

**To :**  
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**Sibylle RIEDER** – EEAS  
**N'Fa KARGBO** – EEAS-FREETOWN  
**Walter VAN HATTUM** – DG TRADE  
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**CC:**  
Sophie KAMMERER – EEAS  
Guus HOUTTUIN – EEAS  
Alina BOICIUC – DG TRADE

Brussels, 8 April, 2019

## **EU support in resolving the Malen land conflict in Sierra Leone – Follow-up of our meeting of March 28**

Dear Ms. Stasiak,  
Dear all,

FIAN Belgium and FIDH would like to thank you for the constructive meeting of the 28<sup>th</sup> of March. As exposed, and fully documented in the recent report "*Land Grabbing for Palm Oil in Sierra Leone: Analysis of the SOCFIN Case from a Human Rights Perspective*" ([available online](#)), serious human rights violations linked to the large-scale seizure of land by SOCFIN in Malen remain since 2011. Among them: a lack of consultation, pressure, intimidation and threats, arbitrary detention, judicial detention, extra-judicial killing, corruption, inadequate compensation, failure to mark boundaries of family land, poor working conditions, destruction of the livelihood, destruction of the area's ecosystems and the negative impact on its biodiversity.

The resolution of Malen's case was part of the new president's electoral promises and the Vice-President just formally presented both a Technical Committee to investigate the land conflict and a Mediation process.

While the initiative could be seen as a real opportunity to finally find a solution, it supposes that some guaranties to be set up. We would like to see the European Union to request and to support them. It would make sure this case could become a success story for the new government and for the EU in supporting responsible business and protecting human rights. **In particular, we demand the EU to:**

- Approach the Vice-President and the new government on the **Mediation process** launched this 23<sup>rd</sup> of March to in order to implement **pre-conditions** :
  - **Put an end to criminalisation:** terminate all forms of criminalisation by public authorities or the company and ensure the protection of human rights defenders. The legal proceedings against the 18 accused (in connection with MALOA) who are still appearing in court following the January incidents must be concluded too ensure that they can also participate in the process;
  - **Ensure transparency and disclose calendar:** The government's mediation process proposal must be transparent and detailed (steps, timetable, budget, stakeholders, etc.) and should then be discussed with stakeholders (and especially with the communities

and CSOs that support them) to ensure the process is participatory, inclusive and provide comprehensive solution. In particular, the terms of reference and calendar of activities must be made available to all the parties giving enough time for the parties (especially affected communities representatives) to prepare before they are engaged;

- **Provide access to documents:** Before the start of any process, the access to all relevant documents must be granted to affected communities. And especially: lease agreements, list of compensation payments and rental year payments, list and map of land plots and landowners, casual workers working conditions (detailed and documented explanation of tasks and respective daily salaries, list of all names taken into account for the annual figures of daily workers, etc), list of CSR expenses and explanation for non implementation of planned budget in 2011, etc.
  
- **Monitor the Mediation process** (facilitated by the Technical Committee) and, in particular, propose to the Vice-President to include a **representative of the European Union as an observer** in the Technical Committee and any other committees that will be set up. The European Union's support for this mediation process would increase its impartiality and the effective participation of the affected populations, and thus increase the chances of success of this initiative. Propose in addition to finance the **participation, as an adviser, of an international human rights expert.**

In addition, and in conformity with the EU Strategic framework and action plan on human rights and democracy as well as the EU guidelines on Human rights defenders, the UN guiding principles on Business and human rights, the Rights based approach of development and the GSP regulation, **we demand the EU to:**

- Diplomatically and financially support the affected communities and their representatives (e.g. MALOA) in order to ensure their **effective participation** in the conflict resolution mechanism;
- **Monitor the situation**, and to attend, as an observer, the upcoming trials against the 18 accused activists;
- **Raise the Malen case systematically**, including at the occasion of the dialogue undertook under article 8 of the Cotonou convention;
- **React in case of lack of progress**, including by recalling that the respect for human rights and fundamental freedoms underpins the granting of EU trade preferences, and by envisaging to process with enhanced engagement ;
- **Carry out an assessment** of how Sierra Leone Import and Export Promotion Agency (**SLIEPA**) which is supported by the European Commission is making human rights due diligence and is preventing any contribution to land grabbing and violations of tenure and human rights, and – based on the results – **reassess their support** and put in place effective **monitoring and accountability mechanisms**, including accessible complaint mechanisms for affected people. In cases where SLIEPA's activities have led to the impairment of rights, such as in the in the Malen conflict, the EU and the World Bank should **provide international assistance** to the communities and to the Sierra Leone Government to solve the land conflict;
- Work on the adoption of an Action plan on Business and human rights and **to offer the necessary support to the Sierra Leone Government in resolving land conflicts**, by providing advice on the conflict resolution mechanism (see detailed recommendations in the report), providing financial support and legal expertise; etc. One option could be to support the establishment of a conflict resolution mechanism (in the peace building commission) capable of dealing with future land conflicts in the country. The support to the implementation of the FAO Voluntary Guidelines and the National Land Policy, in particular the implementation of the land cadastral and the review of or formulation of land laws, could also be prioritized;
- **Intercede in order SOCFIN respects human rights**, carries out human rights due diligence, assumes liability and is held accountable for all abuses related to its operations in Sierra Leone

**Making this land conflict resolution a success story would have positive repercussions well beyond the case** and the people directly affected (32,000 people). This would serve as a good practice in similar cases in Sierra Leone and other countries, it would calm the current very tense climate for local and foreign investors, it would help to give a good image to Sierra Leone but also to the European Union.

Finally, we would like to be better informed of the actions and projects you will undertake on in this case, so that we can possibly facilitate their successful implementation.

We remain at your disposal for any further information.

Kind regards,

Gaëlle Dusepulchre  
**FIDH / International Federation for Human Rights**

Florence Kroff  
**FIAN Belgium**

**For further information**, please consult the background information online:  
<https://www.fian.be/Landgrabbing-by-SOCFIN-in-Sierra-Leone-documentation?lang=fr>