALI	Mali
NO-VOX AFRIQUE	Mali
Convergence Malienne contre les accaparements des terres (CMAT)	Mali
Center for Environmental Education and Development	Nigeria
ActionAid-Sierra Leone	Sierra Leone-International

International organisations

Name of the organisation	Country
Transational Institute (TNI)	International
Africa Europe Faith and Justice Network (AEFJN)	International
FIAN International	International
Habitat International Coalition - Housing and Land Rights Network (HIC-HLRN)	International
Society for International Development (SID)	International
Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)	Regional – Latin America
CNCD-11.11.11	Belgium
SOS Faim-Belgique	Belgium
FIAN Belgium	Belgium
Entraide et Fraternité	Belgium
Aide au Développement Gembloux (ADG)	Belgium
Mouvement d'Action Paysanne (MAP)	Belgium
SHERPA	France
ReAct	France
Brot für die Welt	Germany
FIAN Germany	Germany
Robin Wood	Germany
Rainforest Rescue	Germany
Védegylet	Hungary
Terra Nuova	Italy
Crocevia	Italy
Instytut Globalnej Odpowiedzialności (IGO)	Poland
Eco Ruralis	Romania

Christian Aid-Sierra Leone	UK-Sierra Leone
SOS Faim-Luxembourg	Luxembourg
Africa Faith & Justice Network	United States of America

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