

Earthworm Foundation's (EF) Deep Dive Grievance work - SAC (Sierra Leone)

Investigation of allegations relating to
SOCFIN AGRICULTURAL COMPANY (SAC).

Public summary of EF's Findings & Recommendations
April, 2024

CONTEXT

Socfin Agricultural Company (SAC) is a subsidiary of the SOCFIN Group in Sierra Leone. The SOCFIN group published its responsible management policy in March 2017 and subsequently became a member of EF. This responsible management policy of the SOCFIN group, which was revised on March 30, 2022, is articulated around the following pillars: (i) commitment to local and rural development in Africa and Asia, (ii) commitment to employees and communities, (iii) commitment to our planet and (iv) transparency.

Despite the progress made so far in implementing its responsible management commitments, Socfin continues to receive environmental and social grievances from the international media and NGOs, even in cases where the Socfin group believes that it has published analysis and documented responses.

To better understand the allegations made by ReAct Transnational and the International Alliance of local communities of Socfin Plantations, SOCFIN engaged Earthworm Foundation to carry out investigations on SAC's operations. Socfin has pledged to develop an action plan to credibly respond to any allegations that are supported by evidence.

The work at SAC in Sierra Leone is part of a broader piece of grievance investigation that Earthworm Foundation is undertaking across Socfin operations, which is split into two main phases:

- ✓ **Phase 1**, March to June 2023: Investigations focused on grievances raised against Salala Rubber Corporation (SRC) in Liberia and SOCAPALM Dibombari in Cameroon.

- ✓ **Phase 2**, beginning in August 2023: Additional investigations into the grievances raised regarding Socfin operations SAFACAM and SOCAPALM (Edéa, Mbongo & Mbambou) in Cameroon, LAC in Liberia, SAC in Sierra Leone, OKOMU in Nigeria, Socfin-KCD and Coviphama in Cambodia.

This executive summary presents the synthesis of findings and recommendations related to the investigation done by Earthworm Foundation (EF) in SAC, Sierra Leone.

The field visit was conducted from 9th to 20th October 2023 with the following objectives:

1. To investigate all allegations against SAC's operations in Sierra Leone.
2. To understand the progress made to date by SAC in developing policies and systems for the prevention of the type of allegations raised in the article and documents shared.
3. To develop recommendations for how to responsibly address allegations that are supported with evidence and how to prevent similar incidents in the future.



METHODOLOGY

1. Literature review

EF reviewed several documents provided by SAC, CSO and those from desk research related to the following aspects:

- Land acquisition and lease payment;
- Crop compensation;
- SAC workers and contractor's database;
- Water testing and analysis reports;
- Concession's shapefiles;
- Supporting documents on each allegation.

2. Meetings and discussions

To be able to collect information in relation to the various allegations, EF exchanged with the following key players:

2.1. SAC management and workers

The EF team held meetings with the management team, the members of the gender committee, the security teams (in-house security workers like Scouters and external security workers like Sharp Security), the sustainability team, the plantation team, the HR team, and employees from various departments and operations, such as sprayers, harvesters, mill workers, etc.

2.2. Local civil society organisations

The document review enabled EF to identify key local civil society organisations and platforms like MALOA, Green Scenery, District Multi-Stakeholder Platform (DMSP), etc. EF contacted them via phone or email and was able to discuss with most of them either through phone calls or physical meetings. During the investigation EF team was able to have a meeting with the DMSP in Pujehun, with MALOA, HOPANDA members (communities' meetings) to discuss and get their view on the various allegations, but also the way forward to find constructive solutions. Some members of the CSOs (District Chairman, NEPAD) also join the field visit, especially in community engagement.

2.3 SAC's Neighbouring Communities

With the support of local civil society, the EF team contacted and informed SAC's neighbouring communities about the investigation to get their consent. A programme was then set up with 8 communities selected as meeting places (in Upper Malen and Lower Malen), and other nearby villages were free to join the meeting. The 8 villages were: Bendu, Taninahun, Gandorhun, Gboyama, Kassay, Kpombu, Bamba and Sinjo. About 400 people attended those meetings.

To collect appropriate information, the following approaches were implemented at the community level:

- Focus group discussions with the entire community;
- individual interviews for women and men;
- field visit to see projects implemented in the community either by SAC or other organizations, but also to appreciate some issues raised by the community during the meetings.

Note: For investigations on allegations related to gender-based violence and sexual harassment, interviews were guided by a form complying with international sexual harassment investigation standards (70 women were interviewed both in the communities, workers' camps and in the plantation).

3. Field visits

The field visits enabled us to physically cross-check some of the information gathered during the document review or during individual or group interviews with the various stakeholders. The following facilities and activities were visited by the EF team:

- Green belts, buffer zones, plantation boundaries, restoration areas;
- SAC's operations (spraying, construction, harvesting, mill, etc.);
- schools, hand pumps, rice farms;
- workers' camps

A public announcement on the start of phase 2 of the investigations was made on the Earthworm Foundation website to enable stakeholders to contact the investigation teams via the following email address: socfin.investigation@earthworm.org

Summary of Findings against Allegations

N°	Allegations relating to SAC's operations	Status	Observations / evidence	Actions undertaken by SAC
1	Irregularities in the approval process of the leases and sub-lease agreement	Partially founded	<ul style="list-style-type: none">• All the deeds exceed the statutory maximum lease term of 71 years (leases are for 73 & 75 years).• None of the sub-leases have been signed by the Senior District Officer as required by the section 3(2) of the Cap 122 since SAC is considered as “non-native”.	There are Sub Lease Agreements for the land rights between the Government of Sierra Leone through the Minister of Agriculture Forestry and Food Security (MAFFS) and Socfin Agricultural Company.
2	A lack of consultation with landowners prior to the agreement of the land lease	Partially Founded	<ul style="list-style-type: none">• Not all landowners were identified by local authorities at the start of the land acquisition process. SAC consulted the landowners on the basis of the information provided by the local authorities.	SAC has established an action plan for 2023 captioned “Malen Chiefdom Action Plan to Identify Landowner Acreages and Determine the Annual Lease Rent for Each Land Owner”.
3	Lack of transparency and inclusiveness in the land acquisition process	Partially Founded	<ul style="list-style-type: none">• Not all landowners were identified by local authorities at the start of the land acquisition process. SAC consulted the landowners on the basis of the information provided by the local authorities.	SAC has established an action plan for 2023 captioned “Malen Chiefdom Action Plan to Identify Landowner Acreages and Determine the Annual Lease Rent for Each Land Owner”.
4	Not all crops were compensated (e.g. banana, cassava, pineapple) during land acquisition.	Partially founded	<p>Communities stated that the list of crops which were compensated for only includes palm. According to SAC, often landholders declared all crops as oil palm because this crop received the highest rate.</p> <p>SAC used the following rates:</p> <ul style="list-style-type: none">• Oil palm: 1,000,000 SL per acre• Coffee: 600,000 SL per acre• Cassava: 400,000 SL per acre	The compensation list was compiled by SAC and made available both at SAC and Paramount Chief offices.

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			Pineapple and banana don't appear in the compensation.	
5	Lack of criteria in how land with no economic trees was compensated	Partially founded	For plots within zone A, initially only economic trees were compensated. For plots within zone B and C, compensation was made for plots with and without economic trees. Later, in 2020, a correction was made for zone A, where also areas without economic trees were compensated.	<ul style="list-style-type: none"> In 2020, SAC finalized and implemented an action plan to compensate all areas without economic trees that had not been compensated for before.
6	Inequities in land lease payments	Founded: Not SAC's responsibility.	<ul style="list-style-type: none"> Local authorities determine how land lease is distributed to communities. Families receive the same amount of the annual land lease regardless of the size of their land. 	SAC has established an action plan for 2023 captioned "Malen Chiefdom Action Plan to Identify Landowner Acreages and Determine the Annual Lease Rent for Each Land Owner". This will allow the local authorities to make land lease payments accordingly.
7	Lack of distribution of documentation for the compensation process	Founded	None of the members of the communities that have been compensated have either a plot map or evidence of payment. However, compiled documents can be accessed at SAC office or Chiefdom office.	In SAC offices (GM, CLM, HSE), documentation related to the compensation process (booklet of farmers, land lease payment, etc.) are available for consultation.
8	Degradation of natural areas and communities lack access to land for farming	Founded: not only SAC's responsibility but can be considered as an indirect	<ul style="list-style-type: none"> Many greenbelts have shrunk sharply as a result of population growth and construction needs. Some communities have stated that they are farming in the buffer zones due to lack of space. 	The total size of green belt areas left by SAC is 1,426 ha for 52 communities, with size ranges from 7Ha to 54Ha per community.

N°	Allegations relating to SAC's operations	Status	Observations / evidence	Actions undertaken by SAC
		impact of SAC's presence in the landscape	<ul style="list-style-type: none"> According to SAC, there is farmland available that is not being used. SAC's economic development is attracting people to the landscape and increasing pressure on land. 	
9	No investment done for smallholder oil palm out-grower scheme	Founded	There is no palm oil out-growers scheme implemented.	
10	Inadequate access to drinking water	Partially founded	SAC has constructed and rehabilitated hand pumps in many communities, but some of them regularly break down and maintenance activities are not regularly carried out, limiting community access to drinking water.	<ul style="list-style-type: none"> SAC facilitates community access to drinking water by building or repairing hand pumps. The Ministry of water resources (Pujehun) carries out analyses and chlorination with SAC's support.
11	Planting outside the concession	Unfounded	SAC plantation is located within the concession.	
12	Poor water and waste management	Partially Founded	<ul style="list-style-type: none"> EFB dumped in plots close to communities bring many flies in the communities. Analysis of rivers reveals the presence of phosphate levels above the norm, which could lead to eutrophication of stagnant water. However, further analysis should be done to determine whether it comes from SAC operations or links to soil composition. Analysis of lagoon effluent reveals the presence of faecal coliforms; however, further investigation is 	<ul style="list-style-type: none"> Regular analyses are carried out both for boreholes / wells, mill effluents and rivers by external parties (Ministry of water resources, etc.). There is a lagoon system to treat the plant's effluent. SAC has a waste management plan and waste centre.

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			required to determine the origin of the faecal coliforms; up to now, all effluents are applied in the plantation, and not released back into the water streams.	
13	Sexual Harassment and Gender-based violence	Founded	<p>Accounts from direct victims of sexual harassment at SAC (as reported by 24 out of 70 interviewees) revealed the following experiences:</p> <ul style="list-style-type: none"> • Encounters with instances of termination and denial of job opportunities as a consequence of refusing to engage in sexual acts or provide money to secure employment. • Encounters with retaliation from the perpetrators of harassment. • A persistent fear that their jobs are in jeopardy due to their refusal to comply with ongoing inappropriate demands. 	<ul style="list-style-type: none"> • SAC has developed a comprehensive Sexual Harassment Policy, which includes an action plan. • SAC has established a Gender Committee. • The committee received training pertaining to the scope of their responsibilities. • The committee consistently holds meetings.
14	Air pollution	Partially Founded	<ul style="list-style-type: none"> • The mitigation measures proposed in the ESHIAs to remedy air pollution problems at community level are not strictly applied everywhere (watering, speed bumps, etc.). • Analyses carried out at the mill and garage show that periodic emissions that are transient in some areas were out of specification standard. 	<ul style="list-style-type: none"> • The air quality and noise monitoring report is available for August 2023. • The monitoring covers the mill and workshop of SAC. • Road watering is done in a few communities.
15	Poor Employment Conditions, Work safety	Partially Founded	<ul style="list-style-type: none"> • Some workers work more than 10 hours per day and without rest throughout the month. 	<ul style="list-style-type: none"> • SAC has a policy on human rights in place.

N°	Allegations relating to SAC's operations	Status	Observations / evidence	Actions undertaken by SAC
	and Labor Rights Violations		<ul style="list-style-type: none"> • Most seasonal workers have not had a medical check-up before starting work. • Some security workers from Liberia have been working without contract and work permit. • Some workers mentioned that they have been paying money to secure jobs. 	<ul style="list-style-type: none"> • PPE distribution and usage have been improved. • Permanent workers and family (01 spouse & 03 children under the age of 18) have access to medical service free of charge. • Chemical sprayers are monitored.
16	Constant and increasing criminalization and intimidation of NGOs by local authorities; Judicial harassment	Founded: not SAC's responsibility	<ul style="list-style-type: none"> • Some members of the District Multi Stakeholders Platform (DMSP) at Pujehun mentioned that some NGOs were banned by the local authorities from visiting Pujehun due to their advocacy against SAC. • Some CSOs also mentioned that up to 2019 they were restricted from participating in any activities related to SAC. 	<ul style="list-style-type: none"> • SAC has SOP on security operations. • SAC has updated the stakeholders list by including local NGO and CSOs. • There have been some engagements with NGO and CSO through meetings, calls, etc.
17	Excessive security measures in the area	Unfounded	According to communities, five different security groups is perceived as excessive, but for SAC, the theft of fruit meant that they have increased security measures to deal with it (Sharp securities, Police, military, scouters and farm guards); but there is no evidence that security measures are excessive.	
18	Infringements by local authorities of freedom of movement and association	Founded: not SAC's responsibility	<ul style="list-style-type: none"> • Although the situation has changed considerably, some CSOs and organizations were perceived by local authorities as a threat for SAC operations and were not always free to carry out their activities. 	<ul style="list-style-type: none"> • SAC has updated the stakeholders list. Most of the CSOs in Pujehun District are on the list. including MALOA. The list includes contact details.

N°	Allegations relating to SAC's operations	Status	Observations / evidence	Actions undertaken by SAC
			<ul style="list-style-type: none"> Some organizations are still blacklisted by the local authorities. 	<ul style="list-style-type: none"> There has been more engagement with CSOs and groups initially considered as « bad groups » (MALOA, Green Scenery, ...).
19	Buffer zones inside concession not respected	Founded	The Land Use Change Analysis (LUCA) identified that there is 312.6ha of remediation liability, as oil palms have been planted in the riparian areas.	<ul style="list-style-type: none"> There is a remediation and compensation plan in place that aims to properly restore all riparian areas planted with palms. The plan was developed in 2022, riparian areas have already been replanted with tree seedlings.
20	Greenbelt surrounding communities not respected	Unfounded	<ul style="list-style-type: none"> Each of the 53 communities has a green belt with sizes ranging from 7 to 54 ha, the 500-meter green belt was a recommendation from the ESHIA report. 	<p>In 2020, SAC revised the initial ESHIA to be more specific on the initial 500m buffer zones statement. This ESHIA addendum was approved by the EPA on the 7th of August 2020.</p> <ul style="list-style-type: none"> SAC has done participatory based maps in all the 53 communities.
21	No real analysis of the impact of the loss of agricultural land on the communities' right to food	Founded	<ul style="list-style-type: none"> No studies have been carried out to assess the impact of plantation development on community food security. The various initiatives implemented to date are based on proposals put forward by the communities. 	<ul style="list-style-type: none"> SAC has initiated fishponds in some communities in Malen. SAC has initiated swamp rice cultivation in some communities in Malen. Some aged and vulnerable people have been receiving bags of rice from SAC. SAC have been providing loans to support women in setting up businesses.

Recommendations

Below are the recommendations for founded and partially founded allegations.

ALLEGATIONS	RECOMMENDATIONS
1. Irregularities in the approval process of the leases and sub-leases agreement	1.1 Conduct a thorough review of sub-leases and take necessary steps to address the irregularities identified in consultation with the government.
2. A lack of consultation with landowners prior to the agreement of the land lease	2.1 Implement the Action Plan (<i>"Malen Chiefdom Action Plan to Identify Landowner Acreages and Determine the Annual Lease Rent for Each Landowner"</i>) in collaboration with the company GeoData SL (Ltd), approved by the Land Commission SL. 2.2 Address any claim (related to landowners' identification) that may arise during the implementation of the Action Plan.
3. Lack of transparency and inclusiveness in the land acquisition process	3.1 Implement the Action Plan in collaboration with the company GeoData SL (Ltd), approved by the Land Commission SL. 3.2 Study the possibility of sharing land lease agreements with the Land Commission as part of the process of distributing land titles to landowners.
4. Not all crops were compensated (e.g. banana, cassava, pineapple) during land acquisition. 5- Lack of criteria in how land with no economic trees was compensated	4.1 Address any claim (related to crops compensation) that may arise during the Action Plan.
6. Inequities in land lease payments	6.1 Identify landowners and their acreages during the Action Plan. 6.2 Examine with the Law Office the possibility of the company paying land leases directly into landowners' bank accounts. 6.3 A clear documentation process must be set up to monitor the payment of land lease.
7. Lack of distribution of documentation for the compensation process.	7.1 Each step of community engagement for the action plan should be clearly documented and available at all section chief levels with their acknowledgement of receipt.

8. Degradation of natural areas and communities lack access to land for farming	<p>8.1 Evaluate the dynamics of the evolution of greenbelts since project implementation.</p> <p>8.2 Update the customary maps with the communities.</p> <p>8.3 Continue to regularly engage with stakeholders regarding the implementation of alternative projects (rice, groundnuts, etc).</p>
9. No investment done for smallholder oil palm out-grower scheme.	<p>9.1 Engage with stakeholders to discuss alternatives to oil palm outgrower.</p>
10. Inadequate access to drinking water	<p>10.1 Carry out a review of the water wells built by SAC in order to implement appropriate corrective measures where possible.</p> <p>10.2 Define company standards for the quality of the hand pumps with the communities and put in place a clear monitoring system for those infrastructures.</p>
11. Poor Water and waste management	<p>11.1 Define a distance limit to be respected with communities/quarters and blocks receiving EFBs.</p> <p>11.2 Regularly maintain culverts to prevent flooding.</p> <p>11.3 Ensure appropriate treatment and traceability for different types of waste (toilet sludge).</p> <p>11.4 Conduct further analysis to determine the origin of phosphate compounds in surface water in order to take appropriate action.</p>
12. Sexual Harassment and Gender-based violence	<p>12.1 Provide enhanced training for Gender committee.</p> <p>12.2 Promote inclusivity within the Gender Committee by including a representative for each department.</p> <p>12.3 Strengthen training programs on sexual harassment and gender-based violence that covers all levels of workers.</p> <p>12.4 Establish budget to strengthen the Gender Committee.</p> <p>12.5 Strengthen the Gender committee by hiring additional in-house qualified staff or studying the possibility of collaborating with an external body .</p> <p>12.6 Ensure that all cases of sexual harassment (SH) and Gender-Based Violence (GBV) are reported to the Gender Committee.</p> <p>12.7 Establish a hotline (as part of an effective grievance system) for reporting Sexual Harassment at the workplace.</p> <p>12.8 Ensure pictorial communication warning signs within the plantation that indicate clear disciplinary process and zero tolerance of sexual harassment.</p>
13. Air pollution	<p>13.1 Ensure communities along the main road have speed bumps.</p> <p>13.2 Train drivers from the company on road safety.</p> <p>13.3 Continue to sensitise Road users on road safety regularly.</p> <p>13.4 Continue recording and investigating all road accidents.</p> <p>13.5 Continue to record road consumption of water.</p>
14. Poor Employment Conditions, Work safety and Labor Rights Violations	<p>14.1 Provide a medical check to all workers irrespective of their contracts and nature of work.</p> <p>14.2 Design a monitoring template to monitor workers, especially in the mill, and ensure working hours conform with the Employment Act 2023.</p> <p>14.3 Review the transport allowance for workers.</p> <p>14.4 Review and implement recruitment and hiring procedure types of workers (seasonal, contractors, etc.)</p>

	<p>14.5 Review and update the workforce spreadsheet and include workers' ages and the date the contracts was signed.</p> <p>14.6 Study the possibility of collecting worker's community origin information for new recruit</p> <p>15.7 Ensure communities with a baray built by SAC have a notice board to post information about work opportunities and their rights at work + how to report abuse/corruption.</p>
15. Constant and Increasing criminalization and Intimidation of NGOs by local authorities: Judicial harassment	<p>15.1 Communicate SAC's policy on human rights to the local authorities and communities</p>
16. Infringements by local authorities of freedom of movement and association	<p>16.1. Publicly promote Policy on the Freedom of association with the Chiefdom authorities, and publicly affirm that all stakeholders are welcome in SAC's concession.</p> <p>16.2 Review the company's security strategy with the Chiefdom Committee and CSOs (relevant stakeholders).</p>
17. Buffer zones inside concession not respected	<p>17.1 Continue to implement the remediation and compensation plan.</p> <p>17.2 Sensitize communities for the purpose of riparian areas.</p>
18. No real analysis of the impact of the loss of agricultural land on the communities' right to food	<p>18.1 Engage the Ministry of Lands/Agriculture to assess the food security in Malen Chiefdom.</p> <p>18.2 Continue to engage with community members on alternative livelihoods projects.</p> <p>18.3 Finalize participatory customary mapping with communities.</p> <p>18.4 Update the identification criteria of vulnerable people and update the list per community.</p>

Conclusion and priorities

This in-depth assessment of allegations relating to SAC operations involved consulting various stakeholders, putting together statements, documents/evidence, and field visits to define the status (founded partially founded, founded but not SAC's responsibility or unfounded) of each allegation. The mission also made it possible to identify actions in progress or planned that could contribute to resolving the substantiated allegations. The involvement of stakeholders in the construction of solutions remains a fundamental factor in their success, especially as they have demonstrated this willingness. Also, given the number of people employed by subcontractors, more attention needs to be paid to their supervision, support, and monitoring.

With a view to continuing the transformation process already initiated several years ago, and given the context in which SAC operates, EF has identified the following priorities:

1. Land acquisition & rent payment management.
2. Management of contractors
3. Access to drinking water
4. Sexual Harassment and Gender-based violence
5. Waste management & monitoring.
6. Community engagement

Including different stakeholders in implementing recommendations during this investigation will ensure its robustness and durability.