



**LAND FOR LIFE**  
— Dialogue for Change —  
Sierra Leone

# Discussing the Malen Situation



**Press Conference**

18<sup>th</sup> May, 2022

New Freetown City Complex

## *Press Statement* “Bringing out the Truth”

- The Socfin Agricultural Company (SAC) and MALOA;
- How 8,475 hectares of land was acquired;
- The protracted conflict, harassment and hostility
- The Government's Technical Report that never came out;
- The strained relationship between the Socfin and CSOs;
- The RSPO Certification of Socfin;
- The Petition of MALOA against Socfin;
- The counter-report of the Pujehun DMSP;
- The Position of Land for Life;
- Recommendations;

## “...Our Land, Our Right...!!”



**Making Policies and Laws work for Responsible Investment in  
Agriculture, Mining and Food Security in Sierra Leone**





**Press Statement on the disagreement between members of the Malen Affected Land Owners Association (MALOA) and Socfin Agricultural Company (SAC) in relation to the RSPO Certification, the counter-report of the Pujehun District Multi-stakeholder Platform (DMSP) and the position of Land for Life Consortium.**

## **BACKGROUND – History, Land Acquisition, Disagreement, Conflict**

Malen Chiefdom is in Pujehun District, southern Sierra Leone. The chiefdom has a history of very high profile agricultural productivity with local production of oil palm as mainstay of the people. In 2010, a company called Socfin Agricultural Company (SAC) was created as a subsidiary to the Socfin Group. According to the management of SAC, the paramount chief of Malen chiefdom, P.C BVS Kebbie had visited Liberia and saw the investment of Socfin, requested its extension to his chiefdom, Malen.

Within the years of 2011 to 2013, Socfin entered into three versions of land lease agreements for a total concession area of **18,473 hectares**. All the three leases followed the same process of **a primary lease agreement between the then Ministry of Agriculture, Forestry and Food Security (MAFFS); the Malen Chiefdom, and a sub-lease between the MAFFS and SOCFIN.**

It has been estimated by many land governance actors that the said 18,473 hectares concession area accounts for above 70% of the total landmass of Malen chiefdom. Meanwhile, Socfin has so far cultivated above 15,000 hectares of the land, (as per their MOU with the Government) covering almost every portion of land meant for upland farming, forestry or other use, leaving palm trees barely a few meters off from homes. The rest of the land covers settlements and wetland which cannot be cultivated. This brings in the concern of many people about the lack of sufficient for farming and other livelihood activities of the people of Malen chiefdom.

And these lease agreements and the entire investment project of SAC are widely criticised for being controversial on the notion that the land acquisition process was not transparent, didn't respect the principles of **Free Prior and Informed Consent (FPIC)** and other inclusive business models. Meanwhile, SAC, in a meeting held in December, 2021 with CSOs, has shown a list of about 6000 signatures of people who received payment for their lands in 2011, which it says is a sufficient proof that the land owners agreed to give out their land. Each person is said to have received a value in Leones equivalent to 100USD for an acre of land. The amount was paid for both the land and compensation for any crop on it.

**MALOA** is a community based group of the indigenous people of Malen chiefdom, established in 2011. The group's membership comprises of majority of the landowners and land users of the said (Malen) chiefdom. Throughout the stay of SAC's in Malen chiefdom, there has been a strong disagreement between the membership of the MALOA and the management of SAC over several issues. MALOA have written several complaints to stakeholders and the public denouncing the operations of SAC. They also cited several forms of abuse, deprivation and harassments which they say either the Paramount Chief, the management of SAC or the security officers guarding SAC's facility have meted on them. These disagreements have gone on for long without remedy, further deteriorating to violent hostilities and conflict. In February, 2019, there was gun violence in Malen chiefdom which resulted to loss of two lives. There was police investigation into the matter which led to several arrests and detentions, including the Member of Parliament for Constituency 104 which covers Malen chiefdom, Honourable Musa Shiaka Sama and the leadership of MALOA. The Government of Sierra Leone through the Office of the Vice President had set up a Technical Committee to investigate the matter and inform Government through a Technical Report. The committee went on ground, conducted interviews and elaborated its report. Unfortunately, so far, we are not aware that the Office of the Vice President has taken any step further to making the said report an official (gazetted) government's document. This has made the government unable to make any legal commitment to solving the problem in Malen which could have come through a Government White Paper.

Members of some civil society organizations working in Malen chiefdom have also had a protracted sour relationship with the management of SAC and the Malen chiefdom authorities. SAC and the Paramount Chief of Malen have accused CSOs of inciting the people of Malen and fermenting conflicts, an accusation CSOs have denied these allegations and instead indicated that SAC and the Malen chiefdom council are hell-bent on covering up the truth.

## **RSPO Certification of SAC**

Amidst these existing predicaments, SAC was (conditionally) certified by the Roundtable for Suitable Palm Oil (RSPO) in 2021. Following the publication of the said certificate by SAC on social media, the membership of MALOA published a petition bearing thumbprints and signatures of above one thousand people. SAC through its Public Relations Officer and the Malen chiefdom authorities have jointly argued that those signatures were signed in proxy and even those who signed were misinformed by the leadership of MALOA.

There are complaints of the police officers of Malen police post inviting one of the leaders of MALOA with regards to a complaint made by a Pro-Socfin group member and the local court attempting to do the same. The Malen chiefdom Council has also issued a court summon for some members of the leadership of MALOA, accusing them of committing an offence by registering people without the approval of the PC.

## **Land for Life Sierra Leone in Pujehun**

Land for Life is a joint initiative of civil society organizations in four African countries – Ethiopia, Burkina Faso, Liberia and Sierra Leone. Four legally registered CSOs are organized into a consortium to roll out the activities of Land for Life in Sierra Leone.

The Partners Initiative for Conflict Transformation (PICOT) – a member organization of the Land for Life Consortium is rolling out the activities of Land for Life in three chiefdoms (including Malen) of Pujehun district. And as a way to contribute to addressing the situations in Malen, PICOT had established a District Multi-stakeholder platform (DMSP) in Pujehun. The membership of the DMSP comprises of representatives of district-level public officials, traditional leaders, other local authorities, the media and CSOs. The Group has a core mandate to promote a people-centered land governance, protect customary land rights, other rights of vulnerable groups and the tenure security of the investors towards peaceful co-existence between investment entities and land owners in the district.

As a platform of key decision-makers in the district, the DMSP which meets monthly, can undertake actions that its members deem appropriate for the good governance of the district without necessarily being asked or directed by either Land for Life or any other entity, especially if they are convinced that such action is done in good faith to promote peace, tranquility and overall sustainable development of Sierra Leone. However, for any Land for Life funded actions that the DMSP may choose to undertake, such actions are supposed to be informed by a concept note outlining clear objectives, the desired outputs and the approach to be used. For critical matters, the DMSP through PICOT, is supposed to seek backstopping support and advice from the Land for Life Secretariat. Reports of such actions are supposed to be shared with PICOT and the Secretariat before they can be made public if they have to.

## **MALOA Petition and DMSP Counter Report**

Again, following the RSPO certification and the expressed petition of MALOA, the PRO for SAC (who represents the company on the DMSP) reportedly brought a concern of the Malen chiefdom authorities and his company against MALOA for the attention of the DMSP. He further requested that the DMSP conducts an investigation into the matter. Days later, some members of the DMSP decided to go on with the investigation, visited and held meetings in several villages of Malen and have issued a report. Land for Life partner, PICOT, have affirmed that the DMSP requested for financial support for the said visit. It is not clear whether the DMSP received funding from another outlet.

## **Position of Land for Life on the DMSP Counter Report**

Now, based on several discussions held with PICOT and stakeholders within Land for Life and the current trajectory of the matter in Malen, and with regards to the DMSP report, the Land for Life maintains that:

- a. *Regardless of any good intention of the DMSP, the decision to undertake such a critical action was not informed by a pre-discussed concept note, and whether such was pre-discussed at a previous DMSP meeting, the decision was entirely not to the knowledge of the Land for Life Secretariat;*

- e. The report of the DMSP (which was never pre-shared with the Secretariat) is entirely focused on identifying people who signed or didn't sign, and not to ascertain whether the issues raised in the objection notice from MALOA are of substance in the chiefdom.
- f. There is also no such planned action of the DMSP to broker understanding between MALOA, SAC and the paramount Chief, or to take a second look into the RSPO certification of SAC in order to ascertain whether the audit process followed all the required due diligence.

There is no reference that the leadership of MALOA was engaged by the DMSP at any time during the visit to the 22 communities of Malen Chiefdom;

## Conclusion drawn by Land for Life on the Malen Situation

Land for Life has assessed the situation in Malen chiefdom to entirely hinge on two key issues:

- i. First there is **serious transparency and accountability issue in the redistribution of the lease fee paid by SAC**. The money that is supposed to come directly to the land-owners (as best practice demands), is instead paid in cash to the Malen Chiefdom Council (headed by the Paramount Chief) and other stakeholders of Pujehun district who in turn, determine who amongst the land owners can receive what amount. Majority of the land-owners have no idea about how the calculations are done and whether the money paid is accurately proportionate to the amount of land leased out to SAC. The amounts, many say, is very small, not consistently paid, its payment can be delayed or entirely not reach some people.
- ii. The second factor debarring compromise in Malen is **serious conflicting political interest**: Pujehun district is supposedly the stronghold of the SLPP. But the independent candidate of Constituency 104 has won twice in the past consecutive elections. Many political pundits believe that votes in Malen are defined by the grief of the Malen people against SAC and the government that has failed to solve the problem. Voting for an independent candidate could be a protest vote against incumbent regimes. And for the Member of Parliament to maintain his political victory, he has to consistently stay on the side of the marginalized majority groups who are members of MALOA. Thus, though the empathetic reasons are extrinsic motivations, we have analysed that the staunch alignment of Honourable Shiaka Sama with his MALOA goes in the interest of solidifying his political position in the chiefdom. It is also a fact that these situations are the underlying reason for the very deep-seated malice and animosity between Paramount Chief Kebbie and Honourable Sama.

## Recommendations

Therefore, given these conditions and other situations surrounding the entire investigation effort of the DMSP, the Land for Life Secretariat hereby distances itself from the entire contents of the report and further recommends the following:

- i. **That RSPO** takes a second step to re-engage the members of MALOA, to better understand their grievances and to determine what further actions SAC should take to address those concerns;
- ii. **PICOT** and the Pujehun DMSP re-engage (where possible, with the Secretariat in attendance) to evaluate the action of the DMSP, identify the mistakes that led to the situation of the DMSP undertaking an action without a proper plan and a logical analysis of the circumstance to inform its position, and to serve as corrective measures for the future;
- iii. **The Government of Sierra Leone** to take responsibility for all the unfortunate situations surrounding the investment of SAC, including the dissatisfaction of MALOA members and to take transparent affirmative actions towards a sustainable peace in Malen chiefdom. The release of the 2021 Technical report may be a good point to start with such transparent affirmative actions.
- iv. **SAC** to make deliberate effort to review the land lease payment methodology – by first verifying the beneficiary list and then open bank accounts for each verified landowner. Land lease payments should be done directly into those private accounts of the land owners. SAC can also choose to readjust its business model towards adherence to best inclusive business UN-CFS RAI principles and other international statutory instruments.

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