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MEDIA BRIEFING

Liberian communities overturn Equatorial Palm Oil (EPO) land grab

The indigenous Jogbahn clan in Liberia have won a historic victory against UK palm oil company Equatorial Palm Oil (EPO) by forcing EPO to retreat from their land.

Months of negotiations and advocacy by community members in Liberia as well as by the Sustainable Development Institute (SDI) / Friends of the Earth Liberia, and international partners, has resulted in Liberian Government recognition of the communities' rights to their land and resources, forcing EPO to retreat from their land.

In a landmark March 5 meeting between the affected communities from District no.4, Grand Bassa County and the President of Liberia Ellen Johnson Sirleaf, the government committed to supporting communities in protecting their land (just over 20,000 hectares) from further encroachment by the company [1].

These latest steps mark a bold move by the Liberian government in recognising community rights to their customary land in a country where over 50% (5.02 million hectares) of the land has been leased to corporations [2].

EPO and Liberian land concessions:

Founded in 2005, Equatorial Palm Oil plc (EPO) is a British crude palm oil company.

EPO is listed on the Alternatives Investment Market (AIM) of the London Stock Exchange [3]. In November 2013, Malaysian company Kuala Lumpur Kepong Bhd (KLK) [4] acquired a majority share of 54.8% in Equatorial Palm Oil [5].

On December 21, 2007, the Republic of Liberia and LIBINC Oil Palm Inc entered into a Concession Agreement. This agreement incorporated a Concession Agreement signed between the Republic of Liberia and the Liberian Operations Inc (LIBINC) on December 14, 1965. The agreement was for forty (40) years, with an option for extension for another 40 years. The agreement in 2007 was the result of the LIBINC Board of Directors exercising their option for a 40 year extension. The Concession Area is situated within New Cess, Grand Bassa County [6]. EPO acquired LIBINC Oil Palm Inc in January 2008 [7] and claims it holds a land bank of 169,000 hectares in Liberia across three counties [8].

History of the community conflict with EPO:

The affected communities of District no.4, Grand Bassa County have engaged with the company, local government officials and legislators to express their objections to the company's expansion onto their land. In disregard of the affected communities' objection to its expansion, the company cleared and planted some of the communities land with oil palm towards the end of 2012 and continuing into 2013 [9]. This clearing destroyed crops and communities' farmland and violated their right to Free, Prior, Informed Consent which is enshrined in Liberian law and international human rights law. Customary land rights are also protected under a range of international human rights laws applicable to Liberia [10].

As the company continued its land clearance and planting, the affected communities lodged a complaint with the county Legislative Caucus in 2013. The caucus recommended that EPO first survey the planted area and then survey the rest of the concession area. On September 3, 2013 EPO began surveying the communities customary land area, contrary to the recommendations of the county legislators. The affected communities then came together and demanded that EPO stop the land survey as they feared that that was the beginning of the company's expansion onto their customary land.

EPO then forcibly conducted a land survey without the consent of the affected communities [11]. When communities attempted to halt the survey a paramilitary unit of the Liberia National Police, the Police Support Unit (PSU) was deployed into the area on September 5. Community members reported intimidation by company security staff and PSU officers. On September 18, community members were reportedly accosted and some were beaten by EPO and PSU forces as they walked to the county capital, Buchanan, to lodge a protest with authorities.

Seventeen people were arrested, but were released after the government's County Attorney found there were no grounds for their detention. The County Attorney also confirmed that the villagers had been beaten, while a number of them required hospital treatment. According to the villagers' testimony, during their ordeal, PSU and EPO officers berated them for being "against development". Grand Bassa's police commander has denied that his officers attacked any community members and EPO have also denied knowledge of the incident, stating that their security personnel have no authority to carry out such actions and that their investigations show that no such actions were taken [12].

On September 18, 2013 SDI supported citizens of 11 villages within Joghahn Clan to file a complaint to the Roundtable on Sustainable Palm Oil (RSPO) regarding EPO's planned expansion. As members of the RSPO the company must secure the Free, Prior, Informed Consent (FPIC) of affected communities. The complainants asked that EPO should: (a) stop the land survey in Joghahn Clan; (b) not clear anymore of their customary land; and (c) should not expand their oil palm plantation any further onto their customary land [13].

On September 21, 2013 the communities met with the Acting President of Liberia, Justice Minister Christina Tah, the Deputy Speaker of the House of Representatives of the Republic of Liberia, Hans Barchue, the Vice Chairman of the Land Commission of Liberia, Walter Wisner, the Superintendent of Grand Bassa County, Etweeda Cooper, and Grand Bassa Senator Nyonblee Karngar. The affected communities presented a petition to the Government of Liberia again stating their objection to EPOs proposed expansion onto their customary land [14].

FOR MORE INFORMATION CONTACT :

- Silas Kpanan'Ayoung Siakor, Campaigner at SDI: +231 (0) 880655712/ 0770001450, email: ssiakor[at]sdiliberia.org
- Jonathan W. Yiah, Coordinator at SDI: +231 (0) 770001453, email: managementteam[at]sdiliberia.org
- Jacinta Fay, Landgrab Campaigner, Friends of the Earth International: +231 (0)770001452, email: jfay[at]sdiliberia.org

NOTES

1. SDI Press Release March 6, 2014, "[SDI welcomes President Sirleaf's commitment to protecting Joghban clan's land from further encroachment by British palm oil company Equatorial Palm Oil.](#)" March 6, 2014.
2. Rights and Resources Group (2013), [Investments into the Agribusiness, Extractive and Infrastructure Sectors of Liberia: An Overview](#), Washington DC: RRG, p.18.

3. Equatorial Palm Oil Plc background information at:
<http://www.epoil.co.uk/aboutus.aspx> [Accessed: 26.09.13]
4. KLK currently has a RSPO complaint filed against it from communities in Papua New Guinea. The communities claim the company has illegally acquired its customary land and the case is currently under investigation. Accessible at:
http://www.rspo.org/en/status_of_complaint&cpid=33
5. On November 7th, Malaysian palm oil giant Kuala Lumpur Kepong Bhd (KLK) entered into an agreement for the sale and purchase of 20.1% stake in Equatorial Palm Oil plc and a 50% stake in its subsidiary Liberian Palm Developments Ltd, both from Singaporean palm oil producer and exporter Biopalm Energy Ltd.
(<http://www.klk.com.my/wpcontent/uploads/2013/11/Transaction-with-BEL-Proposed-Acquisition-of-Sharesin-LPD-and-EPO-07-Nov-2013.pdf>). This made KLK the majority shareholder with 54.8% of EPO. KLK made an offer on the November 29th to buy out EPO but this offer was rejected and negotiations with the company are ongoing.
(<http://www.klk.com.my/wp-content/uploads/2013/11/KLKs-EPO-Offer-A nn-Rule 2.7-final-29.11.13.pdf>).
6. The background information is a summary of the preamble of “AN ACT RATIFYING THE CONCESSION AGREEMENT BETWEEN THE REPUBLIC OF LIBERIA AND LIBINC OIL PALM INC” published on August 6, 2008. Online at
<http://www.scribd.com/doc/151738375/An-Act-to-Ratify-Concession-Agreement-Between-the-Republic-of-Liberia-and-LIBINC-Oil-Palm-Inc>
[Accessed: 26.09.13]
7. Equatorial Palm Oil Plc, Placing and Admission to AIM, p.14 at:
<http://www.epoil.co.uk/uploads/epo-admission-document.pdf>
[Accessed: 30.09.13]
8. Equatorial Palm Oil Plc background information at:
<http://www.epoil.co.uk/aboutus.aspx> [Accessed: 26.09.13]
9. The clearing started in the last quarter of 2012.
10. Customary land rights are protected under a range of international human rights laws applicable to Liberia, including the African Charter on Human & Peoples’ Rights (1981), the International Covenant on Economic, Social & Cultural Rights (1966), the International Covenant on Civil & Political Rights (1966), the Convention on the Elimination of Racial Discrimination (1965), as well as principles of customary international law expressed in the Universal Declaration on Human Rights (1948) and UN Declaration on the Rights of Indigenous Peoples (2007).
11. SDI Press Release, “SDI calls on the Government of Liberia, Equatorial Palm Oil to immediately cease land survey in Grand Bassa District #4” 25 September, 2013.
12. SDI/FoE EWNI PressRelease, “UK’s Equatorial Palm Oil accused of human rights abuses in Liberia” 20 December, 2013.
13. See http://www.rspo.org/en/status_of_complaint&cpid=44